

**Criminal Sentencing/Administrative Consequences of HB 4247 (Alcohol Convictions)**

Effective 09/30/2003, removes references to "intoxicating liquor" and adds new definition for "alcoholic liquor" under 257.1d, adds 257.625(8) to Alcohol Audit. Provides a one-year suspension for a first implied consent refusal, and a two-year suspension for a second or subsequent implied consent refusal within seven years.

	OWI 257.625(1) ≥ .08 Until Oct. 1, 2013 (a) OUIL/OUID (b) UBAC – Per se	OWVI 257.625(3)	Operating With Presence of Drugs 333.7212, 7214(a)(iv) (OWPD) 257.625(8)	OWI/OWVI Death/Injury 257.625(4) & (5)	Zero Tolerance 257.625(6) – (.02<.08) .08 Until Oct. 1, 2013	Child Endangerment 257.625(7) In violation of 625(1), (3), (4), (5) or (6)	.04 - <CDL 257.625m(1) – (.04<.08) .08 Until Oct. 1, 2013
1 <sup>st</sup> Offense (no prior 625 crime)	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> 1 or more of following: Up to 93 days jail; \$100-\$500 fine or; up to 360 hours comm. svc. <u>Licensing:</u> 30/150 susp/rest 6 points Court-ordered Ignition Interlock permissive 625(24) <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> 1 or more of following: Up to 93 days jail; \$300 fine or; up to 360 hours comm. svc <u>Licensing:</u> 90-day rest 180-day rest w/OWID 4 points <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> 1 or more of following: Up to 93 days jail; \$100-\$500 fine or; up to 360 hours comm. svc <u>Licensing:</u> 30/150 susp/rest 6 points Court-ordered Ignition Interlock permissive 625(24) <u>Plate Conf:</u> None <u>Immob:</u> Permissive up to 180 days <b>Reg Deny: None</b> <u>Forf:</u> None	Felony  <u>Fine/Jail/Comm Svc:</u> Death-prison up to 15 years OR \$2,500 - \$10,000 fine, or both. Injury-prison up to 5 years OR \$1,000-\$5,000 fine OR both Emer. Responder Death: prison up to 20 years OR \$2,500 to \$10,000 fine, or both <u>Licensing:</u> Minimum 1 year revocation/denial 6 points <u>Plate conf:</u> Required <u>Immob:</u> Required up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to \$250 fine OR up to 360 hours comm. svc, or both. <u>Licensing:</u> 30 days rest 4 points <u>Plate Conf:</u> None <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1 year jail; 30-90 days comm. svc. <u>Licensing:</u> 90/90 susp/rest 6 points <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to \$300 fine OR up to 93 days jail, or both.  <u>Licensing:</u> CDL-1 yr susp, OPR 90 day rest., HAZ-3 yr susp. 0 points  <u>Plate Conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None
2 <sup>nd</sup> Offense or any prior 625 crime within 7 years	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm. svc. <u>Licensing:</u> minimum 1 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm. svc. <u>Licensing:</u> minimum 1-year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm. svc. <u>Licensing:</u> minimum 1-year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> Death – prison up to 15 years OR \$2,500 - \$10,000 fine OR both. Injury – prison up to 5 years OR \$1,000-\$5,000 fine OR both. Emer Responder Death – prison up to 20 years OR \$2,500 to \$10,000 fine, or both <u>Licensing:</u> minimum 5 yr revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> One or more of the following: up to 60 days comm. svc; up to \$500 fine; up to 93 days jail. <u>Licensing:</u> 90 day susp OR if prior 625 then minimum 1 year revocation/denial <u>Plate Conf:</u> None <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None	Felony  <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to \$1,000 fine OR up to 1-year prison, or both.  <u>Licensing:</u> CDL-minimum 10 yr rev, OPR 1 yr rev/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 90 to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None
3 <sup>rd</sup> Offense or 2 prior 625 crimes within 10 years	Felony  <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1 yr jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1 to 5 years rev/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 1 to 3 years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 yrs prison; probation with 30 days to 1-year jail AND 60-180 days comm. svc. <u>Licensing:</u> min 1 to 5 yr rev/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 1-3 yrs unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 yrs prison; probation with 30 days to 1 yr jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1-5 year rev/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 1-3 years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> Death – prison up to 15 years OR \$2,500-\$10,000 fine OR both. Injury – prison up to 5 years OR \$1,000-\$5,000 fine OR both. Emer Responder Death – prison up to 20 years OR \$2,500-\$10,000 fine, OR both. <u>Licensing:</u> min 1 to 5 yr rev/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 1-3 years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive		Endangerment – Zero Tolerance w/occupant <16 Misdemeanor  <u>Fine/Jail/Comm Svc:</u> 1 <sup>st</sup> – One or more of the following: up to 60 days comm. svc; up to \$500 fine; up to 93 days jail <u>Licensing:</u> 1 <sup>st</sup> – 90/90 susp/rest 2 <sup>nd</sup> – revoke <u>Plate Conf:</u> See 1 <sup>st</sup> , 2 <sup>nd</sup> offense <u>Immob:</u> See 1 <sup>st</sup> & 2 <sup>nd</sup> <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine and either of the following: prison from 1-5 years; probation with 30 days to 1 year jail AND 60-180 days comm. svc. <u>Licensing:</u> CDL – rev for LIFE—if prior approval, OPR- minimum 5 yr rev/denial <u>Plate Conf:</u> Required <u>Immob:</u> Required 1 to 3 years <u>Reg Denied:</u> Required <u>Forf:</u> None

