

**REPORT TO THE LEGISLATURE REGARDING THE “NO ALCOHOL USE”
RESTRICTION ON THE DRIVER’S LICENSES OF REPEAT DWI
OFFENDERS WHO HAVE OBTAINED REINSTATEMENT OF THEIR
DRIVER’S LICENSE**

REPORT OF

**THE MINNESOTA CRIMINAL JUSTICE SYSTEM
DWI TASK FORCE**

This report is submitted in response to a legislative directive, adopted by statute by the 2005 Minnesota legislature, concerning the issue of the “no alcohol use” restriction on the driver’s licenses of repeat DWI offenders who have had their driver’s license reinstated.

Two main questions were submitted to the Task Force:

1. Should the “no alcohol use restriction” be removed and the person no longer be subject to it, after a ten-year or greater period of compliance with the “no alcohol use restriction,”

and/or

2. Should the person remain subject to the “no alcohol use restriction” but be permitted to obtain a driver’s license that does not display the “no alcohol use restriction” on the physical driver's license,

The Task Force was also asked to consider and report on issues related to these questions.

**MINNESOTA CRIMINAL JUSTICE SYSTEM DWI TASK FORCE
RECOMMENDATIONS**

1. The Minnesota Criminal Justice System DWI Task Force recommends to the legislature that Minnesota Statute 171.09, Subdivision 2 be allowed to expire and that a person with a driver’s license re-instated on the condition that they abstain from the use of alcohol, the “no alcohol use restriction,” remain subject to that restriction regardless of how much time has elapsed since re-instatement and compliance with the no alcohol use restriction and that the no alcohol use restriction continue to be displayed on the person’s driver’s license and driving record,

EXPLANATION OF RECOMMENDATION NUMBER 1

The first reason for this recommendation is the high recidivism (re-cancellation) rate of “B Card” license holders. Of the 10, 201 people who received a license reinstatement with the “no-alcohol” restriction from 1990 to mid-2005, 3,789 (37.14%) of them, were subsequently cancelled for violating that restriction. These numbers show that many people in possession of a “B-Card” continue to or return to drinking. Second, law enforcement officers believe keeping the restriction on the card is essential in order for them to know that a person is subject to the B-Card restriction when they come in contact with such an individual in a non-traffic situation. Frequently these violations of the no alcohol use restriction are encountered in settings outside of traffic stops, so the officer does not have a reason to check the person’s driver’s license record to get his full record. If an officer encounters a person who has been drinking alcohol, with a no alcohol use restricted license that does not display the restriction and if he or she examines the person’s driver’s license for identification purposes, the officer will not know of the restriction and there will be no sanction for the violation of the alcohol use restriction and that offender may improperly retain his license. This return to alcohol use is a relapse by an alcoholic who is also driving. This is a very dangerous person on the state’s streets and highways. Because of the lifetime nature of chemical dependency, any return to drinking is likely to lead to destructive behaviors particularly driving while impaired. When a chemically dependent person, who has had a period of sobriety, returns to alcohol consumption they will rapidly escalate their drinking to excessive levels, leading to destructive behaviors again. This will lead to increased impaired driving and more serious auto accidents. This person’s relapse must be identified and dealt with appropriately. Removing the no alcohol restriction reduces the ability of our society to identify and deal with the alcoholic who relapses and returns to alcohol use. Third, The Task Force heard from professionals who deal with recovering alcoholics, these professionals commented about their understanding of chemical dependency treatment. They commented that all treatment programs and philosophies include several concepts related to the B-Card issue. A major concept is that an alcoholic should accept responsibility for the consequences of their abuse of alcohol. In the B-Card area this would include accepting the fact that their license must display the no alcohol use restriction. Another fundamental concept in relation to successful treatment is that a recovering alcoholic should avoid situations and places that increase his or her exposure to alcohol. Related to this concept is that a recovering alcoholic should seek new friends if their old friends use alcohol to access or frequent bars. A recovering alcoholic should not put themselves in a situation where they are the sober driver because they want to be with people who intentionally plan on drinking to access. Fourth, victims of drunk driver crashes testified at Task Force meetings when this issue was discussed, these are people who have been injured by or who have lost relatives or friends to a drunk driver and who have to live with that loss the rest of their life. They perceive the repeat offender who is able to remove the no alcohol restriction from their license as receiving special treatment that ignores the victim’s life long pain and loss.

Finally, there is the psychological impact of keeping the restriction on the card. As shown by the study on repeat DWI offender’s attitudes and beliefs, a person’s moral inhibitions against drunk driving are a control of “hard core” drunk drivers that can

contribute to the prevention of future impaired driving. Seeing a reminder on the license of the no alcohol restriction will remind these individuals not to consume any alcohol, and remind them of their previous abuse of alcohol and the criminal consequences of that abuse. This notation is not a “scarlet letter,” branding its holder as a scourge of society, but instead is a reasonable restriction included in the constellation of external and internal controls that are necessary and reasonable to impose on this high risk, chemically dependant population that have an un-curable disease and are subject to relapsing and return to excessive alcohol consumption and driving while impaired throughout their entire life. The strongest predictor of future drunk driving is the number of prior impaired driving incidents a person has. The person with the B-Card no alcohol use restriction has self-selected into a high risk population that society has every right to impose reasonable restrictions and controls on to protect itself from future harm from this group.

2. The Task Force also recommends that, if the legislature adopt legislation that continues the operation of Minn. Stat. 171.09, Subd 2, it should be subject to the following conditions:

A. That after ten years of compliance with the no alcohol use restriction, the “no-alcohol” restriction should be displayed on the person’s driver’s license by a coded reference to the restriction.

EXPLANATION OF 2 A

This is necessary so that law enforcement can easily identify individuals subject to the restriction. Many violations of the “no alcohol use” restriction occur and are observed by law enforcement officers in non-traffic situations. The presence of the coded reference to the “no alcohol use” restriction would still give law enforcement some notice of the restriction so that it could be verified and notice given to the Department of Public Safety. This change would require some education of law enforcement officers. It is also important to keep no alcohol use restriction on the face of the license to provide notice to its holder that they cannot consume any alcohol

B. The statute should be limited to individuals who have only 3 prior alcohol related incidents on their record.

EXPLANATION OF 2 B

Individuals who have 4 or more alcohol related incidents should not be able to take advantage of this law. Individuals whose license is reinstated and who obtain a new license that does not display the no alcohol use restriction and are subsequently cancelled because of alcohol use should not be eligible for a license without display of the restriction even if they wait another ten years. The availability of a license with the coded reference to the “no alcohol use” restriction should not be available to repeat DWI offenders who go through rehabilitation and then return to alcohol use and abuse. Clearly they do not have the long term sobriety that this law is designed to acknowledge.

C. The Department of Public Safety should be authorized to consider non-traffic situations (as it was before this legislation) where the “no alcohol use” restriction was violated by the license holder in determining if a person is eligible for a license that does not display the no alcohol use restriction that they are subject to.

EXPLANATION OF 2 C

The Task Force also recommends a different procedure for obtaining a new license that does not display the “no alcohol use” restriction, after ten years of compliance with the no alcohol use restriction. Minnesota Statute 171.09, subd. 2, requires the Commissioner to provide, upon request, a new license, that does not display the no alcohol use restriction, after ten years without an “impaired driving incident.” Prior to this law the Commissioner could rescind the B-Card license if the person used alcohol in any situation even it did not involve driving. The ten year successful abstinence period that would entitle a person to a license that does not display the “no alcohol use” restriction should be just that, no use of alcohol. The term “prior impaired driving incident” is much too narrow and should be change to “without violating the no alcohol use restriction” in the area of the statute related to eligibility for a license that does not display the restriction. Those individuals with a “B Card” are prohibited from any alcohol consumption, and any violation of that restriction should exclude them from eligibility for a license that does not display the restriction.

D. The Department of Public Safety should have discretion, based on a factual determination, to deny a person a license that does not display the “no alcohol use” restriction if the Department’s investigation indicates alcohol use or non-compliance with other requirements of rehabilitation and sobriety.

EXPLANATION OF 2 D.

The current language in Minnesota Statute 171.09 Subd. 2, does not give the Department any discretion in deciding whether or not to issue a license that does not display the no alcohol use restriction. Such discretion and authority by the Department to be able to deny the license that only displays a coded reference to the alcohol use restriction to individuals who are have truly remained sober and abstinent for 10 years.

The Department of Public Safety should be authorized by statute to conduct basic background checks about the applicant’s recent behavior to determine if the person is eligible for a license that does not display the “no alcohol use” restriction. If these checks reveal a reasonable suspicion of alcohol consumption, or turn up many incidents of impaired driving in the past, denial of issuing the new license would be proper. This process would be very similar to the authority already granted to the Department in considering the initial applications for the restricted licenses. Also, even if the application for the coded license is denied, the applicant is still able to drive using his “no-alcohol” license because the denial of the new license in and of itself would not be enough proof of alcohol consumption to void the prior one.

E. The costs of investigation by Department of Public Safety to determine abstinence from alcohol use should be born by the license holder and should be paid at the time of the application for the license that doesn't display the no alcohol use restriction.

EXPLANATION OF 2 E

The State and indirectly the public should not be burdened financially with the costs of such an investigation. It is reasonable and appropriate that the costs of such an investigation be borne by the person seeking the new license

F. Persons subject to the no alcohol use restriction and receiving a license that displays the “no alcohol use” restriction as a coded reference should be subject to annual reviews by the Department of Public Safety.

EXPLANATION OF 2 F

This requirement is necessary because police officers in non-traffic situations will be less likely to become aware of the no restriction if it is only a code. Police seldom run driver’s license checks when arresting an individual for a non-traffic offense. The most frequently occurring law enforcement situation where alcohol use may be observed is during an arrest for domestic assault where alcohol is involved.

This review could include but not be limited to a review of state and local court records to determine if the person has been charged with any criminal offenses. If so, the police reports could be obtained to determine if alcohol was involved in the incident. This annual review is necessary because alcoholism is a life long disease and a person with this disease is always subject to relapse.

