



---

# STATE TRENDS IN MANDATORY MINIMUM GUN SENTENCES

---

Author: Adam Gallagher, 3L, UST Law School



NOVEMBER 8, 2025

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW  
1000 LaSalle Avenue, Minneapolis, MN, 55403

## Note on Reforming Mandatory Minimums<sup>1</sup>

While surveying state trends in mandatory minimums, I observed that our state's re-examination of these laws is not unique. Citizens and advocacy groups across the country are challenging even well-established laws and norms related to sentencing. Calls for stricter sentences and more mandatory minimums have failed more often than they have succeeded.

Among our neighbors, North Dakota is the most surprising-- it appears to be amid a criminal justice revolution. They are lowering their mandatory minimum sentences, increasing judicial discretion (while tracking departures from minimums, though there are very few), and even focusing on rehabilitation in their state prison systems. The legislature regularly defeats draconian and harsh reforms pushed by the state executive branch.

Wisconsin has few to no mandatory minimums for felons in possession of a firearm, and are moving away from mandatory minimums generally. They prefer a community observation approach with their bifurcated sentences focusing on supervision after release from state prison.

Michigan has stayed the course with their sentencing guidelines, and like Wisconsin have no mandatory minimum sentences for felon in possession of a firearm. Their legislative intent has been to address gang violence – targeting machine guns, automatic weapons, and weapons with obliterated serial numbers – but the focus is still on imprisoning violent offenders and repeat offenders, while trying to keep non-violent or non-repeat offenders out of prisons.

Meanwhile, Iowa and South Dakota have chosen a different path, and generally trend towards harsher sentences.

In addition to neighboring states, I surveyed the status of Alabama, Alaska, Arkansas, Maryland, Nebraska, Texas, Vermont, and Washington. The status of New York's laws is described in the materials we received from their Justice Task Force. The experience in these states is widely varied; for example, both Texas and Vermont have seen moments of reform in favor of shorter sentences.

Targeted reforms of sentencing guidelines may put us in line with our neighbors and lead to more equitable outcomes for people caught in our criminal justice system.

---

<sup>1</sup> Dedication: This paper would not have happened without Allison Shea and the Research Library at the University of St. Thomas. They are all pulchritudinous preservationists, who, so passionate in pursuit of perfect knowledge, are peerless.

<b><i>Abstract and Summary Findings</i></b>	<b>4</b>
Abstract:	4
Summary Findings:	4
<b><i>Alabama</i></b>	<b>8</b>
Class A Felonies:	8
Class B Felonies:	8
Class C Felonies:	9
Class D Felonies:	9
Alabama Sentencing, Generally:	10
<b><i>Alaska</i></b>	<b>12</b>
Alaska Sentencing, Generally, with notes on reform	12
AS 12.55.125 Summarized	13
Sentencing Enhancements	14
<b><i>Arizona</i></b>	<b>16</b>
2024-2025 Guidelines	16
Changes from 2005 and 2015	18
Arizona Mandatory Minimums, Summarized	18
Arizona Felony Classes	18
<b><i>Arkansas</i></b>	<b>22</b>
Class Y Felonies	22
<b><i>Iowa</i></b>	<b>25</b>
<b><i>Maryland</i></b>	<b>27</b>
Current Maryland Sentencing Guidelines:	27
Current Weapons Offenses	27
The Second Look Act:	28
Maryland Mandatory Minimums, 2010, as distinct from current	28
Summary:	29
<b><i>Michigan</i></b>	<b>30</b>
Changes in the 1999-2000 Session	31
Changes in the 2015-2016 Session	32
Changes in the 2023-2024	32
Changes in Sentencing Guidelines 2000-2025	33
Michigan Summary	33
<b><i>Nebraska</i></b>	<b>36</b>
Death Penalty	36
Felonies, Generally	36
Firearm Felony Classification 2025:	36
Changes to Firearm Felony Classifications, if applicable	37
Changes to Sentencing Guidelines:	38
Summary	38

<b><i>North Dakota</i></b>	<b>40</b>
Truth in Sentencing Act	40
ND HB1361 (Human Trafficking)	41
North Dakota Sentencing Guides	41
Current Debate	41
<b><i>South Dakota</i></b>	<b>43</b>
<b><i>Texas</i></b>	<b>45</b>
Current Reform Efforts	45
Current Texas Sentencing Guidelines	45
Judge Ordered Community Supervision	46
Gun Crime Felony Classifications	46
<b><i>Vermont</i></b>	<b>48</b>
The Second Look Act	48
Vermont Mandatory Minimums, Generally	48
Summary:	49
<b><i>Washington</i></b>	<b>51</b>
Mandatory minimum terms.	51
2023 Sentencing Guidelines	52
Notes on Washington Sentencing Reform	52
<b><i>Wisconsin</i></b>	<b>54</b>
<b><i>Appendices</i></b>	<b>56</b>
North Dakota Truth in Sentencing Summary:	56
Maryland Second Look Act:	58
Arizona Felonies, continued:	60
Arkansas Crimes, continued	79
Miscellaneous Federal Sources:	81

## Abstract and Executive Summary

**Abstract:** This project reviews the statutes and reform efforts in states neighboring Minnesota (North and South Dakota, Wisconsin, Iowa and Michigan) and in selected other states.

### Executive Summary:

State experiences show surprising variation, and do not fit stereotypical red/blue dichotomies. For example, Arizona, a purple state, has very harsh gun laws while Alaska, a red state, does not. In terms of active reform that mitigates the effects of mandatory minimums, the strongest example may be found in North Dakota,

Alabama: Alabama has harsh violent felony enhancements for firearms. Class A felonies with a firearm carry a 20-year mandatory sentence, and a class B or C felony with a firearm carry a mandatory 10-year minimum sentence. However, unlawful possession of a firearm on its own is merely a Class C felony, carrying a 12-month minimum sentence. There is also generally a push to be more lenient on sentences in Alabama, generally, though they are not as focused on sentencing reforms as other states. Analysis of Alabama is mostly in favor of reform.

Alaska: Alaska has gone through major sentencing reforms aimed explicitly at reducing prison populations. Alaska is far removed from how other states handle their sentencing laws, and as such their “felon in possession” statute is “misconduct involving weapons in the third degree”, which is a Class C felony. Class C felonies in Alaska have no mandatory minimum sentencing and can be sentenced without jail time. Analysis of Alaska, due to its location and cultural differences from Minnesota, is inconclusive.

Arizona: Arizona has some of the harshest sentencing guidelines in the country. Their felonies are complex with numerous enhancements. Arizona’s firearm misconduct statutes are, depending on factors, a class 2, class 3, or class 4 felony – with the least harsh being a misdemeanor. Using a firearm in furtherance of a crime is a class 2 felony. Being a prohibited person in possession of a firearm is a class 3 felony. Depending on circumstances, these mandatory minimum sentences – which Arizona has for all felonies – can be quite harsh. A class 2 dangerous offense has a minimum of 7 years, and a class 3 dangerous offense has a minimum of 5 years. These sentences double for subsequent offenses, as firearms are presumptively dangerous. Moreover, Arizona has repeatedly amended their sentences to be more harsh and codifying more felonies. See appendices for an exhaustive list. Analysis of Arizona is *against reform*.

Arkansas: The research for Arkansas is incomplete in that I have not gone into their history of reform. However, currently a felon in possession is either a class B felony (with a 5 year mandatory minimum) or a class D felony (with no mandatory minimum) depending on circumstances. A class B felon in possession requires prior violent felony convictions, the firearm was used in furtherance of another crime, a prior felony conviction was for an offense that had as an element the use of or possession of a deadly weapon, or the person has a violent

felony conviction from another person. Depending on their reform history, Arkansas is in favor of reform because their 5 year mandatory minimum requires prior violent felony convictions – distinguished from Minnesota’s current sentence scheme.

*Iowa*: Iowa has a spotty history with reforms. Their mandatory minimums for felon in possession of a firearm were deliberately increased in the last legislative session. Moreover, they disbanded their sentence review commission in 1999, and there have been no published efforts about reviving it. Their sentences are very punitive, and for felony sentences it is required that an inmate serve 70% of their total sentence before being eligible for parole, which creates de facto mandatory minimums with consecutive sentences. Felon in possession of a firearm varies from 2 years to a first offense to 10 years for a fourth offense, but this is misleading – as it is likely that the felon in possession would be having the firearm in commission of another crime, which would be a substantial sentence enhancement. For instance, felon in possession of a firearm and simple possession of narcotics requires a minimum of one-third of the maximum indeterminate sentence served, in addition to the two year minimum for felon in possession. There is some room for departure and “judge math”, but Iowa is overall harsh, punitive, and has no sign of changing. Analysis of Iowa is *against reform*.

*Maryland*: Maryland is neutral towards reform. If it were geographically or culturally closer to Minnesota, it might be suggestive of being against reform. Maryland’s mandatory minimums for unlawful possession of a firearm are 5 years if the previous conviction was for a violent felony. Most of their “unlawful possession” statutes involve a legal firearm in a prohibited place, which carries minimums as low as 30 days. If there is intent to harm another person, then the minimum increases to 5 years when a weapon is involved, regardless of prior convictions. They are in the midst of sentencing reform through the “Second Look Act”, which opens a pathway for people who are currently incarcerated to get their sentences reduced. A summary of the bill is included in appendices. Their mandatory minimums seem similar to what Minnesota has currently, but culturally they are in the midst of trying to get some sentencing reforms passed.

*Michigan*: Analysis of Michigan is substantially suggestive of being in favor of reform. Their sentencing grids have remained stable since the year 2000, and their sentencing structure is lenient on its face. Judges have wide discretion, but there are a few mandatory minimums around firearms crimes. Felon in possession has no mandatory minimum, and the reforms to address gang violence have been more about the type of weapon, whether the weapon has been defaced, and other aggravating circumstances. Felony statutes have been added or clarified, but punishments have not really changed. There were pushes to reform sentencing in 2000 and 2016, but these were about adding and clarifying crimes – not changing the rules behind sentencing themselves.

*Nebraska*: Analysis of Nebraska is *against reform*. Though this research is not focused on maximum penalty, Nebraska voted by ballot initiative recently to **keep** the death penalty when the legislature tried to abolish it in 2016. Their sentences are also rather harsh for firearm crimes,

but felon in possession on its own carries a 3-year minimum for a first offense and 20 years for a subsequent offense. These have been relatively stable, with reforms aimed more at clarifying language than changing classification. “Prohibited person” was changed from “fugitive from justice”, and more categories of prohibited person were added.

North Dakota: North Dakota is probably the state whose analysis is most strongly in favor of reform. There have been pushes from the executive branch – particularly the North Dakota Attorney General – to pass the “truth in sentencing act”. A summary of this act is available in the appendices, and the act itself was heavily publicized in North Dakota. North Dakota is in the midst of an active criminal justice reform. Minimums are being changed, judicial discretion is being addressed and even prisons themselves are being reformed to be more rehabilitative. Unlawful possession of a firearm is either a class C felony (2 years minimum imprisonment) or a *misdemeanor* with no prison time. North Dakota suggests that a conservative leaning state can still muster the political will for prison and sentencing reform in current circumstances.

South Dakota: South Dakota and Iowa are nominally quite similar. Their “unlawful possession of a firearm” statute is a class 6 felony, which carries no mandatory minimum and a sentence of up to two years. However, if the firearm is **possessed** during the commission of another crime, it carries a five-year mandatory minimum sentence. In 2025, the legislature removed the ability of the court to reduce this sentence or issue probation. There is the tendency of South Dakota towards being “tough on crime” in their local newspapers, with criminal punishment being a part of that. Analysis of South Dakota is *against reform*.

Texas: Analysis of Texas is slightly in favor of reform. The governor and attorney general are both attempting constant, sweeping reforms to increase the harshness of Texas’s criminal sentences. More than 100 bills were introduced in the last legislative session to this effect, but most either die in committee, or never make it to the floor for committee assignments. Their largest sentencing reform happened in 2009, with occasional reforms of “state jail felony” which appear to be lower order of crimes that require some jail time. State jail felonies are reformed slightly in almost every legislative session, though rarely involve firearm crimes. In 2023 Texas added “unlawful possession” to school zones, which seems to be a pretty clear response to the shooting that occurred in Uvalde. Felon in Possession has a 2-year mandatory minimum in Texas. Texas, otherwise, is making pushes to remove judicial discretion in sentencing violent crimes, which is a successful push from the executive, but efforts at reforming prisons themselves have also failed.

Vermont: Vermont, like Maryland, passed a version of the “Second Look Act”, which aims at reducing current prison populations by creating pathways for current inmates to get their sentences reduced. Vermont’s version of the act appears – at least superficially – to be more far reaching, and the intent of their bill was to try and drastically cut prison population to save state funds. Analysis of Vermont is slightly suggestive in favor of reform – and the suggestion would be greater if Vermont were geographically or culturally closer to Minnesota. They have few to no

mandatory minimums for gun crimes, including unlawful possession of a firearm. However, they have a "four-strike law" in their sentences. The fourth felony conviction is extremely harsh, going up to life in prison on a fourth felony conviction.

*Washington:* Analysis of Washington is *against reform*. Unlawful possession of a firearm is a serious felony punishable by a 15 year mandatory minimum, or 11.25 mandatory minimum for an "anticipatory crime". Firearm enhancements are also quite harsh; if an offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. Unlike other states, Washington amends their sentencing guidelines multiple times per legislative session, and there are often retroactive changes. Their reforms are therefore quite difficult to track, so much so that the Washington State Supreme Court has a catalog available to see what the sentencing guidelines were on the date a sentence was issued.

Wisconsin: Analysis of Wisconsin is in favor of reform. Since 2017, their mandatory minimums have been generally decreasing. Their firearm sentences are largely bifurcated – requiring supervision after confinement. Unlawful possession has no mandatory minimum on its own, though certain types of firearms have harsher penalties. Possession of a machine gun or other automatic weapon is a class F felony, which still has no mandatory minimum. Interestingly, judges have publicly spoken out in Wisconsin about mandatory sentencing. Repeat violent offenders are required to face a different sentence under Wisconsin Code § 936.619 – which requires a minimum of five years plus any enhancements, and the court cannot put the defendant on probation.

