

1.1 moves to amend H.F. No. 3479 as follows:

1.2 Page 1, after line 5 insert:

1.3 **"ARTICLE 1**

1.4 **CONTROLLED-SUBSTANCE RELATED CHANGES"**

1.5 Page 17, after line 23 insert:

1.6 **"ARTICLE 2**

1.7 **SUBSTANTIVE CHANGES TO DWI LAW; INTOXICATING SUBSTANCES**

1.8 Section 1. Minnesota Statutes 2016, section 169A.03, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 11a. **Intoxicating substance.** "Intoxicating substance" means a drug or chemical,
1.11 as those terms are defined in section 151.01, that when introduced into the human body
1.12 impairs the central nervous system or impairs the human audio, visual, or mental processes.
1.13 The term does not include alcohol or controlled substances.

1.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
1.15 committed on or after that date.

1.16 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1, is amended to read:

1.17 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
1.18 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
1.19 169A.03, subdivision 15, except for motorboats in operation and off-road recreational
1.20 vehicles, within this state or on any boundary water of this state when:

1.21 (1) the person is under the influence of alcohol;

1.22 (2) the person is under the influence of a controlled substance;

2.1 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
2.2 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
2.3 ~~the person's ability to drive or operate the motor vehicle;~~

2.4 (4) the person is under the influence of a combination of any two or more of the elements
2.5 named in clauses (1) to (3);

2.6 (5) the person's alcohol concentration at the time, or as measured within two hours of
2.7 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or
2.8 more;

2.9 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at
2.10 the time, or as measured within two hours of the time, of driving, operating, or being in
2.11 physical control of the commercial motor vehicle is 0.04 or more; or

2.12 (7) the person's body contains any amount of a controlled substance listed in Schedule
2.13 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

2.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
2.15 committed on or after that date.

2.16 Sec. 3. **REPEALER.**

2.17 Minnesota Statutes 2016, section 169A.03, subdivision 9, is repealed.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
2.19 committed on or after that date.

2.20 **ARTICLE 3**

2.21 **CONFORMING CHANGES TO DWI-RELATED LAWS**

2.22 Section 1. Minnesota Statutes 2016, section 97B.065, subdivision 1, is amended to read:

2.23 Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm
2.24 or by archery:

2.25 (1) when the person is under the influence of alcohol;

2.26 (2) when the person is under the influence of a controlled substance, as defined in section
2.27 152.01, subdivision 4;

2.28 (3) when the person is under the influence of a combination of any two or more of the
2.29 elements in clauses (1) and (2);

2.30 (4) when the person's alcohol concentration is 0.08 or more;

3.1 (5) when the person's alcohol concentration as measured within two hours of the time
3.2 of taking is 0.08 or more; or

3.3 (6) when the person is knowingly under the influence of ~~any chemical compound or~~
3.4 ~~combination of chemical compounds that is listed as a hazardous~~ an intoxicating substance
3.5 ~~in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles~~
3.6 ~~of the person so as to substantially impair the person's ability to operate a firearm or bow~~
3.7 ~~and arrow~~ as defined in section 169A.03, subdivision 11a.

3.8 (b) An owner or other person having charge or control of a firearm or bow may not
3.9 authorize or permit an individual the person knows or has reason to believe is under the
3.10 influence of alcohol or a controlled substance, as provided under paragraph (a), to possess
3.11 the firearm or bow in this state or on a boundary water of this state.

3.12 (c) A person may not possess a loaded or uncased firearm or an uncased bow afield
3.13 under any of the conditions in paragraph (a).

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
3.15 committed on or after that date.

3.16 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1a, is amended to read:

3.17 Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime for
3.18 any person to operate or be in physical control of a motorboat in operation on any waters
3.19 or boundary water of this state when:

3.20 (1) the person is under the influence of alcohol;

3.21 (2) the person is under the influence of a controlled substance;

3.22 (3) the person is knowingly under the influence of a ~~hazardous~~ an intoxicating substance
3.23 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
3.24 ~~the person's ability to drive or operate the motorboat;~~

3.25 (4) the person is under the influence of a combination of any two or more of the elements
3.26 named in clauses (1) to (3);

3.27 (5) the person's alcohol concentration at the time, or as measured within two hours of
3.28 the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more;
3.29 or

3.30 (6) the person's body contains any amount of a controlled substance listed in Schedule
3.31 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

4.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
4.2 committed on or after that date.