G. The driver’s license record of a person subject to a no alcohol use restriction should display that restriction on the public portion of the driving record.

EXPLANATION OF 2 G

This is a reasonable requirement and allows the public, in particular employers and other entities that are considering employing such an individual or establishing a relationship with the person that may involve driving.

H. The person applying for a new license without the no alcohol use restriction displayed on it should waive any rights to privacy existing under state or federal law during the period of the license.

EXPLANATION OF 2 H

Person’s with the new license that only displays the coded reference to the “no alcohol use” restriction should not be allowed to use privacy laws to the prevent Department of Public Safety from having access to police reports and medical reports that indicate that

they have been consuming alcohol. A situation where this access issue would arise is where the person subject to the “no alcohol use” restriction is injured in an alcohol related traffic accident, where they were either the driver or the passenger, and is taken to the hospital. If the hospital detected alcohol consumption on the part of the person, the person under current law could bar the police or DPS from having access to that information.

I. A person subject to a “no alcohol use” restriction on their driver’s license should remain subject to that restriction as long as they are licensed to drive.

EXPLANATION OF 2 I

A person with 3 prior alcohol related impaired driving incidents and who obtains a reinstatement of their driver’s license is still an alcoholic and will remain so the rest of their life. They can never safely return to consuming alcohol. Consequently it is a reasonable protection of the public to require that they remain subject to the “no alcohol use” restriction for as long they choose to remain licensed and driving.

These recommendations are based on the research summarized in this report which includes analysis of the Minnesota driver’s license data base, a review of other states administrative license sanctions applied to repeat DWI offenders, comments made by members of the Task Force at the three meetings at which this question was discussed and comments received from the other members of the Task Force and members of the public.

I. INTRODUCTION

The Statewide Minnesota Criminal Justice System DWI Task Force has prepared this report pursuant to Chapter 136, Art. 18, § 15 of the 2005 Minnesota Session Laws.

STATUTORY AND REGULATORY BACKGROUND

The driver’s license of a person who has 3 alcohol related incidents within ten years is cancelled as “inimical to public safety” by the Commissioner of Public Safety. That repeat DWI offender is not eligible for the re-instatement of their driver’s license unless they establish that they have:

1. Completed chemical dependency treatment,
2. Participated in a support group for at least 12 consecutive weeks immediately before showing compliance with the rehabilitation requirements,
3. Abstained from alcohol and controlled substances,
4. Provided a signed statement providing the last time the applicant consumed alcohol,
6. Provided five supporting statements that the applicant has been abstaining from alcohol, and
7. Has had a rehabilitation interview.

The Commissioner of Public Safety is authorized by statute to impose restrictions on the licensee and the licensee's operation of a motor vehicle appropriate to assure the safe operation of a motor vehicle by the licensee. If the driver's license of a repeat DWI offender, whose license was cancelled as inimical to public safety, is reinstated the reinstatement is subject to the condition (restriction) that the person refrain from any use of alcohol at all times that they are reinstated. This type of "no alcohol use" restricted driver's license is referred to as a "B-Card." Prior to 2005, the "no use of alcohol" restriction was entered on the person's driver's license record and printed directly on the driver's license the person is issued and are required to carry with them when operating a motor vehicle. The 2005 legislature adopted statutory language that allows a person with 3 alcohol related incidents on their record, whose license was cancelled and reinstated, to apply for and receive a driver's license that does not display the "no alcohol use" restriction if they have not had "an impaired driving incident" in the previous ten years. Under the 2005 legislation even if issued a license that does not display the no alcohol use restriction, the person remains subject to the "no alcohol use" restriction. The provision allowing for the issuance of a driver's license without the display of the "no alcohol use" expires in July of 2006.

Statutes and Administrative Rules applicable to the above Procedure and Process.

Minnesota Statute 171.14 authorizes the Commissioner of Public Safety to cancel the driver's license of persons not eligible to receive one. One statutorily stated grounds for cancellation is stated in Minnesota Statute 171.04, Subdivision 1 (10). That section states that a person who the department determines to be "inimical to public safety" is not eligible for a driver's license.

Minnesota Administrative Rule 7503.1300 (License Cancellation and Denial) states:

Subp. 2. Multiple alcohol- or controlled-substance-related incidents. The commissioner shall cancel and deny the driver's license or the driving privilege of a person who:

A. has incurred three alcohol- or controlled-substance-related incidents within the past ten years;

Minnesota Administrative Rule 7503.1600 (Reinstatement Following Cancellation)

The commissioner shall deny the application for a driver's license, including the application for a limited license, to a person whose license has been canceled, unless:

A. no withdrawal of the person's driver's license or driving privilege is outstanding;

B. a completed, signed, and returned special review notice is entered on the person's driving record; and

C. if the incident is the third alcohol- or controlled-substance-related incident within a ten-year period, or the third incident on record and a special review notice was completed, signed, and entered in the driver's record within ten years of the third incident, or if the person has four or more of these incidents on record, the person has completed rehabilitation.

Also part of that rule is the requirement that “reinstatments following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances”

171.09 Driving restrictions; authority, violations.

Subdivision 1. Authority; violations. (a) The commissioner, when good cause appears, may impose restrictions suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

7503.1700, subpt 4(C)

.....

Subp. 4. Abstinence documentation. Every person applying for reinstatement after rehabilitation must sign a statement acknowledging the person's awareness that abstinence from the use of alcohol and controlled substances is a condition of licensure.

A. The commissioner shall provide the format for the statement to the person applying for license reinstatement.

B. The statement must contain an acknowledgment as well as an advisory that the commissioner shall cancel and deny the driver's license and driving privilege of the person if the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance, whether or not the circumstances involve the operation of a motor vehicle.

C. The restriction to abstain from the consumption of alcohol and abuse of controlled substances must be placed on the person's driver's license and driving record.

Minnesota Statute 171.09:

Subdivision 2

No-alcohol restriction.

(a) Upon proper application by a person having a valid driver's license containing the restriction that the person must consume no alcohol and whose driving record contains no impaired driving incident within the past ten years, the commissioner must issue to the person a duplicate driver's license that does not show that restriction. Such issuance of a duplicate license does not rescind the no-alcohol restriction on the recipient's driving record. "Impaired driving incident" has the meaning given in section 169A.03 subdivision 22.

(b) Upon the issuance of a duplicate license to a person under paragraph (a), the no-alcohol restriction on the person's driving record is classified as private data on individuals, as defined in section 13.02, subdivision 12, but may be provided to requesting law enforcement agencies, probation and parole agencies, and courts.

Subdivision 2, as added by Laws 2005, chapter 136,
*article 18, section 11, expires July 1, 2006.

2. PERSONS WITH LICENSES REINSTATED AFTER CANCELLATION BECAUSE OF 3 OR MORE ALCOHOL RELATED INCIDENTS

The following data and analysis was provided by Alan Rodgers from the Office of Traffic Safety, Department of Public Safety.

There are 10,201 persons whose first post-cancel-IPS (Inimical to Public Safety) driver's license reinstatement occurred prior to January 1, 1991

1. The first time they were reinstated following a cancel-IPS was before January 1, 1991.
2. They are believed to be still living in Minnesota as of February 6, 2006.

Table 1 below shows the number and percentage who received a subsequent cancellation.

897 (8.79% of 10,201) went less than 1 year after they were reinstated before their license was cancelled again.

629 (6.17% of 10,201) went 1 year, or longer, but less than 2 years, before they were cancelled again.

3,333 violators (32.67% of the 10,201) went less than 10 years before their was cancelled again.

3,789 violators (37.14% of the 10,201) were cancelled again in less than 21 years. No one was cancelled in their 21st year, or later, after their initial pre-1991 post-cancel reinstatement.

Thus, $3,789 - 3,333 = 456$ (4.4% of the 10,201) got cancelled more than 10 years after they were reinstated.

The overall re-cancellation rate for this group of repeat DWI offenders after their first reinstatement is 37.14%. It is important to note that most of these re-cancellations occurred because of a subsequent DWI incident.

There were 6,412 ($10,201 - 3,789$), 62.86% of the total 10,201 violators who did not receive another license cancellation after their license was reinstated.

A review of DWI statistics and drivers license data indicates that about one-half of all repeat DWI offenders, recidivate. Yet the data here concerning 3rd time DWI offenders who are re-instated shows that only 37.14% recidivate.

One possible explanation for this lower recidivism rate is that those violators who had the motivation to and actually comply with all of the requirements (treatment, aftercare, abstinence, proof of sobriety) necessary to reinstatement their driving privileges are better able to maintain their sobriety and consequently their license.

The 10,201 persons who got their first reinstatement prior to 1-1-1991 were drawn from a larger pool of persons who eligible for reinstatement but did not do so.

At the end of 1989, there were 29,652 persons, believed living in Minnesota as of February 6, 2006, who had received their first cancellation (and many of them had also gotten their second, and third, and so on, cancellation). Most of the 29,652 persons would have been eligible for reinstatement by the end of 1990. They could have gone to treatment, provided the required documentation of rehabilitation, paid the fees, and received their license back.

But only 10,201 did so. The reason that the recidivism documented in the table below appears lower than the accepted 50% recidivism rate is that this individuals in this group tried harder than most repeat DWI offenders to deal with their chemical dependency.

TABLE 1

YEARS	#s	Cumulative		Cumulative Frequency
		Frequency	Percent	
0	897	8.79	897	8.79
1	629	6.17	1526	14.96
2	450	4.41	1976	19.37
3	359	3.52	2335	22.89
4	252	2.47	2587	25.36
5	211	2.07	2798	27.43
6	167	1.64	2965	29.07
7	153	1.50	3118	30.57

8	123	1.21	3241	31.77
9	92	0.90	3333	32.67
10	88	0.86	3421	33.54
11	83	0.81	3504	34.35
12	75	0.74	3579	35.08
13	66	0.65	3645	35.73
14	45	0.44	3690	36.17
15	44	0.43	3734	36.60
16	27	0.26	3761	36.87
17	13	0.13	3774	37.00
18	9	0.09	3783	37.08
19	5	0.05	3788	37.13
20	1	0.01	3789	37.14

Total persons on which numbers above are based: 10,201 persons (10,201 = 100.0%).
There were 6,412 (62.86%) persons who did not receive a subsequent cancellation after their first reinstatement cancellation as of February 6, 2006.