# Alabama

The Alabama sentencing commission met in 2013, 2016, 2019, and 2024. The current sentencing guidelines include the following mandatory minimums:

When choosing a sentence from the recommended sentence range, the sentence chosen must not be less than the statutory sentences specified in ALA. CODE § 13A-5-6(a)(1)-(4), provided, however, that the sentence could be “split” pursuant to ALA. CODE § 15-18-8, as specified in the instructions relating to the imposition of sentence.

- For a Class A felony, the minimum sentence imposed must be at least 120 months.
- For a Class B felony, the minimum sentence imposed must be at least 24 months.
- For a Class C felony, the minimum sentence imposed must be at least 12 months and 1 day.
- For a Class D felony, the minimum sentence imposed must be at least 12 months and 1 day.

This is distinct from the Alabama sentencing commission in 2013, which did not include a mandatory minimum for Class D felonies. Class D felony mandatory minimums were suggested by the Alabama sentencing commission in 2016 and subsequently adopted. There were no other changes in mandatory minimums between reports from the 2013 sentencing commission and the 2024 sentencing commission.

## **Class A Felonies:**

- § 13A-12-218 Manufacturing Controlled Substance 1<sup>st</sup> (includes attempts, conspiracies, and solicitations)
- §13A-7-5 Burglary 1<sup>st</sup>
- §13A-6-2 Murder
- §13A-6-61 Rape 1<sup>st</sup>
- §13A-8-41 Robbery 1<sup>st</sup>
- §13A-6-63 Sodomy 1<sup>st</sup>

## **Class B Felonies:**

- §13A-6-20 Assault 1<sup>st</sup>
- §13A-6-3 Manslaughter
- §13A-6-62 Rape 2<sup>nd</sup>
- §13A-8-42 Robbery 2<sup>nd</sup>
- §13A-6-64 Sodomy 2<sup>nd</sup>
- § 13A-12-217 Manufacturing Controlled Substance 2<sup>nd</sup> (includes attempts, conspiracies, and solicitations)

- § 13A-12-211(c) Possession with Intent to Distribute Controlled Substance (includes attempts, conspiracies, and solicitations)
- § 13A-12-211 Sale/Distribution of Marihuana (other than to minor) (includes attempts, conspiracies, and solicitations)
- § 13A-12-211 Sale/Distribution of Schedule I-V (other than to minor) (includes attempts, conspiracies, and solicitations)
- §13A-7-6 Burglary 2<sup>nd</sup>
- §13A-9-2 Forgery 1<sup>st</sup>
- §13A-9-5 Possession of a Forged Instrument 1<sup>st</sup>
- §13A-8-17 Receiving Stolen Property 1<sup>st</sup>
- §13A-8-7 Theft of Lost Property 1<sup>st</sup>
- Theft of Property 1st (Includes every manner of committing Theft of Property offenses enumerated in Ala.Code § 13A-8-2(a))
- §13A-8-10.1 Theft of Services 1st

### **Class C Felonies:**

- §13A-6-21 Assault 2<sup>nd</sup>
- §13A-8-43 Robbery 3<sup>rd</sup>
- § 32-5a-191(h) Felony DUI
- § 13A-12-213(a)(1) Possession of Marihuana 1<sup>st</sup> (includes attempts, conspiracies, and solicitations)
- §13A-7-7(a)(1)-(3) Burglary 3<sup>rd</sup>
- §13A-9-3 Forgery 2<sup>nd</sup>
- §13A-9-6 Possession of a Forged Instrument 2<sup>nd</sup>
- §13A-8-18 Receiving Stolen Property 2<sup>nd</sup>
- §13A-8-8 Theft of Lost Property 2<sup>nd</sup>
- §13A-8-4 Theft of Property 2<sup>nd</sup> (Includes every manner of committing Theft of Property offenses enumerated in Ala.Code § 13A-8-2(a))
- §13A-8-10.2 Theft of Services 2<sup>nd</sup>
- §13A-8-11 (a)(4) & (b) Unauthorized Use/Break & Enter Vehicle
- § 13A-11-72 Certain Persons Forbidden to Possess Firearm

### **Class D Felonies:**

- § 13A-12-212 Possession of Controlled Substance (includes attempts, conspiracies, and solicitations)
- § 13A-12-213(a)(2) Possession of Marihuana 1<sup>st</sup> (includes attempts, conspiracies, and solicitations)
- §13A-9-3.1 Forgery 3<sup>rd</sup>
- §13A-9-6.1 Possession of a Forged Instrument 3<sup>rd</sup>

- §13A-8-18.1 Receiving Stolen Property 3<sup>rd</sup>
- §13A-8-8.1 Theft of Lost Property 3<sup>rd</sup>
- §13A-8-4.1 Theft of Property 3<sup>rd</sup> (Includes every manner of committing Theft of Property offenses enumerated in Ala.Code § 13A-8-2(a))
- §13A-8-10.25 Theft of Services 3<sup>rd</sup>
- §13A-9-14 Unlawful Possession/Use Credit/Debit Card

## **Alabama Sentencing, Generally:**

The following is excerpted directly from the Alabama Sentencing Commission, 2024.

The Standards are:

- Developed by judges, prosecutors, defense lawyers, victim advocates, and other criminal justice officials in response to the legislative directive to recommend a more structured sentencing system in Alabama to address unwarranted disparity and prison overcrowding (reserving scarce prison resources for the most dangerous and violent offenders ALA. CODE § 12-25-2);
- Created from historical sentencing data reflecting the major factors considered in making sentencing decisions and the importance of those factors in sentencing;
- Developed to include the historical application of Alabama’s statutory sentence enhancements and mandatory minimums, except mandatory sentences of life without parole pursuant to ALA. CODE § 13A-5-9, and sex offenses against children under the age of 12;
- Designed to mimic the two decisions in criminal sentencing – where and how the sentence is served, prison or non-prison (disposition), and the length of the sentence (duration);
- Expected to be followed in the vast majority of covered cases, leaving flexibility with judges to sentence higher or lower as appropriate in covered cases;
- Designed to preserve bedspace for violent offenders in prison and to provide more predictability in forecasting correctional populations; and
- **Non-appealable** (emphasis added), except departure sentences from presumptive recommendations for non-violent offenses are subject to appellate review as directed by ALA. CODE § 12-25-34.2(c).

In addition, the Standards:

- Cover many of the most frequently sentenced felony offenses representing the vast majority of sentenced cases as well as the inchoate offenses of attempts, conspiracies, and solicitations for certain covered drug offenses;
- Standardize sentence recommendations for more informed and uniform sentencing practices and the elimination of unwarranted disparity;

- Allow judges to retain significant discretion in arriving at sentencing decisions as required by ALA. CODE § 12-25-2(a)(5);
- Encourage the use of probation and community correction programs for supervising appropriate non-violent offenders;
- Are not applicable to convictions requiring a mandatory life without parole sentence pursuant to ALA. CODE § 13A-5-9 or to sex offenses involving a child victim under the age of 12 years; and
- Contain presumptive sentencing recommendations for non-violent offenses and voluntary sentencing recommendations for violent offenses.

Author's Notes: Departures seemed to be indicated with sentencing worksheets, which are available in the Alabama Sentencing Commission guidelines.

Sources: Ala. Sentencing Comm'n, Alabama Sentencing Standards Manual 21 (2024), <https://sentencingcommission.alacourt.gov/media/1115/2024-presumptive-manual.pdf>

# Alaska

## Alaska Sentencing, Generally, with notes on reform

Alaska appears to have attempted to address sentencing reform several times over the last twenty years. Alaska’s governor Bill Walker signed a research-driven legislation that sought to reduce the number of inmates by 13%, and push prison alternatives. This research-driven legislation looked to reduce DUI mandatory minimum from imprisonment to monitoring but recommended increasing mandatory minimums for first and second degree murder.

Prior to 2016, the mandatory minimum for Murder 1 was 20 years, Murder II was 10 years, and attempted murder and kidnapping was 5 years. After S.B. 91 (cited below), Murder 1 and Murder II increased 50% - to 30 years and 15 years respectively. Attempted murder and kidnapping was unchanged. Other sentencing guidelines are noted in the chart copied from Alaska’s presumptive sentencing ranges. Mandatory minimums are underlined.

Though only murder has mandatory minimums in this chart, the entire chart has been included to document how sweeping the reforms were.

Felony Class	Prior Law Penalties (in years)	S.B. 91 penalties (in years)
<b>Unclassified felonies (nonsex offenses)</b>	<u>Mandatory minimum - maximum</u>	<u>Mandatory minimum – maximum</u>
Murder I	<u>20</u> -99	<u>30</u> -99
Murder II	<u>10</u> -99	<u>15</u> -99
Attempted Murder I, misconduct involving a controlled substance I, and kidnapping	5-99	Unchanged
<b>Class A Felonies (nonsex offenses)</b>	<b>Presumptive sentence range – maximum sentence</b>	<b>Presumptive sentence range – maximum sentence</b>
First felony offense	( <u>5</u> -8)-20	( <u>3</u> -6)-20
Exception: offense committed with a dangerous weapon, offense directed at first responder	(7-11)-20	(5-9)-20
Exception: Manufacture of methamphetamine in the presence of children	(7-11)-20	(3-6)-20
Second felony offense	( <u>10</u> -14)-20	( <u>8</u> -12)-20
Third and subsequent felony offense	15-20	13-20

Class B Felonies (nonsex offenses)	Presumptive sentence range – maximum sentence	Presumptive sentence range – maximum sentence
First felony offense	(1-3)-10	(0-2)-10
Exception: Criminally negligent homicide of a child	(2-4)-10	Unchanged
Exception: Criminally negligent homicide of an adult	(1-3)-10	Unchanged
Exception: Attempt or conspiracy to manufacture methamphetamine in the presence of children	(2-4)-10	(0-2)-10
Second felony offense	(4-7)-10	(2-5)-10
Third and subsequent felony offense	6-10	4-10
Class C Felonies (nonsex offenses)	Presumptive sentence range – maximum sentence	Presumptive sentence range – maximum sentence
First Felony Offense	(0-2)-5	(0-18 months suspended)- 5 years
Exception: Waste of a wild food animal or hunting on the same day airborne by a registered guide	(1-2)-5	Unchanged
Exception: First-time felony DUI	(120-239 days) – 5 years	Unchanged
Second felony offense	(2-4)-5	(1-3)-5
Third and subsequent felony offense	3-5	2-5

### AS 12.55.125 Summarized

Murder in the first degree of an unborn child is punishable by a mandatory minimum of 30 years. This appears to be an enhancement, and not a way to penalize abortion.

Alaska does not appear to have mandatory minimums for most felonies, though there are enhancements to some sentences available in certain circumstances. AS12.55.127 is a complicated statute, but it appears that sex crimes aren't punishable by mandatory minimum sentences. Rather, the sentencing guidelines allow for Alaska to have the defendant serve consecutive sentences with judicial discretion.

In the eight years since SB 91, Alaska has kept mandatory minimums of 99 years for the following offenses under sentencing enhancements. The earliest instances of these mandatory minimums appear in 2006, and the enhancements aren't addressed by the research that went into SB 91.

## Sentencing Enhancements

1. The defendant is convicted of the murder of a uniformed or otherwise clearly identified peace officer, firefighter, or correctional employee who was engaged in the performance of official duties at the time of the murder;
2. The defendant has been previously convicted of
  - a. Murder in the first degree
  - b. Murder in the second degree
  - c. Homicide under the laws of another jurisdiction when the offense of which the defendant was convicted contains elements similar to first degree murder under AS 11.41.100 or second degree murder under AS 11.41.110
3. The defendant subjected the murder victim to substantial physical torture;
4. The defendant is convicted of the murder of an personally caused the death of a person, other than a participant, during a robbery; or
5. The defendant is a peace officer who used the officer's authority as a peace officer to facilitate the murder.

This statute further modifies sentencing in the following ways.

A defendant shall be convicted to a definite term of imprisonment of at least five years but not more than 99 years when:

1. A defendant convicted of attempted murder in the first degree
2. A defendant convicted of solicitation to commit murder in the first degree
3. A defendant convicted of conspiracy to commit murder in the first degree
4. A defendant convicted of kidnapping
5. A defendant convicted of misconduct involving a controlled substance in the first degree

A defendant convicted of second-degree murder of an unborn child shall be sentenced to a definite term of imprisonment of at least 15 years but not more than 99 years.

A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years when:

1. The defendant is convicted of the murder of a child under 16 years of age and the court finds by clear and convincing evidence that the defendant:
  - a. Was a natural parent, stepparent, an adoptive parent, a legal guardian or
  - b. A person occupying a position of authority in relation to the child or
  - c. Caused the death of the child by committing a crime against the person under AS 11.41.200-11.41.530

Unlawful possession of a firearm in Alaska is a class C felony only if the person knowingly possesses a stolen firearm or a firearm with a damaged serial number. Otherwise it is a

misdemeanor. Per Alaska Statute 11.31.200 – Misconduct involving weapons in the third degree – this is their “felon in possession” statute. It is a Class C felony, with no mandatory minimum sentence.

### **Sources**

Sentencing information is available here: <https://www.akleg.gov/basis/statutes.asp#12.55.125>

Other Sources: [https://www.pew.org/-/media/assets/2016/12/alaskas\\_criminal\\_justice\\_reforms.pdf](https://www.pew.org/-/media/assets/2016/12/alaskas_criminal_justice_reforms.pdf)

<https://www.acluak.org/en/news/reasons-reform-criminal-legal-system-alaska>

<https://courts.alaska.gov/shc/criminal/sentencing.htm>

2006: <https://www.akleg.gov/basis/Bill/Slalookup?sla=9%20ch%2073%20SLA%202006>

SB 91: [https://www.akleg.gov/basis/Bill/Detail/29?Root=SB%20%2091#tab5\\_4](https://www.akleg.gov/basis/Bill/Detail/29?Root=SB%20%2091#tab5_4)

Alaska Criminal Statute 2024: <https://www.akleg.gov/basis/statutes.asp#12.55.120>

# Arizona

Arizona has quite harsh – and complex – sentencing. Arizona splits felonies into six classes which will be listed below. Arizona also revisits their sentencing guidelines every two years. The years 2005, 2015, and 2024-2025 were sampled as points of comparison, but only the modern guidelines will be listed.

