

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H. F. 170
Version: Second Engrossment
Authors: Leighton
Subject: Reinstatement of Drivers Licenses
Analyst: Jeffrey P. Diebel, 651-296-5041

DATE: March 13, 2002

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill permits courts to delay enforcement of a judgment for certain driving after suspension, revocation, and cancellation violations on condition that the offender seek and obtain a reinstatement of driving privileges. Ultimately, the judge may dismiss the charge if the offender complies with the conditions set by the court.

Section

- 1 **Terms and Conditions.** (a) Establishes the terms and conditions for a defendant to be eligible to receive a discharge and dismissal of an offense of driving after suspension, revocation or cancellation. These include:
- the person has not been convicted of a felony;
 - the offender has not previously received a stay of adjudication, continuance forfor dismissal, or agreement to suspend prosecution for a violation of this section;
 - the offender has not previously participated in or completed a diversion program for violation of this section;
 - the offender has not previously been placed on probation without a judgment of guiltyguilty for violation of this section; and
 - the offense does not involve a commercial motor vehicle.
- (b) Permits a court to withhold entry of judgment, defer further proceedings, and place the offender on probation, if the offender meets the conditions in paragraph (a), pleads guilty, and agrees to withholding entry of judgment and probation, and if:

the offender has the present ability to obtain reinstatement of driving privileges by remedying the circumstance that lead to the suspension, revocation, or cancellation;

the offender agrees to seek reinstatement of driving privileges;privileges;

the court schedules a sentencing hearing within 90 days to review whether the offenderoffender has obtained reinstatement of driving privileges; and

the offender agrees not to drive without a license.license.

- 2 **Probation violation.** Permits the court to enter a judgment of guilty if the offender does not timely obtain reinstatement, fails to appear at the sentencing hearing, or otherwise violates probation.
- 3 **Discharge and dismissal.** (a) Permits the court to dismiss the proceedings against the offender if the offender timely obtains reinstatement. Discharge and dismissal must be without an adjudication of guilt for violation of the laws regarding driving after revocation, cancellation, or suspension of a license.

(b) Requires the court to notify the commissioner of public safety when it dismisses the proceedings against an offender or discharges the offender without an adjudication of guilt. Requires the commissioner to record this event on the offender's driver's record.

(c) Prohibits courts from applying this procedure to offenders whose driving privileges were suspended, revoked, or cancelled for an impaired driving offense.
- 4 **Effective date.** August 1, 2001, for proceedings conducted on or after that date.