3. The Magnitude and Costs of Impaired Driving

There were 16,694 alcohol related traffic fatalities in the US in 2004. This represents 39 % of all traffic fatalities for that year. An estimated 248,000 people were injured in alcohol related traffic crashes in 2004. In Minnesota in 2004 there were 177 alcohol related traffic fatalities and 3,622 alcohol related traffic injuries. Based on these two numbers there are about 20 alcohol related traffic injuries for each alcohol related traffic fatality. In Minnesota, approximately one third of all alcohol related traffic fatalities involve a driver who has at least one prior alcohol related incident on their driving record. In other words, one third of all alcohol related traffic fatalities involves a repeat DWI offender. It is estimated that the costs of DWI enforcement and alcohol related traffic deaths and injuries in Minnesota in 2004 was close to 1 billion dollars. There has been a decline in the number of alcohol related deaths and injuries nationwide and in Minnesota over the past 15 years. However, in recent years the decrease alcohol related traffic deaths and injuries has plateaued. The current constellation of criminal justice system interventions and social values expressing the non-acceptance of drinking and driving are not effective at obtaining further reductions in the alcohol related traffic death and injury rate.

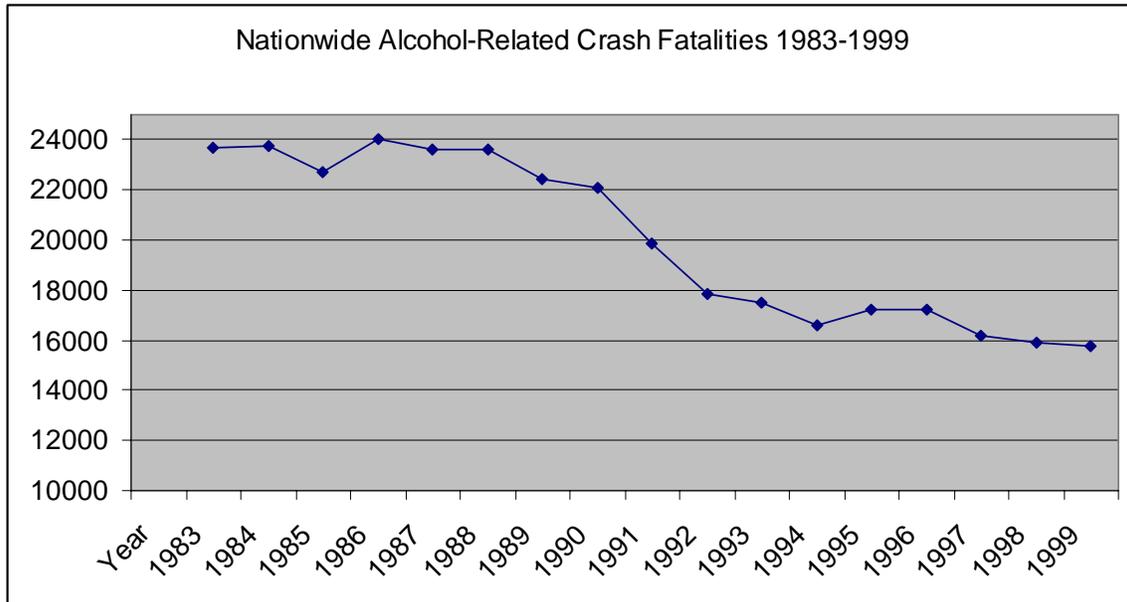
These alcohol related fatality and injury statistics reflect the significantly increased danger that an alcohol impaired driver poses to themselves and others on our roads and highways. A person driving with a blood-alcohol content level (BAC) of .10 may be up to 20 times more likely to be involved in a fatal crash than a sober driver.¹ This is evidenced by the disproportionate amount of fatally injured drivers who had been drinking alcohol had an elevated BAC, one study has shown that 80% of those drivers killed had a BAC of over .10, 65% had a BAC over .15, and 40% were over .20.² However, it is not just the drunk drivers themselves that are killed and injured, as their behavior also results in the death and injury of many others. Of the 41,345 people killed nation-wide in motor vehicle accidents in 1999, 38% of them, or 15,794 people, died from accidents involving alcohol.

The number of alcohol-related fatalities nationwide has been declining over the past 20 years. As illustrated by Table 2, these deaths have diminished to 15,794 in 1999. As before, this indicates success by the many and varied measures implemented to eradicate impaired driving, however the lack of continuing decrease in these numbers indicate that there is much room for improvement.

¹ ROSS, H.L. (1992) *Confronting Drunk-driving: social Policy for Saving Lives*. New Haven, CT: Yale University Press.

² JONES AND LACEY (1998) *Alcohol Highway Safety: Problem Update*, Washington: National Highway Traffic Safety Administration.

TABLE 2³



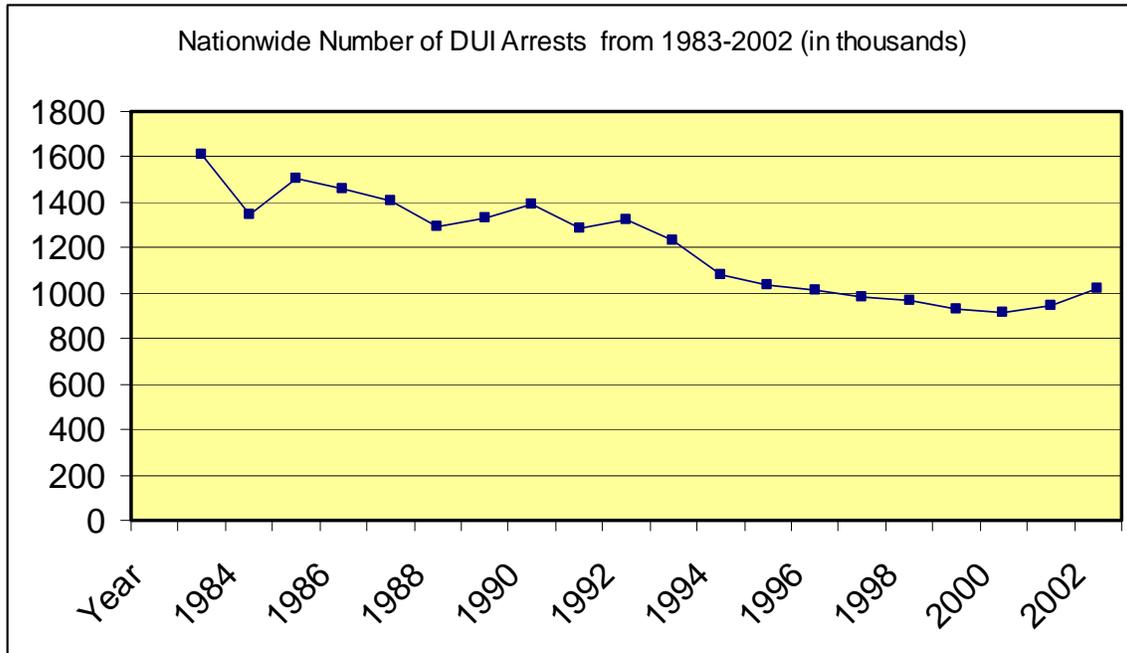
It is important to note that this chart only reflects those crashes involving fatalities. It does not include the thousands of people injured each year in alcohol related crashes. In 1998 nation-wide 305,000 people were injured in alcohol related crashes.⁴ Due to both state and federal campaigns focusing on increasing the arrest rate of impaired drivers, the adoption of harsher criminal penalties and administrative sanctions and the change in societal attitudes toward driving after drinking, the number of people driving while intoxicated has declined since the early 1980's. As indicated by Table 3, the number of DUI arrests nationwide has declined after it peaked in 1983 at a little over 1.6 million arrests. The number was down to a little over 1 million in 2002. Of those 1 million arrests in 2002, 33,163 were in Minnesota.⁵ The DWI arrest rate in Minnesota has declined somewhat to 34,000 in 2004 from a peak of close to 40,000 in the early 1990's.

³ See footnote 6, page 7.

⁴ Id.

⁵ Sourcebook of Criminal Justice Statistics, 2003, as compiled from the Federal Bureau of Investigation's Uniform Crime Reporting Program.

TABLE 3



While the DWI arrest rate has declined over the past 20 years, it alone is not an accurate measure of the incidence of impaired driving. DWI arrest rates are primarily a function and reflection of available and allocated traffic law enforcement resources. The decline in alcohol related traffic fatalities is a second and perhaps a better indication of the reduction in the number of impaired drivers on the nation's and Minnesota's roads. This is a complicated dynamic in that a partial explanation of the reduction in alcohol related fatalities could be related to safer vehicles (air bags, anti-lock brakes, increased seat belt use, etc.) and better emergency medical treatment. A third measure of the extent of impaired drivers on our streets and highways are road side surveys of drivers and their involvement with alcohol. A 1996 roadside survey by the National Highway Traffic Safety Administration (NHTSA) estimates that on Friday and Saturday nights between the hours of 10:00 pm and 3:00 am, 1 in 5 cars was driven by a person who had been drinking, 1 in 31 was driven by a legally impaired driver, and 1 in 119 was driven by a "hard core" drunk driver, a definition explained in greater detail below.⁶ While these numbers appear high they represent approximately a 50% reduction in the number of impaired drivers on the road compared to the number of such drivers on our roads in the early 1980's as determined by similar roadside surveys done then. However, despite the progress that has been made in reducing drinking and driving, there are still too many impaired drivers on our roads.

