

# DWI Charging, Sentencing and Driving Privileges Table

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	Offense Facts	Prior DWI/Implied Consent Revocation (past 10 years)	Offense - MINN. STAT. § 169A.20 and:	Minimum Sentencing Requirements** MINN. STAT. §§ 169A.275 through 169A.277	Mandatory Bail/ Conditional Release MINN. STAT. §§ 169A.44, 169A.40, 629.471	Forfeit Vehicle? MINN. STAT. § 169A.63	Impound Plates? MINN. STAT. § 169A.60	Drivers License? (also see Ignition Interlock note*)
1	.08 to .15	None	4 <sup>th</sup> degree § 169A.27	None	No	No	No	90 days/30 if plea (true 1 <sup>st</sup> only)
2	.08 to .15	One (or 2 lifetime trigger drivers license revoke) (2 <sup>nd</sup> offense)	3 <sup>rd</sup> degree § 169A.26	30 days jail (48 hours custody) or 80 hours community service	No	No	Yes	1 year
3	.16 to .19	None	4 <sup>th</sup> degree § 169A.27	None	No	No	Yes	1 year
4	.16 to .19	One (2 <sup>nd</sup> offense)	3 <sup>rd</sup> degree § 169A.26	30 days jail (48 hours custody) or 80 hours community service	No	No	Yes	2 years
5	.20	None	3 <sup>rd</sup> degree § 169A.26	None	Yes \$12k or Conditional Release	No	Yes	1 year
6	.20	One (or 2 lifetime trigger drivers license revoke) (2 <sup>nd</sup> offense)	2 <sup>nd</sup> degree § 169A.25	30 days jail (48 hours custody) or 80 hours community service	Yes \$12k or Conditional Release	Yes	Yes	2 years
7	.08 to .15 w/ child endangerment	None	3 <sup>rd</sup> degree §§ 169A.26, 169A.63	None	Yes \$12k or Conditional Release	No	Yes	90 days
8	.08 to .15 w/ child endangerment	One (2 <sup>nd</sup> offense)	2 <sup>nd</sup> degree §§ 169A.25, 169A.63	30 days jail (48 hours custody) or 80 hours community service	Yes \$12k or Conditional Release	Yes	Yes	1 year
9	.16 to .19 w/ child endangerment	None	3 <sup>rd</sup> degree §§ 169A.26, 169A.63	None	Yes \$12k or Conditional Release	No	Yes	1 Year
10	.20 w/ child endangerment	None	2 <sup>nd</sup> degree §§ 169A.25, 169A.63	None	Yes \$12k or Conditional Release	Yes	Yes	1 year
11	.16+ w/ child endangerment	One (2 <sup>nd</sup> offense)	2 <sup>nd</sup> degree §§ 169A.25, 169A.63	30 days jail (48 hours custody) or 80 hours community service	Yes	Yes	Yes	2 years
12	.08 or .20+	2 (or 3 lifetime trigger drivers license revoke) (3 <sup>rd</sup> offense)	2 <sup>nd</sup> degree § 169A.25	90 days jail (30 days consec. custody or intensive supervision w/ 6 days custody), electronic alcohol monitoring 30 days consec. each year on probation	Yes \$12k or Conditional Release	Yes	Yes	3 years 3 year sober, Treatment, reinstate, then 10 year B-Card
13	.08+ or .20+	Three (4 <sup>th</sup> offense or any prior felony DWI)	1 <sup>st</sup> degree § 169A.24 (felony)	3 years prison – stay execution; 180 days jail (30 days consec. custody or intensive supervision w/ 6 days consec. custody), electronic alcohol monitoring 30 days consec. each year on probation	Yes – no limit \$ or Conditional Release w/ weekly reporting and testing	Yes	Yes	4 years 4 year sober, Treatment, reinstate, then 10 year B-Card
14	.08+ or .20+	Four (5 <sup>th</sup> offense)	1 <sup>st</sup> degree § 169A.24 (felony)	3 years prison – stay execution; 365 days jail (60 days consec. custody or intensive supervision w/ 6 days consec. custody), electronic alcohol monitoring 30 days consec. each year on probation	Yes – no limit \$ or Conditional Release w/ weekly reporting and testing	Yes	Yes	6 years 6 year sober, Treatment, reinstate, then 10 year B-Card
15	Refusal	None	3 <sup>rd</sup> degree § 169A.26	None	No	No	No	1 year/90 if plea/30 if plea to 4 <sup>th</sup> degree
16	Refusal	One (2 <sup>nd</sup> offense)	2 <sup>nd</sup> degree § 169A.25	30 days jail (48 hours custody) or 80 hours community service	Yes \$12k or Conditional Release	Yes	Yes	2 years
17	Refusal w/child endangerment	None	2 <sup>nd</sup> degree §§ 169A.25, 169A.63	None	Yes \$12k or Conditional Release	Yes	Yes	1 year
18	.08 to .15+ IPS	None, but Cancelled-IPS	4 <sup>th</sup> degree § 169A.27	Electronic alcohol monitoring 30 days consec. each year on probation if cancelled IPS	Yes \$12k or Conditional Release	Yes	Yes	IPS rehabilitation requirements reset
19	.16+ IPS	None, but Cancelled-IPS	4 <sup>th</sup> degree § 169A.27	Electronic alcohol monitoring 30 days consec. each year on probation if cancelled IPS	Yes \$12k or Conditional Release	Yes	Yes	IPS rehabilitation requirements reset
20	.08 - under age 19	One (2 <sup>nd</sup> offense)	3 <sup>rd</sup> degree § 169A.26	30 days jail (48 hours actual) or 80 hours community service, electronic alcohol monitoring 30 days consec. each year on probation	Yes \$12k or Conditional Release	No	Yes	1 year

(current as of 7/1/12)