

Minnesota's Mandatory Minimums for First- and Second-Degree Controlled Substance Crimes

Outside the scope: drug-related mandatory minimums under Minn. Stat.
§ 609.11

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First-Degree Controlled Substance Crime

SELL

- 17g cocaine/meth
- 10g cocaine/meth with firearm
- 10g cocaine/meth with two aggravating factors
- 10g/40DU heroin/fentanyl
- 50g other narcotic drug
- 50g/200DU amphetamine/phencyclidine/hallucinogen

POSSESS

- 50g cocaine/meth
- 25 cocaine/meth with firearm
- 25g cocaine/meth with two aggravating factors
- 25g/100DU heroin/fentanyl
- 500g other narcotic drug^S
- 500g/500DU amphetamine/phencyclidine/hallucinogen^S
- Unlawful cannabis: 50kg flower, 10kg concentrate, 1kg infusion^S

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Mandatory Minimum #1: Aggravated First-Degree Controlled Substance Crime – 3(d)

- Can be any offense on the first slide except those marked with “S”
- Ignore the amounts; all amounts must be at least 100g or 500DU
- In addition, the defendant or an accomplice must possess a firearm – or – the offense must involve two aggravating factors
- Mandatory minimum: Presumptive Guidelines duration (at least 86 months), no lower range
- Not waivable

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Mandatory Minimum #2: High-Amount First-Degree Controlled Substance Crime – 3(c)

- Can be any offense on the first slide except those marked with “S”
- Ignore the amounts; all amounts must be at least 100g or 500DU
- No firearm or aggravating-factor requirement
- Mandatory minimum: Presumptive Guidelines duration (at least 65 months), no lower range
- Not waivable for **SALE**
- Waivable for **POSSESSION**, but only if the defendant has no prior convictions for first, second, or third-degree controlled substance crime

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Mandatory Minimum #3: First-Degree as a Subsequent Controlled Substance Offense – 3(b)

- Can be any offense on the first slide—including those marked with “S”—or meth manufacturing
- Must have committed the new crime within 10 years of discharge from a prior sentence for a first- or second-degree controlled substance crime conviction
- Four-year mandatory minimum
- Not waivable

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Mandatory Minimum #4: Second-Degree as a Subsequent Controlled Substance Offense

- Can be any second-degree offense
- Must have committed the new crime within 10 years of discharge from a prior sentence for a first- or second-degree controlled substance crime conviction
- Three-year mandatory minimum
- Not waivable

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