

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes the following changes to Minnesota's impaired driving (DWI) laws.

- It broadens the prohibition against driving while impaired by controlled substances to include the *metabolites* of those substances.
- It broadens the prohibition against driving while impaired to include driving under the influence of any drug or its metabolites, whether the drug is an illegal controlled substance, a prescription drug, or an over-the-counter drug.

Unlike with per se alcohol impaired driving violations and zero-tolerance controlled substance violations, an arrest for driving while impaired by a drug (other than a controlled substance) does not result in immediate administrative revocation of the person's driver's license; instead, license withdrawal must await the conviction for the violation.

- It exempts courts from mandatory consecutive sentencing requirements when sentencing a person for a felony level violation for driving while impaired.
- It makes technical and clarifying changes, and repeals archaic language.

Section

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- 1** **Definitions.** Broadly defines the term "*drug*" by crossreference to section 151.01, subd. 5.
- 2** **Defining the Crime.** Broadens the definition of a DWI crime in two ways:
- 1) by broadening the prohibition against driving while impaired by controlled substances to include the *metabolites* of those substances; and
- 2) by creating a new offense for *driving under the influence of a drug* - whether that drug is an illegal controlled substance (already prohibited in DWI law), a prescription drug, or an over-the-counter drug - provided that the person who is impaired by the drug has had a prior qualified impaired driving incident within the preceding ten years.
- 3** **Consecutive Sentences.** Exempts the court from the mandatory consecutive sentencing requirement in current law, when the court is sentencing an offender for a felony level DWI offense.
- 4** **Evidence.** Authorizes the admission into evidence, in a criminal prosecution, the results of any test indicating the presence of a drug or its metabolite or a controlled substance or its metabolite, if the person is being prosecuted for an impaired driving offense involving a drug or controlled substance.
- 5 to 8; and 10 to 11** **Implied Consent; Testing; License Revocation; Judicial Hearing.** Broadens language in DWI law referring to *controlled substances* to include *metabolites* of those substances, and also includes new language referencing *any drug*, where applicable.
- 9** **Reporting test results for prosecution.** Adds a requirement that when the test results indicate the presence of a drug or its metabolite or a hazardous substance, the results of that test must be reported to the prosecuting authority (only).
- These results are not reported to the Department of Public Safety and thus, *do not* trigger administrative revocation of the violator's driver's license. Instead, license revocation depends on obtaining a court conviction for the offense.
- Note, in contrast, that existing language in the same subdivision of current statutes requires that test results showing per se alcohol concentrations or the presence of a controlled substance must be reported to the DPS for immediate driver's license revocation, as well as to the prosecutor for criminal charging.
- 12 & 13** **Technical.** Correcting cross-references to non-existing statutes.
- 14** **Repealer.** Repeals a cross-reference regarding refusal of the preliminary breath test.
- 15** **Effective date.** Section 3 is effective the day following final enactment. Sections 1, 2 and 4 to 14 are effective August 1, 2006 and apply to impaired driving offenses occurring on or after that date.