4.3 Sec. 3. Minnesota Statutes 2016, section 169A.20, subdivision 1b, is amended to read:

4.4 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a
4.5 crime for any person to operate or be in physical control of a snowmobile as defined in
4.6 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision
4.7 8, anywhere in this state or on the ice of any boundary water of this state when:

4.8 (1) the person is under the influence of alcohol;

4.9 (2) the person is under the influence of a controlled substance;

4.10 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
4.11 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
4.12 ~~the person's ability to drive or operate the snowmobile or all-terrain vehicle;~~

4.13 (4) the person is under the influence of a combination of any two or more of the elements
4.14 named in clauses (1) to (3);

4.15 (5) the person's alcohol concentration at the time, or as measured within two hours of
4.16 the time, of driving, operating, or being in physical control of the snowmobile or all-terrain
4.17 vehicle is 0.08 or more; or

4.18 (6) the person's body contains any amount of a controlled substance listed in Schedule
4.19 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

4.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
4.21 committed on or after that date.

4.22 Sec. 4. Minnesota Statutes 2016, section 169A.20, subdivision 1c, is amended to read:

4.23 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**
4.24 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway
4.25 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined
4.26 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water
4.27 of this state when:

4.28 (1) the person is under the influence of alcohol;

4.29 (2) the person is under the influence of a controlled substance;

5.1 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
5.2 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
5.3 ~~the person's ability to drive or operate the off-highway motorcycle or off-road vehicle;~~

5.4 (4) the person is under the influence of a combination of any two or more of the elements
5.5 named in clauses (1) to (3);

5.6 (5) the person's alcohol concentration at the time, or as measured within two hours of
5.7 the time, of driving, operating, or being in physical control of the off-highway motorcycle
5.8 or off-road vehicle is 0.08 or more; or

5.9 (6) the person's body contains any amount of a controlled substance listed in Schedule
5.10 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

5.11 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
5.12 committed on or after that date.

5.13 Sec. 5. Minnesota Statutes 2016, section 169A.45, subdivision 1, is amended to read:

5.14 Subdivision 1. **Alcohol concentration evidence.** Upon the trial of any prosecution
5.15 arising out of acts alleged to have been committed by any person arrested for violating
5.16 section 169A.20 (driving while impaired) or 169A.31 (alcohol-related school bus or Head
5.17 Start bus driving), the court may admit evidence of the presence or amount of alcohol in
5.18 the person's blood, breath, or urine as shown by an analysis of those items. In addition, in
5.19 a prosecution for a violation of section 169A.20, the court may admit evidence of the
5.20 presence or amount in the person's blood, breath, or urine, as shown by an analysis of those
5.21 items, of:

5.22 (1) a controlled substance or its metabolite; or

5.23 (2) a ~~hazardous~~ an intoxicating substance.

5.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
5.25 committed on or after that date.

5.26 Sec. 6. Minnesota Statutes 2016, section 169A.51, subdivision 1, is amended to read:

5.27 Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives,
5.28 operates, or is in physical control of a motor vehicle within this state or on any boundary
5.29 water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied
5.30 consent law), and section 169A.20 (driving while impaired), to a chemical test of that
5.31 person's blood, breath, or urine for the purpose of determining the presence of alcohol, a

6.1 controlled substance or its metabolite, or a ~~hazardous~~ an intoxicating substance. The test
6.2 must be administered at the direction of a peace officer.

6.3 (b) The test may be required of a person when an officer has probable cause to believe
6.4 the person was driving, operating, or in physical control of a motor vehicle in violation of
6.5 section 169A.20 (driving while impaired), and one of the following conditions exist:

6.6 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
6.7 an ordinance in conformity with it;

6.8 (2) the person has been involved in a motor vehicle accident or collision resulting in
6.9 property damage, personal injury, or death;

6.10 (3) the person has refused to take the screening test provided for by section 169A.41
6.11 (preliminary screening test); or

6.12 (4) the screening test was administered and indicated an alcohol concentration of 0.08
6.13 or more.