**Criminal Sentencing/Administrative Consequences – Repeat Offender (Driving While Suspended Convictions)**

	DWLS 257.904(1)	Knowing Allowed Someone to DWLS 257.904(2)	DWLS Causing Death 257.904(4)	DWLS Causing Serious Injury 257.904(5)	Knowingly Allowed Someone to DWLS Causing Death 257.904(7)	Knowingly Allowed Someone to DWLS Causing Serious Injury 257.904(7)
1 <sup>st</sup> Offense (no "priors")	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to 93 days jail; up to \$500 fine, or both.  <u>Licensing:</u> Mandatory additional under 257.904(10), (11) and (12)  <u>Plate Conf:</u> None (Cancel upon notice by officer)  <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to 93 days jail; up to \$500 fine, or both.  <u>Licensing:</u> Mandatory additional under 257.904(10), (11) and (12)  <u>Plate Conf:</u> None (Cancel upon notice by officer)  <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None	Felony  <u>Fine/Jail/Comm Svc:</u> Prison up to 15 years; \$2,500-\$10,000 fine, or both  <u>Licensing:</u> minimum 1 year revocation/denial  <u>Plate Conf:</u> Required  <u>Immob:</u> Required up to 180 days, unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> Prison up to 5 years; \$1,000-\$5,000 fine, or both  <u>Licensing:</u> minimum 1 year revocation/denial  <u>Plate Conf:</u> Required  <u>Immob:</u> Required up to 180 days, unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> Prison up to 5 years; \$1,000-\$5,000 fine, or both  <u>Licensing:</u> None  <u>Plate Conf:</u> None  <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None	Felony  <u>Fine/Jail/Comm Svc:</u> Prison up to 2 years; \$1,000-\$5,000 fine, or both.  <u>Licensing:</u> None  <u>Plate Conf:</u> None  <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None
2 <sup>nd</sup> Offense or 1 *prior 904 susp within 7 years	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to 1 year jail; up to \$1,000 fine, or both  <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12)  <u>Plate Conf:</u> None (Cancel upon notice by officer)  <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor  <u>Fine/Jail/Comm Svc:</u> Up to 1 year jail; up to \$1,000 fine, or both.  <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12)  <u>Plate Conf:</u> None (Cancel upon notice by officer)  <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Felony  <u>Fine/Jail/Comm Svc:</u> Prison up to 15 years; \$2,500-\$10,000 fine, or both  <u>Licensing:</u> minimum 5 year revocation/denial  <u>Plate Conf:</u> Required  <u>Immob:</u> Required up to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  <u>Fine/Jail/Comm Svc:</u> Prison up to 5 years; \$1,000-\$5,000 fine, or both.  <u>Licensing:</u> minimum 5 year revocation/denial  <u>Plate Conf:</u> Required  <u>Immob:</u> Required up to 180 days, unless forfeited. <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  Same as 1 <sup>st</sup> offense.	Felony  Same as 1 <sup>st</sup> offense.
3 <sup>rd</sup> Offense or 2 *prior 904 susp within 7 years	Misdemeanor Criminal-Same <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12) <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor Criminal-Same <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12) <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Felony Criminal-Same <u>Licensing:</u> minimum 5 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days, unless forfeited. <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony Criminal-Same <u>Licensing:</u> minimum 5 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days, unless forfeited. <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony  Same as 1 <sup>st</sup> offense.	Felony  Same as 1 <sup>st</sup> offense.
4 <sup>th</sup> Offense or 3 *prior 904 susp within 7 years	Misdemeanor Criminal-Same <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12) <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days <u>Reg Deny:</u> Required <u>Forf:</u> None	Misdemeanor Criminal-Same <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12) <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days <u>Reg Deny:</u> Required <u>Forf:</u> None	Felony Criminal-Same <u>Licensing:</u> minimum 5 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days, unless forfeited. <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony Criminal-Same <u>Licensing:</u> minimum 5 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> 90 to 180 days, unless forfeited. <u>Reg Deny:</u> Required <u>Forf:</u> Permissive		
5 <sup>th</sup> Offense or 4 *prior 904 susp within 7 years	Misdemeanor Criminal-Same <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12) <u>Plate Conf:</u> Required <u>Immob:</u> 1-3 years <u>Forf:</u> None	Misdemeanor Criminal-Same <u>Licensing:</u> Mandatory additional under 904(10), (11) and (12) <u>Plate Conf:</u> Required <u>Immob:</u> 1-3 years <u>Forf:</u> None	Felony Criminal-Same <u>Licensing:</u> minimum 5 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> 1-3 years, unless forfeited <u>Forf:</u> Permissive	Felony Criminal-Same <u>Licensing:</u> minimum 5 year revocation/denial <u>Plate Conf:</u> Required <u>Immob:</u> 1-3 years, unless forfeited. <u>Reg Deny:</u> Required <u>Forf:</u> Permissive		

\*For purposes of immobilization, priors are defined as prior mandatory additional suspensions/revocations imposed pursuant to 257.904(10), (11) or(12); not prior convictions of DWLS.