## 2024-2025 Guidelines

Arizona distinguishes felonies by categories and classes. Classes are numbered 1 – 6, and categories are “non-dangerous”, “dangerous”, and against children. All felonies in Arizona appear to have mandatory minimums measured in years. Some violent felonies are allowed probation after time served, but that probation could potentially be for life. “Non-dangerous” felonies are also split into categories of their own, as category 1 – 3.

NON-DANGEROUS OFFENSES – REPETITIVE OFFENSES – § 13-703						
CATEGORY ONE – § 13-703 (H)						
Class	MIT*	MIN	P	MAX	AGG*	NOT Probation Eligible
2	3	4	5	10	12.5	
3	2	2.5	3.5	7	8.75	
4	1	1.5	2.5	3	3.75	
5	.5	.75	1.5	2	2.5	
6	.25	.5	1	1.5	2	
CATEGORY TWO – § 13-703(I)						
Class	MIT*	MIN	P	MAX	AGG*	NOT Probation Eligible
2	4.5	6	9.25	18.5	23	
3	3.25	4.5	6.5	13	16.25	
4	2.25	3	4.5	6	7.5	
5	1	1.5	2.25	3	3.75	
6	.75	1	1.75	2.25	2.75	
CATEGORY THREE – § 13-703(J)						
Class	MIT*	MIN	P	MAX	AGG*	NOT Probation Eligible
2	10.5	14	15.75	28	35	
3	7.5	10	11.25	20	25	
4	6	8	10	12	15	
5	3	4	5	6	7.5	
6	2.25	3	3.75	4.5	5.75	

This chart is taken directly from Arizona sentencing guidelines. There are **two minimums** – minimum with mitigating circumstances and minimum without. For repeat, non-dangerous offenses without mitigating circumstances, the “MIN” category governs. It is measured in years. MIT\* is mitigating circumstances. P is time eligible for parole. MAX is the normal maximum sentence, and AGG\* refers to the maximum sentence with aggravating circumstances.

It is notable that class 1 felonies are absent. There is no mandatory minimum for Murder 1 or Murder 2 in Arizona, rather that the judge has limited discretion and the penalties are so severe that they do not fit the sentencing chart. Penalties can go up to life, natural life, or the death penalty for Murder 1, or up to 29 years for Murder 2.

First time felony offense – regardless of class or danger level, has a mandatory minimum of 6 months in prison.

Dangerous repeat offenses range from a minimum of 7 years for class 2 felonies, 5 years for class 3 felonies, 4 years for class 4 felonies, 2 years for class 5 felonies, and 1.5 years for class 6 felonies. If the defendant is convicted for two or more dangerous offenses at once, the mandatory minimum increases by %50 for each class of felony.

Dangerous crimes against children are much harsher. This is again broken up into categories A through I.

- A. First degree commercial sexual exploitation of a child or child sex trafficking and the defendant has been previously convicted of a dangerous crime against children in the first degree shall be sentenced to imprisonment for natural life.
- B. Defendant convicted of first degree criminal sexual conduct of a minor who is twelve years or younger shall be sentenced to life imprisonment without suspension, probation, pardon, or release from confinement until the person has served 35 years (mandatory minimum) or sentence is commuted. Does not apply to masturbatory contact.
- C. Attempted murder 1 of a child, sexual assault of a minor child, sexual conduct with a minor child, or manufacturing methamphetamine under circumstances that cause harm to a child has a mandatory minimum of 13 years.
- D. Dangerous crimes against children in first degree involving second degree murder of a minor is a mandatory minimum of 25 years.
- E. Attempted first degree murder of a minor, sexual assault of a minor, taking a child for prostitution, child sex trafficking, commercial sexual exploitation of a minor, sexual conduct with a minor who is 12 to 14, or using minors in drug offenses. Mandatory minimum of 13 years.
- F. Assault, unlawful mutilation, molestation of a child, sexual exploitation of a minor, aggravated luring a minor for sexual exploitation, child abuse or kidnapping – mandatory minimum of 10 years. A person who has also been convicted of a predicate felony has an increased minimum of 21 years.
- G. Dangerous crime against a child involving luring a minor for sexual exploitation, sexual extortion, or unlawful age misrepresentation – Mandatory minimum of 5 years
- H. Child sexual abuse and bestiality – mandatory minimum of 2.5 years
- I. Continuous sexual abuse of a child – mandatory minimum of 39 years, with an enhancement of a mandatory minimum of 69 years for a predicate felony.

Unborn children are treated like children under 12 for sentencing under this statute: § 13-705.

## *Changes from 2005 and 2015*

Arizona is notable in that since 2015, the mandatory minimum sentences became harsher across the board. Mandatory minimums against children are more articulated than they were in 2015 and 2005, but the highest mandatory minimum for crimes against children in 2015 was 13 years or natural life, as opposed to 69 years with enhancements in 2025. The 2005 sentencing for crimes against children are largely the same, but with fewer categories of crimes against children. Future categories addressed child pornography – likely due to increased proliferation of internet pornography as a means of distribution – but the sentencing range is the same in 2005 for crimes against children as it was in 2015.

What is different in 2005 is the vestige of the war on drugs. Drug offenses are specifically articulated in the 2005 sentencing charts, but not in 2015 or 2025. Mandatory minimums ranged from six months to four years for mandatory minimums, with specific threshold amounts listed for Methamphetamine, Cocaine, Heroin, LSD, Marijuana, and PCP.

From 2005 to 2025, Arizona still distinguishes between felonies, dangerous felonies, and felonies against children, but sentencing has become much more detailed with a tendency to increase mandatory minimums.

Felony classes have remained the same, but they have been added to across the years. It seems that there is no instance of Arizona *removing* a felony from their list, which is part of why their list of felonies is so exhaustive.

## **Arizona Mandatory Minimums, Summarized**

Arizona has a mandatory minimum of at least 6 months for all felonies, with different felonies having mandatory minimums that could include up to 69 years with predicate aggravating felonies. Arizona has a high degree of mandatory minimum, and throughout the reviewed years of 2005, 2015, and 2024-25 has tended to add mandatory minimums and not subtract them.

## **Arizona Felony Classes**

### *Class 1:*

- 13-1104. Second degree murder
- 13-1105. First Degree Murder

### *Class 2:*

- 13-1001. Attempt of a class 1 felony
- 13-1103. Manslaughter
- 13-1204. Aggravated assault(certain violations)
- 13-1206. Dangerous or deadly assault by a prisoner or juvenile
- 13-1207. Assault by a prisoner with intent to incite to riot or participate in riot

- 13-1209. Drive by shooting
- 13-1211. Discharging a firearm at a residential structure
- 13-1304. Kidnapping (certain violations)
- 13-1307. Sex trafficking
- 13-1308. Trafficking of persons for forced labor or services
- 13-1405. Sexual conduct with a minor (who is under 15 years of age or who is at least 15 years of age and the convicted person is the minor's parent, stepparent, adoptive parent, legal guardian, foster parent, teacher, clergyman or priest)
- 13-1406. Sexual assault
- 13-1410. Molestation of child
- 13-1417. Continuous sexual abuse of a child
- 13-1419. Unlawful sexual conduct by a correctional employee with an offender under 15 years of age
- 13-1508. Burglary in the first degree (residential structure)
- 13-1704. Arson of an occupied structure
- 13-1802. Theft (property or services with a value of \$25,000 or more)
- 13-1804. Theft by extortion (certain violations)
- 13-1818. Misappropriation of charter school monies (\$25,000 or more)
- 13-1904. Armed robbery
- 13-2010. Trafficking in the identity of another person or entity
- 13-2109. Credit card transaction record theft (\$25,000 or more)
- 13-2303. Financing extortionate extensions of credit
- 13-2307. Trafficking in stolen property (first degree)
- 13-2308. Participating in a criminal syndicate
- 13-2308.01. Terrorism
- 13-2310. Fraudulent schemes and artifices
- 13-2312. Illegal control of an enterprise; illegally conducting an enterprise (involving a minor in the offense)
- 13-2316. Computer tampering (of a critical infrastructure resource)
- 13-2317. Money laundering (first degree)
- 13-2319. Smuggling of a human being for profit or commercial purpose (if human being is an unaccompanied minor)
- 13-2320. Residential mortgage fraud (pattern of offenses)
- 13-2321. Participating in a criminal street gang
- 13-2505. Promoting prison contraband (if the contraband is a dangerous instrument, deadly weapon, explosive, dangerous drug, narcotic drug or marijuana)

- 13-2514. Promoting secure facility contraband (if the contraband is a dangerous instrument, deadly weapon, explosive, dangerous drug, narcotic drug or marijuana)
- 13-2912. Introduction of disease or parasite (that is a threat to human life)
- 13-3206. Taking a child for the purpose of prostitution (if the minor is under 15 years of age)
- 13-3212. Child prostitution
- 13-3404.01. Possession or sale of precursor chemicals, regulated chemicals, substances or equipment (certain violations)
- 13-3405. Possession, use, production, sale or transportation of marijuana (certain violations)
- 13-3407. Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs (certain violations)
- 13-3407.01. Manufacturing methamphetamine under circumstances that cause physical injury to a minor
- 13-3408. Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs (certain violations)
- 13-3409. Involving or using minors in drug offenses
- 13-3552. Commercial sexual exploitation of a minor
- 13-3553. Sexual exploitation of a minor
- 13-3560. Aggravated luring of a minor for sexual exploitation
- 13-3623. Child or vulnerable adult abuse (certain violations)
- 13-4702. Conducting a chop shop (owning or operating)
- 28-661. Accidents involving death or personal injuries; failure to stop (certain violations)
- 32-1996. Manufacture or sale of counterfeit drugs or violation of full service wholesale pharmacy permittee regulations (see section 32-1965, paragraph 4 and title 32, chapter 18, article 3.1)
- 49-263. Knowingly or recklessly manifesting an extreme indifference to human life in performing certain acts relating to water quality control standards (see title 49, chapter 2)
- 49-263.01. Certain violations of the Arizona pollutant discharge elimination system program
- 49-464. Certain violations of the hazardous substances and air pollutants statutes
- 49-514. Certain violations of the hazardous air pollutants statutes

**Sources:**

<https://coolidgelawfirmaz.com/arizona-mandatory-minimum-sentencing-guidelines/>

Crimes against Children Statute: <https://www.azleg.gov/ars/13/00705.htm>

Sentencing Guidelines 2024-2025: <https://www.azcourts.gov/Portals/0/34/2024-2025%20SC.pdf?ver=7aH3twYZ7yRIRaxyeyYMCA%3d%3d>

Sentencing in 2015:

<https://www.azcourts.gov/Portals/0/0/CriminalSentencingCt/2015Sentencing.pdf>

Sentencing in 2005:

[https://www.azcourts.gov/Portals/0/0/aoc/pdf/2005CriminalCodeSentChart.pdf?ver=\\_PwCMYMWbJYhAYQO8ztJCQ%3d%3d](https://www.azcourts.gov/Portals/0/0/aoc/pdf/2005CriminalCodeSentChart.pdf?ver=_PwCMYMWbJYhAYQO8ztJCQ%3d%3d)

List of Felonies: <https://www.azleg.gov/alisPDFs/council/Felonies.pdf>

## Arkansas

Arkansas has mandatory minimums that are governed by statute. They refer to “mandatory minimum” as “statutory minimum”. Judges have discretionary sentencing, but not to depart from the statutory minimum.

Not all Arkansas felonies have mandatory minimums. The following table is derived from AR Code 5-4-401 (2024)

(a) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:

- **(1)** For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;
- **(2)** For a Class A felony, the sentence shall be not less than six (6) years nor more than thirty (30) years;
- **(3)** For a Class B felony, the sentence shall be not less than five (5) years nor more than twenty (20) years;
- **(4)** For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;

Class D and unclassified felonies don't have articulated statutory minimums. Unclassified felonies may have limitations defined by statute. Some crimes – like death by delivery – can exist in multiple class depending on aggravating factors. Death by delivery is knowingly conveying a substance to another. Fentanyl is class Y, other substances are class A and can be reduced to Class B in certain circumstances, like the defendant not having prior felony convictions.

### *Class Y Felonies*

- Attempted capital murder
- Murder 1<sup>st</sup> Degree
- Death by delivery, first degree
- Death by delivery, second degree
- Battery 1<sup>st</sup> Degree – Victim is 4 years of age or younger
- Battery 1<sup>st</sup> Degree – Victim is law enforcement in line of duty
- Battery 1<sup>st</sup> Degree – Victim is employee of a correctional Facility
- Battery 1<sup>st</sup> Degree – Purposely Causing Permanent Disfigurement
- Intro Controlled Substance into Body – Schedule I – II, Narcotic
- Intro Controlled Substance into Body to Commit Sexual Offense

- Aggravated Assault Upon a Law Enforcement Officer or Employee of a Correctional Facility - Discharge of a Firearm
- Knowingly exposing another person to fentanyl in the first degree - certain victims
- Aggravated robbery
- Rape - Forcible Compulsion
- Rape - Forcible Compulsion - Victim < 14
- Rape - Incapable of Consent
- Rape - Incapable of Consent - Victim < 14
- Rape - Victim < 14
- Rape - Certain Relationships with Victim
- Rape - Certain Relationships with Victim - Victim < 14
- Capital rape
- Kidnapping (with aggravating factors)
- Terroristic acts involving Class Y felony activities
- Terroristic Act - Serious Physical Injury/Death
- Engaging children in sexually explicit conduct for use in visual or print media
- Engaging Child in Sexual Explicit Conduct - Offender is 18 or Older
- Engaging Child in Sexual Explicit Conduct - Offender is Parent/Guardian of Victim
- Trafficking of Persons - Victim is a Minor
- Trafficking of persons - benefiting from participating in an involuntary servitude venture - victim is a minor
- Trafficking of persons - subjects a person to involuntary servitude - victim is a minor
- Trafficking of persons - recruits etc a minor for commercial sexual activity - victim is a minor
- Trafficking of Persons - Selling or Advertising Travel Services, Victim is a Minor
- Trafficking of Persons - Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born - Victim is a Minor
- Trafficking of Persons - Benefitting from Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born - Victim is a Minor
- Domestic Battering 1st Degree - Purposely Causing Permanent Disfigurement
- Transportation of a Minor for Prohibited Sexual Conduct
- Domestic Battering 1st Degree - Victim is 4 Years of Age or Younger
- Computer exploitation of a child in the first degree when the victim is under 14 years of age, first degree
- Internet Stalking of a Child - Meeting Actually Occurs w/ a Child 15 or Younger
- Internet Stalking of a Child - Meeting Actually Occurs w/ Person Held out to be 15 or Younger
- Produce/Direct Sexual Performance of Child < 17

