

**Waukesha County
OWI 2d, 3d, (and other)
Guidelines for Probation Option**

The Third District's OWI Guidelines do not address the probation option for 2d, 3d, and other OWI offenses. The other counties in the district do not have the resources that are available in Waukesha County, such as the Day Report Center (DRC), SCRAM thru WCS, and the Alcohol Treatment Court. These are additional suggestions available in Waukesha County in conjunction with the district guidelines

OWI, 2d

**If high BAC (.15 or more), under 21 years old, or otherwise aggravated,
Sentence to an appropriate jail term, stay the sentence,
Put on probation for 6 months; probation monitored by the DRC/WCS (not DOC)
Jail as a condition of probation at least 5 days up to 7 days. (7 days is maximum C/T under §346.65(2)(bm)).**

OWI, 3d

**Sentence to an appropriate jail term, stay the sentence,
Put on probation for 6 to 12 months; probation monitored by the DRC/WCS (not DOC)
Jail as a condition of probation at least 10 days.**

OWI, 4th

**If mitigated and not a high BAC
Sentence to an appropriate jail term, stay the sentence,
Put on probation for 6 to 12 months; probation monitored by the DRC/WCS (not DOC)
Jail as a condition of probation at least six months.**

The DRC will meet with it's probationees regularly; use SCRAM for around 90 days (less if the offender was on SCRAM pretrial); refer and monitor alcohol treatment; and report violations to the court just as the DRC does now. As with probation thru the Department of Corrections, fees will be assessed.

Note: Good time credit of 25% is granted for the condition time on these offenses by statute, unlike most offenses.