

The Four Degrees of DWI Laws in Minnesota

In the state of Minnesota, there are [four degrees of DWI offenses](#): a first-degree DWI (considered as a felony), a second-degree DWI (considered as a gross misdemeanor), a third-degree DWI (also considered as a gross misdemeanor), and a fourth-degree DWI (considered as a misdemeanor).

These offenses differ in terms of several factors, including mandatory bail and conditions of release, mandatory minimum sentences, and even civil penalties with specific degrees.

Can a fourth-degree DWI turn into a higher-degree DWI? The answer is yes, although this depends on aggravating factors, such as:

- Having a BAC of .20 or more at the time of the current offense, or within a time frame of two hours from the offense
- A previous impaired driving incident within 10 years from the current offense
- Traveling in the vehicle with a child below 16 years of age at the time of the offense, if the child is younger than the offender by 36 months or more

Any of the abovementioned factors can cause a Minnesota driver to go from a fourth-degree DWI to a more serious DWI offense.

Drivers should take note that the refusal to undergo chemical testing of breath, blood or urine may function in the same manner as an above mentioned aggravating factor. If an individual is charged as a first time DWI but refuses chemical testing, then he or she may be charged as a third degree DWI Refusal.

For a Minnesota driver to be convicted of a [first-degree DWI](#), however, the driver must have three previous DWI convictions or three previous DWI-related license revocations within a 10-year period from the current DWI charge. This is, of course, unless the driver has a prior felony criminal vehicular homicide conviction, or a prior felony DWI conviction.

To learn more about alcohol related traffic offense in Minnesota, contact <http://www.kanslaw.com>.