- Causing a Catastrophe
- Causing a Catastrophe
- Arson (> \$100,000 Damage)
- Aggravated Residential Burglary
- Aggravated residential burglary - armed with a deadly weapon
- Aggravated residential burglary - causes or attempts to cause death or serious physical injury
- Soliciting Material Support for Terrorism
- Providing Material Support for a Terrorist Act
- Terrorism
- Exposing Public to Toxic Biological, Chemical, or Radioactive Substances
- Manufacture/Delivery/Possession Control Substance Schedule I/II < 28 g
- Manufacture/Etc. Controlled Substance Schedule I/II > 28 g < 200 g
- Manufacture/Etc. Controlled Substance Schedule I/II > 200 g < 400 g
- Manufacture/Etc. Controlled Substance Schedule I/II > 400 g
- Manufacture/Delivery/Possession Marijuana  $\geq$  500 lbs
- Continuing Criminal Enterprise
- Continuing Criminal Enterprise
- Delivery of Fentanyl
- Manufacture of Fentanyl
- Delivery of Methamphetamine or Cocaine  $\geq$  10 g < 200 g
- Delivery of Methamphetamine, Cocaine, or Heroin  $\geq$  10 g < 200 g
- Manufacture of Methamphetamine  $\geq$  2 g
- Manufacture of Methamphetamine - One or More Prior Convictions in Any Amount
- Manufacture of Cocaine  $\geq$  10 g < 200 g
- Manufacture of Heroin  $\geq$  10 g < 200 g
- Trafficking a Controlled Substance - Possession Only
- Trafficking a Controlled Substance
- Engaging in Continuing Gang Org. or Enterprise 1st Degree
- Engaging in Continuing Gang Org. or Enterprise 2nd Degree
- Simultaneous Possession of Drugs and Firearms
- Discharge of a Firearm From Vehicle 1st Degree

# Iowa

Iowa has a harsh mandatory minimum of natural life without parole for Class A felonies. These felonies are the most severe felonies in the Iowa statute and include first degree sexual assault and capital murder. The brunt of Iowa's mandatory minimums appears to come through sentencing enhancements or forcing somebody convicted of a felony to serve 70% of their sentence before they are eligible for parole. The 70% mandatory sentence served is functionally a mandatory minimum.

For example, Second-Degree Murder is a class B felony that has no listed mandatory minimum. There is a maximum term of 50 years, but they are not eligible for parole until they have served 70% of their sentence. Ergo, if they have a fifty-year sentence imposed, their minimum time served is 35 years. This creates a sort of sliding scale of mandatory minimum sentences for felonies.

Iowa Felonies are listed as Class A through D, with Class A being the most serious. Class D felonies generally do not have mandatory minimum before parole. Class C has a maximum confinement of 10 years, Class B has a general maximum confinement of 25 years (murder is an exception), and Class A maximum sentences vary by crime, but can go up to natural life.

The following class A felonies have a mandatory minimum of natural life.

- Second conviction of conspiracy to deliver methamphetamine to a minor is elevated from Class C to Class A
- Murder 1
- First degree sexual abuse
- First degree kidnapping
- Human trafficking of a minor
- Human trafficking by causing or threatening to cause serious physical injury
- Human trafficking of a minor by physically restraining or threatening to physically restrain
- Human trafficking by soliciting services
- Human trafficking by abusing legal processes
- Human trafficking of a minor by interfering with any passport, immigration document, or government identification document
- Financial or other benefit from trafficking a minor

Enhancements can sentence Class B, C, and D felonies up to 25 years depending on circumstances.

In the 2025 Legislative session, **Iowa increased the penalty for Felon in Possession of a Firearm**. Felon in Possession of a Firearm was previously a class D felony in most respects (enhancement with violent crimes was the exception. Per the following excerpt from HF625

(2023) which was ratified, Felon in Possession has a mandatory minimum of 2 to 10 years depending on frequency.

For a first offense, a Class D felony with a mandatory minimum sentence of two years.

- For a second offense, a Class D felony with a mandatory minimum sentence of four years.
- For a third offense, a Class C felony with a mandatory minimum sentence of seven years.
- For a fourth or subsequent offense, a Class C felony with a mandatory minimum sentence of 10 years.

The goal of the last three sentencing commissions have been “public safety, rehabilitation, just punishment, deterrence/incapacitation, and restoration of victims and community”. These goals seem to indicate more punishment and a prison forward approach to sentencing. Notably, the commission met in 1999, 2000, and 2001, and hasn’t met since. They were voted to disband in 1999 but kept the final two scheduled meetings.

There has been a decrease in drug related mandatory minimums, with many drug crimes being dropped to Class D and C felonies with either shorter prison times (Class C (enhancements with Meth)), or drug diversion (Class D after enhancements otherwise a misdemeanor). This follows the federal Smarter Sentencing Act and was adopted by Iowa in 2017. These sentences have not been renewed as of 2024.

Additional Sources:

[https://www.iowacourts.gov/static/media/cms/Sentencing\\_Chart\\_2024\\_FINAL\\_004\\_1\\_237B0D\\_FC3859F.pdf](https://www.iowacourts.gov/static/media/cms/Sentencing_Chart_2024_FINAL_004_1_237B0D_FC3859F.pdf)

Felony Enhancements: <https://www.legis.iowa.gov/docs/code/2019/901A.2.pdf>

Iowa’s 2000 Sentencing Commission:

<https://www.legis.iowa.gov/docs/publications/IP/401849.pdf>

# Maryland

## Current Maryland Sentencing Guidelines:

These are not all of the felonies listed in Maryland, but merely the violent felonies with minimum sentences listed. The vast majority of felonies in Maryland do not come with a minimum sentence. Many other crimes with minimum sentences are things that affect the public – bribery, voting crimes, fraud, etc.

- Use of Assault Weapons in Commission of Violent Crime: 1<sup>st</sup> Offense; MM\* 5 years, subsequent offenses 10 years.
- Assault and Other Bodily Woundings (Poisoning, attempted): 2 year minimum
- Unlawful wearing, carrying, etc. of handgun, 1<sup>st</sup> offense: 30 days
  - Subsequent offense: 1 year minimum
  - More than 2 prior weapon offenses: 3 year minimum
- Unlawful wearing, carrying of handgun on school property, 1<sup>st</sup> offense: 90 day minimum
  - Second Offense: 3 year minimum
  - More than two prior weapon offenses: 5 year minimum
- Unlawful wearing, carrying of a loaded handgun, 1<sup>st</sup> offense: 30 days
  - Second offense: MM\* 1 year
  - Two prior weapon offenses: MM\* 3 year
- Unlawful wearing, carrying, etc. of handgun with deliberate purpose to injure or kill, more than two prior weapon offenses: 5 year minimum
- Murder, 1<sup>st</sup> degree: Minimum of life
- 1<sup>st</sup> degree Rape, adult offender with victim younger than 13 years old: MM\* 25 years
- 1<sup>st</sup> Degree Sexual Offense with adult offender, victim younger than 13 years: MM\* 25 years
- Rape, 2<sup>nd</sup> degree, adult offender with victim younger than 13 years: MM\* 15 years
- 2<sup>nd</sup> Degree Sexual Offense with adult offender with victim younger than 13 years: MM\* 15 years

## Current Weapons Offenses

- Possession, use, wearing, carrying, or transporting a firearm in a drug offense, 1<sup>st</sup> offense: MM\* 5 years
  - Subsequent Offense: MM\* 10 year
  - Select Firearms – 1<sup>st</sup> offense: MM\* 5 year
  - Select Firearms – Subsequent Offense: MM\* 20 years
    - Select firearms are things like machine guns, sawn off shotguns, silenced weapons, etc.

- Unlawful Use of firearm in commission of felony or crime of violence, 1<sup>st</sup> offense: MM\* 5 years
  - Subsequent Offenses: MM\* 5 years
- Wear or carry dangerous weapon openly or concealed with deliberate intent to kill or injure: 3 year minimum
- Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes: MM\* 5 years

### Notes on Maryland Sentencing

Their guidelines have terms marked with “MM\*” non-suspendable mandatory minimums, “◆” a de-facto violent crime, and “◆◆” a crime of violence only under certain circumstances. If the minimum appears without “MM\*” it can be departed downward with mitigating circumstances.

### The Second Look Act:

Maryland signed the Second Look Act into law in 2025, as a way for incarcerated persons to reduce their sentences. There are special provisions for younger offenders, but it does not address the sentencing process itself. A more fulsome summary of the second look act is included in the appendix.

### Maryland Mandatory Minimums, 2010, as distinct from current

In 2010, “assault pistols” were their own category. Now, depending on factors relating to weapon function, they are either categorized as a handgun or prohibited weapon.

Maryland had some major legislative reforms in 2018 to 2023 addressing firearm crimes, specifically heightening the categories of seriousness for firearm crimes. In the past fifteen years, there is an emphasis on stricter firearm accountability. For example:

Carrying a handgun: Increased from category VII to category VI, which increased from no mandatory minimum to a three-year mandatory minimum. Use of a handgun as a commission of a felony specifies a 5-year minimum sentence in 2025, where it did not in 2010.

Possession of a regulated firearm heightened from category V to category IV, with a new mandatory minimum of 5 years.

Obliterating or altering a serial number increased from category VI to category V, with modern guidelines specifically talking about trafficking concerns – though there is no mandatory minimum associated with that seriousness level.

Many new laws in Maryland over the past 15 years are specifically targeted towards firearm trafficking, violence, and organized crime.

## Summary:

Maryland appears to be the closest to Minnesota in current sentencing guidelines, with similar levels of harsh sentences for subsequent offenders. This is *suggestive against Minnesota reform* because Maryland sentences are becoming *stricter* and not less strict vis-a-vis firearms.

## Sources:

Sentencing Table 11/3/2025: <https://www.msccsp.org/Files/Guidelines/offensetable.pdf>

Second Look Act: [https://mgaleg.maryland.gov/2025RS/Chapters\\_noln/CH\\_96\\_hb0853e.pdf](https://mgaleg.maryland.gov/2025RS/Chapters_noln/CH_96_hb0853e.pdf)

Second Look Act Press Release: <https://www.sentencingproject.org/press-releases/the-sentencing-project-applauds-governor-wes-moore-signing-of-the-maryland-second-look-act/>

Maryland Sentencing Guidelines, Generally: <https://msccsp.org/guidelines/>

## Michigan

Michigan has mandatory minimum sentences governed by statute. Notably, unlike other states, Michigan has some controlled substance offenses punishable by mandatory Life Imprisonment Without Parole. They're labeled as controlled substance offenses in the statute but are instead closer to felony murder charges – misdemeanor offenses that result in death where the offender had intent to kill or seriously impair two or more persons. Michigan will not apply these life sentences to defendants under 18 unless a judge specifically departs from the statutory guidelines summarized in the juvenile justice bench book. (Controlled substances guidebook).

For general sentencing, Michigan uses one of nine different sentencing grids for crimes in classes A through H. Second-Degree murder (M2) has its own separate grid. Minimum sentences are calculated by a range depending on other variables that feed into the grid – including prior history. In certain instances, if the guidelines proscribe a range lower than the minimum the statute documenting the crime specifies, **the judge must sentence the offender to the minimum sentence mandated by statute.** Without looking at each individual statute, the guidelines are supposed to reflect up to date statutory guidelines, so these differences in calculation should be rare.

Michigan judges are allowed to depart from mandatory minimums if the reasons for departure are well articulated and fulfill the “principle of proportionality” that was contemplated in People v. Milbourn, 435 Mich 630 (1990).

The following mandatory minimums are taken from the 2025 sentencing guidelines. The lowest minimum will be used for the purpose of this research.

The 2025 sentencing guidelines indicate a heavy amount of changed felonies in 2014, citing 2014 PA 192, which impacted firearm felonies heavily.

- Murder 2: 90 month (0 – 49 points)
- Class A Felonies: 21 months (0-19 points)
  - Note that certain “fourth-time” habitual offenders may be subject to mandatory 25 years minimum imprisonment.
  - Class A felonies include: Arson (1<sup>st</sup> degree), Assault that results in a miscarriage, first degree child abuse, criminal sexual conduct, and discharging a firearm from a vehicle causing death, discharging firearm in or at a dwelling or potentially occupied structure causing death, and operating or maintaining a controlled substance laboratory involving firearm or other harmful device.
- Class B Felonies: 0 to 18 months. (0-9 points)
  - Class B Felonies include: Discharging firearm from a vehicle causing serious impairment, and discharging firearm in or at a dwelling or potentially occupied structure causing serious impairment.
- Class C Felonies: 0 to 11 months. (0-9 points)

- Class C Felonies include: discharging firearm from a vehicle causing physical injury, discharging firearm in or at a dwelling or potentially occupied structure causing physical injury, failure to store a firearm safely that results in death, using firearm while under the influence or impaired causing death
- Class D Felonies: 0 to 6 months. (0-9 points.)
  - Class D felonies include: Discharging firearm from a vehicle, discharging firearm in a dwelling or potentially occupied structure, failure to store a firearm resulting in serious impairment of body function, sale of firearm to person prohibited from possessing
- Class E Felonies: 0 to 3 months. (0-9 points)
  - Class E felonies include: Carrying firearm or dangerous weapon with unlawful intent, failure to store a firearm safely that results in injury, larceny of firearms of another, possession or sale of firearm by felon (**new 2024**), possession or sale of firearm by prohibited person (**new 2024**), possession of stolen firearms or ammunition, and using firearm while under the influence or impaired causing serious impairment
- Class F Felonies: 0 to 3 months, with some statutes having fractional sentences. The range is rounded. (0-9 points)
  - Class F felonies include: Civil disorders – firearms/explosives, discharging firearm at emergency/police vehicle, false statement on concealed firearm certificate application, false statement on a firearm sales record, forgery on firearm license application, sale of firearm to a minor – subsequent offenses,
- Class G Felonies: 0 to 3 months, with some statutes having fractional sentences. The range is rounded. (0-9 points)
  - Class G Felonies include: Altering ID mark on firearm, careless discharge of firearm causing injury or death, false statement in a firearm application, firearm sale without trigger lock, gun case, or storage container (third or subsequent offense), knowingly providing a firearm to individual restrained under an extreme risk protection order, possessing a loaded firearm in or upon a vehicle,
- Class H Felonies: 0 to 1 month, with some statutes having fractional sentences. The range is rounded. (0-9 points)
  - No class H felonies involve firearms.