6.14 (c) The test may also be required of a person when an officer has probable cause to
6.15 believe the person was driving, operating, or in physical control of a commercial motor
6.16 vehicle with the presence of any alcohol.

6.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
6.18 committed on or after that date.

6.19 Sec. 7. Minnesota Statutes 2017 Supplement, section 169A.51, subdivision 4, is amended
6.20 to read:

6.21 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
6.22 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
6.23 been administered if there is probable cause to believe that:

6.24 (1) there is impairment by a controlled substance or a ~~hazardous~~ an intoxicating substance
6.25 that is not subject to testing by a breath test;

6.26 (2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana
6.27 or tetrahydrocannabinols, is present in the person's body; or

6.28 (3) the person is unconscious or incapacitated to the point that the peace officer providing
6.29 a breath test advisory, administering a breath test, or serving the search warrant has a
6.30 good-faith belief that the person is mentally or physically unable to comprehend the breath
6.31 test advisory or otherwise voluntarily submit to chemical tests.

7.1 Action may be taken against a person who refuses to take a blood test under this
7.2 subdivision only if a urine test was offered and action may be taken against a person who
7.3 refuses to take a urine test only if a blood test was offered. This limitation does not apply
7.4 to an unconscious person under the circumstances described in clause (3).

7.5 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
7.6 committed on or after that date.

7.7 Sec. 8. Minnesota Statutes 2016, section 169A.51, subdivision 7, is amended to read:

7.8 Subd. 7. **Requirements for conducting tests; liability.** (a) Only a physician, medical
7.9 technician, emergency medical technician-paramedic, registered nurse, medical technologist,
7.10 medical laboratory technician, phlebotomist, laboratory assistant, or other qualified person
7.11 acting at the request of a peace officer may withdraw blood for the purpose of determining
7.12 the presence of alcohol, a controlled substance or its metabolite, or ~~a hazardous~~ an
7.13 intoxicating substance. This limitation does not apply to the taking of a breath or urine
7.14 sample.

7.15 (b) The person tested has the right to have someone of the person's own choosing
7.16 administer a chemical test or tests in addition to any administered at the direction of a peace
7.17 officer; provided, that the additional test sample on behalf of the person is obtained at the
7.18 place where the person is in custody, after the test administered at the direction of a peace
7.19 officer, and at no expense to the state. The failure or inability to obtain an additional test or
7.20 tests by a person does not preclude the admission in evidence of the test taken at the direction
7.21 of a peace officer unless the additional test was prevented or denied by the peace officer.

7.22 (c) The physician, medical technician, emergency medical technician-paramedic, medical
7.23 technologist, medical laboratory technician, laboratory assistant, phlebotomist, registered
7.24 nurse, or other qualified person drawing blood at the request of a peace officer for the
7.25 purpose of determining the concentration of alcohol, a controlled substance or its metabolite,
7.26 or ~~a hazardous~~ an intoxicating substance is in no manner liable in any civil or criminal action
7.27 except for negligence in drawing the blood. The person administering a breath test must be
7.28 fully trained in the administration of breath tests pursuant to training given by the
7.29 commissioner of public safety.

7.30 (d) For purposes of this subdivision, "qualified person" means medical personnel trained
7.31 in a licensed hospital or educational institution to withdraw blood.

7.32 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
7.33 committed on or after that date.

8.1 Sec. 9. Minnesota Statutes 2016, section 169A.52, subdivision 2, is amended to read:

8.2 Subd. 2. **Reporting test failure.** (a) If a person submits to a test, the results of that test
8.3 must be reported to the commissioner and to the authority having responsibility for
8.4 prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if
8.5 the test results indicate:

8.6 (1) an alcohol concentration of 0.08 or more;

8.7 (2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
8.8 physical control of a commercial motor vehicle at the time of the violation; or

8.9 (3) the presence of a controlled substance listed in Schedule I or II or its metabolite,
8.10 other than marijuana or tetrahydrocannabinols.

