

MINNESOTA SENTENCING GUIDELINES COMMISSION

I. ADOPTED MODIFICATIONS EFFECTIVE AUGUST 1, 1990

Adopted Modifications to Section II. G. Convictions for Attempts or Conspiracies:

G. **Convictions for Attempts or Conspiracies:** For persons convicted of attempted offenses or conspiracies to commit an offense, the presumptive sentence is determined by locating the Sentencing Guidelines Grid cell defined by the offender's criminal history score and the severity level of the completed offense, and dividing the duration contained therein by two, but such sentence shall not be less than one year and one day except that for Conspiracy to Commit a Controlled Substance offense as per Minn. Stat. § 152.096, . . .

Adopted Modifications to Section V. Offense Severity Reference Table:

- VIII [Importing Controlled Substances Across State Borders - 152.0261
- VII [Criminal Vehicular Homicide and Injury - 609.21, subd. 1 (1) & (2) and subd. 3 (1) & (2)
[Malicious Punishment of Child (great bodily harm) - 609.377
- VI [Controlled Substance Crime in the Third Degree - 152.023, subd. 1 and subd. 2 (3), (4), & (5), & (6)
[Criminal Vehicular Operation Homicide and Injury - 609.21, subd. 1 (3) & (4) and subd. 3 (3) & (4)
- V [Criminal Vehicular Operation Homicide and Injury - 609.21, subd. 2 & 4
- IV [Assault 3 - 609.233, subd. 1
[Malicious Punishment of Child (substantial bodily harm) - 609.377
- III [Criminal Vehicular Homicide and Injury - 609.21, subd. 2a
- II [Firearm Silencer - 609.66, subd. 1a (1)
[Telecommunications Fraud - 609.893, subd. 2

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Assault 3 - 609.223, subd. 2

Bullet-Resistant Vest During Commission of Crime - 609.486

Discharge of Firearm - 609.66, subd. 1a (3)

Furnishing Firearm to Minor - 609.66, subd. 1a (2)

Adopted Modifications to the Theft Related Offense List:

Theft Related Offense List

~~Fraudulent Long Distance Telephone Calls~~

~~609.785~~

Telecommunications and Information Services Fraud

609.893, subd. 1

Adopted Modifications to Commentary Regarding Consecutive Sentences for Escape Convictions:

II.F.02. . . . Under this method, if the most severe current offense is sentenced first, the resulting aggregated sentence lengths would be the same as if one judge had sentenced the offenses consecutively.

It is permissible for a sentence for an escape conviction to be consecutive to any other current sentence and any prior sentence regardless of whether the other sentences are for crimes against the person. If the sentencing judge determines that the sentence for an escape conviction is to be consecutive with sentences for other current felony convictions, the escape conviction should be sentenced last with the presumptive duration found at the zero criminal history column and the appropriate severity level.

II. ADOPTED MODIFICATIONS EFFECTIVE AUGUST 1, 1991 BARRING LEGISLATIVE ACTION TO THE CONTRARY

Adopted Modifications to the Misdemeanor and Gross Misdemeanor Offense List:

Misdemeanor and Gross Misdemeanor Offense List

Contraband Articles Forbidden (Jail/Lock-up/Correctional Facility)

641.165

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Controlled Substance Offenses Occurring on or after August 1, 1989

The 1989 legislature established a new structure and new definitions for controlled substance offenses. One of the major changes in the drug laws is to equate certain drug possession offenses at the same degree as certain drug sale offenses. The drug law creates five separate degrees of drug crimes with greater statutory maximums than currently exist. The penalty section of the drug law is no longer referenced in a separate statutory citing from the definition sections.

In order for the Commission to accurately monitor these drug offenses, complete information about the offense is needed. It continues to be important to list the name and amount of the drug that was sold or possessed in the offense title section of the worksheet.

For criminal history purposes, prior drug offenses should be assigned a weight based on how the prior offense would currently be ranked. The amount and type of the controlled substance should, therefore be considered in the determination of the appropriate weight to be assigned. In those instances where multiple severity levels are possible for a prior felony sentence but the information on the criteria that determines the severity level ranking is unavailable, the lowest possible severity level should be used.

Below is a summary of the offenses included in each degree.

SEV. LEVEL WEIGHT

CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE: (MN. Stat. § 152.021)

- | | | |
|---|---|---|
| 8 | 2 | <u>Sale: Aggregated Over 90 Day Period (subd. 1)</u>
(1) 10 or more grams Crack
(2) 50 or more grams Cocaine/Narcotic
(3) 50 grams or 200 or more dosage units PCP/Hallucinogen/Methamphetamine
(4) 100 kilograms or more Marijuana |
| 8 | 2 | <u>Possession (subd. 2)</u>
(1) 25 or more grams Crack
(2) 500 or more grams Cocaine/Narcotic
(3) 500 grams or 500 or more dosage units PCP/Hallucinogen/Methamphetamine
(4) 100 kilograms or more Marijuana |

CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE: (MN. Stat. § 152.022)

- | | | |
|---|-----|--|
| 7 | 1.5 | <u>Sale: Aggregated Over 90 Day Period (subd. 1)</u>
(1) 3 or more grams Crack
(2) 10 or more grams Cocaine/Narcotic
(3) 10 grams or 50 or more dosage units PCP/Hallucinogen/Methamphetamine
(4) 50 kilograms or more Marijuana
(5)(i) Crack/Cocaine/Narcotic to minor
(5)(ii) Sch. I & II Narcotics in School or Park Zone |
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