These minimums have been amended several times since they were first put in place in 1927.

### Changes in the 1999-2000 Session

Operating a controlled substance laboratory involving a firearm was added as a class A felony.

This section of this legislative session was almost entirely concerned with narcotics, codifying and amending crimes for marijuana, meth, and other controlled substances. About 70% of the criminal statutes affected by this bill involve controlled substances.

### Changes in the 2015-2016 Session

- Sale of firearm to minor subsequent offense added as class F felony
- Sale of firearm to person prohibited from possessing added as class D felony
- Manufacture or sale of automatic weapon added as class E felony
- Possession or sale of firearm by felon added as a class E felony
- Carrying firearm or dangerous weapon with unlawful intent added as class E felony
- Felony firearm, first offense added as class F felony
- Possessing a loaded firearm in or upon a vehicle added as a class G felony
- Altering ID mark on firearm added as class G felony
- Discharging firearm from a vehicle added as class D felony
- Discharging firearm from vehicle causing physical injury added as class C felony
- Discharging firearm from vehicle causing serious impairment added as class B felony
- Discharging firearm from vehicle causing death added as class A felony
- Discharging firearm at a dwelling or potentially occupied structure added as class D felony
- Discharging firearm in a dwelling or potentially occupied structure added as class D felony
- Discharging firearm in or at a dwelling or potentially occupied structure causing physical injury added as class C felony
- Discharging firearm in or at a dwelling or potentially occupied structure causing serious impairment added as class B felony
- Discharging firearm in or at a dwelling or potentially occupied structure causing death added as class A felony
- Discharging firearm at emergency/police vehicle added as class F felony
- Using firearm while under the influence or impaired causing serious impairment added as class E felony
- Using firearm while under the influence or impaired causing death added as class C felony

About 40% - a solid plurality – of changes in this act revolves around gun violence.

### Changes in the 2023-2024

- Possession or sale of ammunition by prohibited person added as class E felony

The main focus of this bill appears to be condensing and clarifying existing statutes. Some individual statutes likely had minimum or maximum penalties changed, but there were no other changes to codification of existing criminal statutes that I could find.

## Changes in Sentencing Guidelines 2000-2025

There appear to be no changes in the grid – aside from clarity of reading – since 2000. The ranges are the same. The grid in the year 2000 includes two separate grids per felony level – one for a first time and one for a habitual offender. The habitual offender in the year 2000 had a slightly higher mandatory minimum – often only a month or two on the grid. Subsequent grids include habitual calculations in the main grid.

In 2002, the threshold levels for many drug crimes were changed to attempt to reduce the state prison population and expense. Mandatory minimums for simple possession were either dropped entirely or had their felony categorization reduced. Exceptions to this were for methamphetamines, which remained a felony with a range on the mandatory minimum list. Controlled substances delivered to minors or students also retained their mandatory minimums, depending on the substance (Meth, crack cocaine, etc.) Manufacture and delivery of controlled substances also retained their minimums after the major reform in 2000. Controlled substances as a means of committing other crimes – such as murder or assault – remained felonies with mandatory minimums as well.

However, possession of a kilogram or more of certain schedule 1 or 2 controlled substances remains a class A felony, and possession of 450 to 1000 grams of certain controlled substances can be a class A felony as well. This is substance dependent, but the standards are much reduced.

Finally, the 2023-2024 bill **relaxes** felon in possession. It sets up criteria by which a person can lose their “prohibited person” status, and depending on the circumstances a Michigander may have their firearm rights restored within 3 years, 5 years, or 8 years and fines paid.

## Michigan Summary

Michigan is heavily suggestive that major sentencing reform is possible in a mid-population state. PA 201 (listed below as the Michigan Bill 2023) clarified (and seemingly relaxed) the restrictions on restoring gun rights to “prohibited persons”. Michigan’s Mandatory minimums also seem rather generous for the Midwest compared to other states that were reviewed for this project. Life sentences are relatively rare, and often have circumstances that enhance existing crimes, or are reserved for the stereotypically worst and most heinous crimes.

Their sentencing structure has also remained stable since at least the year 2000, with a huge reform in the year 2000 to remove many mandatory minimums for drug possession, and a large (but less substantial than the year 2000) to add and clarify many firearm crimes in 2014. Many crimes appeared to exist prior to 2014 but was part of a criminal statute clarification and reform. Michigan statutes prior to 1999 are not easily discernible online. However, it seems that statutes

were expanded in 2014 to 2016 to include criminal and malicious intent, which appear to be absent from many statutory schemes in Michigan.

Sources:

[https://www.courts.michigan.gov/4a258e/siteassets/publications/benchbooks/csbb/csbbresponsivhtml5.zip/index.html#t=CSBB%2FCh\\_6\\_Sentencing%2FMandatory\\_Sentences-.htm](https://www.courts.michigan.gov/4a258e/siteassets/publications/benchbooks/csbb/csbbresponsivhtml5.zip/index.html#t=CSBB%2FCh_6_Sentencing%2FMandatory_Sentences-.htm)

[https://www.courts.michigan.gov/4a4766/siteassets/publications/benchbooks/jjbb/jjbbresponsivehtml5.zip/index.html#t=JJBB%2FCover\\_and\\_Acknowledgments%2FJuvenile\\_Justice\\_Benchbo okDELINQUENCY AND CRIMINAL PROCEEDINGSTHIRD EDITION-vu51c.htm%23939934&rhtocid=\\_0\\_0](https://www.courts.michigan.gov/4a4766/siteassets/publications/benchbooks/jjbb/jjbbresponsivehtml5.zip/index.html#t=JJBB%2FCover_and_Acknowledgments%2FJuvenile_Justice_Benchbo okDELINQUENCY AND CRIMINAL PROCEEDINGSTHIRD EDITION-vu51c.htm%23939934&rhtocid=_0_0)

2025 Sentencing Guidelines:

<https://www.courts.michigan.gov/4a2222/siteassets/offices/mji/felony-sentencing-online-resources/sgm.pdf>

Michigan Bill 2000: <https://www.legislature.mi.gov/Bills/Bill?ObjectName=2000-SB-1186>

Michigan Bill 2015: <https://legislature.mi.gov/documents/2015-2016/billcurrentversion/House/PDF/2015-HCVBH-4420-4423.PDF>

Michigan Bill 2023: <https://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0200.htm>

<https://www.nytimes.com/2002/12/26/us/michigan-to-drop-minimum-sentence-rules-for-drug-crimes.html>

<https://sfa.senate.michigan.gov/Publications/Notes/2002Notes/NotesNovDec02AffholterWicksal1.pdf>

<https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-769-34>

<https://alec.org/article/michigans-absurd-laws-criminalize-population/>

<https://alec.org/article/michigan-passes-criminal-justice-reform-package/>

<https://www.legislature.mi.gov/documents/2017-2018/billenrolled/Senate/htm/2017-SNB-0008.htm>

<https://sfa.senate.michigan.gov/Publications/Notes/2002Notes/NotesNovDec02AffholterWicksal1.pdf>

<https://www.legislature.mi.gov/documents/2001-2002/billanalysis/House/htm/2001-HLA-5394-a.htm>

How to Use Michigan Sentencing Grid: An offender's recommended minimum sentence range is indicated by the numeric range in the cell located at the intersection of the offender's OV level

(vertical axis) and PRV level (horizontal axis) on the appropriate sentencing grid. MCL 777.21(1)(c). The recommended minimum sentence in each cell is expressed by a range of numbers (in months) or life imprisonment (“L”).

# Nebraska

**Death Penalty:** Though the project is not focused on maximum penalties, it is notable that Nebraska’s history with the death penalty is spotty. The legislature voted to repeal the death penalty in 2015, but a petition suspended the repeal until a public ballot initiative was held. In 2016 Nebraska *kept* the death penalty based on the ballot initiative, and this is reflected in the 2015 revisor – which removes death as a penalty for Class I felonies, but was then added back in the 2016 revisor due to the ballot initiative.

**Felonies, Generally:** Nebraska has ten felony categories, with their minimum and maximums listed on the current site. They are listed by table below.

Felony Class	Minimum Penalty	Maximum Penalty
I	Death	NA
IA	Life Imprisonment	NA
IB	20 years imprisonment	Life Imprisonment
IC	<b>Mandatory 5 years Imprisonment</b>	50 years imprisonment
ID	<b>Mandatory 3 years imprisonment</b>	50 years imprisonment
II	1 Year Imprisonment	50 years imprisonment
IIA	N/A	20 Years Imprisonment
III	N/A	\$25,000 fine and/or 2 years post release supervision
IIIA	N/A	\$10,000 fine and/or 18 months post release supervision and/or 3 years imprisonment
IV	N/A	\$10,000 fine and/or two years imprisonment and/or twelve months post release supervision

## Firearm Felony Classification 2025:

- Unlawful Possession of a Firearm at a School; Class IV
- Use of a deadly weapon other than a firearm to commit a felony; Class II
  - Use of a deadly weapon which is a firearm to commit a felony; Class IC (**Mandatory 5 year minimum**)
  - **Possession** of a firearm during commission of a felony; Class II
  - Carrying a Firearm during dangerous misdemeanor, subsequent offense; Class IV felony
- Unlawful Possession of a Firearm; Class ID felony (**Mandatory 3 yrs minimum**)

- Subsequent offense: IB felony (20 yrs minimum)
- Deadly weapon which is not a firearm; Class III Felony
- Possession of a Stolen Firearm with actual knowledge; Class II felony
  - Possession of a Stolen Firearm (Should have known, actual knowledge not required); Class IIA felony unless there is intent to restore to rightful owner
- Unlawful Discharge of Firearm (inhabited dwelling, occupied building, etc); Class ID Felony (**Mandatory 3 years minimum**)
- Unlawful Transfer of Firearm to a Minor; Class III Felony
- Unlawful possession of a firearm by prohibited juvenile offender; class IV felony for first offense and class IIIA for subsequent offenses.
- Possession of Defaced Firearm; Class III Felony
- Defacing a Firearm; Class III Felony
- Discharge of a firearm in certain cities and counties, prohibited acts; Class IC Felony (**Mandatory 5 year minimum**)
- Minor or prohibited person carrying concealed weapon; Class I misdemeanor for first offense then Class IV felony for second or subsequent offense.
- Possession of Firearm while snowmobiling; Uncategorized misdemeanor
- Discharge of firearm from public highway, road, or bridge; Class III Misdemeanor
- Possession of machine guns, short rifles, or short shotguns; Class IV Felony

### Changes to Firearm Felony Classifications, if applicable

Unlawful possession has remained stable since at least 2010 – the felony classification of unlawful possession of a firearm or other deadly weapon does not appear to have changed. The only major change was from “fugitive from justice” to “prohibited person”, per Nebraska Code 28-1206. They also clarified some things – changing “revolver” to “handgun” in the statute.

In 2009, unlawful discharge was updated with updated firearm terms, which were clarified generally. They read “firearm” as any weapon designed or readily converted to expel a projectile by an explosive action, and they refined the definition of handgun to be a firearm with a barrel less than 16 inches or used with one hand.

In 2011 a petition system was put in place to remove oneself from the prohibited persons list for mental health, civil commitment, or domestic violence charges. Denials are appealable, and appeals are reviewed de novo. (Nebraska Code 71-963)

Juvenile offenders were added in 2018 and are not impacted by mandatory minimums. It is unclear if Nebraskan minors generally are impacted by mandatory minimums with certain felony levels.

## Changes to Sentencing Guidelines:

In 2015, class III felonies had a 1-year minimum imprisonment in tandem with a potential of \$25,000 fine. In 2016 this was changed to 2-year post supervision release.

In 2002, Nebraska removed “without parole” from IA felony classification.

Nebraska only appears to have **mandatory** minimums for class IC and ID felonies, though this seems somewhat of a misnomer. A minimum of life imprisonment for IA felonies and 20 years imprisonment for class IB felonies seem to not have leeway for departure, though “mandatory” doesn’t appear in those sentencing guidelines.

## Summary

Nebraska has indications of being both in favor of and *against* sentencing reform for gun crimes. Unlawful possession is a class ID felony on a first offense, which is lower than our first offense. However, subsequent offenses carry a minimum of 20 years imprisonment. Nebraska sentencing is draconian and harsh, and they voted to keep the death penalty by ballot initiative.

Nebraska tried to address growing prison population with LB1094. It did this in part by increasing judicial discretion for determinate sentencing, allowing post-supervision release for some concurrently served sentences, and reclassifications of some crimes. This bill was passed in 2016, and it does not seem to impact firearm felonies or their few mandatory minimums.

Sources:

Current Felony Sentencing: <https://nebraskalegislature.gov/laws/statutes.php?statute=28-105>

2025 Revisor Including Sentencing:  
<https://nebraskalegislature.gov/FloorDocs/109/PDF/Slip/LB150.pdf>

2019 Revisor Including Sentencing:  
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB686.pdf>

2016 Revisor Including Sentencing:  
<https://nebraskalegislature.gov/FloorDocs/104/PDF/Slip/LB1094.pdf>

2015 Revisor Including Sentencing:  
<https://nebraskalegislature.gov/FloorDocs/104/PDF/Slip/LB605.pdf>

2011 Revisor Including Sentencing:  
<https://nebraskalegislature.gov/FloorDocs/104/PDF/Slip/LB268.pdf>

2002 Revisor Including Sentencing:  
<https://nebraskalegislature.gov/FloorDocs/102/PDF/Slip/LB12.pdf>

Nebraska on Reform: <https://www.sentencingproject.org/app/uploads/2022/08/Expanding-the-Vote-1997-2018.pdf>

2016 Nebraska Legislature News Source: <https://update.legislature.ne.gov/?p=19382>

## *North Dakota*

### Truth in Sentencing Act

For notable sentencing reform in North Dakota, it is incumbent on us to discuss Senate Bill 2128 – the Truth In Sentencing Bill. The bill appears to be something of a misnomer, with the Attorney General of North Dakota, Drew Wrigley, pushing for the bill. The public news about the bill and the text of the bill were often directly in conflict. The text of the bill says explicitly:

“For the purposes of this chapter, an ‘eligible offender’ means an offender who:

- (a) In accordance with section 12.1-32-09.1 has served eighty-five percent (85%) of the offender’s sentence of imprisonment or had the offender’s sentences commuted or
- (b) Is serving a sentence only for one or more violations of [subdivisions omitted, but include computer fraud, perjury, eavesdropping, etc.]”

