

MEMORANDUM

To: Task Force on Mandatory Minimum Sentences
From: Nate Reitz, Member
Date: September 10, 2025
Subject: **Mandatory-Minimum Prison Sentences in Minnesota**

This memo catalogs known mandatory-minimum penalties in Minnesota Statutes. These are listed in Table 1 (p. 2). But first, some caveats. Table 1 does *not* list—

- Mandatory-minimum penalties of less than one year (*e.g.*, penalties for repeat DWI, Minn. Stat. § 169A.275; 20 or 45 days for repeat domestic assault, Minn. Stat. § 609.2243; 90 or 180 days for burglary of a dwelling, Minn. Stat. §§ 609.582, subd. 1a, & 609.583; 3 or 10 days for protective-order violations, Minn. Stat. §§ 518B.01, subd. 14, & 629.75, subd. 2(c)).
- Mandatory-minimum prison sentences that are not required to be executed (*e.g.*, three years for first-degree DWI, Minn. Stat. § 169A.276).
- Mandatory conditional-release terms (*see* Minn. Stat. §§ 169A.276, subd. 1(d), 243.166, subd. 5a, 609.2231, subd. 3a(e), 609.3455, subds. 6–8, 617.246, subd. 7, & 617.247, subd. 9).
- Mandatory consecutive sentences (*see* Minn. Stat. §§ 169A.28, subd. 1, 609.035, subd. 2(f), 609.11, subd. 5a, & 609.2232).
- Statutes that modify the Guidelines’ presumptive sentence (*e.g.*, required ranges, Minn. Stat. § 244.09, subd. 5; minimum presumptive sentences required for certain sex trafficking and criminal sexual conduct, Minn. Stat. §§ 609.322, subd. 2(c), 609.342, subd. 2(b), & 609.343, subd. 2(b)).
- Statutes whose imprisonment requirements are contingent on discretionary judicial decisions or determinations (*e.g.*, fifth DWI, Minn. Stat. § 169A.275, subd. 4; child probationer failing treatment, § 260B.201; dangerous offender’s third sequential violent crime, Minn. Stat. § 609.1095, subd. 2; sixth sequential felony, Minn. Stat. § 609.1095, subd. 4; certain engrained offenders, Minn. Stat. § 609.3455, subd. 3a).

On the other hand, Table 1 *does* list statutes that provide a process by which the sentencing judge may waive the mandatory minimum (indicated with a “yes” entry in the “Statutory Authorization to Disregard” column). If the statute does not provide such a waiver mechanism, the “ ‘district court is without authority to disregard [the] statutory mandatory-minimum sentence.’ ” *State v. Crawford*, 13 NW 2d 693, 699 (Minn. Ct. App. 2024) (*quoting State v. Rausch*, 799 N.W.2d 19, 20 (Minn. Ct. App. 2011) (syllabus by the court)). (Regarding waiver of mandatory-minimum sentences under Minn. Stat. § 609.11, see page 5.)

Table 1 also lists the number of 2023 sentences that were within the scope of each statutory mandatory-minimum sentencing provision. As Figure 1 shows, the mandatory-minimum sentencing provisions of Minn. Stat. § 609.11—which apply both to possessing a firearm or ammunition after having been convicted of a [crime of violence](#) as well as to committing [certain crimes](#) while possessing a firearm or using a [dangerous weapon](#) other than a firearm—made up almost three-quarters of the 1,893 sentences to which a statutory mandatory-minimum provision applied in 2023.

Figure 1. Number of Sentences Within the Scope of a Minnesota Mandatory-Minimum-Sentence Statute by Category, 2023.

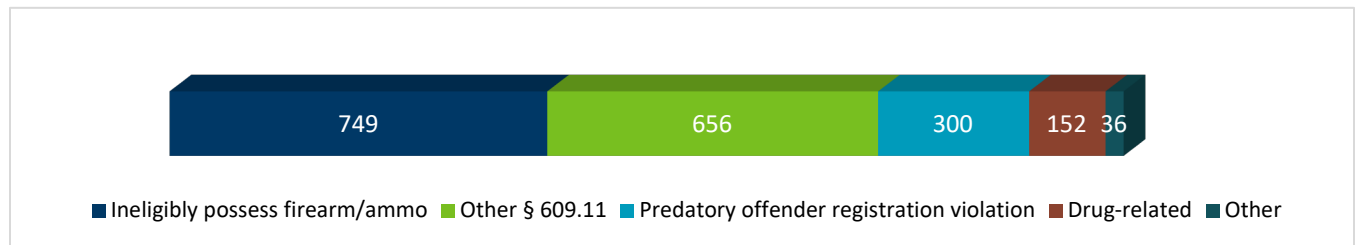


Table 1. Minnesota Statutes Requiring Minimum Sentences of Imprisonment.

