

Decision Points – Discussion Guide for July 2, 2026 meeting

Instructions for Task Force Members - This document contains decision points developed from prior Task Force and committee discussions, including June 12, 2026 meeting (summarized below). It is a supplement to the shared PowerPoint and is intended to support structured review and discussion at the upcoming meeting. This document is organized into sections based on Minnesota Statutes § 609.11 (weapon enhancements), Chapter 152 (controlled substances), and Minnesota Statutes § 243.166 (predatory offender registration).

The questions are designed to enable the Task Force to recommend how Minnesota should structure mandatory minimum sentences for weapon offenses, drug offenses, and registration violations, and how much discretion should remain with courts, prosecutors, and the Sentencing Guidelines Commission.

Task Force Members are asked to:

- Review all background materials and decision points in advance of the meeting.
- Consider whether each decision point clearly reflects prior Task Force discussion and intent.
- Identify any areas where additional information, data, or clarification is needed before a decision can be made.
- Note questions, concerns, or suggested revisions for discussion during the meeting.
- Be prepared to help prioritize which decision points require further refinement versus which are ready for action.

Important Note - Some areas may involve complex legal or sentencing policy interactions. If any decision point lacks sufficient context, data, or clarity, members should flag it explicitly so it can be addressed prior to or during deliberation.

Decision Point 1-5 Summary from discussion June 12, 2026

The table below summarizes the discussion detailed on pages 3-5.

Decision Point	Vote Summary	Outcome
DP 1-1 New Dangerous Weapon Framework	Option A: 5 votes; Options B and C: 0	Strong consensus to create a new framework.
DP 1-2 Use of Sentencing Guidelines	Option A: 7 votes; Options B and C: 0	Unanimous support for using the Guidelines as the basis.
DP 1-3 Weapon-Involvement Tiers	No formal vote	Conceptual agreement, but tier structure remains unresolved.
DP 1-4 Accomplice Liability	No final vote; Option B emerged as leading approach	Knowledge-based/hybrid approach favored; final decision deferred.
DP 1-5 Additional Punishment by Severity Tier	No final votes except strong informal agreement at Tier 3	Tier 3 consensus reached; higher tiers require further discussion.

DP 1-1: Purpose of a New Dangerous Weapon Penalty Framework

Vote Summary

- Option A ("Yes – we need a new framework"): 5 votes
- Option B ("Yes – but § 609.11 accomplishes this"): 0 votes
- Option C ("No"): 0 votes

Discussion Summary - Members unanimously supported creating a new framework that better aligns punishment with offense severity, criminal history, and the seriousness of weapon involvement. There was no support for retaining the current statute as-is or for abandoning a special penalty framework altogether.

Outcome: Strong consensus to develop a new dangerous weapon sentencing framework.

DP 1-2: Incorporating Sentencing Guidelines

Vote Summary

- Option A ("Use Sentencing Guidelines as the foundation"): 7 votes
- Options B and C: 0 votes

Discussion Summary - Members agreed that the Sentencing Guidelines already account for criminal history and offense severity and should serve as the foundation for any new framework. There was no support for creating an entirely separate system or ignoring these factors.

Outcome: Unanimous support for building on the Sentencing Guidelines.

DP 1-3: Ranking Weapon-Involvement Conduct

Vote Summary

- No formal vote taken.

Discussion Summary - Members agreed conceptually that weapon involvement should be ranked from least to most serious, progressing from possession to use to discharge. However, no consensus emerged on:

- The number of tiers

- The level of detail within tiers
- Definitions for certain categories (e.g., off-person possession)
- Whether some conduct should be grouped or separated

There were also concerns about complexity and the potential for increased litigation.

Outcome: Agreement on the overall concept, but additional refinement is needed before assigning penalties.

DP 1-4: Accomplice Liability

Vote Summary

- No final vote taken.
- Option B emerged as the leading direction.

Discussion Summary - The discussion moved away from automatic equal punishment for accomplices (Option A). Most members favored a knowledge-based approach in which accomplices would receive similar punishment only if they knew in advance that a firearm would be involved.

Important themes included:

- Preserving judicial discretion
- Avoiding hard mandatory minimums
- Accounting for differing levels of culpability
- Allowing flexibility for cases involving lack of knowledge or surprise

Options C and D received little support.

Outcome: Preference for a knowledge-based or hybrid approach with judicial discretion; final decision deferred.

DP 1-5: Additional Punishment by Severity Tier

Vote Summary

- No final votes for most tiers.
- Strong informal consensus at Tier 3.