This is notable, because a “fact versus myth sheet” put out by the North Dakota attorney general directly contradicts the text of the bill. Specifically, the attorney general was claiming that parole would be eligible after 50% of sentence was served, but the text of the bill said 85% sentence served for violent offenders. This bill would have, in effect, created a slew of mandatory minimums by forcing 85% of time served before parole eligibility existed. This bill was voted down 41 to 52 in February 2025.

There were other problematic elements to this bill that were debated in the North Dakota legislature. **A life sentence would be calculated based on the life expectancy of the defendant**, and the bill increased work eligibility requirements to only apply to non-violent offenders who have either had their sentences commuted or have served 85% of their sentence. Current requirements are merely that an inmate have ten years or less remaining on a sentence and has not been committed to the legal and physical custody of the department – with more discretion given to the prison administrators. A more fulsome summary of the bill included in the appendix.

The bill was explicitly tough on crime and also sought to introduce more and increased mandatory minimums. The defeat of this bill is suggestive of gun sentencing reform for Minnesota.

North Dakota also tracks departures from the standard sentencing. Since 2016, there have only been three departures from standard sentencing.

- Judge Foughty; 36-2023-CR-388; Downward Departure (2022)
- Judge Bailey; 09-2015-CR-3520; Departure not reported (2017)
- Judge Bailey; 09-2015-CR-3547; Departure not reported (2017)

## ND HB1361 (Human Trafficking)

North Dakota passed ND HB1361 in April 2025. This bill establishes new mandatory minimums specifically for human trafficking. Human trafficking as a class AA felony carries a minimum of 40 years, a Class A felony carries a minimum of 15 years, and a class B felony carries a minimum of 7 years.

## North Dakota Sentencing Guides

AA felonies have a mandatory minimum of either 20-, 30-, or 40-years' time served (depending on crime) before parole is eligible, with a presumptive life sentence. This classification is primarily reserved for murder and certain types of sexual assault and human trafficking typically with children as victims.

The mandatory minimums in North Dakota vary generally by specific statutes, with the sentencing guidelines explicitly forbidding a minimum term of imprisonment unless the individual statute allows.

However, the North Dakota sentencing requirements mandate a minimum of four years' imprisonment if the offender is convicted of a class AA, class A, or class B felony if they possess a firearm or a deadly weapon in the commission of the felony. A class C felony carries a minimum of two years' imprisonment. This was passed in 2024 and added to the sentencing guidelines generally.

Unlawful possession of a firearm is potentially a class C felony – depending on certain factors like the circumstances causing unlawful possession – or a misdemeanor. The class C felony carries a presumptive two year minimum, as they would naturally have possession of a firearm to have unlawful possession of a firearm.

## Current Debate

There is ongoing and vigorous debate in North Dakota about the efficacy of mandatory minimum sentences. Testimony before the North Dakota Senate laid out how SB 2128 was attempting to remove both judicial and prosecutorial discretion as well as increase punishments to existing and future inmates framed in a way that is “tough on crime” and contrary to results.

Some elements of SB 2128 – such as minimums for fleeing police (30 days in jail) – have still found their way into North Dakota's criminal code update in 2025 through other bills, though most of what appears in the Truth in Sentencing Act was defeated.

Other recent reforms assume that incarcerated individuals are inherently indigent (passed 9/2025 and effective 1/1/2026), or HB 1549 which gives parolees assistance to get a state ID or health coverage in an attempt to reduce recidivism. North Dakota is even trying to remodel their prison culture to be more conducive to rehabilitation.

The majority of these reforms seem to have occurred in the last several years, but other notable reforms include the abolishment of the imposition of a life sentence without parole for juvenile offenders in 2017 (HB 1195). North Dakota established the Justice Reinvestment Committee in 2015, and the “Sentencing Reform and Corrections Act of 2015” was introduced federally, which seemed to spur the creation of the North Dakota Committee. Current reforms seem largely to be the result of the Justice Reinvestment Committee and the debate around “tough on crime” politics, and how those two poles conflict.

Sources:

Truth in Sentencing Bill: <https://ndlegis.gov/assembly/69-2025/regular/documents/25-8109-01000.pdf>

“Fact vs. Myth”: <https://attorneygeneral.nd.gov/wp-content/uploads/2025/02/Do-not-believe-myths.pdf>

<https://www.ndcourts.gov/Media/Default/News/north-dakota/2024-mandatory-min-report.pdf>

<https://www.ndcourts.gov/news/north-dakota/departures-from-mandatory-minimums/2017-annual-report-on-departures-from-mandatory-minimum-sentence>

Work Release Eligibility: <https://ndlegis.gov/cencode/t12c48-1.pdf>

Sentencing Guide: <https://ndlegis.gov/cencode/t12-1c32.pdf>

ND HB1361: <https://www.billtrack50.com/billdetail/1779953>

Unlawful Possession: <https://ndlegis.gov/cencode/t62-1c02.pdf>

Testimony to Judiciary: [https://ndlegis.gov/assembly/69-2025/testimony/SJUD-2128-20250122-30402-A-WALSTAD\\_JESSE\\_H.pdf](https://ndlegis.gov/assembly/69-2025/testimony/SJUD-2128-20250122-30402-A-WALSTAD_JESSE_H.pdf)

<https://www.dakotane.wsnow.com/video/2022/06/02/north-dakota-finds-success-is-re-thinking-prison-atmosphere/>

<https://ndlegis.gov/assembly/65-2017/documents/17-0583-05000.pdf>

<https://eji.org/news/north-dakota-abolishes-juvenile-life-without-parole-sentences/>

## *South Dakota*

South Dakota splits their felonies into categories. Class A, B, C, and Class 1 through 6. South Dakota statutes allow for **Maximum sentence**, but mandatory minimum sentences seem to be specified by individual criminal statute. Class A and B felonies have a mandatory minimum of life in prison. This broad category seems to encompass the majority of mandatory minimum sentences in South Dakota. These categories have been in place since at least 1997, which includes the mandatory minimum sentence of life for Class A and B felonies.

Further, if an adult has a previous conviction for a felony sex crime as defined by § 22-24B-1, any subsequent felony conviction for a sex crime as defined by subdivisions 22-24B-1(1) to (15), inclusive, and (19) shall result in a minimum sentence of imprisonment equal to the maximum term allowable under § 22-6-1, up to twenty-five years. The court may suspend a portion of the prison sentence required under this section.

Class A and B felonies are in line with expectations of serious felony charges set by neighboring states. Without an exhaustive search of all South Dakota criminal statutes, Class A felonies include trafficking children, 1<sup>st</sup> degree murder, and conspiracy to commit 1<sup>st</sup> degree murder. Class B felonies include second-degree murder and first-degree aggravated kidnapping. First-degree rape, first-degree manslaughter, and terrorism are examples of Class C felonies.

In 2023 the South Dakota legislature **slightly changed** a mandatory minimum for commission of a felony with a firearm. This mandatory minimum was adopted in 2005. The first conviction is a class 2 felony carries a mandatory minimum of 5 years in prison. Subsequent convictions of the same felony carry a mandatory minimum of 10 years. In 2005, these sentences were to be served consecutively. In 2025 there is no mention of consecutive sentences, but notes that the court **may not** issue probation, suspend, or reduce the sentence.

In 2005, Felon in possession of a firearm is a class 6 felony with no mandatory minimum, but a maximum sentence of up to 15 years. In addition, a felon is relieved of “felon in possession” criminal liability if 15 years has passed since their release with no further convictions.

In 2015, the South Dakota legislature removed mandatory minimum of life sentences for defendants under 18 when committing a felony of Class A or B. The legislature was attempting to move away from this in 2013 where they added a sentencing grid adjustment to allow a departure from the mandatory minimum, but the statute was unclear and further clarified with the 2015 bill.

Sources:

<https://sdlegislature.gov/Statutes/22-14-12>

(2005 Bill) <https://mylrc.sdlegislature.gov/api/Documents/SessionLaw/106095.html>

Sex Crimes Index: <https://sdlegislature.gov/Statutes/22-24B-1>

(2023 Bill): <https://sdlegislature.gov/pdfviewer/viewer.html?documentid=250108#page=1>

(2016 Bill): <https://mylrc.sdlegislature.gov/api/Documents/SessionLaw/40737.html>

(2013 Slip Law): <https://mylrc.sdlegislature.gov/api/Documents/SessionLaw/27598.html>

South Dakota Simplified Felony List: <https://ujs.sd.gov/media/uxzfujel/offense-listing.pdf>

(1997 Bill): <https://mylrc.sdlegislature.gov/api/Documents/SessionLaw/75964.html>

# Texas

## Current Reform Efforts

The record for Texas is replete with ongoing efforts to make their criminal sentences harsher. According to the Texas tribune, 121 bills have been introduced to increase criminal penalties that either create new mandatory minimum sentences or elevate current punishments, but relatively few had made it to Governor Abbott's desk as of June 2025. This includes things like Senate Joint Resolution 5, requiring denial of bail for accusation of murder, capital murder, aggravated assault, kidnapping, robbery, sexual assault, or indecency with a child. This bill is scheduled to be voted on by ballot initiative November 2025.

Governor Abbott has pushed for other amendments that have been **rejected** by the Texas house that would have denied bail automatically to undocumented migrants or denied bail to anyone charged with certain felonies if they had been previously convicted of a felony.

These reform efforts have included attempts at prison reform, including climate control, though they seem to stall out at various stages of the legislative process. House Bill 1826 which would require pregnancy screening for female inmates, for instance, never made it out of house committee. House Bill 3725 would have forbidden solitary confinement except for certain gang members engaged in gang activity in prison, but again, was not heard in committee and stalled out.

They did, however, pass Senate Bill 1300 which increases penalties for retail crime, up to a first-degree felony punishable by life in prison if the total value of stolen goods exceeds \$300,000.

Reports to the Texas Report on mandatory sentencing enhancements were released in 2016, but it can no longer be found. The URL is broken and attempts to search the internet archive have been unsuccessful. It appears to be a right-leaning public policy group, advocating harsher penalties to make streets safer. Some tertiary sources that mentioned the report on mandatory sentencing enhancements seem to contradict that narrative.

This seems to contradict the policy in place in 2010, which highlighted lowering prison populations, more diversionary programs, more supervised release, and less harsh mandatory minimum sentences. In the intervening 15 years, policy seems to have shifted, though I have not been able to find when exactly that shift occurred.

## Current Texas Sentencing Guidelines

### Capital Felony (Last amended 2013)

- If death penalty is not sought, then:
  - Life, for offender under 18 years of age
  - Life without Parole if offender is 18 years or older

- If not the death penalty, **natural life without parole is the mandatory minimum**. Parole is eligible if the defender was a juvenile when the defense was committed.

#### First Degree Felony (Last amended 2009)

- 5-year mandatory minimum, up to natural life.
- May be punished by additional fine up to \$10,000

#### Second Degree Felony (Last amended 2009)

- 2-year mandatory minimum, up to 20 years
- May be punished by additional fine up to \$10,000

#### Third Degree Felony (Last amended 2009)

- 2-year mandatory minimum, up to 10 years
- May be punished by additional fine up to \$10,000

#### State Jail Felony (Amended 2025)

- Mandatory minimum 180 days, up to 2 years
- May be punished by additional fine up to \$10,000
- May be elevated to a third-degree felony if:
  - Deadly weapons were used in the offense or during flight or;
  - Individual has been previously convicted of any felony

### Judge Ordered Community Supervision

Judges have leeway to suspend sentences and place convicted persons under community supervision, but starting in 2019 and continuing every legislative session (and multiple times in 2025) this discretion has been curtailed. The record is replete with crimes that community supervision cannot be ordered.

The crimes are all violent or sexual in nature, or if a deadly weapon was used, or if manufacture of a narcotic was involved, or delivery of a narcotic was involved, etc. Article 42A.054 of Texas Penal code greatly limits judicial discretion in non-incarcerating sentences. It is hard not to link this change to Governor Abbott, who has championed harsher reforms since his election in 2015.

### Gun Crime Felony Classifications

#### Unlawful Possession of a Firearm

- Primarily categorized as a third-degree felony (2 years imprisonment)
- Can be downgraded to a misdemeanor with some mitigating circumstances or enhanced to a second degree felony with aggravating circumstances.

- Amended in 2015 to remove “concealed” from the statute – an open handgun unlawfully possessed violates the statute.
- Later amendments expanded areas where the possession of a handgun is de facto unlawful, such as a school (without proper licensing or clearance), post-secondary institutions, churches, etc. These latest amendments were in HB 1760 In 2023 and appear to be a legislative response to Uvalde.

Note: Per Texas Penal Code 12.42 0 Felony Punishments; enhancements for use of a deadly weapon during the commission of an offense were only added in 2023 during the September session. It was added as a State Jail Felony Punishment, with 180 days minimum sentencing, and requires either actual knowledge that they were using a deadly weapon or a previous conviction.

Sources:

Texas Tribune Sentencing Reform: <https://www.texastribune.org/2025/06/17/texas-bail-criminal-justice-reform-parole/>

Texas Current Sentencing Guidelines: <https://statutes.capitol.texas.gov/docs/pe/htm/pe.12.htm>

Texas Public Policy Foundation: <https://www.texaspolicy.com/press/tppf-releases-paper-on-mandatory-sentencing-enhancements-in-texas>

Right on Crime: <https://rightoncrime.com/>

2010 Sentencing Report: <https://www.texaspolicy.com/wp-content/uploads/2018/08/2010-01-PP04-justicereinvestment-ml.pdf>

HB 910 (2015): <https://capitol.texas.gov/tlodocs/84R/billtext/html/HB00910F.HTM>

HP 1760 (2023): <https://capitol.texas.gov/tlodocs/88R/billtext/html/HB01760F.HTM>

Texas Code 12.42: <https://statutes.capitol.texas.gov/docs/pe/htm/pe.12.htm>

# Vermont

## The Second Look Act

Vermont passed bill S.140 in May, when it was signed into law by Vermont's governor. Though this bill doesn't explicitly target mandatory minimum sentences, it includes what's called "The Second Look Act" (§ 7046). The Second Look Act (SLA) seems to provide a presumptive **10-year minimum** for all sentences. This is an explicit attempt by the Vermont legislature to be an attempt to reduce Vermont's prison population.

