

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.

SUBSEQUENT FELONY DWI, SUBD. 1(2)

Note: Subsequent felony DWI is always a presumptive commitment, regardless of the person's criminal history score.

Analysis:

- Sentenced 2020-2024
- Subsequent Felony Driving While Impaired (DWI) under Minn. Stat. § 169A.24, subd. 1(2)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 1,220 people were sentenced for a subsequent felony DWI offense under Minn. Stat. § 169A.24, subd. 1(2). Of the 1,120 people sentenced, 643 (53%) received a mitigated dispositional departure. Of the 577 people who received an executed prison sentence, 86 (15%) received a mitigated durational departure and one person received an aggravated durational departure. The average pronounced prison term for the 577 people who received prison was 53 months.

Table 1. Departure Rates for Subsequent First-Degree DWI, Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	39	7	32	6	0	1	34.3 months
	100.0%	17.9%	82.1%	85.7%	0.0%	14.3%	
1	221	47	174	45	0	2	38.5 months
	100.0%	21.3%	78.7%	95.7%	0.0%	4.3%	
2	229	79	150	64	1	14	43.7 months
	100.0%	34.5%	65.5%	81.0%	1.3%	17.7%	
3	188	77	111	69	0	8	47.6 months
	100.0%	41.0%	59.0%	89.6%	0.0%	10.4%	
4	210	121	89	106	0	15	53.2 months
	100.0%	57.6%	42.4%	87.6%	0.0%	12.4%	
5	127	89	38	75	0	14	56.8 months
	100.0%	70.1%	29.9%	84.3%	0.0%	15.7%	
6+	206	157	49	125	0	32	64.7 months
	100.0%	76.2%	23.8%	79.6%	0.0%	20.4%	
Total	1,220	577	643	490	1	86	53.4 months
	100.0%	47.3%	52.7%	84.9%	0.2%	14.9%	

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 54% of cases, objected to the departure in 18% of cases, and in 28% 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 than usual. The prosecutor agreed to /recommended/did not object to the departure 80% cases, objected to the departure in 6% of cases, and in 14% of cases the position of the prosecutor was unknown.