

Minnesota Sentencing Guidelines Commission

Technical Modification: Appendix 2 – Dangerous Weapons Offense Reference Table June 8, 2016

Issue: Appendix 2, a table in the back of the Guidelines, describes the minimum durations for dangerous weapons offenses in Minn. Stat. § [609.11](#). The table incorrectly lists the condition that must be met for the mandatory minimum to apply to a subsequent firearm offense. In addition, the table appears to limit the application of the statute, in most cases, to offenses that have a weapon as an element of the crime. *See* Minn. Stat. § 609.11, subd. 7 (permitting fact finder to determine the question of weapons use or possession as a separate question from that of guilt).

Guidelines Considerations: The appendices in the back of the Guidelines are often used by practitioners and are intended to be quick and convenient references; they are not exhaustive.

Staff Recommendation: Make the technical corrections and add hyperlinks to the statute references, as outlined below.

Appendix 2. Dangerous Weapons Offense Reference Table

This table is for convenience when applying mandatory sentences (section 2.E) and presumptive sentences (section 2.C). It is not exhaustive.

- Presumptive disposition. Commitment.
- Presumptive duration. Mandatory minimum or the duration in the appropriate cell on the applicable Grid, whichever is longer.
- Attempts and Conspiracies. Mandatory sentences generally apply to attempted offenses under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175. Mandatory minimums are not divided in half. The presumptive duration is the mandatory minimum duration found in statute or one-half of the duration in the appropriate cell of the

applicable Grid, whichever is longer. (See section 2.G for more information on convictions for attempts, conspiracies and offenses with other sentence modifiers.)

Dangerous Weapons – Minn. Stat. § 609.11			
Statute	Offense	Prerequisite or Conditions	Minimum Duration
609.11, subd. 4	Dangerous Weapon (Other than Firearm)	Weapon is an element of crime <u>or otherwise established</u>	1 Year and 1 Day
609.11, subd. 4	Dangerous Weapon (Other than Firearm) – Subsequent e Offense	Current dangerous weapon (<u>other than firearm</u>) offense (other than firearm) with prior dangerous weapon (<u>other than firearm</u>) offense Weapon is an element of crime <u>or otherwise established</u>	36 Months
609.11, subd. 5(a)	Firearm	Weapon Firearm is an element of crime <u>or otherwise established</u>	36 Months
609.11, subd. 5(a)	Firearm – Subsequent Offense	Current firearm offense with prior firearm or dangerous weapon offense Weapon Firearm is an element of crime <u>or otherwise established</u>	60 Months
609.11, subd. 5(b)	Certain Persons not to have Firearms or Ammunition	Current conviction under Minn. Stat. § 609.165 or Minn. Stat. § 624.713 subd. 1(2)	60 Months