Requirements	Required Executed Duration	Statutory Authorization to Disregard	Sentences in scope (2023)	Minn. Stat. section
Premeditated 1st-degree murder; ¹ 1st-degree murder of an official; 1st-degree murder with rape, ¹ kidnapping, ¹ or terrorism	Life, with no possible release ²	No	6	609.106, subd. 2(1) & (2)
Other 1st-degree murder ¹ within 15 years of discharge from previous heinous crime sentence	Life, with no possible release ²	No	–	609.106, subd. 2(3)
Certain 1st- or 2nd-degree crim. sex with two additional heinous elements , or with one additional heinous element and prior 1st- through 3rd-degree crim. sex	Life, with no possible release ²	No	–	609.3455, subd. 2
1st-degree murder ¹ not described above	Life, with possible release after 30 years ²	No	2	244.05, subd. 4(b)
Treason	Life, with possible release after 17 years ²		–	244.05, subd. 4(c)

Requirements	Required Executed Duration	Statutory Authorization to Disregard	Sentences in scope (2023)	Minn. Stat. section
Certain 1st- or 2nd-degree crim. sex with one additional heinous element	Life, with possible release after serving Sentencing Guidelines grid time ²	No	–	609.3455, subd. 3
1st- through 4th-degree crim. sex, or crim. sexual predatory conduct, with a qualifying prior record of sex offense(s) and, in some cases, aggravating circumstance(s)	Life, with possible release after serving Guidelines grid time ²	No	–	609.3455, subd. 4
2nd-degree murder within 15 years of discharge from previous heinous crime sentence	40 years ²	No	–	609.107
3rd-degree murder within 15 years of discharge from previous heinous crime sentence	25 years ²	No	–	609.107
1st-degree assault upon an official by dangerous weapon or deadly force resulting in great bodily harm	25 years ²	No	–	609.221, subd. 5(a)(3)
1st-degree assault upon an official resulting in great bodily harm	15 years	No	–	609.221, subd. 5(a)(2)
1st-degree assault upon an official by deadly force	10 years	No	6	609.221, subd. 5(a)(1)
Aggravated 1st-degree controlled substance crime (<i>i.e.</i> , committing one of the two 1st-degree offenses listed below with a firearm or with two aggravating factors)	Guidelines grid time, no lower range (at least 86 months)	No	10	152.021, subd. 3(d)
1st-degree controlled substance sale of 100+ grams or 500+ dosage units	Guidelines grid time, no lower range (at least 65 months)	No	30	152.021, subd. 3(c)

Requirements	Required Executed Duration	Statutory Authorization to Disregard	Sentences in scope (2023)	Minn. Stat. section
1st-degree controlled substance possession of 100+ grams or 500+ dosage units of cocaine, meth, heroin, or fentanyl	Guidelines grid time, no lower range (at least 65 months)	No if any prior 1st-, 2nd-, or 3rd-degree convictions; otherwise, Yes	35	152.021, subd. 3(c)
Committing a felony violent crime after two sequential convictions for prior felony violent crimes; 3rd- & 4th-degree drug crimes are excluded from “violent crime”	Guidelines grid time	No	1 ³	609.1095, subd. 3
Possessing a firearm or ammunition after having been convicted of or adjudicated delinquent for a crime of violence	5 years	See Table 2, column ①	749	609.11, subd. 5(b)
Committing a listed offense while possessing, or while an accomplice possessed, a firearm, as a second offense	5 years	See Table 2, columns ② & ③	31	609.11, subd. 5(a)
1st-degree controlled substance crime as a subsequent controlled substance conviction	4 years	No	53	152.021, subd. 3(b)
2nd-degree controlled substance crime as a subsequent controlled substance conviction	3 years	No	24	152.022, subd. 3(b)
Committing a listed offense while possessing, or while an accomplice possessed, a firearm	3 years	See Table 2, columns ② & ③	380	609.11, subd. 5(a)
Committing a listed offense while using, or while an accomplice used, a non-firearm dangerous weapon, as a second offense	3 years	See Table 2, column ④	8	609.11, subd. 4

