

OWI Chart - Effective from crimes committed on or After 03/01/2020

(ACT 371 effective for crimes committed on or after 01/01/2017) & (ACT 106 effective for crimes committed on or after 03/01/2020)

Number of OWI Convictions <i>346.63(1)</i>	Offense Class	Ignition Interlock Required <i>343.301</i>	Mandatory Minimum Jail or Prison Term	Maximum Jail or Prison Term	Maximum Initial Confinement	Maximum Extended Supervision	Maximum State Probation
OWI 1st <i>346.65(2)(am)1</i>	Civil	Yes if BAC is .15 or higher	N/A	N/A	N/A	N/A	N/A
OWI 1st <i>With child under 16 in vehicle</i> <i>346.65(2)(f)1</i>	Unclassified Misd	Yes if BAC is .15 or higher	5 days jail	6 months jail	N/A	N/A	2 years Minimum condition time 5 days *
OWI 1st <i>Causing Injury</i> <i>346.63(2)(a)</i>	Unclassified Misd	Yes if BAC is .15 or higher	30 days jail, or under <i>346.65(3r) 15 days *****</i> <i>346.65(3t) > than 15 days</i> <i>If the court deems appropriate.</i>	1 year jail	N/A	N/A	2 years
OWI 1st <i>Causing Injury</i> <i>With child under 16 in vehicle</i> <i>346.63(2)(a), 346.65(3m)</i>	U Felony	Yes if BAC is .15 or higher	60 days	2 years Bifurcated Prison Sentence under 973.01	1 year	1 year	3 years Minimum condition time 60 days *
OWI 2nd in 10 years <i>346.65(2)(am)2</i>	U Misd	Yes	5 days jail or <i>346.65(2g)(d) <u>community service</u> – 30 days</i>	6 months jail ** (7 days)	N/A	N/A	2 years
OWI 2nd in 10 years <i>With child under 16 in vehicle</i> <i>346.65(2)(am)2, 346.65(2)(f)2</i>	U Misd	Yes	10 days jail	1 year jail	N/A	N/A	2 years Minimum condition time 10 days *
OWI 2nd <i>Causing Injury</i> <i>346.63(2)(a), 346.65(3p)</i>	Class H Felony	Yes		6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years
OWI 2nd <i>Causing Injury</i> <i>With child under 16 in vehicle</i> <i>346.63(2)(a), 346.65(3p)</i>	U Felony	Yes		12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years
OWI 3rd in lifetime <i>346.65(2)(am)3</i>	U Misd	Yes	45 days jail *** (14 days)	1 year jail	N/A	N/A	2 years Minimum condition time 45 (14) days *
OWI 3rd in lifetime <i>With child under 16 in vehicle</i> <i>346.65(2)(am)3, 346.65(2)(f)2</i>	U Felony	Yes	90 days jail	2 years Bifurcated Prison Sentence under 973.01	1 year	1 year	4 years Minimum condition time 90 days *
OWI 3rd in lifetime <i>Causing Injury</i> <i>346.63(2)(a), 346.65(3p)</i>	Class H Felony	Yes		6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years
OWI 3rd in lifetime <i>Causing Injury</i> <i>With child under 16 in vehicle</i> <i>346.63(2)(a), 346.65(3p)</i>	U Felony	Yes		12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years

Number of OWI Convictions 346.63(1)	Offense Class	Ignition Interlock Required 343.301	Mandatory Minimum Jail or Prison Term	Maximum Jail or Prison Term	Maximum Initial Confinement	Maximum Extended Supervision	Maximum State Probation
OWI 4th in lifetime 346.65(2)(am)4	Class H Felony	Yes	60 days jail **** (29 days)	6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years Minimum condition time 60 (29) days *
OWI 4th in lifetime <i>With child under 16 in vehicle</i> 346.65(2)(am)4, 346.65(2)(f)2	U Felony	Yes	120 days jail	12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years Minimum condition time 120 days *
OWI 4rd in lifetime <i>Causing Injury</i> 346.63(2)(a), 346.65(3p)	Class H Felony	Yes		6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years
OWI 4th in lifetime <i>Causing Injury</i> <i>With child under 16 in vehicle</i> 346.63(2)(a), 346.65(3p)	U Felony	Yes		12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years
OWI 5th or 6th in lifetime 346.65(2)(am)5	Class G Felony	Yes	1.5 years prison Mandatory Minimum Initial Confinement	10 years Bifurcated Prison Sentence under 973.01	5 years	5 years	Not eligible for probation
OWI 5th or 6th in lifetime <i>With child under 16 in vehicle</i> 346.65(2)(am)5, 346.65(2)(f)2	U Felony	Yes	3 years prison Mandatory Minimum Initial Confinement	20 years Bifurcated Prison Sentence under 973.01	10 years	10 years	Not eligible for probation
OWI 7th 8th or 9th in lifetime 346.65(2)(am)6	Class F Felony	Yes	3 years prison Mandatory Minimum Initial Confinement	12 yrs & 6 mnths Bifurcated Prison Sentence under 973.01	7.5 years	5 years	Not eligible for probation
OWI 7th 8th or 9th in lifetime <i>With child under 16 in vehicle</i> 346.65(2)(am)6, 346.65(2)(f)2	U Felony	Yes	6 years prison Mandatory Minimum Initial Confinement	25 years Bifurcated Prison Sentence under 973.01	15 years	10 years	Not eligible for probation
OWI 10th in lifetime 346.65(2)(am)7	Class E Felony	Yes	4 years prison Mandatory Minimum Initial Confinement	15 years Bifurcated Prison Sentence under 973.01	10 years	5 years	Not eligible for probation
OWI 10th in lifetime <i>With child under 16 in vehicle</i> 346.65(2)(am)7, 346.65(2)(f)2	U Felony	Yes	8 years prison Mandatory Minimum Initial Confinement	30 years Bifurcated Prison Sentence under 973.01	20 years	10 years	Not eligible for probation

* 973.09(1)(d) Eligible to Earn Good Time on Mandatory or Presumptive Minimum

In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment,

346.65(2)(cr) -- A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2) (bm), (cm), or (dm) or (3r) **once** in his or her lifetime.

** 346.65(2) (bm) 2 convictions in 10 years (**without a child under 16 in the vehicle**) Sentence may be reduced to not less than 5 days nor more than 7 days

*** 346.65(2) (cm) 3 convictions in a lifetime (**without a child under 16 in the vehicle**) Sentence may be reduced to not less than 14 days

**** 346.65(2) (dm) 4 convictions in a lifetime (**without a child under 16 in the vehicle**) Sentence may be reduced to not less than 29 days

***** 346.65(2)(3r) 1st Causing Injury (**without a child under 16 in the vehicle**) Sentence may be reduced to 15 Days

Amended – 03-06-2020