Discussion Summary

Tier 0–2

- Little discussion.
- General leaning toward no additional punishment or minimal enhancement.

Tier 3

- Strongest point of agreement.
- Consensus around:
 - +12-month durational enhancement
 - Based on Sentencing Guidelines
 - No mandatory prison sentence

Tier 4

- Agreement that penalties should exceed Tier 3.
- Many members favored a +24-month enhancement.
- Mandatory prison remained unresolved.
- Support depended on narrowing the definition of "crime of violence."

Tier 5

- Universal agreement that this represents the most serious conduct.
- No agreement on non-waivable mandatory prison.
- Members emphasized:
 - Preserving judicial discretion
 - Considering waiver provisions
 - Limiting mandatory penalties to repeat conduct or narrower offense categories

Outcome: Tier 3 reached clear consensus. Tiers 4 and 5 require additional discussion regarding disposition, waiverability, and offense definitions.

Continued discussion for July 2, 2026

Decision Point 1-5 (revised from June discussion points document): How should additional punishment be structured across escalating levels of weapon involvement under the Sentencing Guidelines framework?

Tier	Conduct	Duration Increase	Prison Requirement
0	Firearm off-person	None	Guidelines only
1	Weapon on person	None or +6 mos	No mandatory prison
2	Prohibited possession	None or +12 mos	No mandatory prison
3	Firearm used	+12 mos	Optional waivable mandatory prison
4	Prohibited firearm use	+24 mos	Optional waivable mandatory prison
5	Discharge/repeat offense	Same as Tier 3 and 4	Optional OR nonwaivable mandatory prison

Decision Point 1–6: Should we structure the penalties to avoid double-counting the same punishment factor? (E.g., an added penalty for disqualified use or possession of a firearm, due to a prior crime of violence, while committing a designated crime does not apply if the designated crime is possession of a firearm or ammunition after a crime of violence)

- a) Yes, double counting is unfair
- b) No

Decision Point 1–7: Should post-crime firearm use or discharge factor into the punishment?

- a) Yes, firearm use or discharge while immediately fleeing from the crime should be punished the same as use or discharge while committing the crime
- b) No, the penalty framework should only look at firearm use or discharge while the crime is going on
- c) Other:

Decision Point 1–8: Should we trust the Sentencing Guidelines Commission to convert the increased statutory maximum penalty into a durational increase?

- a) Yes, the Commission will be able to fashion an appropriate durational increase.
- b) No, the Legislature should clearly direct the Commission on the minimum acceptable durational increase.

BACKGROUND: MINNESOTA'S CONTROLLED-SUBSTANCES CHAPTER 152 DEFINES DRUG OFFENSES, ESTABLISHES PENALTIES, AND INCLUDES MANDATORY MINIMUM SENTENCES FOR CERTAIN DRUG CRIMES.

Decision Point 1–9: Should the designated crime list (now in § 609.11, subd. 9) exclude nonviolent drug offenses?

Option	Description
a) Yes	Exclude all Chapter 152 offenses.
b) Yes	Include only firearm-related drug offenses.
c) Yes	Include only 1st- and 2nd-degree drug crimes, felony drug sales, importation, and possession of substances with intent to manufacture methamphetamine (loosely based on § 152.18).
d) Yes	Include only drug offenses with a statutory maximum of 15+ years, plus exposing a child or vulnerable adult to methamphetamine or related chemicals and exposing a child to fentanyl (similar to § 609.1095, subd. 1 “violent crime” list).
e) Yes	Include only 1st- and 2nd-degree drug crimes; importation; possession of substances with intent to manufacture methamphetamine as a second or subsequent offense; exposing a child or vulnerable adult to methamphetamine or related chemicals; and exposing a child to fentanyl (similar to § 609.1095, subd. 3 “violent crime” list).
f) Yes	Include only _____.
g) No	No change is necessary.

Decision Point 1–10: Should the defendant be permitted to petition for waiver of the mandatory minimum?

