

**SENATE  
STATE OF MINNESOTA  
EIGHTY-NINTH SESSION**

**S.F. No. 1798**

(SENATE AUTHORS: ORTMAN)

DATE	D-PG	OFFICIAL STATUS
03/16/2015	905	Introduction and first reading Referred to Judiciary

A bill for an act

relating to public safety; requiring reimbursement from a local government to a person for the cost of electronic alcohol monitoring when there is no conviction for an alcohol impaired-related offense; amending Minnesota Statutes 2014, sections 169A.44; 169A.73, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 169A.44, is amended to read:

**169A.44 CONDITIONAL RELEASE.**

Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person charged with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).

(b) Unless maximum bail is imposed under section 629.471, a person described in paragraph (a) may be released from detention only if the person agrees to:

(1) abstain from alcohol; and

(2) submit to a program of electronic alcohol monitoring, involving at least daily measurements of the person's alcohol concentration, pending resolution of the charge.

Clause (2) applies only when electronic alcohol-monitoring equipment is available to the court. The court shall require partial or total reimbursement from the person for the cost of the electronic alcohol-monitoring, to the extent the person is able to pay. If the person is not convicted of a violation listed in paragraph (a), the local government where the arrest occurred shall reimburse the person for the cost of the electronic alcohol monitoring.

2.1 Subd. 2. **Felony violations.** (a) A person charged with violating section 169A.20  
 2.2 within ten years of the first of three or more qualified prior impaired driving incidents may  
 2.3 be released from detention only if the following conditions are imposed:

2.4 (1) the conditions described in subdivision 1, paragraph (b), if applicable;

2.5 (2) the impoundment of the registration plates of the vehicle used to commit the  
 2.6 violation, unless already impounded;

2.7 (3) if the vehicle used to commit the violation was an off-road recreational vehicle  
 2.8 or a motorboat, the impoundment of the off-road recreational vehicle or motorboat;

2.9 (4) a requirement that the person report weekly to a probation agent;

2.10 (5) a requirement that the person abstain from consumption of alcohol and controlled  
 2.11 substances and submit to random alcohol tests or urine analyses at least weekly;

2.12 (6) a requirement that, if convicted, the person reimburse the court or county for the  
 2.13 total cost of these services; and

2.14 (7) any other conditions of release ordered by the court.

2.15 (b) In addition to setting forth conditions of release under paragraph (a), if required  
 2.16 by court rule, the court shall also fix the amount of money bail without other conditions  
 2.17 upon which the defendant may obtain release.

2.18 (c) If the person is not convicted of violating section 169A.20, the local government  
 2.19 where the arrest occurred shall reimburse the person for any cost of electronic alcohol  
 2.20 monitoring, if applicable.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
 2.22 electronic alcohol monitoring administered on or after that date.

2.23 Sec. 2. Minnesota Statutes 2014, section 169A.73, subdivision 3, is amended to read:

2.24 Subd. 3. **Cost of program.** (a) Offenders who are ordered to participate in the  
 2.25 program shall also be ordered to pay the per diem cost of the monitoring unless the  
 2.26 offender is indigent. The commissioner of corrections shall reimburse the judicial districts  
 2.27 in a manner proportional to their use of remote electronic alcohol monitoring for any costs  
 2.28 the districts incur in participating in the program.

2.29 (b) If a person is required to abstain from alcohol use as a condition of pretrial  
 2.30 release, uses electronic alcohol monitoring, and is not convicted of an impaired driving  
 2.31 offense, the local government where the arrest occurred shall reimburse the person for any  
 2.32 cost of the electronic alcohol monitoring.

2.33 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
 2.34 electronic alcohol monitoring administered on or after that date.