8.11 (b) If a person submits to a test and the test results indicate the presence of ~~a hazardous~~
8.12 an intoxicating substance, the results of that test must be reported to the authority having
8.13 responsibility for prosecution of impaired driving offenses for the jurisdiction in which the
8.14 acts occurred.

8.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
8.16 committed on or after that date.

8.17 Sec. 10. Minnesota Statutes 2016, section 169A.76, is amended to read:

8.18 **169A.76 CIVIL ACTION; PUNITIVE DAMAGES.**

8.19 (a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact
8.20 to consider an award of punitive damages if there is evidence that the accident was caused
8.21 by a driver:

8.22 (1) with an alcohol concentration of 0.08 or more;

8.23 (2) who was under the influence of a controlled substance;

8.24 (3) who was under the influence of alcohol and refused to take a test required under
8.25 section 169A.51 (chemical tests for intoxication); or

8.26 (4) who was ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating substance
8.27 ~~that substantially affects the person's nervous system, brain, or muscles so as to impair the~~
8.28 ~~person's ability to drive or operate a motor vehicle.~~

8.29 (b) A criminal charge or conviction is not a prerequisite to consideration of punitive
8.30 damages under this section. At the trial in an action where the trier of fact will consider an
8.31 award of punitive damages, evidence that the driver has been convicted of violating section

9.1 169A.20 (driving while impaired), 609.2112, 609.2113, or 609.2114 (criminal vehicular
9.2 homicide or injury) is admissible into evidence.

9.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
9.4 committed on or after that date.

9.5 Sec. 11. Minnesota Statutes 2016, section 360.0752, subdivision 1, is amended to read:

9.6 Subdivision 1. **Definitions.** As used in this section and section 360.0753:

9.7 (1) "operate" includes the acts of all crew members with responsibility to operate the
9.8 aircraft;

9.9 (2) "controlled substance" has the meaning given in section 152.01, subdivision 4; and

9.10 (3) ~~"hazardous substance" means any chemical or chemical compound that is listed as~~
9.11 ~~a hazardous substance in rules adopted under chapter 182~~ "intoxicating substance" has the
9.12 meaning given in section 169A.03, subdivision 11a.

9.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
9.14 committed on or after that date.

9.15 Sec. 12. Minnesota Statutes 2016, section 360.0752, subdivision 2, is amended to read:

9.16 Subd. 2. **Crime; acts prohibited.** (a) It is a crime for any person to operate or attempt
9.17 to operate an aircraft on or over land or water within this state or over any boundary water
9.18 of this state under any of the following conditions:

9.19 (1) when the person is under the influence of alcohol;

9.20 (2) when the person is under the influence of a controlled substance;

9.21 (3) when the person is under the influence of a combination of any two or more of the
9.22 elements named in clauses (1), (2), and (6);

9.23 (4) when the person's alcohol concentration is 0.04 or more;

9.24 (5) when the person's alcohol concentration as measured within two hours of the time
9.25 of operation or attempted operation is 0.04 or more;

9.26 (6) when the person is ~~knowingly~~ under the influence of ~~a hazardous~~ an intoxicating
9.27 ~~substance that affects the nervous system, brain, or muscles of the person so as to~~
9.28 ~~substantially impair the person's ability to operate the aircraft;~~

9.29 (7) when the person's body contains any amount of a controlled substance listed in
9.30 Schedule I or II, other than marijuana or tetrahydrocannabinols; or

10.1 (8) within eight hours of having consumed any alcoholic beverage or used any controlled
10.2 substance.

10.3 (b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a
10.4 violation of paragraph (a), clause (7), that the defendant used the controlled substance
10.5 according to the terms of a prescription issued for the defendant in accordance with sections
10.6 152.11 and 152.12.

10.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
10.8 committed on or after that date.

10.9 Sec. 13. Minnesota Statutes 2016, section 360.0752, subdivision 5, is amended to read:

10.10 Subd. 5. **Evidence.** Upon the trial of any prosecution arising out of acts alleged to have
10.11 been committed by any person arrested for operating or attempting to operate an aircraft in
10.12 violation of subdivision 2, the court may admit evidence of the presence or amount of
10.13 alcohol, controlled substances, or ~~hazardous~~ intoxicating substances in the person's blood,
10.14 breath, or urine as shown by an analysis of those items.