One of the primary factors related to the continuing high number of impaired drivers on our roads is the decrease in the DWI arrest rate. As seen above in Table 3 the national DWI arrest rate has declined significantly in the last 20 years. This arrest decline is a partly a reflection of the reduced numbers of impaired drivers on the road. However the decline in DWI arrests is also strongly related to the increasing disparity between the

⁶ National Transportation Safety Board's "Safety Report," adopted June 27, 2000.

number of traffic law enforcement officers on the road in relation to the increased number of drivers, vehicles and vehicle miles driven. The arrest rate decline is further aggravated by the increasing demand that existing law enforcement resources be re-directed from traffic enforcement to crimes with victims. Domestic assault and other person crimes are two areas that are rightly receiving increased focus by and allocation of limited law enforcement resources. Impaired drivers, and in particular, repeat DWI offenders continue to drive drunk because they correctly believe that the chances of getting caught are very low. The most optimistic estimate of a driver being arrested driving while intoxicated is 1 in 82, other estimates places those odds of arrest from 1 in 300 to 1 in 2000 in lightly patrolled areas.⁷ These numbers translate to an impaired driver being able to drive an average of approximately 5000 miles before getting arrested, far enough to go from Minneapolis to Duluth and back again 16 times.

The fact that less than 1% of all episodes of alcohol impaired driving result in a DWI arrest has two implications relative to this report. First, it is likely that those who have been arrested for multiple DWI incidents have been driving drunk many more times than they have been caught. Second, because enforcement is so low in relation to the number of impaired drivers on the road, it is more important to prevent people from drinking and driving in the first place than to try and catch them in the act.

⁷Compare VOAS, ROBERT B. (2001) Have the courts and the motor vehicle departments adequate power to control the hard-core drunk driver?, *Addiction*, Dec2001, Vol. 96 Issue 12, p1701-1707 and footnote 6, page 7 (providing different studies' estimates about how often impaired drivers are arrested for driving while intoxicated).

4. The “Hard Core” Drunk Driver

Nationally and in Minnesota there has been increased focus on the repeat DWI offender, the “hard core” drunk driver because of their significant involvement in alcohol related traffic injuries. One study has described “hard core” drunk drivers as a “relatively incorrigible group of drivers who will continue to drink and drive despite being apprehended and punished for that offense.”⁸ These individuals repeatedly drive after drinking, often times with high BAC levels. They are resistant to changing their alcohol consumption patterns and they drive on regular basis after consuming large amounts of alcohol. They respond less to traditional societal interventions such as arrest and incarceration and they frequently have had one or more treatment episodes. “Hard core” drunk drivers include people driving while impaired after a prior DWI conviction, and first time offenders with a BAC of .15 or higher.⁹

A high BAC (blood alcohol concentration) is an indication of a pattern of drinking that involves frequently consuming large amounts of alcohol, typically 6-8 drinks, on a regular basis. This consumption pattern results in the individual developing “tolerance” to alcohol and they can “function,” with a BAC that would incapacitate a non-heavy drinker. While such a person can function in the sense of walking and talking they still have an increased level of risk of being involved in a traffic crash because they cannot respond as well as a sober person to an unexpected change of circumstances or a traffic emergency. A person who drinks moderately, which is defined as 2 drinks a day, would have a very difficult time consuming 6-8 drinks at one setting and being able to enter, start or operate a vehicle.

By the above definition, a person with 3 alcohol related incidents on their driving record is a “hard core” drinking driver. Minnesota Statute 171.09 Subd 2 (a), the statute that is the subject of this report concerns hard core drinking drivers. The statute is directed at drivers whose licenses were cancelled after their third alcohol related driving incident and who subsequently go through the rehabilitation process and are re-licensed. When third time offenders are re-instated (re-licensed) they are subject to a no alcohol use restriction on their license. This no alcohol use is not limited just to situations when they may be driving, it is much broader and is, in essence, an absolute prohibition against the consumption or use of alcohol at any time and in any place regardless of whether they are in or out of a motor vehicle. The person agrees to the no alcohol use license restriction in exchange for obtaining a license. This no alcohol use license restriction is called a B-Card. From January 1, 1990 to July 25, 2005, 34,922 people were reinstated with “B Card” license.¹⁰ Pursuant to Minnesota Statute 171.09 Subdivision 2, the statute that is the subject of this report, these reinstated repeat DWI offenders are eligible for the removal of the “no alcohol use” restriction from their license if their re-instatement occurred more than 10 years ago and they do not have an “impaired driving incident” on their driving record. Table 4 indicates the number of persons who might be eligible for

⁸ See Voas, footnote 7, page 7.

⁹ See generally Voas, footnote 6, page 7; National Transportation Safety Board’s “Safety Report”, footnote 5, page 7.

¹⁰ Minnesota Department of Public Safety license records

the removal of the “no alcohol use” restriction from their driver’s license in the next 3 years.

Table No. 4

Year	Number of persons who will have possessed a no-alcohol restricted license for 10 years¹¹
2006	4508
2007	4202
2007	3883

While their 10-year period of abstinence from alcohol is evidence of positive behavioral changes and a significant period of sobriety, it is important to note that these individuals are clearly chemically dependant and have an increase susceptibility to begin drinking to excess again. Because Minnesota Statute 171.09 Subdivision 2, allows these “hard core” drunk drivers to obtain a license that does not display the no alcohol use restriction, a closer look at this segment of the drunk driving population is appropriate.

Chemically dependant individuals are not capable of moderating their alcohol consumption. If they begin drinking after a period of sobriety they drink to excess.

One study of “hard core” drunk drivers found at least half its subjects possessed an alcohol disorder as defined by the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders- Fourth Edition (DSM-IV), and another study estimated that as many as 75% of those drivers using interlock devices because of a DWI are alcohol dependent or abusers.¹² Any return to drinking by these drivers will lead to destructive and dangerous behavior that inevitably includes driving while impaired. These individuals are physically/psychologically incapable of moderating and limiting their alcohol consumption if they begin drinking again after a period of abstinence. Another characteristic common to many “hard core” drunk drivers is their drinking locations. Two separate studies have confirmed that repeat DWI offenders’ prefer to drink away from their home.¹³ This choice of drinking location results in them driving home impaired from their place of drinking at the end of their episode of drinking. Finally, the most common response by repeat offenders to inquiries as to why they keep driving after drinking was that they thought they would be OK to drive.¹⁴ They are incapable of accurately assessing their degree of impairment. Many repeat offenders also claim to have intentions of driving after consuming a personally set limit of alcohol.¹⁵

¹¹ *Id.*

¹² See MARQUES, VOAS, AND TIPPETTS (2003) Behavioral Measures of Drinking: Patterns from the Alcohol Interlock Record, *Addiction*, Vol. 98, Issue S2, p. 13-19; and GREENBERG, MORRAL, AND JAIN (2005) Drink-Driving and DUI Recidivists’ Attitudes and Beliefs: A Longitudinal Analysis, *Journal of Studies on Alcohol*, Vol. 66, Issue 5, p. 640-47.

¹³ See JONES AND LACEY (2000) Final Report- State of Knowledge of Alcohol-Impaired Driving: Research on Repeat DWI Offenders, prepared for the U.S. Department of Transportation, February 2000 (summarizing research of studies on “hard core” drunk drivers).

¹⁴ *Id.*

¹⁵ *Id.*

Based on all of these factors, it is clear that “hard core” drunk drivers should be prohibited from any future alcohol consumption. Societal and Governmental interventions directed at preventing “hard core” drunk drivers from consuming alcohol should be a priority in the effort to prevent them from engaging in future acts of impaired driving.

“Hard core” drunk drivers are involved in a disproportionate share of alcohol related motor vehicle crashes compared to their numbers on the road. Estimates from 1996 indicate that while “hard core” drunk drivers are only .8% of all drivers on the road, they were involved in 27% of the fatal crashes.¹⁶ Repeat DWI offenders often drive drunk very soon after their prior offenses. 1 out of 8 drinking drivers in fatal crashes had a prior impaired driving conviction within the past three years.¹⁷ In Minnesota, research indicates that at greater than 1 out of 3 drivers involved in an alcohol related fatality had a prior alcohol related incident on their record.¹⁸ The rate of involvement of repeat DWI offenders in alcohol related traffic crashes is greater than the national average because Minnesota’s DWI data base is more complete and accurate than other states and thus our state’s rate of repeat DWI offender involvement in alcohol related traffic deaths is probably the true national rate.

¹⁶ See footnote 5, page 7.

¹⁷ NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (1995) “Repeat DWI Offenders in the United States,” *Traffic Tech* 85 (Feb. 1995).

¹⁸ S. Simon, *Incapacitation Alternatives for Repeat DWI Offenders, Alcohol, Drugs and Driving*, Vol. 8, 1992

5. Alcoholism

Because of the strong correlation between “hard core” drunk drivers and alcoholism, a further look at this disease is essential to an understanding of the issues and policy decisions to be made in relation to the driver’s licenses of repeat DWI offenders. Alcoholism is a disease. The American Medical Association has classified alcoholism as a disease since 1956, and continues to do so in its policies endorsing the proposition that drug dependencies including alcoholism are diseases.¹⁹ The AMA’s policy also endorses the classification of alcoholism as both a psychiatric and medical classification in the International Classification of Diseases.²⁰ The current definition of alcoholism from the National Council on Alcoholism and Drug Dependence, approved by the Journal of the American Medical Association, is:

Alcoholism is a primary chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by continuous or periodic: impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial.²¹

Some people are opposed to defining alcoholism as a disease because it appears to provide alcoholics with a justification for their continued drinking and allows them to avoid taking responsibility for the negative consequences that frequently occur as a result of excessive consumption of alcohol. However, acknowledging alcoholism as a disease does not absolve alcoholics from the consequences of their behaviors. Being an alcoholic does not remove an individual’s free will, and they must still be held accountable for their actions. In fact, a major tenet of almost all alcohol treatment programs is that the recovering alcoholic should take responsibility for the consequence of their excess alcohol consumption.

