

# Mandatory Minimum Taskforce

May 8, 2026

# Review approaches

## Purpose:

- To review and discuss feedback and recommendations in preparation of June's meeting

# § 609.11 ideas

## Shane

1. Increase use and possession of a gun to a Severity Level 7 crime.
2. Add explosives or like weapons to this provision treating on same level as firearms unless other laws have greater sanction.
3. Separate other dangerous weapons based on weapon use or harm:
  - a. Current law will be substantial bodily harm is a severity level 7
  - b. Keep “bodily harm or attempted bodily harm” at Severity level 6. Keep mandatory minimum sanctions.
  - c. Make “fear of bodily harm” a Severity level 5 offense. Eliminate mandatory minimum sentence here.
4. Increase Felon in Possession of Firearm with Crime of Violence to Severity Level 7 offense
5. Allow defense opportunity to motion for downward departures
6. Where hard mandatories exist, require judges to provide report was the hard mandatory law not followed, not merely why departure given.
7. Remove 5th Degree Drug offense from definition of crime of violence in Chapter 624 and MS 609.11.subd. 9 offenses.
8. Evaluate other MS 609.11 offenses and how any sanction operates

## John

9. Pairing drive-by-shooting second-degree murder with drive-by shooting.
10. Reduction of the penalty for possession of ammunition by an ineligible person.

## Mark

11. Focus incapacitation on shooters (fatal and non-fatal), not gun possessors, only provide a man min of any kind for cases in which a firearm was discharged during the underlying crime (or during immediate flight).
  - a. This could be in combination with the raising of maximum sentences in other cases. No inclusion of other dangerous weapons in any mandatory minimum.
12. 10-year mandatory for discharging a firearm in the course of a crime.

## Nate

13. Replace the § 609.11 mandatory minimums with a maximum-penalty increase for committing a listed offense using a firearm (See Chair’s memo for more detail)

# Chapter 152 ideas

## Shane

1. Remove the 5<sup>th</sup> Degree Drug offense from the definition of crime of violence in Chapter 624 and MS 609.11. subd. 9 offenses

## John

2. Addition of allowing defense counsel to move for a departure from the remaining mandatory minimums.

## Mark

3. Support taking narcotics crimes out of the crime of violence list altogether, including aggravated 1st degree.
4. Support changing any lifetime ban to a 10-year crime-free period.

## Nate

5. Tighten up “crime of violence” list, and create a 10-year, crime-free off-ramp for the “crime of violence” lifetime firearms ban (See Chair’s memo for more detail)



# § 243.166 ideas

## Shane

1. Evaluate POR alternatives to merely eliminating 1st time offense being removed from mandatory minimums.

## John

2. Addition of allowing defense counsel to move for a departure from the remaining mandatory minimums.

## Mark

3. Agree with Nate on the need to eliminate the Man min for 1st failure to register, and would be ok with the man min for a 2d failure dropping to 1 year + 1 day.

## Nate

4. Adopt the 2022 recommendation of the Predatory Offender Statutory Framework Working Group (See Chair's memo for more detail)

