

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2246

02/15/2012 Authored by Daudt and Erickson
The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

02/22/2012 Adoption of Report: Pass and re-referred to Judiciary Policy and Finance

02/27/2012 Adoption of Report: Pass and Read Second Time

02/29/2012 Calendar for The Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to public safety; allowing convictions under the original criminal
1.3 vehicular operation law to enhance certain DWI offenses; correcting a legislative
1.4 oversight; amending Minnesota Statutes 2010, sections 169A.03, subdivisions
1.5 20, 21; 169A.24, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2010, section 169A.03, subdivision 20, is amended to
1.8 read:

1.9 Subd. 20. **Prior impaired driving conviction.** "Prior impaired driving conviction"
1.10 includes a prior conviction under:

1.11 (1) section 169A.20 (driving while impaired); 169A.31 (alcohol-related school bus
1.12 or Head Start bus driving); or 360.0752 (impaired aircraft operation);

1.13 (2) section 609.21 (criminal vehicular homicide and injury, substance-related
1.14 offenses), subdivision 1, clauses (2) to (6);

1.15 (3) Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or
1.16 controlled substance); 169.1211 (alcohol-related driving by commercial vehicle drivers);
1.17 or 169.129 (aggravated DWI-related violations; penalty);

1.18 (4) Minnesota Statutes 1996, section 84.91, subdivision 1, paragraph (a) (operating
1.19 snowmobile or all-terrain vehicle while impaired); or 86B.331, subdivision 1, paragraph
1.20 (a) (operating motorboat while impaired); ~~or~~

1.21 (5) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
1.22 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
1.23 (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3,
1.24 clauses (2) to (6); or subdivision 4, clauses (2) to (6); or

2.1 (6) an ordinance from this state, or a statute or ordinance from another state, in
2.2 conformity with any provision listed in clause (1), (2), (3), ~~or (4)~~, or (5).

2.3 A "prior impaired driving conviction" also includes a prior juvenile adjudication that
2.4 would have been a prior impaired driving conviction if committed by an adult.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.6 and applies to crimes committed on or after that date.

2.7 Sec. 2. Minnesota Statutes 2010, section 169A.03, subdivision 21, is amended to read:

2.8 Subd. 21. **Prior impaired driving-related loss of license.** (a) "Prior impaired
2.9 driving-related loss of license" includes a driver's license suspension, revocation,
2.10 cancellation, denial, or disqualification under:

2.11 (1) section 169A.31 (alcohol-related school bus or Head Start bus driving);
2.12 169A.50 to 169A.53 (implied consent law); 169A.54 (impaired driving convictions and
2.13 adjudications; administrative penalties); 171.04 (persons not eligible for drivers' licenses);
2.14 171.14 (cancellation); 171.16 (court may recommend suspension); 171.165 (commercial
2.15 driver's license, disqualification); 171.17 (revocation); or 171.18 (suspension); because of
2.16 an alcohol-related incident;

2.17 (2) section 609.21 (criminal vehicular homicide and injury, substance-related
2.18 offenses), subdivision 1, clauses (2) to (6);

2.19 (3) Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or
2.20 controlled substance); 169.1211 (alcohol-related driving by commercial vehicle drivers);
2.21 or 169.123 (chemical tests for intoxication); ~~or~~

2.22 (4) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
2.23 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
2.24 (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3,
2.25 clauses (2) to (6); or subdivision 4, clauses (2) to (6); or

2.26 (5) an ordinance from this state, or a statute or ordinance from another state, in
2.27 conformity with any provision listed in clause (1), (2), ~~or (3)~~, or (4).

2.28 (b) "Prior impaired driving-related loss of license" also includes the revocation of
2.29 snowmobile or all-terrain vehicle operating privileges under section 84.911 (chemical
2.30 testing), or motorboat operating privileges under section 86B.335 (testing for alcohol
2.31 and controlled substances), for violations that occurred on or after August 1, 1994; the
2.32 revocation of snowmobile or all-terrain vehicle operating privileges under section 84.91
2.33 (operation of snowmobiles and all-terrain vehicles by persons under the influence of
2.34 alcohol or controlled substances); or the revocation of motorboat operating privileges

3.1 under section 86B.331 (operation while using alcohol or drugs or with a physical or
3.2 mental disability).

3.3 (c) "Prior impaired driving-related loss of license" does not include any license
3.4 action stemming solely from a violation of section 169A.33 (underage drinking and
3.5 driving), 171.09 (conditions of a restricted license), or 340A.503 (persons under the age
3.6 of 21, illegal acts).

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment
3.8 and applies to crimes committed on or after that date.

3.9 Sec. 3. Minnesota Statutes 2010, section 169A.24, subdivision 1, is amended to read:

3.10 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving
3.11 while impaired) is guilty of first-degree driving while impaired if the person:

3.12 (1) commits the violation within ten years of the first of three or more qualified
3.13 prior impaired driving incidents;

3.14 (2) has previously been convicted of a felony under this section; or

3.15 (3) has previously been convicted of a felony under:

3.16 (i) section 609.21 (criminal vehicular homicide and injury, substance-related
3.17 offenses), subdivision 1, ~~clause clauses (2), (3), (4), (5), or to (6); or~~

3.18 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
3.19 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
3.20 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,
3.21 clauses (2) to (6).

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment
3.23 and applies to crimes committed on or after that date.

3.24 Sec. 4. **LEGISLATIVE INTENT.**

3.25 The intent of the legislature in enacting this bill is to clarify a cross referencing
3.26 change made in 2007 relating to the criminal vehicular operation crime. It was not the
3.27 legislature's intent in 2007 to make a substantive change regarding whether prior criminal
3.28 vehicular operation convictions would qualify as prior impaired driving convictions or
3.29 prior impaired driving-related losses of licenses or be considered as a predicate offense
3.30 for the first-degree driving while impaired crime. The legislature's intent has always
3.31 been that criminal vehicular operation convictions under both the pre-2007 law and the
3.32 post-2007 law be used for enhancing driving while impaired penalties consistent with the
3.33 provisions of the driving while impaired laws.