10.15 Evidence of the refusal to take a test is admissible into evidence in a prosecution under
10.16 this section.

10.17 If proven by a preponderance of the evidence, it shall be an affirmative defense to a
10.18 violation of subdivision 2, clause (5), that the defendant consumed a sufficient quantity of
10.19 alcohol after the time of the violation and before the administration of the evidentiary test
10.20 to cause the defendant's alcohol concentration to exceed 0.04; provided, that this evidence
10.21 may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial
10.22 hearing in the matter.

10.23 The foregoing provisions do not limit the introduction of any other competent evidence
10.24 bearing upon the question whether or not the person violated this section, including tests
10.25 obtained more than two hours after the alleged violation and results obtained from partial
10.26 tests on an infrared breath-testing instrument. A result from a partial test is the measurement
10.27 obtained by analyzing one adequate breath sample, as defined in section 360.0753,
10.28 subdivision 4, paragraph (b).

10.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
10.30 committed on or after that date.

11.1 Sec. 14. Minnesota Statutes 2016, section 360.0752, subdivision 7, is amended to read:

11.2 Subd. 7. **Preliminary screening test.** When a peace officer has reason to believe that a
11.3 person may be violating or has violated subdivision 2, the officer may require the person
11.4 to provide a sample of the person's breath for a preliminary screening test using a device
11.5 approved by the commissioner of public safety or the commissioner of transportation for
11.6 this purpose. The results of this preliminary screening test shall be used for the purpose of
11.7 deciding whether to require the tests authorized in section 360.0753, but shall not be used
11.8 in any court action except to prove that a test was properly required of a person pursuant to
11.9 section 360.0753. Following the screening test, additional tests may be required of the
11.10 person pursuant to the provisions of section 360.0753.

11.11 A person who refuses to furnish a sample of the person's breath is subject to the provisions
11.12 of section 360.0753 unless, in compliance with section 360.0753, the person submits to a
11.13 blood, breath, or urine test to determine the presence or amount of alcohol, controlled
11.14 substances, or ~~hazardous~~ intoxicating substances.

11.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
11.16 committed on or after that date.

11.17 Sec. 15. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 2, is amended
11.18 to read:

11.19 Subd. 2. **Implied consent; conditions; election of test.** (a) Any person who operates
11.20 or attempts to operate an aircraft in or over this state or over any boundary water of this
11.21 state consents, subject to the provisions of this section and section 360.0752, to a chemical
11.22 test of that person's blood, breath, or urine for the purpose of determining the presence or
11.23 amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances. The test
11.24 shall be administered at the direction of a peace officer.

11.25 (b) A test of the person's breath may be required when an officer has probable cause to
11.26 believe the person was operating or attempting to operate an aircraft in violation of section
11.27 360.0752 and one of the following conditions exists:

11.28 (1) the person has been lawfully placed under arrest for violation of section 360.0752;

11.29 (2) the person has been involved in an aircraft accident or collision resulting in property
11.30 damage, personal injury, or death;

11.31 (3) the person has refused to take the screening test provided for by section 360.0752;

12.1 (4) the screening test was administered and recorded an alcohol concentration of 0.04
12.2 or more or the presence of a controlled substance listed in Schedule I or II other than
12.3 marijuana or tetrahydrocannabinols; or

12.4 (5) the officer had probable cause to believe that the person was operating or attempting
12.5 to operate an aircraft with any amount of alcohol present in the person's body.

12.6 (c) A test of the person's blood or urine may be required by an officer under the conditions
12.7 described in paragraph (b) if the officer is acting pursuant to a search warrant under sections
12.8 626.04 to 626.18.