The bill allows an incarcerated person to petition for a sentence reduction if they have served the lesser of:

- 10 years in custody, or
- At least 50% of their sentence *provided that the original sentence was five years or more.*

The prosecutor may consent to a sentence reduction even if the inmate doesn't meet the requirements. The bill is also retroactive, and certain criteria (like a serious medical condition) can create a rebuttable presumption that the sentence will be reduced to time served. If the inmate doesn't pose a significant risk, there's a rebuttable presumption of at least a 20% reduction or to a max of five years from the petition date, whichever is shorter. Sentences cannot be increased under this proceeding.

The bill also allows a pathway for compassionate relief, but this is not as germane as the general changes in serving sentences for the second look act. To me, it seems that the second look act functions as a blanket 10 year minimum in sentencing, but this may be too broad an interpretation.

## Vermont Mandatory Minimums, Generally

Vermont's mandatory minimums vary by criminal statute and seem to provide broad discretion to judges. Gun crimes, generally, don't appear to have minimum sentences, but rather have maximum sentences and fines.

For example, unlawful possession of a firearm carries a maximum of "not more than two years" and/or a \$1,000 fine. This crime was added to Vermont criminal code in May 2023.

Possession of a firearm during the commission of a felony was added to Vermont criminal code in 1968 but was amended in 2012. I am unable to find the original version of the statute, but the amended version in 2012 has no minimum sentence, but a maximum of five years and/or a \$500 fine.

No gun statute in Vermont's criminal code carries a minimum sentence, and the maximum sentence appears to be 5 years, for crimes like defacing a serial number, straw purchase, and unlawful possession.

By contrast, Vermont code 13 V.S.A. § 3253 for aggravated sexual assault carries a minimum sentence of “no less than 10 years”. The court is allowed a downward departure, but no fewer than 5 years spent in prison. This was enacted in 2005.

### Summary:

Vermont has few mandatory minimum sentences and their habitual offender statute is quite harsh. Though they don’t call it a “three strikes law”, it is effectively that. 13 V.S.A. § 11 (2010) defines a habitual criminal as somebody who has been convicted of three felonies. Their fourth felony conviction may be confer a sentence of up to life in prison.

As Vermont sentences vary by statute, ever statute in their gun crimes chapter was examined. There were no minimum sentences in their gun crime chapter, and there does not appear to be enhancements to sentencing from using guns in the commission of other crimes. The sentencing court decides whether multiple sentences are served consecutively or concurrently, and it appears that the sentencing courts have broad discretion in determining sentences.

This line was added to the concurrent/consecutive sentencing statute in 2013: “(2) When terms run consecutively, the minimum terms are added to arrive at an aggregate minimum **to be served equal to the sum of all minimum** terms and the maximum terms are added to arrive at an aggregate maximum equal to the sum of all maximum terms. A person shall serve no more time on consecutive minimum sentences than the sum of the minimum terms, regardless of whether the sentences are imposed on the same or different dates.” Ergo, combined minimum sentences are aggregated, and they serve the sum of convicted minimum sentences, if such a sum exists.

Vermont seems to be suggestive of reform for Minnesota. Vermont has no mandatory minimums involving any state gun crimes and their legislature recently passed what seems to be intensive reform on inmates currently serving time.

### Sources:

<https://www.uvm.edu/d10-files/documents/2024-06/minimumsentencing.pdf>

<https://legislature.vermont.gov/statutes/section/13/085/04017a>

S.0140: <https://legislature.vermont.gov/Documents/2026/Docs/BILLS/S-0140/S-0140%20As%20Introduced.pdf>

Gun Crime Chapter: <https://legislature.vermont.gov/statutes/chapter/13/085>

### Aggravated Sexual Assault:

<https://1.next.westlaw.com/Document/NC8104DB0A6C611DDBA3BBA27398753C7/View/FullText.html?listSource=RelatedInfo&docFamilyGuid=I82795760D1E111DDB8CFD6CCD341CC>

[2A&ppcid=4f6ae8b47354471e9482c3fdadefe2c7&originationContext=relatedinfoversions&transitionType=VersionsItem&contextData=%28sc.DocLink%29](https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Judiciary/Bills/H.399/Drafts,%20Amendments%20and%20Other%20Legal%20Documents/H.399~Benjamin%20Novogroski~Vermont%20Rules%20of%20Criminal%20Procedure,%20Rule%2032~3-10-2022.pdf)

**Sentencing Guideline Document:**

<https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Judiciary/Bills/H.399/Drafts,%20Amendments%20and%20Other%20Legal%20Documents/H.399~Benjamin%20Novogroski~Vermont%20Rules%20of%20Criminal%20Procedure,%20Rule%2032~3-10-2022.pdf>

<https://www.nacdl.org/mapdata/ExcessiveSentencingProject-Vermont>

<https://legislature.vermont.gov/statutes/section/13/221/07032>

# Washington

Washington State's mandatory minimums are specified by RCW 9.94A.540. Unlike other states that have been looked at so far, the minimums seem to be laid out in two places – the mandatory minimum without departure statute, and the sentencing guidelines. Here is the 9.94A.540 excerpted in its entirety.

## Mandatory minimum terms.

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW [9.94A.535](#):

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(e) An offender convicted of the crime of aggravated first degree murder for a murder that was committed prior to the offender's eighteenth birthday shall be sentenced to a term of total confinement not less than twenty-five years.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW [9.94A.728](#), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under \*RCW [9.94A.728](#)(3).

(3)(a) Subsection (1)(a) through (d) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW [13.04.030](#)(1)(e)(i).

(b) This subsection (3) applies only to crimes committed on or after July 24, 2005.

These minimums cannot be departed from using their departure statute, RCW 9.94A.535. Interestingly, the minimum sentencing statute specifies brain development of adolescent brains being appropriate to take into consideration when departing from mandatory minimums.

Moreover, the legislature explicitly intended to remove mandatory minimums from juveniles being tried as adults.

Washington state has sentencing enhancements for crimes committed with firearms or accomplices armed with firearms – accomplices seem to be eligible for the firearm enhancements of the principal. The bill in the year 2000 – which at this time hasn't appeared to have been changed – specifies that if an offender is being sentenced for more than one offense, the firearm enhancement or enhancements **must be added to the total period of confinement for all offenses**, regardless of which underlying offense is subject to a firearm enhancement.

While this isn't technically a mandatory minimum, mandatory enhancements seem to skirt the line of what is generally known as a mandatory minimum. Firearm enhancements are served **consecutively** to all other sentencing provisions.

Other minimum sentences appear to be able to be departed from at sentencing

## 2023 Sentencing Guidelines

The sentencing guidelines for Washington appear to be current since 1999 with some amendments specified in notes on the document. For instance, the death penalty was removed for the aggravated first-degree murder statute, but language remains in the sentencing guideline despite revocation of the death penalty in 2023.

Unlawful possession of a firearm in the first degree is a felony level VII offense on their “seriousness level” scale. Their felonies are categorized as “A, B, or C” with levels up to 15 (XV) on the seriousness scale. Washington State differentiates between “anticipatory offenses” and actual offenses. Anticipatory offenses include conspiracy, solicitation, and criminal attempts. Anticipatory crimes have “75%” of the offense of the completed crime.

- Unlawful Possession of a Firearm First Degree – VII Offense – 15 year minimum (11.25 anticipatory)
- Use of a Machine Gun or Bump-Fire stock in commission of a felony – VII Offense – 15 year minimum (11.25 anticipatory)
- Theft of a Firearm – VI Offense – 12 year minimum (9 anticipatory)
- Possession of a Stolen Firearm – V offense – 6 Year minimum (4.5 anticipatory)
- Manufacture of Untraceable Firearm with Intent to Sell – III Offense – 1 Year minimum (0.75 anticipatory)
- Possession of machine gun, bump-fire stock, undetectable firearm, or short barreled shotgun or rifle – III Offense – 1 year minimum (0.75 anticipatory)

## Notes on Washington Sentencing Reform

Washington State appears to have a history of amending their sentencing guidelines by emergency clauses. The Sentencing Reform Act has applied to crimes committed since July

1984. The Washington courts themselves address the difficulty of determining the version of the Sentencing Reform Act active on any given date.

Washington State puts their legislative intent frequently in statute. For unlawful possession, they seem to be trying to address the epidemic of gun violence. Unlawful possession covers domestic assault convictions, protective orders, and prior felonies among other unlawful categories. That said, their sentences for unlawful possession are quite harsh, as are their enhancements.

Firearm enhancements are 5 years for a class A felony with a maximum sentence of 20 years, 3 years enhancement for a class B felony or with a statutory maximum sentence of 10 years, and 18 months for any felony defined as a Class C felony or with a statutory maximum sentence of 5 years.

Sources:

<https://app.leg.wa.gov/rcw/default.aspx?cite=9.94A.540>

<https://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.535>

Year 2000 Bill: <https://lawfilesexternal.leg.wa.gov/biennium/1999-00/Pdf/Bills/Session%20Laws/Senate/6223.SL.pdf?cite=2000%20c%2028%20s%207>

[https://cfc.wa.gov/sites/default/files/Publications/Adult\\_Sentencing\\_Manual\\_2023\\_0\\_3.pdf](https://cfc.wa.gov/sites/default/files/Publications/Adult_Sentencing_Manual_2023_0_3.pdf)

Unlawful Possession of Firearm Statute: <https://app.leg.wa.gov/RCW/default.aspx?cite=9.41.040>

<https://www.courts.wa.gov/sra/>

2013 Departure Statute:

[https://www.courts.wa.gov/sra/index.cfm?fa=sra.showSraPage&file=092813\\_123113-033&folder=2013&sectionid=092813\\_123113](https://www.courts.wa.gov/sra/index.cfm?fa=sra.showSraPage&file=092813_123113-033&folder=2013&sectionid=092813_123113)

Modern Adjustment to Standard Sentences:

<https://app.leg.wa.gov/rcw/default.aspx?cite=9.94A.533>

# Wisconsin

Wisconsin has statutory mandatory minimums as specified by Chapter 939 Wisconsin code. These mandatory minimums were enacted in 2006.

Wisconsin has a bifurcated sentence for repeat firearm felonies in violation of § 941.29 (possession of a firearm in furtherance of a crime) or § 941.2905 (straw purchasing of firearms). As of 2017, this carries a mandatory minimum of four years, subject to any applicable penalty enhancement. The court may not place this defendant on probation. From 2006 to 2015-16, the only firearm related felony was in violation of § 973.123 – Sentence for certain violent offenses, use of a firearm. The crime was punishable with a bifurcated sentence – a period of confinement with a minimum of one year followed by an extended term of supervision.

The bifurcated sentence for firearm crimes prior to 2017 was a minimum of five years for felony classes A through G, 3 years if the felony was class H, and 6 months if the felony was class I. For firearm crimes specifically, mandatory minimums in Wisconsin have **decreased** since 2017.

Mandatory minimums apply to relatively few offenses, including second and subsequent felon-in-possession, intoxicated driving, child sex offenses, and second or subsequent sexual assault and violent crimes. Unlawful possession of a firearm is either a Class G or Class H felony, which have no mandatory minimum sentences.

- 25 years mandatory minimum for child sex offenses
- 3 to 5 years mandatory minimum for certain child sex offenses (child exploitation, child pornography, etc.)
- 3.5 years (42 months) mandatory minimum for repeat serious sex crimes.
- 5 years mandatory minimum for repeat serious violent crimes.
- 4 years mandatory minimum for repeat firearm crimes

Research by Gannett Wisconsin Media group has shown that judges are routinely not abiding by the mandatory minimums to be more lenient than the statutory requirement. Judge Donald Zuidmulder, a County Judge, said “I think the Legislature has a right to express their opinion that these are mandatory, in their opinion, this is the sentence that should be imposed, but ... I don’t think I’m a computer, I don’t think I’m a robot. I try to listen to what everybody has to tell me.”

Other judges discussed not intentionally violating statutory guidelines and blamed prosecutors.

Additional sources:

<https://www.wjiiinc.org/blog/mandatory-minimum-flies-under-the-radar-in-wisconsin-assembly>

<https://docs.legis.wisconsin.gov/2015/related/acts/109>

<https://docs.legis.wisconsin.gov/statutes/statutes/939/iv/618>

<https://www.postcrescent.com/story/news/investigations/2015/12/11/175-sentenced-below-statutory-minimum/76335118/>

# Appendices

## North Dakota Truth in Sentencing Summary:

### 1. Work Release and Rehabilitation Programs

- Expands and clarifies eligibility for offenders to participate in work, education, or rehab programs outside correctional facilities.
- Eligibility includes:
  - Offenders who have served 85% of their sentence or had it commuted.
  - Offenders serving time for specific non-violent crimes (listed in detail).
- Requires quarterly reporting to the Attorney General and legislature on participants.

### 2. Conditions for Release Programs

- High-risk offenders (e.g., life sentences without parole) are excluded.
- Participation allowed only if the offender is low-risk (not likely to commit violence or escape).
- Allows short-term leaves (up to 72 hours) under strict conditions.
- Establishes that violations of program rules (e.g., risk of violence or escape) will revoke release eligibility.

### 3. Sentence Reductions

- Good time credits:
  - Up to 15% of a sentence (maximum 5 days/month).
  - Based on program participation and work performance.
  - No credit for time on probation.
- Meritorious conduct credits:
  - For heroic acts or outstanding behavior.
  - Capped at 1 day/month (down from 2).
  - Requires written recommendation and director approval.

### 4. Truth in Sentencing for Violent Offenders

- Requires violent offenders to serve 85% of their sentence before release eligibility.
- Applies to crimes like murder, kidnapping, rape, and armed robbery.

- Defines how “life sentence” time is calculated based on life expectancy at sentencing.

## **5. Assault on Public Officials**

- Mandatory 30-day jail time for simple assault on:
  - Police
  - Correctional staff
  - State hospital employees
  - Judges, EMTs, firefighters
- Sentence must run consecutively to any underlying conviction.