Alcoholism is a difficult disease to diagnose, as it is identified primarily as a result of the problems it causes in the person’s life. The problems experienced by alcoholics include reduced job performance or actual loss of employment, family breakdown, law violation, medical and psychological problems. A person may consume large amounts of alcohol with great frequency but still not be an alcoholic if his drinking does not result in any sort of problem. The reality is that, at a minimum, frequent consumption of large amounts of alcohol result in very significant chronic and long term health problems, even if this excessive drinking pattern does not affect any other area of the person’s life. Also it is the rare person who consumes excessive amounts of alcohol on a regular basis who does not experience problems with their marriage, job or the law.

¹⁹ American Medical Association Policy H-95.383, *Drug Dependencies as Diseases* (available on the AMA website at www.ama-assn.org/ama1/pub/upload/mm/388/alcoholism_treatable.pdf).

²⁰ American Medical Association Policy H-30.997, *Dual Disease Classification of Alcoholism* (available on the AMA website at http://www.ama-assn.org/ama1/pub/upload/mm/388/alcoholism_treatable.pdf.)

²¹ Available online at <http://www.ncadd.org/facts/defalc.html>.

The reasons for an alcoholic's drinking are also irrelevant to diagnosing his affliction, as this disease is known by its manifestations instead of its causes. While marginally relevant to diagnosing alcoholism, the reasons why a given alcoholic begins or continues to drink may become important in treating the disease. The most common way of diagnosing alcoholism is through a clinical interview, with multiple affirmative answers to questions about problems relating to a person's alcohol abuse indicating alcoholism. One of the problems with this diagnostic process is that chemically dependent individuals are frequently in denial. Consequently they deny experiencing problems because of their alcohol use and are diagnosed as not having a problem. In 2005, Minnesota amended the chemical assessment provisions of its DWI law, Minnesota Statute 169A.70 to require that an assessment be based, not only an interview with the DWI offender, but also on a consideration of the alcohol concentration level and the driving record of the offender and the police report of the incident that resulted in the offender's conviction of the DWI related offense.

The psychological problems experienced by alcoholics provide the best insight into the mindset of an alcoholic and his resulting behaviors. Alcoholism involves an impaired impulse control and priority system. The desire to consume alcohol becomes overpowering. This compulsion to drink leads to a breakdown in the person's ability to function, with the obsession for more alcohol becoming so strong it dominates the individual's life. The dependence on alcohol almost reaches that of reliance on food and oxygen. The body begins to experience a cycle of highs and lows from alcohol, with the highs becoming shorter and shorter after each drink session and the lows remaining until another drink is consumed. The same substance causes both of these feelings, and it is required to bring about the happiness and abolish the sadness. This cycle leads to alcoholics experiencing "cravings" for that alcohol, and make it difficult to recover while the alcoholic fears functioning without alcohol and doubts his ability to abstain and therefore recover.

Recovering from alcoholism is a very difficult process, as the nature of the disease is such that one is never cured from it, it is a chronic disease and like all chronic diseases there is always the possibility of relapse. An alcoholic has a life long increased susceptibility to excessive alcohol consumption. Because alcohol is a legal drug, its presence, availability and use are pervasive in our culture. Emotional and physical stress, life style and life cycle changes are "triggers" that often result in an alcoholic returning to drinking. Many consider the disease to be one that is impossible to "recover" from. Alcoholics Anonymous takes the position that one never stops being an alcoholic, he just stops drinking. Recovering from alcoholism requires alcoholics to stop drinking and to abstain from alcohol use in the future. Relapsing, the return to drinking almost inevitably results in the return to the problems that excessive alcohol causes. "Triggers" or reminders will often cause these relapses, with these reminders being situations that the alcoholic associates with drinking like holidays, loneliness, or social situations involving alcohol. One form of cognitive therapy involves identifying these high-risk situations and helping the alcoholic to either avoid these situations, or learn new behaviors at them that do not involve drinking. Regardless of whether the individual is finding new ways to

enjoy himself or avoiding high-risk situations altogether, the essential component to “recovery” is the complete abstention from consuming alcohol.²²

Because of the nature of alcoholism, the potential for relapses, and negative consequences and problems caused by those relapses, alcoholics should refrain from any consumption of alcohol. Alcoholics are basically incapable of returning to drinking and drinking moderately. Alcoholism is a disease that stays with those afflicted by it for a lifetime, and relapses, returning to drinking, will often lead to the destructive behavior caused by the original drinking. For these reasons, and the fact that most if not all “hard core” drunk drivers are alcoholics, it is our recommendation that 3rd time and greater DWI offenders be subject to the “no alcohol use” restriction for as long as they are licensed by the state of Minnesota to drive.

The “no alcohol use” notation on the license of the repeat DWI offender is not there to stigmatize a person suffering from a complicated illness. The “no alcohol use” restriction is there for two purposes. First and foremost, it allows law enforcement to easily determine if the license holder is subject to the “no alcohol use” restriction when a law enforcement officer comes in contact with the person. Person’s subject to the “no alcohol use” restriction come in contact with law enforcement in a variety of traffic and non-traffic arenas. A frequent type of non-driving contact that an officer may have with a person with a B-Card is when the person is arrested for domestic violence. The “no alcohol use” restriction on the driver’s license allows the law enforcement officer to take appropriate steps to notify the department of public of a “no alcohol use” violation, if the officer observes indications that the person has consumed alcohol. This is no different that many other restrictions that a person may be subject to and which are displayed on the person’s driver’s license. Such restrictions include eye glasses, side view mirrors, and road and time of day restrictions. These restrictions are displayed on the person’s driver’s license so that traffic law enforcement officers can quickly become aware of the restriction and determine if the person is complying with it. The second reason for placing the “no alcohol use restriction” on the person’s driver’s license is to give the person subject to the restriction a powerful and constant reminder that they are subject to the “no alcohol use” restriction. Recognizing alcoholism as a disease and placing a no alcohol use restriction on a driver’s license because of it, is treating alcoholism like other diseases such as epilepsy, where individuals having that disease may have restrictions on their license related to that illness. Just like limiting the maximum speed that a person with restricted vision can drive at, the “no alcohol” provision restricts the actions an alcoholic can take in order to protect the driving public on Minnesota roads from high risk drivers.

²² Unless otherwise noted, information from this Chapter was compiled from, Frances, Miller, and Mack, *Clinical Textbook of Addictive Disorders, Third Edition*, The Guilford Press, 2005; Goodwin, Donald W., *Alcoholism- the facts, Third Edition*, Oxford University Press, 2000; and Lobdell, Jared C., *This Strange Illness*, Aldine De Gruyter, 2004.

6. Countermeasures That Attempt to Reduce Drunk Driving

The Task Force considered various methods and interventions that are implemented to prevent and or punish impaired driving to determine if the B-Card license sanction at issue here is an effective method to prevent and deter impaired driving and as such should continue to be used. DWI sanctions are designed to reduce impaired driving through education/treatment, deterrence, and incapacitation. Incapacitation such as imprisoning offenders or placing them under house arrest does prevent DWI recidivism, however it is often very expensive and it would be cost prohibitive to permanently incapacitate all repeat DWI offenders. There are other forms of incapacitation that are directed at the offender's license or vehicle that are cost effective.

Education of the general public prior to an arrest for DWI and treatment of offenders after an arrest for DWI are important parts of society's control mechanisms designed to prevent and reduce impaired driving. Deterrence can be either specific or general. Specific deterrence interventions target a given offender and are designed to "deter" to prevent or discourage that offender from re-offending. Jailing an offender, revoking his license, impounding his license plates all have a specific deterrence affect. In order for countermeasures to have a general deterrence effect, they must be well known by the driving public. The most effective general deterrent action a state can take is to maintain a high level of DWI arrests. The public's knowledge about the certainty, swiftness, and severity of the implementation of our state's DWI laws can and should be improved by media campaigns. Also, the public should continue to be reminded of the physical dangers associated with driving while impaired in those same campaigns. Hopefully, these actions will bolster moral inhibitions against drinking and driving, and create social scenarios where impaired driving is unacceptable. Anti-DWI laws such as the one that is the subject of this report can help shape those community values and continue the fight against drunk driving. The B-Card "no alcohol use restriction" has a specific deterrent effect for the license holder, it is a constant reminder to the license holder of the restriction and its application to them.

The alcohol ignition interlock device has received a great deal of attention in relation to the "Hard Core drinking driver" As of 2002, the devices are legislatively authorized in 42 states and the District of Columbia. Many states use them in conjunction with license sanctions. Interlock devices have become popular because of both their temporarily high level of success, and the information can provide. Studies of the effectiveness of interlock devices from Ohio, Maryland, and West Virginia have shown significant reductions in DWI recidivism by those drivers whose vehicles are equipped with an interlock device when compared to a control group of DWI offenders who were not required to use the device.²³ Interlock devices are also useful for providing information about the drivers of the vehicles on which the device is installed, as the results of all of the in-vehicle breath tests are recorded and can be downloaded by service providers and provided to license authorities or courts.

²³ See footnote 5, page 7 (summarizing an Ohio study where the group with the interlock device was 1/3 as likely to receive a repeat DWI compared to a control; a West Virginia study where the interlock group had a recidivism rate of 1.6% compared to 6.4% in the control; and a Maryland program where the individuals equipped with interlock devices had a recidivism rate 65% lower than the control).

For these reasons, many states have are requiring alcohol ignition interlock devices on vehicles driven by DWI offenders who are issued restricted licenses, or as an alternative to license revocation. Some states, including Arkansas and Kansas, require either a notice on the license that the driver is restricted to interlock device-equipped cars, or require the driver to carry a separate order listing the restrictions. Others, like Wisconsin, leave it to the judge's discretion whether to order interlocks on the cars of those convicted of two or more DWI incidents. Wisconsin has faced problems with their system, as judges have been hesitant to order the use of an alcohol ignition interlock, and if they have, those orders are not always carried out. An investigation into this issue, the degree of compliance with alcohol ignition interlock orders revealed that of the 4770 interlocks ordered, only 465 were actually installed.²⁴ Police and courts complained about a lack of resources to implement the judges' orders concerning the interlock devices, and the state could not keep track of all the orders either. This situation is an example of why vehicle and license sanctions, such as issuing a "B-Card" license with the no alcohol use restriction, are best handled administratively.

