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S.F. No. 4950 – Establishing an Alternative to Ignition Interlock for DWI Offenses Involving Controlled Substances

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Date: April 10, 2024

Overview

Under current law, a person convicted of certain DWI offenses must participate in the ignition interlock program to recover full driving privileges. While participating in the ignition interlock program, the person receives a restricted license and can only drive a vehicle with an ignition interlock device. The device tests whether a person has consumed alcohol before starting a vehicle and also requires “rolling retests” to determine if the person is consuming alcohol while driving. The interlock device tests for alcohol, but does not test for controlled substances.

This bill creates an alternative to ignition interlock for individuals convicted of certain DWI offenses who were under the influence of a controlled substance while driving. The program requires those individuals to participate in an intensive testing program that involves testing of the person’s urine on a weekly basis.

Summary

Section 1 amends pretrial release requirements for certain individuals charged with a DWI offense to require the individual to abstain from nonprescribed controlled substances, allows the use of random testing to monitor abstinence, and requires an individual subjected to random testing to pay, to the extent possible, the costs of those tests.

Section 2 establishes requirements for a person charged with a second or subsequent DWI involving controlled substances to recover driving privileges that mirrors the ignition interlock program, but requires participation in an intensive testing program in place of interlock.

Section 3 defines “incident involving alcohol” for purposes of the ignition interlock statute.

Section 4 establishes a program to test individuals convicted of certain DWI offenses involving controlled substances. Requires participants to submit to weekly urine analysis. Authorizes the commissioner of public safety to accept testing results from a probation or supervised release agent if the testing meets the requirements established by the commissioner. Authorizes the commissioner of public safety to issue a restricted license to program participants in a similar fashion to the license issued to ignition interlock participants. Establishes requirements related to the length of participation and consequences for violation that mirror the requirements of the ignition interlock program.