

1.1 Senator ..... moves to amend S.F. No. .... as follows:

1.2 Page ..., after line ..., insert:

1.3 "Sec. .... Minnesota Statutes 2022, section 169A.40, subdivision 3, is amended to read:

1.4 Subd. 3. **Certain DWI offenders; custodial arrest.** (a) Notwithstanding rule 6.01 of  
1.5 the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided  
1.6 to proceed with the prosecution of a person for violating section 169A.20 (driving while  
1.7 impaired), shall arrest and take the person into custody, ~~and the person must be detained~~  
1.8 ~~until the person's first court appearance~~, if the officer has reason to believe that the violation  
1.9 occurred:

1.10 (1) under the circumstances described in section 169A.24 (first-degree driving while  
1.11 impaired) ~~or~~;

1.12 (2) under the circumstances described in section 169A.25 (second-degree driving while  
1.13 impaired);

1.14 ~~(2)~~ (3) under the circumstances described in section 169A.26 (third-degree driving while  
1.15 impaired) if the person is under the age of 19;

1.16 ~~(3)~~ (4) in the presence of an aggravating factor described in section 169A.03, subdivision  
1.17 3, clause (2) or (3); or

1.18 ~~(4)~~ (5) while the person's driver's license or driving privileges have been canceled under  
1.19 section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical  
1.20 to public safety).

1.21 (b) A person described in paragraph (a), clause (1) or (5), must be detained until the  
1.22 person's first court appearance."

1.23 Renumber the sections in sequence and correct the internal references

1.24 Amend the title accordingly