Appendix A attached to this report contains a limited summary of all 50 states' statutes concerning their sanctions for impaired driving. It includes criminal penalties and time periods for license revocation. Note that Connecticut, Oregon, Vermont, Virginia, and West Virginia permanently revoke driving privileges for individuals after a third DWI. There are seven other states that allow for permanent revocation after more than three impaired driving incidents. These harsher license sanctions illustrate that while the "B Card" and its restrictions do impose sanctions, limitations and inconveniences on B-Card holders, many other states have much harsher administrative license sanctions than Minnesota for 3rd time DWI offenders.

²⁴ BOB SEGALL (2004) Still Drunk, Still Driving, *The IRE Journal*, Nov/Dec 2004.

7. “Hard Core” Drunk Drivers’ Beliefs about the Morality of Impaired Driving

The “no-alcohol” restriction on a person’s “B-Card” may also provide specific deterrence for the restricted license holder. U.S. drivers’ responses to surveys from 1983 & 1986 compared to those from 1994 show an increasing number of people responding that their friends would disapprove of them driving while intoxicated and that it is morally wrong.²⁵ The years between the two surveys was also the same time frame as extensive media campaigns designed to communicate the negative consequences of impaired driving, as well as other campaigns meant to appeal to the moral inhibitions and social controls²⁶ of this countries citizens. Impaired driving decreased during this time, suggesting these campaigns contributed to that reduction.. Researchers conducted an analysis of behavioral control variables of repeat DWI offenders to determine if social constructs and moral inhibitions could affect the likelihood of a person driving while impaired again.

The results of this study indicated that, of the various factors compared, the internal control item of “moral acceptability” had the most statistically significant protective effect in reducing future impaired driving by repeat DUI offenders.²⁷ These and related studies indicate that countermeasures designed to effect one’s internal behavioral controls are likely to be effective. Also of significance was that these internal controls were affected across all demographic and alcohol-disorder predictors, and may provide some protection against future impaired driving for all types of “hard core” drunk drivers. Because internal controls were of the greatest importance in predicting future behavior by multiple DWI offenders, those controls should be the ones sought to be influenced by DWI countermeasures. The B-Card “no alcohol use restriction” is a dynamic that does attempt to influence “internal controls” because it is a constant reminder to the license holder that they are subject to the restriction. While it is a constant reminder, its mere presence is not sufficient proof of the restriction to be able to successfully prosecute a person for violating it. The Minnesota Court of Appeals in *State v. Rhode*, 628 N.W.2d 617 (Mn. Ct. App., 2001) held that merely having the “no alcohol” restriction on an individual’s driving record does not necessarily provide sufficient notice of that restriction for prosecution of a violation of that restriction. That case involves a person subject to the provision who had returned to drinking. The restriction did not serve a successful reminder of the restriction to that person. Clearly they had returned to drinking and were engaged in the classic denial and evasion behavior designed to allow them to continue their return to excessive alcohol consumption. These people are and will be an increased threat to the driving public as long as they retain their driver’s license and continue to drive.

²⁵ GREENBERG, MORRAL, JAIN (2005) Drink-Driving and DUI Recidivists’ Attitudes and Beliefs: A Longitudinal Analysis, *Journal of Studies on Alcohol*, Vo. 66, Issue 5, p. 640-47.

²⁶ Id.

²⁷ Id.

Conclusion

The Minnesota Criminal Justice System DWI Task Force has prepared and submitted this report to the legislature in regard to the question of whether or not to allow Minnesota Statute 171.09 subd. 2 to expire on July 1st of 2006. This report is based on discussions and comments at Task Force meetings, drivers license record data and analysis provided by the Department of Public Safety, a review of research and literature in the area of impaired driving, other states' DWI countermeasures, and input from those directly affected by the statute. We believe these recommendations recognize and address the needs and concerns of repeat DWI offenders who have achieved successful rehabilitation and are re-licensed and at the same time protect Minnesota citizens from the ongoing risk that repeat DWI chemically dependent drivers pose to the driving public as long as they continue to drive.

Appendix A

A Summary of all 50 States' DWI Laws

State	Offense	License Suspension Period	Other Penalties (incarceration, fines, community service, etc)
Alabama	1 st	90 days	<ul style="list-style-type: none"> • Max. 1 year incarceration • \$2100 fine
	2 nd	1 year	<ul style="list-style-type: none"> • Max. 1 year incarceration (min. 5 days or 30 days community service) • \$5100 fine
	3 rd	3 years	<ul style="list-style-type: none"> • Max. 1 year incarceration (min. 60 days) • \$10,100 fine
	4 th and up	5 years	<ul style="list-style-type: none"> • Max. 10 years incarceration (min. 1 year and 1 day) • \$10,100 fine
Alaska	1 st	Min. 90 days	<ul style="list-style-type: none"> • Min. 72 hours incarceration • Min. \$1500 fine • 24 hours community service (while incarcerated)
	2 nd	Min. 1 year	<ul style="list-style-type: none"> • Min. 20 days incarceration • Min. \$3000 • 160 hours community service (while incarcerated)
	3 rd	Min. 3 years	<ul style="list-style-type: none"> • Min. 60 days incarceration • Min. \$4000 • Judicial discretion community service
	4 th	Min. 5 years	<ul style="list-style-type: none"> • Min. 120 days incarceration • Min. \$5000 • Judicial discretion community service

	5 th	Min. 5 years	<ul style="list-style-type: none"> • Min. 240 days incarceration • Min. \$6000 • Judicial discretion community service
	6 th and up	Min. 5 years	<ul style="list-style-type: none"> • Min. 360 days incarceration • Min. \$7000 • Judicial discretion community service
Arizona	1 st	Min. 90 days	<ul style="list-style-type: none"> • Min. 10 days incarceration • Min. \$250 fine • Court determined community service
	2 nd	Min. 1 year	<ul style="list-style-type: none"> • Min. 90 days incarceration • Min. \$500 fine • Court determined community service
	3 rd	Min. 3 years	<ul style="list-style-type: none"> • Min. 4 months incarceration • Max. \$150k fine
	4 th and up	Min. 3 years	<ul style="list-style-type: none"> • Min. 8 months incarceration • Max. \$150k fine
Arkansas	1 st	120 days	<ul style="list-style-type: none"> • 1 day to 1 year incarceration OR court ordered community service • \$150-1000 fine
	2 nd	24 months OR 1 year if ignition interlock license	<ul style="list-style-type: none"> • 7 days to 1 year incarceration OR 30 days community service • \$400-3000 fine
	3 rd	30 months OR 1 year if ignition interlock license	<ul style="list-style-type: none"> • 90 days to 1 year incarceration OR 90 days community service • \$900-\$5000 fine
	4 th	4 years	<ul style="list-style-type: none"> • 1 to 6 years incarceration OR 1 year community service • \$900-\$5000 fine

	5 th and up	4 years	<ul style="list-style-type: none"> • 2 to 10 years incarceration OR 2 years community service • \$900-\$5000 fine
California *penalties increase if DWI results in injury*	1 st	6 months, OR 90 days if granted probation	<ul style="list-style-type: none"> • 4 days to 6 months incarceration • \$390-\$1000 fine
	2 nd	2 years, with option for restricted after 1 year	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$390-\$1000 fine
	3 rd	3 years, with option for restricted after 2 years	<ul style="list-style-type: none"> • 120 days to 1 year incarceration • \$390-\$1000 fine • Designation as habitual offender for 3 years
	4 th and up	4 years, with option for restricted after 2 years	<ul style="list-style-type: none"> • 180 days to 1 year incarceration • \$390-\$1000 fine • Designation as habitual offenders for 3 years
Colorado	1 st	3 months to 1 year	<ul style="list-style-type: none"> • 5 days to 1 year incarceration • \$300-\$1000 fine • 48-96 hours community service
	2 nd	1 year	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$500-\$1500 fine • 60-120 hours community service
	3 rd and up	1 year	<ul style="list-style-type: none"> • 70 days to 1 year incarceration • \$450-\$1500 fine • 56-112 hours community service • Designation as habitual offender
Connecticut	1 st	1 year	<ul style="list-style-type: none"> • 2 days to 6 months incarceration • \$500-\$1000 fine

	2 nd	3 years	<ul style="list-style-type: none"> • 120 days to 2 year incarceration • \$1000-\$4000 fine • Probation including 100 hours community service
	3 rd	Permanent	<ul style="list-style-type: none"> • 1 to 3 years incarceration • \$2000-\$8000 fine • Probation including 100 hours community service
Delaware	1 st	12 months	<ul style="list-style-type: none"> • 60 days to 6 months incarceration • \$230-\$1150 fine
	2 nd	18 months	<ul style="list-style-type: none"> • 60 days to 18 months incarceration • \$575-\$2300 fine
	3 rd	24 months	<ul style="list-style-type: none"> • 1-2 years incarceration • \$1000-\$3000 fine • Felony conviction
	4 th and up	24 months	<ul style="list-style-type: none"> • 2-5 years incarceration • \$2000-\$6000 fine • Felony conviction
District of Columbia	1 st	6 months	<ul style="list-style-type: none"> • Max. 90 days incarceration • \$200-\$300 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 5 days to 1 year incarceration OR 30 days community service • \$1000-\$5000 fine
	3 rd and up	2 years	<ul style="list-style-type: none"> • 10 days to 1 year incarceration • \$2000-\$10,000 fine
Florida	1 st	180 days to 1 year	<ul style="list-style-type: none"> • Max. 6 months incarceration • \$250-\$500 fine
	2 nd	Min. 5 years	<ul style="list-style-type: none"> • Max. 9 months incarceration • \$500-\$1000 fine
	3 rd	Min. 10 years	<ul style="list-style-type: none"> • 30 days to 12 months incarceration • \$1000-\$2500 fine
	4 th and up	permanent	<ul style="list-style-type: none"> • 30 days to 12 months incarceration • Min. \$1000 fine

