

**2008 DWI (Driving While Impaired) CHARGING AND SENTENCING TABLE
(Amended July 5, 2010)**

Offense Facts	Prior DWI's (past 10 yrs.)	Offense - §169A.20 and:	Minimum Sentencing Requirements §169A.275 through §169A.277	Mand. Bail/C.R. §169A.44, §169A.40	Forfeit Veh.? §169A.63	Imp. Plates? §169A.60	Drivers License?
1. .08	None	4 th degree DWI §169A.27	None	No	No	No	90 days/30 if plea
2. .08	One (2 nd offense)	3 rd degree DWI §169A.26	30 d. jail (48 hrs. actual) Or 80 hrs. community service	No	No	Yes	180 days
3. .20	None	3 rd degree DWI §169A.26	None	Yes	No	Yes	180 days
4. .20	One (2 nd offense)	2 nd degree DWI §169A.25	30 d. jail (48 hrs. actual) or 80 hrs. community service	Yes	Yes	Yes	1 year
5. .20 w/ child endangerment	None	2 nd degree DWI §169A.25	None	Yes	Yes	Yes	180 days
6. .08 w/ child endangerment	None	3 rd degree DWI §169A.26	None	Yes	No	Yes	90 days
7. .08 w/ child endangerment	One (2 nd offense)	2 nd degree DWI §169A.25	30 d. jail (48 hrs. actual) or 80 hrs. community service	Yes	Yes	Yes	180 days
8. .08	Two (3 rd offense)	2 nd degree DWI §169A.25	90 d. jail (30 d. consec. or intens. superv. w/ 6 d. jail), electronic alcohol monitoring 30 d. consec. each year on probation	Yes	Yes	Yes	Canc. 1 yr min/ Rehab. Req for B-Card
9. .08/.20	Three (4 th offense or any prior felony DWI)	1 st degree DWI §169A.24 (felony)	3 yrs prison – stay exec.; 180 d. jail (30 d. consec. or intens. Superv. w/ 6 d. consec. Jail), electronic alcohol monitoring 30 d. consec. each yr. on probation	Yes + weekly reporting	Yes	Yes	2 yrs convict/ 180 days IC (double for .20)
10. .08/.20	Four (5 th offense)	1 st degree DWI §169A.24 (felony)	3 yrs prison – stay exec.; 365 d. jail (60 d. consec. or intens. superv. w/ 6 d. consec. jail), electronic alcohol monitoring 30 d. consec. each yr. on probation	Yes + weekly reporting	Yes	Yes	2 yrs convict/180 days IC (double for .20)
11. Refusal	None	3 rd degree DWI §169A.26	None	No	No	No	1 yr/90 if plea/30 if plea to 4 th deg.
12. Refusal	One (2 nd offense)	2 nd degree DWI §169A.25	30 d. jail (48 hrs. actual) or 80 hrs community service	Yes	Yes	Yes	1 year
13. *Refusal w/child endangerm.	None	*3 rd degree DWI §169A.26	None	Yes	*No	Yes	1 year
14. .08	None, but Cancelled-IPS	4 th degree DWI §169A.27	Electronic alcohol monitoring 30 d. consec. each yr. on probation if cancelled IPS	Yes	Yes	Yes	Rehab. require- ments reset
15. 08 under age 19	One (2 nd offense)	3 rd degree DWI §169A.26	30 d. jail (48 hrs. actual) or 80 hrs. community service, electronic alcohol monitoring 30 d. consec. each yr. on probation	Yes	No	Yes	1 year

Note: *Line 13-assumes the child endangerment factor was not “present when the violation was committed” (the time of the refusal). “Prior DWI” means an impaired driving conviction (includes juvenile DWI adjudications) or impaired driving loss of license (§169A.03, subd. 20,21). Maximum probation terms are 7 years for a felony, 6 years for a gross misdemeanor and 2 years for a misdemeanor DWI (§609.135, subd. 2). Aggravating factors include substance related C.V.O. convictions or revocations. 1st degree offenses require 3 prior impaired driving incidents within 10 years or any prior felony conviction under this statute or any prior felony substance related violation of Sec 609.21, subd. 1. Five year mandatory conditional release following prison. Plate impoundment is for 1 year or revocation period, whichever is longer.