- a) Yes – either party should be able to petition.
- b) No – only let the prosecutor petition for waiver (current rule)

Overarching Idea 2: Reform the crime of possessing a firearm or ammunition after a crime of violence

BACKGROUND: CRIME OF VIOLENCE (§ 624.712, SUBD. 5): A STATUTORY CLASSIFICATION USED IN MINNESOTA FIREARM LAWS TO DETERMINE WHO IS PROHIBITED FROM POSSESSING FIREARMS AND WHEN CERTAIN FIREARM-RELATED MANDATORY MINIMUM PENALTIES MAY APPLY. A **crime of violence** is a **felony conviction** for certain specified offenses, including:

- Murder and manslaughter
- Assault offenses
- Domestic assault by strangulation
- Robbery and aggravated robbery
- Carjacking
- Kidnapping and false imprisonment
- Criminal sexual conduct offenses
- Certain child abuse and neglect offenses
- First- and second-degree burglary
- First- and second-degree arson
- Drive-by shooting
- Terroristic threats
- Harassment
- Certain firearm offenses
- Felony controlled-substance offenses under Chapter 152
- Attempts to commit any of the listed offenses

Decision Point 2–1: Should the “crime of violence” list (§ 624.712, subd. 5) exclude nonviolent drug offenses?

Option	Description
a) Yes	Exclude all Chapter 152 offenses.
b) Yes	Include only firearm-related drug offenses.
c) Yes	Include only 1st- and 2nd-degree drug crimes, felony drug sales, importation, and possession of substances with intent to manufacture methamphetamine (loosely based on § 152.18).
d) Yes	Include only drug offenses with a statutory maximum of 15+ years, plus exposing a child or vulnerable adult to methamphetamine or related chemicals and exposing a child to fentanyl (similar to § 609.1095, subd. 1 “violent crime” list).
e) Yes	Include only 1st- and 2nd-degree drug crimes; importation; possession of substances with intent to manufacture methamphetamine as a second or subsequent offense; exposing a child or vulnerable adult to methamphetamine or related chemicals; and exposing a child to fentanyl (similar to § 609.1095, subd. 3 “violent crime” list).
f) Yes	Include only _____.
g) No	No change is necessary.

Decision Point 2–2: Should there be an automatic off-ramp from the lifetime firearms & ammunition ban?

Option	Description
a) Yes	Automatic restoration ten years after restoration of civil rights with no crime-of-violence conviction (pre-2003/2005 standard).
b) Yes	Automatic restoration after ten years (for juvenile adjudications), or after restoration of civil rights and ten years with no criminal convictions or post-conviction confinement (for convictions).
c) Yes	Automatic restoration after _____
d) No	The discretionary judicial restoration process (Minn. Stat. § 609.165, subd. 1d) is adequate.

Overarching Idea 3: Reform the mandatory minimum for predatory offender registration violations

BACKGROUND: MINNESOTA STATUTES § 243.166 IS THE PREDATORY OFFENDER REGISTRATION STATUTE

This statute requires certain individuals convicted of specific serious offenses (or adjudicated delinquent in juvenile court) to 1) register with law enforcement as a predatory offender; 2) provide updated address, employment, vehicle, and other identifying information; 3) comply with long-term reporting requirements (often 10 years or more, and in some cases lifetime registration).

Decision Point 3–1: Should the mandatory minimum for first offenses be changed?

- a) Yes – abolish the year-and-a-day mandatory minimum (as recommended by the 2022 Predatory Offender Statutory Framework Working Group)
- b) No – keep the waivable year-and-a-day mandatory minimum

Decision Point 3–2: Should the mandatory minimum for second offenses be changed?

- a) Yes – reduce the mandatory minimum to a year and a day (as recommended by the 2022 Predatory Offender Statutory Framework Working Group)
- b) Yes – abolish the two-year mandatory minimum
- c) No – keep the waivable two-year mandatory minimum

Decision Point 3–3: Should the defendant be permitted to petition for waiver of the mandatory minimum?

- a) Yes – either party should be able to petition.
- b) No – only let the prosecutor petition for waiver (current rule)

Decision Point 3–4: Should Minnesota Statutes § 243.166, subd. 5 continue to require mandatory minimum prison sentences for predatory offender registration violations?

Option	Description
a) Partially reform	Eliminate the mandatory minimum for first offenses but retain a mandatory minimum for second offenses.
b) Partially reform	Retain the mandatory minimum for first offenses but reduce the mandatory minimum for second offenses to a year and a day.
c) Substantially reform	Eliminate mandatory minimums for both first and second offenses.
d) Other	
e) No change	Retain the current structure (year-and-a-day mandatory minimum for first offenses; two-year mandatory minimum for second offenses).

Decision Point 3-4 Follow-up (only if reform is supported): If a mandatory minimum should remain for second offenses, should it be:

- a) Two years (current law)?
- b) One year and a day?
- c) Another duration: _____?