Georgia	1 st	1 year	<ul style="list-style-type: none"> • 10 days to 12 months incarceration • \$300-\$1000 fine • Min. 40 hours community service
	2 nd	3 years	<ul style="list-style-type: none"> • 90 days to 12 months incarceration • \$600-\$1000 • Min. 30 days community service
	3 rd and up	5 years	<ul style="list-style-type: none"> • 120 days to 12 months incarceration • \$1000-\$5000 • Min. 30 days community service
Hawaii	1 st	90 days	<ul style="list-style-type: none"> • 48 hours to 5 days incarceration • \$150-\$1000 fine • OR 72 hours community service
	2 nd	1 year	<ul style="list-style-type: none"> • 5 to 14 days incarceration • \$500-\$1500 fine • OR 240 hours community service
	3 rd	1 to 5 years	<ul style="list-style-type: none"> • 10 to 30 days incarceration • \$500-\$2500
	4 th and up	1 to 5 years	<ul style="list-style-type: none"> • 10 days to 5 years incarceration
Idaho	1 st	30 days	<ul style="list-style-type: none"> • Max. 6 months incarceration • Max. \$1000
	2 nd	1 year	<ul style="list-style-type: none"> • 10 days to 1 year incarceration • Max. \$2000 fine
	3 rd and up	1 to 5 years	<ul style="list-style-type: none"> • 30 days to 5 years incarceration • Max. \$5000 fine
Illinois	1 st	1 year	<ul style="list-style-type: none"> • Max. 1 year incarceration • Max. \$2500

	2 nd	5 years	<ul style="list-style-type: none"> • 5 days to 1 year incarceration OR Min. 240 hours community service • Max. \$2500
	3 rd	10 years	<ul style="list-style-type: none"> • 10 days to 1 year incarceration OR Min. 480 hours community service • Max. \$25,000
	4 th and up	Permanent	<ul style="list-style-type: none"> • 10 days to 1 year incarceration OR Min. 480 hours community service • Max. \$25,000
Indiana	1 st	90 days to 2 years	<ul style="list-style-type: none"> • Max. 60 days incarceration • Max. \$500 fine
	2 nd	1 to 2 years	<ul style="list-style-type: none"> • 6 months to 3 years incarceration • Max. \$10,000 fine
	3 rd and up	1 to 2 years	<ul style="list-style-type: none"> • 3 to 8 years incarceration • Max. \$10,000 fine
Iowa	1 st	180 days	<ul style="list-style-type: none"> • Min. 2 days incarceration • \$500-\$1000 fine
	2 nd	1 year	<ul style="list-style-type: none"> • Min. 7 days incarceration • \$1500-\$5000 fine
	3 rd and up	6 years	<ul style="list-style-type: none"> • 30 days to 5 years incarceration • \$2500-\$7500 fine
Kansas	1 st	30 days	<ul style="list-style-type: none"> • 2 days to 6 months incarceration • \$500-\$1000 fine • Up to 100 hours community service
	2 nd	1 year	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$1000-\$1500 fine
	3 rd	1 year	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$1500-\$2500 fine
	4 th	1 year	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$1500-\$2500 fine

	5 th and up	Permanent	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$1500-\$2500 fine
Kentucky	1 st	30-120 days	<ul style="list-style-type: none"> • 2 to 30 days incarceration OR community labor • \$200-\$500 fine
	2 nd	12-18 months	<ul style="list-style-type: none"> • 7 days to 6 months incarceration • \$350-\$500 fine • 10 days to 6 months community labor
	3 rd	2-3 years	<ul style="list-style-type: none"> • 30 days to 12 months incarceration • \$500-1000 fine • 10 days to 1 year community labor
	4 th and up	5 years	<ul style="list-style-type: none"> • 1 to 5 years incarceration • \$1000-\$10,000 fine
Louisiana	1 st	90 days	<ul style="list-style-type: none"> • 10 days to 6 months incarceration • \$300-\$1000 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 30 days to 6 months incarceration • \$750-\$1000 fine
	3 rd	2 years	<ul style="list-style-type: none"> • 1 year to 5 years incarceration • \$2000 fine
	4 th and up	2 years	<ul style="list-style-type: none"> • 10 years to 30 years incarceration • \$5000 fine
Maine	1 st	90 days	<ul style="list-style-type: none"> • Min. \$400 fine
	2 nd	18 months	<ul style="list-style-type: none"> • Min. 7 days incarceration • Min. \$600 fine
	3 rd	4 years	<ul style="list-style-type: none"> • Min. 30 days incarceration • Min. \$1000 fine
	4 th and up	6 months	<ul style="list-style-type: none"> • Min. 6 months incarceration • Min. \$2000 fine
Maryland	1 st	60 days	<ul style="list-style-type: none"> • Max. 1 year incarceration • Max. \$1000 fine
	2 nd	120 days	<ul style="list-style-type: none"> • Max. 2 years incarceration • Max. \$2000 fine

	3 rd	120 days	<ul style="list-style-type: none"> • Min. 3 years incarceration • Min. \$3000 fine
Massachusetts	1 st	1 year	<ul style="list-style-type: none"> • Max. 2.5 years incarceration • \$500-\$5000 fine
	2 nd	2 years	<ul style="list-style-type: none"> • 60 days to 2.5 years incarceration • \$600-\$10,000 fine
	3 rd	8 years	<ul style="list-style-type: none"> • 2.5 years to 5 years incarceration • \$1000-\$15,000 fine
	4 th	10 years	<ul style="list-style-type: none"> • 2.5 years to 5 years incarceration • \$1000-\$25,000 fine
	5 th and up	Permanent	<ul style="list-style-type: none"> • 2.5 years to 5 years incarceration • \$2000-\$50,000 fine
Michigan	1 st	6 months	<p>Any of following:</p> <ul style="list-style-type: none"> • Max. 93 days incarceration • \$100-\$500 fine • Max. 360 hours community service
	2 nd	1 year	<ul style="list-style-type: none"> • 5 days to 1 year incarceration OR 30 days to 90 days community service • \$200-\$1000 fine
	3 rd and up	1 year	<ul style="list-style-type: none"> • 1 year to 5 years incarceration OR 30 days to 1 year incarceration and 60 to 180 days community service • \$500-\$5000 fine
Minnesota	1 st	30 days	<ul style="list-style-type: none"> • Max. 90 days incarceration • Max. \$1000 fine
	2 nd	1 year	<ul style="list-style-type: none"> • Min. 1 year incarceration, w/ 8 hours community service each day less than 30 • Max. \$3000 fine

	3 rd	1 year	<ul style="list-style-type: none"> • Min. 1 year incarceration, at least 30 served or intense supervision • Max. \$3000 fine
	4 th and up	2 years	<ul style="list-style-type: none"> • Min. 3 years incarceration • Max. \$14,000 fine
Mississippi	1 st	90 days	<ul style="list-style-type: none"> • Max. 2 days incarceration • \$250-\$1000 fine
	2 nd	2 years	<ul style="list-style-type: none"> • 5 days to 1 year jail • \$600-\$1500 fine • 10 days to 1 year community service
	3 rd and up	5 years	<ul style="list-style-type: none"> • 1 to 5 years incarceration • \$2000-\$5000 fine
Missouri	1 st	30 days, plus 60 restricted	<ul style="list-style-type: none"> • 30 days to 6 months incarceration • Max. \$500 fine
	2 nd	1 year	<ul style="list-style-type: none"> • Min. 6 months incarceration • Max. \$1000 fine
	3 rd	1 year	<ul style="list-style-type: none"> • Max. 10 years incarceration • Max. \$5000 fine
	4 th	1 year	<ul style="list-style-type: none"> • Max. 10 years incarceration
	5 th and up	1 year	<ul style="list-style-type: none"> • 10 years to 20 years incarceration
Montana	1 st	6 months	<ul style="list-style-type: none"> • Max. 10 days incarceration • \$300-\$1000 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 5 days to 30 days incarceration • \$600-\$1000 fine
	3 rd	1 year	<ul style="list-style-type: none"> • 10 days to 6 months incarceration • \$1000-\$5000 fine
	4 th and up	1 year	<ul style="list-style-type: none"> • 13 months incarceration • \$1000-\$10,000 fine
Nebraska	1 st	6 months	<ul style="list-style-type: none"> • 7 days to 60 days incarceration • \$400-\$500 fine

	2 nd	1 year	<ul style="list-style-type: none"> • 30 days to 90 days incarceration • \$500 fine
	3 rd	15 years	<ul style="list-style-type: none"> • 3 months to 1 year incarceration • \$600 fine
	4 th and up	15 years	<ul style="list-style-type: none"> • Max. 5 years incarceration • Max. \$10,000 fine
Nevada	1 st	90 days	<ul style="list-style-type: none"> • 2 days to 6 months incarceration OR 24 to 36 hours community service • \$400-\$1000 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 10 days to 6 months incarceration • \$750-\$1000 fine • 100-200 hours community service
	3 rd and up	3 years	<ul style="list-style-type: none"> • 1 year to 6 years incarceration • \$2000-\$5000 fine
New Hampshire	1 st	9 months to 2 years	<ul style="list-style-type: none"> • Min. \$500 fine
	2 nd	3 years	<ul style="list-style-type: none"> • 3 days incarceration, 7 days DWI offender center • \$500 fine
	3 rd	Min. 5 years	<ul style="list-style-type: none"> • 30 days incarceration, 28 day treatment program • \$500 fine
	4 th and up	Min. 7 years	<ul style="list-style-type: none"> • 30 days incarceration, 28 day treatment program • \$500 fine
New Jersey	1 st	6 months	<ul style="list-style-type: none"> • Max. 30 days incarceration • \$250-\$400 fine
	2 nd	2 years	<ul style="list-style-type: none"> • 2 days to 90 days incarceration • \$500-\$1000 fine • 30 days community service
	3 rd and up	10 years	<ul style="list-style-type: none"> • Min. 180 days incarceration • Min. \$1000 fine

