

UNDERAGE ALCOHOL OFFENSES AND RELATED PENALTIES (As of June 1, 2017)

Convictions	Fine, Forfeiture, Demerit Points ⁵	Driver License Suspension	Supervised Work Program	Court Ordered Stay ¹	Assessment ¹
Absolute Sobriety "Not a Drop" Law (If under age 21) [346.63 (2m)]	\$200 fine ³ [346.65(2q)]; 4 Demerit Points [343.32 (2) (bj)]	3 month suspension [343.30(1p)] Occupational – immediately			
Underage Alcohol (Procure or Misrepresent Age)(age 17-20) [125.07(4)(a)] or local ordinance	1st: \$250-\$500 forfeiture 2nd in a year: \$300-\$500 3rd in a year: \$500-\$750 4th & subsequent in a year: \$750-\$1,000 [125.07(4)(bs)]	1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. suspension [343.30(6)(b)]	Yes - Court option as an alternative [125.07(4)(bs)]	Yes - Court option as an alternative [125.07(4)(e)2]	Mandatory, if Court orders stay of sentence [125.07(4)(e)2a]
Juvenile Alcohol (Procure or Misrepresent Age) (under 17) [125.07(4)(a)] or local ordinance	1st: \$250-\$500 forfeiture 2nd in a year: \$300-\$500 3rd & subsequent in a year: \$500 [938.344(2b)(a)-(c)]	1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. suspension [343.30(6)(b)]	Yes - Court option as an alternative [938.344(2b)]	Yes - Court option as an alternative [938.344(2g)(a)]	Mandatory, if Court orders stay of sentence [938.344(2g)(a)1]
Underage Alcohol (Knowingly possess or Consume) (age 17-20) [125.07(4)(b)] or local ordinance	1st: \$100-\$200 forfeiture 2nd in a year: \$200-\$300 3rd in a year: \$300-\$500 4th & subsequent in a year: \$500-\$1,000 [125.07(4)(c)]	1st: 30-90 day suspension ⁴ 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. suspension [343.30(6)(b)]	Yes - Court option as an alternative [125.07(4)(c)]	Yes - Court option as an alternative [125.07(4)(e)2]	Mandatory, if Court orders stay of sentence [125.07(4)(e)2a]
Juvenile Alcohol (Possess or Consume) (age 17-20) [125.07(4)(b)] or local ordinance	1st: Up to \$50 forfeiture 2nd in a year: Up to \$100 3rd & subsequent in a year: Up to \$500 [938.344(2)(a)-(c)]	1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. suspension [343.30(6)(b)]	Yes - Court option as an alternative [938.344(2)]	Yes - Court option as an alternative [938.344(2g)(a)]	Mandatory, if Court orders stay of sentence [938.344(2g)(a)1]
Underage False ID (Use or Possess) (age 17-20) [125.085(3)(b)]	\$300-\$1,250 forfeiture [125.085(3)(bd)]	30-90 day suspension [343.30(6)(bm)]	Yes - Court option as an alternative [125.085(3)(bd)]		
Juvenile False ID (Use or Possess) (under 17) [125.085(3)(b)]	1st: \$100-\$500 forfeiture 2nd in a year: \$300-\$500 3rd & subsequent in a year: \$500 [938.344(2d)(a)-(c)]	1st: 30-90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. suspension [343.30(6)(b)]	Yes - Court option as an alternative [938.344(2d)]	Yes - Court option as an alternative [938.344(2g)(a)]	Mandatory, if Court orders stay of sentence [938.344(2g)(a)1]
Intoxicants In Vehicle (Underage persons) [346.93]	\$20-\$400 forfeiture [346.93(2g)]	1st: 30 – 90 day suspension 2nd: up to 1 yr. suspension 3rd & subsequent: up to 2 yr. suspension [343.30(6)(b)]			

¹ If the defendant agrees, the court may stay enforcement of the sentence conditioned on voluntary AODA assessment and participation in a court-approved alcohol abuse education program or enrollment in a treatment program; however, the court may not stay, suspend or modify a mandatory driver's license suspension.

² Suspension is permissive for 1st offense, but mandatory for 2nd and subsequent offenses within 12 months that involve a motor vehicle. [938.344(2b), 343.30(6)(b)]

³ Forfeiture, costs and period of suspension are doubled if a passenger under 16 years of age was in the vehicle at the time of the offense. [343.30(1p), 346.65(2q)]

⁴ If a person does not hold a valid license at the time of disposition, the suspension period begins on the date on which the person is first eligible for issuance, renewal, or reinstatement of an operator's license. [343.30(6)(b),(d)]

⁵ Additional fees, assessment and surcharges will apply. [See e.g. 165.755(1), 346.655(1)]

COMMENTS ON PENALTIES FOR UNDERAGE ALCOHOL OFFENSES

Persons whose licenses are suspended or revoked for underage alcohol violations other than *Absolute Sobriety* are eligible for occupational licenses 15 days after the suspension or revocation begins. [343.10(2)(a)4] Those whose licenses are suspended for violating the *Absolute Sobriety* or "Not a Drop" law are eligible for occupational licenses immediately. [346.63(2m)]

Like persons aged 21 or older, underage persons are subject to the provisions of Wisconsin laws prohibiting operating/driving motor vehicles while intoxicated. These laws include impairment/intoxication resulting from the use of illegal, over the counter or prescription drugs or combinations of drugs or alcohol. It is illegal in Wisconsin to operate snowmobiles, all-terrain vehicles, motor boats, off road motorcycles and other motor vehicles with a detectable presence of restricted controlled substances in the bloodstream or while under the influence of an intoxicant. [350.101, 23.33(4c), 23.335 (12), 30.681, 346.63]. A person is also prohibited from operating an aircraft while intoxicated. [114.09].

Underage Alcohol conviction records of juveniles (under age 17) are largely confidential. The Department of Transportation may not disclose information concerning a suspension, revocation or restriction as a result of a juvenile's underage alcohol conviction to any person other than a court, district attorney, municipal prosecuting attorney, law enforcement agency, the underage individual or his/her parents or legal guardian. [343.30(5), 343.24(3)]

SOURCE: DOT-Bureau of Transportation Safety; DOT-Office of General Counsel