

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) Except as provided in subdivision 3, 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.

Subd. 2. **Felony violations.** (a) Except as provided in subdivision 3, a person charged with violating section 169A.20 within ten years of the first of three or more qualified prior impaired driving incidents may be released from detention only if the following conditions are imposed:

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

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

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

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

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

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

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

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

Subd. 3. **Exception; ignition interlock program.** (a) A court is not required, either when initially reviewing a person's release or when modifying the terms of the person's release, to order a person charged with violating section 169A.24 (first-degree driving while impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree driving while impaired) to submit to a program of electronic alcohol monitoring under subdivision 1 or 2 if the person becomes a program participant in the ignition interlock program under section 171.306.

(b) A judicial officer, county agency, or probation office may not require or suggest that the person use a particular ignition interlock vendor when complying with this subdivision but may provide the person with a list of all Minnesota vendors of certified devices.

(c) Paragraph (b) does not apply in counties where a contract exists for a specific vendor to provide interlock device service for program participants who are indigent pursuant to section 171.306, subdivision 2, paragraph (b), clause (1).

History: 2000 c 478 art 1 s 25; 1Sp2003 c 2 art 9 s 11; 2023 c 52 art 5 s 6