Requirements	Required Executed Duration	Statutory Authorization to Disregard	Sentences in scope (2023)	Minn. Stat. section
1st- through 4th-degree crim. sex, or crim. sexual predatory conduct, within 15 years of a previous sex offense conviction	3 years	Yes, if required findings and conditions apply; otherwise, No	1	609.3455, subd. 10
Violating a predatory offender registration requirement as a subsequent conviction	2 years	Yes	60	243.166, subd. 5(c)
Violating a predatory offender registration requirement	1 year & 1 day	Yes	240	243.166, subd. 5(b)
Committing a listed offense while using, or while an accomplice used, a non-firearm dangerous weapon	1 year & 1 day	See Table 2, column ④	237	609.11, subd. 4
Committing a felony for the benefit of a gang	1 year & 1 day	No	–	609.229, subd. 4
Assaulting secure treatment facility personnel while committed as a sex offender	1 year & 1 day	No	–	609.2231, subd. 3a(d)
Certain assaults while confined	Executed, but the duration is not specified	No	20	609.2232(a), (b)(1), (b)(2), or (b)(3)

Except as follows, attempts and conspiracies are excluded from the offenses listed in Table 1: The terms “crime of violence,” “listed offense,” “previous sex offense conviction,” and “prior record of sex offense(s)” include attempts; a prior attempt will qualify the current offense as a “subsequent controlled substance offense conviction”; “violent crime” includes both attempts and conspiracies; and “heinous crime” includes attempted 1st- and 2nd- degree murder. Data source: 2023 MSGC sentence-monitoring data. Additional notes:

¹ Includes the analogous first-degree murder of an unborn child.

² For an offense committed by a minor, release from a life sentence is possible and a long sentence may be limited in duration; see Minn. Stat. § [244.05, subd. 4b](#).

³ MSGC does not track this information. This figure may understate the number of sentences in scope.

Waivability Under Minn. Stat. § 609.11. Due to the statute’s complexity, Table 1 does not specify whether a mandatory-minimum penalty under Minn. Stat. § 609.11 is waivable. Table 2, on page 6, sets forth the conditions under which the statute authorizes the possibility of sentencing without regard to its mandatory-minimum penalties. In Table 2, “statutory waiver process” means the court, upon a finding of

substantial and compelling reasons to do so, is statutorily authorized to sentence the defendant without regard to the mandatory-minimum sentences established by § 609.11, while “no waiver provided” means there is no such statutory authority to disregard the mandatory-minimum penalty.

Table 2. Mandatory-minimum penalties, Minn. Stat. § 609.11.

Current Offense → Prior Conviction ↓	① Possessing a firearm or ammunition after a crime of violence conviction or delinquency adjudication	② 1st- or 2nd-degree controlled substance sale* where the defendant or an accomplice used or possessed a firearm	③ A listed offense not described in column ① or ② where the defendant or an accomplice used or possessed a firearm	④ A listed offense not described in column ① where the defendant or an accomplice used a dangerous weapon other than a firearm
A listed offense in which the defendant used or possessed a firearm	5 years, no waiver provided	5 years, no waiver provided	5 years, no waiver provided	1 year & 1 day, no waiver provided
A listed offense in which an accomplice used or possessed a firearm	5 years, statutory waiver process	5 years, no waiver provided	5 years, statutory waiver process	1 year & 1 day, statutory waiver process
A listed offense in which the defendant used a dangerous weapon other than a firearm	5 years, no waiver provided	3 years, no waiver provided	3 years, no waiver provided	3 years, no waiver provided
A listed offense in which an accomplice used a dangerous weapon other than a firearm	5 years, statutory waiver process	3 years, no waiver provided	3 years, statutory waiver process	3 years, statutory waiver process
A listed offense in which the defendant possessed, but did not use, a dangerous weapon other than a firearm	5 years, no waiver provided	3 years, no waiver provided	3 years, no waiver provided	1 year & 1 day, no waiver provided
No prior conviction described above	5 years, statutory waiver process	3 years, no waiver provided	3 years, statutory waiver process	1 year & 1 day, statutory waiver process

* Does not include aggravated first-degree controlled substance crime (see Table 1, p. 3).

This memo, prepared by MSGC staff, is not a policy statement of the Commission itself.