

BY ORDER OF THE MENOMINEE SUPREME COURT

DATE: JULY 31, 2014 

RE: APPROVED PENALTY FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF A DRUG, CONTROLLED SUBSTANCE AND/OR CONTROLLED SUBSTANCE ANALOG

While Wisconsin Law 363.63, operating under the influence of an intoxicant or other drug was adopted by the Tribe, the Menominee Supreme Court has never officially designated the penalty for operating or driving while under the influence of a drug/controlled substance/controlled substance analog. This law, 363.63 (1)(am), states that it is against the law to operate or drive with any detectable amount of a restricted controlled substance in their blood. In the past, the judges have imposed the penalty equated with the lowest level accorded for alcohol/BAC amounts.

Effective immediately, the Supreme Court now officially established that the penalty amount for .149 or lower shall be the same penalty for individuals cited for operating or driving under the influence of a drug, controlled substances and/or controlled substance analogs or any combination thereof.

Civil Court
 Operating While Intoxicated/Prohibited Alcohol Concentration
 First Offense

(Effective for offenses committed after July 31, 1990 in both civil and criminal OWIs)

<u>BAC LEVEL</u>	<u>FINE, PENALTY, COSTS</u>	<u>OTHER TERMS</u>
.149 OR ↓ Controlled Substances/ ANALOG	\$150 Fine \$ 80 Penalty Assessment \$ 20 Court Costs Due date	6 mo suspension of driving privileges On Reservation w/no waiting period for occupational license
.15 to .219	\$200 Fine \$ 80 Penalty Assessment \$ 20 Court Costs Due date	7 mo suspensions of driving privileges on Reservation w/no waiting period for occupational license
.22 to .299	\$250 Fine \$ 80 Penalty Assessment \$ 20 Court Costs Due date	8 mo suspension of driving privileges on Reservation w/no waiting period for occupational license
.30 or ↑ or Refusal	\$300 Fines \$ 80 Penalty Assessment \$ 20 Court Costs Due date	9 mo suspension of driving privileges on Reservation w/no waiting period for occupational license

Alcohol assessment required for all of the above.

The Court may order community service to reduce the amount of fine or forfeiture. (Sec. 346.65 (2g)).

The Court may also order restitution. (Sec. 346.65 (2r)(a)).

CRIMINAL OWI PENALTIES

# of Convictions In past 5 years	BAC Level	Fines/Costs	Days in Jail	Driving Revocation/ Occupation License wait	Other Terms
2 (1 prior + this Offense)	.149 or ↓ Controlled Substances/ ANALOG	\$300 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	5	License revoked on Reservation For 12 months. Waiting period for occupational license is 30 days	AODA Review Hearings
2 (see above)	.15 to .219	\$350 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	10	License revoked on Reservation For 14 months. Waiting period for occupational license is 30 days	AODA Review Hearings
2 (see above)	.22 to .299	\$400 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	15	License revoked on Reservation For 16 months. Waiting period for occupational license is 30 days	AODA Review Hearings
2 (see above)	.30 or ↑ or Refusal	\$450 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	20	License revoked on Reservation For 18 months. Waiting period for occupational license is 30 days	AODA Review Hearings
3 or more (at least 2 priors + this offense)	.149 or ↓ Controlled Substances/ ANALOG	\$450 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	30	License revoked on Reservation For 20 months. Waiting period for occupational license is 60 days	AODA Review Hearings
3 or more (see above)	.15 to .219	\$500 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	40	License revoked on Reservation For 22 months. Waiting period for occupational license is 60 days	AODA Review Hearings
3 or more (see above)	.22 to .299	\$550 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	50	License revoked on Reservation For 24 months. Waiting period for occupational license is 60 days	AODA Review Hearings
3 or more (see above)	.30 or ↑ or Refusal	\$600 Fine \$ 80 Penalty Assess. \$ 20 Court Costs Due Date	60	License revoked on Reservation For 26 months. Waiting period for occupational license is 60 days	AODA Review Hearings

Alcohol/Drug Assessment required for all of the above.

The Court may order community service to reduce the amount of fine or forfeiture. (Sec. 346.65 (2g)).

The Court may also order restitution. (Sec. 346.65 (2r)(a)).