12.9 (d) At the time a test is requested, the person shall be informed:

12.10 (1) that Minnesota law requires the person to take a test to determine the presence or
12.11 amount of alcohol or a controlled substance listed in Schedule I or II other than marijuana
12.12 or tetrahydrocannabinols, or to determine if the person is under the influence of alcohol,
12.13 controlled substances, or ~~hazardous~~ intoxicating substances;

12.14 (2) that whether a test is taken or refused, the person may be subject to criminal
12.15 prosecution for an alcohol, controlled substance, or ~~hazardous~~ intoxicating substance-related
12.16 offense relating to the operation of an aircraft;

12.17 (3) that if testing is refused, the person may be subject to criminal prosecution because
12.18 the person refused testing and the person will be disqualified from operating an aircraft for
12.19 a minimum period of one year;

12.20 (4) if the peace officer has probable cause to believe the person has violated the criminal
12.21 vehicular homicide and injury laws, that pursuant to a search warrant a test will be taken
12.22 with or without the person's consent; and

12.23 (5) that, in the case of a breath test, the person has the right to consult with an attorney,
12.24 but that this right is limited to the extent that it cannot unreasonably delay administration
12.25 of the test.

12.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
12.27 committed on or after that date.

12.28 Sec. 16. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 3, is amended
12.29 to read:

12.30 Subd. 3. **Type of test.** (a) A peace officer who directs a test pursuant to this section may
12.31 direct a breath test.

13.1 (b) A peace officer, acting pursuant to a search warrant, may direct a blood or urine test
13.2 as provided in the warrant. If the warrant authorizes either a blood or urine test, the officer
13.3 may direct whether the test is of blood or urine. If the person to whom the test is directed
13.4 objects to the test, the officer shall offer the person an alternative test of either blood or
13.5 urine.

13.6 (c) A blood or urine test may be required pursuant to a search warrant even after a breath
13.7 test has been administered if there is probable cause to believe that: (1) there is impairment
13.8 by a controlled substance or ~~hazardous~~ an intoxicating substance that is not subject to testing
13.9 by a breath test; or (2) a controlled substance listed in Schedule I or II, other than marijuana
13.10 or tetrahydrocannabinols, is present in the person's body.

13.11 (d) Action under this section may be taken against a person who refuses to take a blood
13.12 test only if an alternative test was offered and action may be taken against a person who
13.13 refuses to take a urine test only if an alternative test was offered.

13.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
13.15 committed on or after that date.

13.16 Sec. 17. Minnesota Statutes 2016, section 360.0753, subdivision 6, is amended to read:

13.17 Subd. 6. **Manner of making test; additional test.** (a) Only a physician, medical
13.18 technician, physician's trained mobile intensive care paramedic, registered nurse, medical
13.19 technologist, or laboratory assistant acting at the request of a peace officer may withdraw
13.20 blood for the purpose of determining the presence or amount of alcohol, controlled
13.21 substances, or ~~hazardous~~ intoxicating substances. This limitation does not apply to the taking
13.22 of a breath or urine sample. The person tested has the right to have someone of the person's
13.23 own choosing administer a chemical test or tests in addition to any administered at the
13.24 direction of a peace officer; provided, that the additional test sample on behalf of the person
13.25 is obtained at the place where the person is in custody, after the test administered at the
13.26 direction of a peace officer, and at no expense to the state.

13.27 (b) The failure or inability to obtain an additional test or tests by a person shall not
13.28 preclude the admission in evidence of the test taken at the direction of a peace officer unless
13.29 the additional test was prevented or denied by the peace officer.

13.30 (c) The physician, medical technician, physician's trained mobile intensive care
13.31 paramedic, medical technologist, laboratory assistant, or registered nurse drawing blood at
13.32 the request of a peace officer for the purpose of determining the presence or concentration
13.33 of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances shall in no manner

14.1 be liable in any civil or criminal action except for negligence in drawing the blood. The
14.2 person administering a breath test shall be fully trained in the administration of breath tests
14.3 pursuant to training given by the commissioner of public safety or the commissioner of
14.4 transportation.

14.5 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
14.6 committed on or after that date.

14.7 Sec. 18. Minnesota Statutes 2016, section 609.2111, is amended to read:

14.8 **609.2111 DEFINITIONS.**

14.9 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision
14.10 have the meanings given them.

14.11 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes
14.12 attached trailers.

14.13 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

14.14 (d) ~~"Hazardous substance" means any chemical or chemical compound that is listed as~~
14.15 ~~a hazardous substance in rules adopted under chapter 182~~ "Intoxicating substance" has the
14.16 meaning given in section 169A.03, subdivision 11a.

