

Felony DWI with Prior CVH/I: 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 WITH PRIOR APPLICABLE CVI/CVH

Note: Felony DWI under subd. 1(3) is always a presumptive commitment, regardless of the person's criminal history score.

Analysis:

- Sentenced 2020-2024
- Felony Driving While Impaired (DWI) w/ Prior CVI/CVH under Minn. Stat. § 169A.24, subd. 1(3)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 99 people were sentenced for a felony DWI offense under Minn. Stat. § 169A.24, subd. 1(3). Of the 99 people sentenced, 65 (66%) received a mitigated dispositional departure. Of the 34 people who received an executed prison sentence, 5 (15%) received a mitigated durational departure and none received an aggravated durational departure. The average pronounced prison term for the 34 people who received prison was 49 months.

Table 1. Sentencing Information for First-Degree DWI, subd. 1(3), Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)		Average Pronounced Prison Term
		None	Mitigated	None	Mitigated	
0	17	2	15	2	0	36.0 months
	100.0%	11.8%	88.2%	100.0%	0.0%	
1	27	5	22	5	0	40.8 months
	100.0%	18.5%	81.5%	100.0%	0.0%	
2	18	5	13	3	2	43.6 months
	100.0%	27.8%	72.2%	60.0%	40.0%	
3	18	10	8	9	1	48.0 months
	100.0%	55.6%	44.4%	90.0%	10.0%	
4	4	1	3	1	0	51.0 months
	100.0%	25.0%	75.0%	100.0%	0.0%	
5	10	7	3	5	2	52.9 months
	100.0%	70.0%	30.0%	71.4%	28.6%	
6+	5	4	1	4	0	71.0 months
	100.0%	80.0%	20.0%	100.0%	0.0%	
Total	99	34	65	29	5	49.4 months
	100.0%	34.3%	65.7%	85.3%	14.7%	

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 60% of cases, objected to the departure in 23% of cases, and in 17% 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 in two cases, and in three cases the position of the prosecutor was unknown.