

House Research Act Summary

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TOPIC: Felony DWI; correction

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Overview

This act corrects a cross reference that results from the 2007 reorganization of the criminal vehicular operation (CVO) statute. It amends the prior impaired driving conviction definition (§ 1), the prior impaired driving-related loss of license definition (§ 2), and the first-degree driving while impaired (DWI) crime (§ 3) in chapter 169A by adding references to the 2006 CVO statute. Section 4 clarifies legislative intent.

Background

In *State v. Retzlaff*, 807 N.W.2d 437 (Minn. Ct. App. 2011), the defendant challenged the enhancement of his DWI offense to a first-degree felony DWI based on a previous CVO conviction. The defendant argued that the plain language of section 169A.24, subd. 1 (felony DWI), references the restructured numbering of the CVO statute and does not reference the specific subdivision that was in effect when he was convicted in 2000. The court rejected the argument and affirmed the conviction, noting that a plain-language interpretation would create an absurd result and frustrate legislative intent.