

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H. F. 170

DATE: February 5, 2002

Version: First Engrossment

Authors: Leighton

Subject: Stay of Adjudication of Certain Driving after Suspension, Revocation, and Cancellation Cases

Analyst: Jeffrey P. Diebel, 651-296-5041

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 stay adjudication of certain driving after suspension, revocation, and cancellation cases on condition that the driver obtain reinstatement of driving privileges. Courts do not have the power to stay adjudication of cases without statutory authority.

Section

1 **Stay of adjudication.** Permits a court to stay adjudication of an offense of driving after suspension, revocation or cancellation if:

the offense does not involve a commercial motor vehicle;

the offender has not previously received a stay of adjudication for a violation of this chapter;

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; and

the court schedules a sentencing hearing within 90 days to review whether the offender has obtained reinstatement of driving privileges.

Provides the court with three options if the offender timely obtains reinstatement:

1. dismiss the proceedings against the offender;

2. discharge the person without adjudicating the offender guilty; or

3. set additional probationary conditions.

Permits the court to enter a judgment of guilty if the offender does not timely obtain reinstatement or fails to appear at the sentencing hearing.

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.

Prohibits courts from applying this procedure to offenders whose driving privileges were suspended, revoked, or cancelled for an impaired driving offense.

2 **Effective date.** August 1, 2002, for proceedings conducted on or after that date.