

Subject Permitting testing of certain DWI offenders for alcohol or controlled substance use

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Overview

Current law requires courts to order electronic alcohol monitoring as a condition of pretrial release or probation in some DWI cases. The monitoring takes place through a bracelet typically worn on the ankle or wrist. After sentencing for a DWI offense listed in section 169A.277, subdivision 1, the court must order that the person participate in the program for at least 30 consecutive days of each year of probation if the court is in a county that has electronic alcohol monitoring. If the person is charged with a nonfelony DWI offense listed in section 169A.40, subdivision 3, the court must order electronic alcohol monitoring as a condition of pretrial release if the person does not post maximum bail. If the person is charged with a felony offense, current law requires that the person submit to random alcohol tests as a condition of pretrial release if the person does not post the amount of bail set by the court.

This bill creates alternatives for the monitoring and harmonizes the requirements that relate to monitoring abstinence. If a county does not have the capability to use the device or if the person's DWI involved the use of a controlled substance or an intoxicating substance, the court can order random testing instead of the ankle bracelet. The bill addresses three scenarios:

- 1) requires use of electronic monitoring when the DWI offense involved alcohol and electronic monitoring is available;
- 2) requires random testing if the DWI offense involved alcohol and electronic monitoring is not available; and
- 3) requires use of random urinalysis if the DWI offense involved the use of an intoxicating substance or a controlled substance.

Summary

Section	Description
1	<p>Monitoring required.</p> <p>Requires a court to order electronic monitoring for certain individuals sentenced for committing a DWI if the offense involved the consumption of alcohol and the electronic monitoring program is available in the county where the person was sentenced. Requires a court to order random alcohol tests for certain individuals sentenced for committing a DWI if the offense involved the consumption of alcohol and the electronic monitoring program is not available in the county where the person was sentenced. Requires a court to order random urine analyses for certain individuals sentenced for committing a DWI if the offense involved the consumption of a controlled substance or an intoxicating substance.</p>
2	<p>Nonfelony violations.</p> <p>Permits a person charged with certain nonfelony DWI offenses to be released from custody before trial without posting an amount of bail set by the court if the person agrees to conditions of release that include abstaining from alcohol, intoxicating substances, and controlled substances used without a valid prescription and agrees to participate in a program to monitor the abstinence. The monitoring program must consist of (1) electronic monitoring if the offense involved the consumption of alcohol and an electronic monitoring program is available in the county where the person is charged, (2) random alcohol tests if the offense involved the consumption of alcohol and the electronic monitoring program is not available in the county where the person is charged, or (3) random urine analyses if the offense involved the consumption of a controlled substance or an intoxicating substance.</p>
3	<p>Felony violations.</p> <p>Permits a person charged with certain felony DWI offenses to be released from custody before trial without posting the maximum amount of bail required by law if the person agrees to conditions of release that include abstaining from alcohol, intoxicating substances, and controlled substances used without a valid prescription and agrees to participate in a program to monitor the abstinence. The monitoring program must consist of (1) electronic monitoring if the offense involved the consumption of alcohol and an electronic monitoring program is available in the county where the person is charged, (2) random alcohol tests if the offense involved the consumption of alcohol and the electronic monitoring program is not available in the county where the person is charged, or (3) random urine analyses if the offense involved the consumption of a controlled substance or an intoxicating substance.</p>



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