14.17 (e) "Qualified prior driving offense" includes a prior conviction:

14.18 (1) for a violation of section 169A.20 under the circumstances described in section
14.19 169A.24 or 169A.25;

14.20 (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1,
14.21 clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1,
14.22 clauses (2) to (6); or 2, clauses (2) to (6);

14.23 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

14.24 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
14.25 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
14.26 clauses (2) to (6).

14.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
14.28 committed on or after that date.

15.1 Sec. 19. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

15.2 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
15.3 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
15.4 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
15.5 person causes the death of a human being not constituting murder or manslaughter as a
15.6 result of operating a motor vehicle:

15.7 (1) in a grossly negligent manner;

15.8 (2) in a negligent manner while under the influence of:

15.9 (i) alcohol;

15.10 (ii) a controlled substance; or

15.11 (iii) any combination of those elements;

15.12 (3) while having an alcohol concentration of 0.08 or more;

15.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
15.14 of the time of driving;

15.15 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
15.16 intoxicating substance;

15.17 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
15.18 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
15.19 person's body;

15.20 (7) where the driver who causes the collision leaves the scene of the collision in violation
15.21 of section 169.09, subdivision 1 or 6; or

15.22 (8) where the driver had actual knowledge that a peace officer had previously issued a
15.23 citation or warning that the motor vehicle was defectively maintained, the driver had actual
15.24 knowledge that remedial action was not taken, the driver had reason to know that the defect
15.25 created a present danger to others, and the death was caused by the defective maintenance.

15.26 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
15.27 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
15.28 maximum sentence of imprisonment is 15 years.

15.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
15.30 committed on or after that date.

16.1 Sec. 20. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

16.2 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
16.3 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
16.4 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
16.5 bodily harm to another not constituting attempted murder or assault as a result of operating
16.6 a motor vehicle:

16.7 (1) in a grossly negligent manner;

16.8 (2) in a negligent manner while under the influence of:

16.9 (i) alcohol;

16.10 (ii) a controlled substance; or

16.11 (iii) any combination of those elements;

16.12 (3) while having an alcohol concentration of 0.08 or more;

16.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
16.14 of the time of driving;

16.15 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
16.16 intoxicating substance;

16.17 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
16.18 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
16.19 person's body;

16.20 (7) where the driver who causes the accident leaves the scene of the accident in violation
16.21 of section 169.09, subdivision 1 or 6; or

16.22 (8) where the driver had actual knowledge that a peace officer had previously issued a
16.23 citation or warning that the motor vehicle was defectively maintained, the driver had actual
16.24 knowledge that remedial action was not taken, the driver had reason to know that the defect
16.25 created a present danger to others, and the injury was caused by the defective maintenance.

16.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
16.27 committed on or after that date.

16.28 Sec. 21. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

16.29 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
16.30 resulting in substantial bodily harm and may be sentenced to imprisonment for not more

17.1 than three years or to payment of a fine of not more than \$10,000, or both, if the person
17.2 causes substantial bodily harm to another as a result of operating a motor vehicle:

17.3 (1) in a grossly negligent manner;

17.4 (2) in a negligent manner while under the influence of:

17.5 (i) alcohol;

17.6 (ii) a controlled substance; or

17.7 (iii) any combination of those elements;

17.8 (3) while having an alcohol concentration of 0.08 or more;

17.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
17.10 of the time of driving;

17.11 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
17.12 intoxicating substance;

17.13 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
17.14 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
17.15 person's body;

17.16 (7) where the driver who causes the accident leaves the scene of the accident in violation
17.17 of section 169.09, subdivision 1 or 6; or

17.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
17.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
17.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
17.21 created a present danger to others, and the injury was caused by the defective maintenance.

17.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
17.23 committed on or after that date.

