

Non-Subsequent Felony DWI: Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

FELONY DWI, SUBD. 1(1)

Analysis:

- Sentenced 2020-2024
- Felony Driving While Impaired – Nonsubsequent (DWI) under Minn. Stat. § 169A.24, subd. 1(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 1,494 people were sentenced for a felony DWI offense under Minn. Stat. § 169A.24, subd. 1(1). Of the 1,494 people sentenced, 1,133 (76%) had a presumptive stayed disposition and 361 (24%) had a presumptive disposition of commitment. 202 (56%) of the 361 presumptive commit cases received a mitigated dispositional departure. None of the presumptive stay cases received an aggravated dispositional departure. Of the 165 people who received an executed prison sentence,¹ 32 (19%) received a mitigated durational departure and none received an aggravated durational departure. Six people received a mitigated departure to a misdemeanor/gm sentence. The average pronounced prison term for the 165 people who received prison was 56 months.

Table 1. Departure Rates for First-Degree DWI, subd. 1(1), Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)		Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Mitigated	
0	741	741	0	---	---	1	1	24.0 months
	100.0%	100.0%	0.0%	---	---	50.0%	50.0%	
1	222	222	0	---	---	0	1	36.0 months
	100.0%	100.0%	0.0%	---	---	0.0%	100.0%	
2	170	170	0	---	---	5	2	47.4 months
	100.0%	100.0%	0.0%	---	---	71.4%	28.6%	
3	119	0	119	38	81	29	5	47.1 months
	100.0%	0.0%	100.0%	31.9%	68.1%	85.3%	14.7%	
4	75	0	75	31	44	30	1	54.1 months
	100.0%	0.0%	100.0%	41.3%	58.7%	96.8%	3.2%	
5	62	0	62	27	35	23	4	57.4 months
	100.0%	0.0%	100.0%	43.5%	56.5%	85.2%	14.8%	
6+	105	0	105	63	42	45	18	63.0 months
	100.0%	0.0%	100.0%	60.0%	40.0%	71.4%	28.6%	
Total	1,494	1,133	361	159	202	133	32	55.8 months
	100.0%	75.8%	24.2%	44.0%	56.0%	80.6%	19.4%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 66% cases, objected in 14% cases, and in 19% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous. The prosecutor agreed to/recommended/did not object to departure 72% cases, objected in 6%, and in 22% of cases position of prosecutor was unknown.

¹Ten people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 165.