New Mexico	1 st	1 year	<ul style="list-style-type: none"> • Max. 90 days incarceration • Max. \$500 fine • 24-48 hours community service
	2 nd	2 years	<ul style="list-style-type: none"> • 4 days to 364 days incarceration • Max. \$500 fine • 48 hours community service
	3 rd	3 years	<ul style="list-style-type: none"> • 30 days to 364 days incarceration • Max. \$750 fine • 96 hours community service
	4 th	Permanent	<ul style="list-style-type: none"> • 18 months incarceration
	5 th	Permanent	<ul style="list-style-type: none"> • 2 years incarceration
	6 th	Permanent	<ul style="list-style-type: none"> • 30 months incarceration
	7 th and up	Permanent	<ul style="list-style-type: none"> • 3 years incarceration
New York	1 st	90 days	<ul style="list-style-type: none"> • Max. 15 days incarceration • \$300-\$500 fine
	2 nd	6 months	<ul style="list-style-type: none"> • Max. 30 days incarceration • \$500-\$750 fine
	3 rd and up	6 months	<ul style="list-style-type: none"> • Max. 180 days incarceration • \$750-\$1500 fine
North Carolina	1 st	30 days	<ul style="list-style-type: none"> • 1 day OR 24 hour community service OR not drive for 30 days... to 6 months incarceration • \$200-\$1000 fine
	2 nd	2 years	<ul style="list-style-type: none"> • 7 days to 12 months incarceration • \$2000 fine
	3 rd	5 years	<ul style="list-style-type: none"> • 30 days to 24 months • \$4000 fine
	4 th and up	Permanent	<ul style="list-style-type: none"> • Min. 12 months incarceration
North Dakota	1 st	91 days	<ul style="list-style-type: none"> • Min. \$250 fine

	2 nd	1 year	<ul style="list-style-type: none"> • Min. 5 days incarceration OR 30 days community service • Min. \$500 fine
	3 rd	3 years	<ul style="list-style-type: none"> • Min. 60 days incarceration • \$1000 fine
	4 th and up	3 years	<ul style="list-style-type: none"> • Min. 180 days incarceration • \$1000 fine
Ohio	1 st	6 months to 3 years	<ul style="list-style-type: none"> • Min. 3 days incarceration • \$250-\$1000 fine
	2 nd	1 year to 5 years	<ul style="list-style-type: none"> • Min. 10 days incarceration • \$350-\$1000 fine
	3 rd	2 years to 10 years	<ul style="list-style-type: none"> • 30 days to 1 year incarceration • \$550-\$2500 fine
	4 th and up	3 years to permanent	<ul style="list-style-type: none"> • 60 days to 1 year incarceration • \$800-\$10,000 fine
Oklahoma	1 st	180 days	<ul style="list-style-type: none"> • 10 days to 1 year incarceration • Max. \$1000 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 1 year to 5 years incarceration • Max. \$2500 fine
	3 rd	3 years	<ul style="list-style-type: none"> • 1 year to 7 years incarceration • Max. \$5000 fine
	4 th and up	3 years	<ul style="list-style-type: none"> • 1 year to 10 years incarceration • Max. \$5000 fine
Oregon	1 st	1 year	<ul style="list-style-type: none"> • Max. 1 year incarceration • Min. \$1000 fine
	2 nd	3 years	<ul style="list-style-type: none"> • Max. 1 year incarceration • Min. \$1500 fine
	3 rd	permanent	<ul style="list-style-type: none"> • Max. 1 year incarceration • Min. \$2000 fine
	4 th and up	permanent	<ul style="list-style-type: none"> • Max. 5 years incarceration
Pennsylvania	1 st	1 year	<ul style="list-style-type: none"> • Min. 2 days incarceration • Min. \$300 fine

	2 nd	1 year	<ul style="list-style-type: none"> • Min. 30 days incarceration • Min. \$300 fine
	3 rd	5 years	<ul style="list-style-type: none"> • Min. 90 days incarceration • Min. \$300 fine
	4 th and up	5 years	<ul style="list-style-type: none"> • Min. 1 year incarceration • Min. \$300 fine
Rhode Island	1 st	30 to 180 days	<ul style="list-style-type: none"> • Max. 1 year incarceration • \$100-\$300 fine • 10-60 hours community service
	2 nd	1 to 2 years	<ul style="list-style-type: none"> • 10 days to 1 year incarceration • \$400 fine
	3 rd and up	2 to 3 years	<ul style="list-style-type: none"> • 1 year to 3 years incarceration • \$400 fine
South Carolina	1 st	6 months	<ul style="list-style-type: none"> • 2 days to 30 days incarceration OR 48 hours community service • \$400 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 5 days to 1 year incarceration OR 30 days community service • \$2100-\$5100 fine
	3 rd	2 years	<ul style="list-style-type: none"> • 60 days to 3 years incarceration • \$3800-\$6300 fine
	4 th	Permanent	<ul style="list-style-type: none"> • 1 year to 5 years incarceration
South Dakota	1 st	30 days to 1 year	<ul style="list-style-type: none"> • Max. 1 year incarceration OR • \$1000 fine
	2 nd	Min. 1 year	<ul style="list-style-type: none"> • Max. 1 year incarceration • \$1000 fine
	3 rd	Min. 1 year	<ul style="list-style-type: none"> • Max. 2 years incarceration • \$2000 fine
	4 th and up	Min. 2 years	<ul style="list-style-type: none"> • Max. 5 years incarceration • \$5000 fine

Tennessee	1 st	1 year	<ul style="list-style-type: none"> • 2 days to 11 months, 29 days incarceration OR 200 hours community service • \$350-\$1500 fine
	2 nd	2 years	<ul style="list-style-type: none"> • 45 days to 11 months, 20 days incarceration • \$600-\$3500 fine
	3 rd	3 to 10 years	<ul style="list-style-type: none"> • 120 days to 11 months, 29 days incarceration • \$1100-\$10,000 fine
	4 th and up	5 years	<ul style="list-style-type: none"> • Min. 150 days incarceration • \$3000-\$15,000 fine
Texas	1 st	90 days to 1 year	<ul style="list-style-type: none"> • 3 days to 180 days incarceration • \$2000 fine
	2 nd	90 days to 1 year	<ul style="list-style-type: none"> • 15 days to 1 year incarceration • \$4000 fine
	3 rd and up	180 days to 2 years	<ul style="list-style-type: none"> • 2 to 10 years incarceration • Max. \$10,000 fine
Utah	1 st	90 days	<ul style="list-style-type: none"> • Min. 48 hours incarceration OR 24 hours community service • Min. \$750 fine
	2 nd	1 year	<ul style="list-style-type: none"> • Min. 240 hours incarceration OR 240 hours community service • Min. \$800 fine
	3 rd and up	1 year	<ul style="list-style-type: none"> • Min. 1500 hours incarceration • Min. \$1500 fine
Vermont	1 st	90 days	<ul style="list-style-type: none"> • Max. 2 years incarceration • Max. \$750 fine
	2 nd	18 months	<ul style="list-style-type: none"> • 2 days to 2 years incarceration • Max. \$1500 fine • Max. 200 hours community service

	3 rd and up	permanent	<ul style="list-style-type: none"> • Max. 5 years incarceration • Max. \$3500 fine • Max. 400 hours community service
Virginia	1 st	1 year	<ul style="list-style-type: none"> • Min. \$250 fine
	2 nd	3 years	<ul style="list-style-type: none"> • 20 days to 1 year incarceration • Min. \$500 fine
	3 rd	Permanent	<ul style="list-style-type: none"> • Min. 90 days incarceration • Min. \$1000 fine
	4 th and up	Permanent	<ul style="list-style-type: none"> • Min. 1 year incarceration • Min. \$1000 fine
Washington	1 st	90 days	<ul style="list-style-type: none"> • 24 hours to 1 year incarceration • \$350-\$5000 fine
	2 nd	2 years	<ul style="list-style-type: none"> • 30 days to 1 year incarceration • \$500-\$5000 fine
	3 rd and up	3 years	<ul style="list-style-type: none"> • 90 days to 1 year incarceration • \$1000-\$5000 fine
West Virginia	1 st	Min. 6 months	<ul style="list-style-type: none"> • 1 day to 6 months incarceration • \$100-\$500 fine
	2 nd	10 years	<ul style="list-style-type: none"> • 6 months to 1 year incarceration • \$1000-\$3000 fine
	3 rd and up	Permanent	<ul style="list-style-type: none"> • 1 year to 3 years incarceration • \$3000-\$5000 fine
Wisconsin	1 st	6 to 9 months	<ul style="list-style-type: none"> • \$150-\$300 fine
	2 nd	1 year to 18 months	<ul style="list-style-type: none"> • 5 days to 6 months incarceration • \$350-\$1100 fine
	3 rd	2 to 3 years	<ul style="list-style-type: none"> • 30 days to 1 year incarceration • \$600-\$2000 fine
	4 th	2 to 3 years	<ul style="list-style-type: none"> • 60 days to 1 year incarceration • \$600-\$2000 fine

	5 th and up	2 to 3 years	<ul style="list-style-type: none"> • 6 months to 5 years incarceration • \$600-\$2000 fine
Wyoming	1 st	90 days	<ul style="list-style-type: none"> • Max. 6 months incarceration OR • Max. \$750 fine
	2 nd	1 year	<ul style="list-style-type: none"> • 7 days to 6 months incarceration • \$200-\$750 fine
	3 rd and up	3 years	<ul style="list-style-type: none"> • 1 month to 6 months incarceration • \$750-\$3000 fine