17.24 Sec. 22. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

17.25 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
17.26 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
17.27 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
17.28 result of operating a motor vehicle:

17.29 (1) in a grossly negligent manner;

17.30 (2) in a negligent manner while under the influence of:

- 18.1 (i) alcohol;
- 18.2 (ii) a controlled substance; or
- 18.3 (iii) any combination of those elements;
- 18.4 (3) while having an alcohol concentration of 0.08 or more;
- 18.5 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 18.6 of the time of driving;
- 18.7 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
- 18.8 intoxicating substance;
- 18.9 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 18.10 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 18.11 person's body;
- 18.12 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 18.13 of section 169.09, subdivision 1 or 6; or
- 18.14 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 18.15 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 18.16 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 18.17 created a present danger to others, and the injury was caused by the defective maintenance.
- 18.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
- 18.19 committed on or after that date.
- 18.20 Sec. 23. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:
- 18.21 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
- 18.22 person is guilty of criminal vehicular operation resulting in death to an unborn child and
- 18.23 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
- 18.24 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
- 18.25 of operating a motor vehicle:
- 18.26 (1) in a grossly negligent manner;
- 18.27 (2) in a negligent manner while under the influence of:
- 18.28 (i) alcohol;
- 18.29 (ii) a controlled substance; or
- 18.30 (iii) any combination of those elements;

19.1 (3) while having an alcohol concentration of 0.08 or more;

19.2 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
19.3 of the time of driving;

19.4 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
19.5 intoxicating substance;

19.6 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
19.7 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
19.8 person's body;

19.9 (7) where the driver who causes the accident leaves the scene of the accident in violation
19.10 of section 169.09, subdivision 1 or 6; or

19.11 (8) where the driver had actual knowledge that a peace officer had previously issued a
19.12 citation or warning that the motor vehicle was defectively maintained, the driver had actual
19.13 knowledge that remedial action was not taken, the driver had reason to know that the defect
19.14 created a present danger to others, and the injury was caused by the defective maintenance.

19.15 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
19.16 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
19.17 maximum sentence of imprisonment is 15 years.

19.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
19.19 committed on or after that date.

19.20 Sec. 24. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

19.21 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation
19.22 resulting in injury to an unborn child and may be sentenced to imprisonment for not more
19.23 than five years or to payment of a fine of not more than \$10,000, or both, if the person
19.24 causes the great bodily harm to an unborn child subsequently born alive as a result of
19.25 operating a motor vehicle:

19.26 (1) in a grossly negligent manner;

19.27 (2) in a negligent manner while under the influence of:

19.28 (i) alcohol;

19.29 (ii) a controlled substance; or

19.30 (iii) any combination of those elements;

19.31 (3) while having an alcohol concentration of 0.08 or more;

20.1 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
20.2 of the time of driving;

20.3 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
20.4 intoxicating substance;

20.5 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
20.6 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
20.7 person's body;

20.8 (7) where the driver who causes the accident leaves the scene of the accident in violation
20.9 of section 169.09, subdivision 1 or 6; or

20.10 (8) where the driver had actual knowledge that a peace officer had previously issued a
20.11 citation or warning that the motor vehicle was defectively maintained, the driver had actual
20.12 knowledge that remedial action was not taken, the driver had reason to know that the defect
20.13 created a present danger to others, and the injury was caused by the defective maintenance.

20.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
20.15 committed on or after that date.

20.16 Sec. 25. Minnesota Statutes 2016, section 624.7142, subdivision 1, is amended to read:

20.17 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's
20.18 clothes or person in a public place:

20.19 (1) when the person is under the influence of a controlled substance, as defined in section
20.20 152.01, subdivision 4;

20.21 (2) when the person is under the influence of a combination of any two or more of the
20.22 elements named in clauses (1) and (4);

20.23 (3) when the person is ~~knowingly~~ under the influence of ~~any chemical compound or~~
20.24 ~~combination of chemical compounds that is listed as a hazardous substance in rules adopted~~
20.25 ~~under section 182.655 and that affects the nervous system, brain, or muscles of the person~~
20.26 ~~so as to impair the person's clearness of intellect or physical control~~ an intoxicating substance
20.27 as defined in section 169A.03, subdivision 11a;

20.28 (4) when the person is under the influence of alcohol;

20.29 (5) when the person's alcohol concentration is 0.10 or more; or

20.30 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04.

- 21.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
- 21.2 committed on or after that date."
- 21.3 Amend the title accordingly