## **6. Preventing Arrest**

- Adds minimum 14-day jail term for resisting or preventing lawful arrest.
- If linked to another conviction, the sentence is consecutive.

## **7. Mandatory Sentences for Armed Offenders**

- Requires mandatory minimums without parole for felonies committed with a weapon:
  - 4 years for Class AA, A, or B felonies
  - 2 years for Class C felonies
- Offenders not eligible for release programs during most of the sentence.

## **8. Fleeting Law Enforcement**

- Fleeting in a vehicle now carries:
  - Mandatory 30-day jail time
  - Consecutive sentencing if tied to another crime
  - Vehicle impoundment for up to 6 months (at judge's discretion)

## **Administrative & Reporting Provisions**

- Mandates the Department of Corrections to:
  - Document all program rule violations
  - Maintain transparency via quarterly reports
  - Ensure compliance with federal standards (Executive Order 11755)

## **Penalties Added or Increased**

- Minimum jail terms added for multiple offenses
- Some misdemeanors elevated to felonies under certain conditions (e.g., assault on public officials)
- Consecutive sentencing required in many instances to ensure time is fully served

## Maryland Second Look Act:

### **Summary of Maryland House Bill 853 (Chapter 96, “Maryland Second Look Act”) – Enacted April 22, 2025**

This law creates a process for individuals serving long prison sentences in Maryland to petition the court for a reduction in their sentence after serving a substantial portion of their confinement. It applies retroactively to people already incarcerated and prospectively to those sentenced in the future.

#### **1. Eligibility**

- A person may petition for a sentence reduction if they:
  - Have served at least 20 years of their sentence, and
  - It has been at least 5 years since any prior petition under this law was decided.
- An individual can file a maximum of three petitions for the same sentence.
- A State’s Attorney may also file a motion for reconsideration on behalf of an incarcerated person, even if the person doesn’t meet the 20-year requirement.

#### **2. Hearing Procedures**

- The court must hold a hearing unless waived by the petitioner.
- The petitioner may appear in person or by video conference.
- Both the individual and the State may present evidence.
- Victims or their representatives must be notified and may submit victim impact statements, but cannot be cross-examined.
- Hearings may be postponed if the petitioner is completing educational or rehabilitation programs.

#### **3. Judicial Review Criteria**

When deciding whether to reduce a sentence, the court must consider:

- The individual’s age at the time of the offense (recognizing diminished culpability of youth and emerging adults);
- The nature of the offense and the person’s background and conduct in prison;
- Participation in educational or vocational programs;
- Demonstrated rehabilitation, maturity, and readiness to reenter society;
- Victim statements and psychological evaluations;
- The individual’s family history, trauma, or past abuse;
- The extent of their role in the offense and any other relevant factors.

#### **4. Court Decision**

- The court must state reasons for its decision on the record or in writing within 90 days.
- A court may reduce a sentence if:
  - The individual is not a danger to the public, and
  - The interests of justice are better served by release.
- A rebuttable presumption of no danger exists if the individual has:
  - Served 30 or more years, or
  - Reached 60 years of age.
- The court cannot increase a sentence under this Act.
- The right to petition for a reduction cannot be waived.

#### **5. Additional Safeguards**

- Lack of access to rehabilitative programs or continued claims of innocence cannot be used against the petitioner.
- If release is granted, courts must order no-contact conditions with victims unless the victim requests otherwise.

#### **6. Special Provisions for Young Offenders (Amended §8–110)**

- Applies to individuals:
  - Convicted for crimes committed under age 25,
  - Who have served at least 20 years,
  - Who are not sex offenders, and

- Whose crime did not involve the murder of a first responder.
- Similar hearing and review process as above.
- Limits the number of motions to three per sentence, with at least 3 years between filings.

**Effective Date:** October 1, 2025

**Purpose:**

The *Maryland Second Look Act* establishes a structured opportunity for long-term incarcerated individuals—particularly those rehabilitated after decades in prison—to seek sentence reduction in the interest of justice and public safety.

**Arizona Felonies, continued:**

*Class 3 Felonies:*

- 5-516. Alteration of lottery tickets
- 6-133. Filing false reports or making false entries regarding banking documents
- 13-705. Dangerous crimes against children (certain offenses)
- 13-1001. Attempt of a class 2 felony
- 13-1002. Solicitation of a class 1 felony
- 13-1202. Threatening or intimidating (certain violations)
- 13-1204. Aggravated assault (certain violations)
- 13-1211. Discharging a firearm at a nonresidential structure
- 13-1302. Custodial interference (by a person other than a parent, custodian, or agent of a parent or custodian)
- 13-1304. Kidnapping (certain violations)
- 13-1404. Sexual abuse (if the victim is under 15 years of age)
- 13-1411. Bestiality (involving a minor in the offense)
- 13-1419. Unlawful sexual conduct by a correctional employee with an offender between 15 and 17 years of age
- 13-1507. Burglary in the second degree
- 13-1508. Burglary in the first degree (of a nonresidential structure or fenced commercial or residential yard)
- 13-1604. Aggravated criminal damage (certain violations with damage of \$10,000 or more)
- 13-1706. Intentional burning of wildlands (placing another in danger of death or serious bodily injury or placing any building or occupied structure in danger of damage)

- 13-1802. Theft (property or services with a value of \$4,000 or more but less than \$25,000)
- 13-1814. Theft of means of transportation
- 13-1903. Aggravated robbery
- 13-2009. Aggravated taking the identity of another person or entity
- 13-2109. Credit card transaction record theft (at least \$3,000 but less than \$25,000)
- 13-2307. Trafficking in stolen property (second degree)
- 13-2312. Illegal control of an enterprise; illegally conducting an enterprise (not involving a minor)
- 13-2316. Computer tampering (certain violations)
- 13-2317. Money laundering (second degree)
- 13-2321. Assisting a criminal street gang
- 13-2409. Obstructing criminal investigations or prosecutions with intent to promote, further or assist a criminal street gang
- 13-2512. Hindering prosecution in the first degree (involving terrorism or murder or with intent to promote, further or assist a criminal street gang)
- 13-2923. Stalking (certain violations)
- 13-3102. Misconduct involving weapons (certain violations)
- 13-3405. Possession, use, production, sale or transportation of marijuana (certain violations)
- 13-3407. Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs (certain violations)
- 13-3408. Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs (certain violations)
- 13-3554. Luring a minor for sexual exploitation
- 13-3561. Unlawful age misrepresentation
- 13-3609. Child bigamy
- 13-3623. Child or vulnerable adult abuse (certain violations)
- 13-3702.01. Excavating certain sites (second or subsequent offense)
- 13-3705. Unlawful copying or sale of sounds or images from recording devices (certain violations)
- 3-3707. Telecommunication fraud
- 13-3713. Consideration for referral of a patient, client or customer; fraud (certain violations)
- 16-1011. Counterfeiting election returns
- 28-661. Accidents involving death or personal injuries; failure to stop (certain violations)

- 36-854. Sale or purchase of human body parts
- 42-1127. Sale or possession of untaxed cigarettes (10,000 or more)
- 49-925. Certain hazardous waste violations (see title 49, chapter 5, article 2)

*Class 4 Felonies:*

- 3-109. Unlawful influence of officer, inspector or other state employee (agriculture)
- 3-932. Theft of protected native plants (valued at \$1,500 or more)
- 3-1304. Branding or altering brand of animal of another
- 3-1305. Obliterating or changing brand or mark
- 5-115. Certain racing violations (see title 5, chapter 1, article 1)
- 5-396. Aggravated operating or actual physical control of motorized watercraft while under the influence of intoxicating liquor or drugs (certain violations)
- 10-1632. Interrogatory or signature violations; corporate records (certain violations)
- 10-11632. Interrogatory or signature violations; corporate records (certain violations)
- 13-1001. Attempt of a class 3 felony
- 13-1002. Solicitation of a class 2 felony
- 13-1102. Negligent homicide
- 13-1204. Aggravated assault (certain violations)
- 13-1302. Custodial interference (if the child or incompetent person is taken out of this state by the parent or custodian or agent or by the agent of the parent or custodian)
- 13-1304. Kidnapping (certain violations)
- 13-1306. Unlawfully obtaining labor or services
- 13-1424. Voyeurism (certain violations)
- 13-1506. Burglary in the third degree
- 13-1602. Criminal damage (damage of \$10,000 or more or causing impairment of the functioning of a utility)
- 13-1604. Aggravated criminal damage (certain violations)
- 13-1703. Arson of a structure or property (property valued at more than \$1,000)
- 13-1705. Arson of an occupied jail or prison facility
- 13-1802. Theft (property or services valued at \$3,000 or more but less than \$4,000 or any vehicle engine or transmission)
- 13-1804. Theft by extortion (certain violations)
- 13-1805. Shoplifting (certain violations)
- 13-1818. Misappropriation of charter school monies (less than \$25,000)

- 13-1902. Robbery
- 13-2002. Forgery
- 13-2008. Taking the identity of another person or entity or knowingly accepting the identity of another person
- 13-2104. Forgery of credit card
- 13-2109. Credit card transaction record theft (at least \$2,000 but less than \$3,000)
- 13-2304. Collection of extensions of credit by extortionate means
- 13-2308. Participating in or assisting a criminal syndicate (certain violations)
- 13-2309. Bribery of participants in professional or amateur games, sports, horse races, dog races or contests
- 13-2316. Computer tampering (certain violations)
- 13-2316.01. Unlawful possession of an access device (100 or more)
- 13-2316.02. Unauthorized release of proprietary or confidential computer security information (certain violations)
- 13-2319. Smuggling
- 13-2320. Residential mortgage fraud
- 13-2322. Knowingly making available a property to be used as a drop house
- 13-2411. Impersonating a peace officer (during the commission of certain felonies)
- 13-2504. Escape in the first degree
- 13-2602. Bribery of a public servant or party officer
- 13-2606. Offer to exert improper influence on public officer or employee for consideration
- 13-2702. Perjury
- 13-2805. Influencing a juror
- 13-2912. Introduction of disease or parasite (that is a threat to human health)
- 13-2925. Hoax
- 13-3019. Surreptitious photographing, videotaping, filming, digitally recording or viewing (if person depicted is recognizable)
- 13-3102. Misconduct involving weapons (certain violations)
- 13-3104. Depositing explosives
- 13-3113. Adjudicated delinquents; firearm possession (second or subsequent offense)
- 13-3116. Misconduct involving body armor
- 13-3117. Using or threatening to use a remote stun gun against a law enforcement officer engaged in official duties
- 13-3206. Taking a child for the purpose of prostitution (if the child is 15 years of age or older)

- 13-3405. Possession, use, production, sale or transportation of marijuana (certain violations)
- 13-3407. Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs (certain violations)
- 13-3408. Possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs (certain violations)
- 13-3417. Use of wire communication or electronic communication in drug related transactions
- 13-3421. Using building for sale or manufacture of dangerous or narcotic drugs (fortification)
- 13-3506. Furnishing obscene or harmful items to minors
- 13-3506.01. Furnishing harmful items to minors by internet
- 13-3512. Obscene or indecent telephone communications to minors for commercial purposes
- 13-3608. Incest
- 13-3623. Child or vulnerable adult abuse (certain violations)
- 13-3713. Consideration for referral of a patient, client or customer; fraud (certain violations)
- 13-3725. Interference with monitoring devices
- 13-3824. Failure to comply with sex offender registration requirements
- 13-4702. Conducting a chop shop (other than owning or operating)
- 13-4802. Possession or sale of cloned cellular or wireless telephones
- 13-4902. Criminal trespass on a commercial nuclear generating station
- 23-575. Defrauding a professional employer organization
- 28-675. Causing death by use of a vehicle
- 28-1383. Aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs (with suspended or revoked license, or a third or subsequent violation in 84 months)
- 28-5921. Motor vehicle fuel tax violations
- 29-613. Interrogatory or signature violations; limited liability company records (certain violations)
- 32-746. Fraudulent audit practices ( regarding any securities offering or financial statement filing)
- 32-1364. Crimes against the dead (e.g., mutilation, necrophilia)
- 33-458. Resale of realty with intent to defraud
- 34-252. Contract, combination or conspiracy to restrain trade or commerce
- 35-301. Misuse of public monies by a public officer
- 36-2531. Certain controlled substances violations (see title 36, chapter 27)
- 38-231. Violation of loyalty oath by public officers and employees

- 38-363. The withholding or destruction by a former public officer of records or property of office
- 38-421. Stealing, destroying, altering or secreting any public record by a public officer
- 40-303. Violation of law or commission authorizations regarding stock certificates or evidences of indebtedness
- 41-1224. Altering or illegally removing enrolled copy of bill or resolution
- 41-2616. Procurement code violations
- 41-2705. Unlawful solicitation and award of state grants
- 42-1127. Certain criminal violations regarding the collection of taxes
- 43-416. Failure of employer to remit tax withholdings
- 44-1416. Government contract, combination or conspiracy to restrain trade or commerce
- 44-1841. Sale of unregistered securities
- 44-1842. Securities transactions by unregistered dealers and salesmen
- 44-1995. Certain sale of securities violations (see title 44, chapter 12, article 13)
- 44-3241. Fraud in providing investment advisory services

*Class 5 Felonies:*

- 3-932. Theft of protected native plants (valued \$750 or more but less than \$1,500)
- 3-1292. Sale of livestock without lawful brand, bill of sale or power of attorney
- 3-1303. Driving livestock from range without consent of owner
- 3-1307. Unlawfully killing, selling or purchasing livestock of another
- 3-3113. Employer violation of agricultural standards or rules (subsequent offense)
- 5-349. Watercraft collision; failure to stop (accident involving death or serious physical injury)
- 5-391. Fleeing or attempting to elude a law enforcement officer (watercraft operator)
- 9-221. Failure or refusal to deliver books and records of disincorporated city or town
- 10-1623. Statement of bankruptcy or receivership; interrogatories before subsequent incorporation (false statement)
- 10-1632. Interrogatory or signature violations; corporate records (certain violations)
- 10-11623. Statement of bankruptcy or receivership; interrogatories before subsequent incorporation of nonprofit organization (false statement)

- 10-11632. Interrogatory or signature violations; corporate records
- 12-994. Violating a restraining order, injunction or other court order (regarding residential property nuisance)
- 13-1001. Attempt of a class 4 felony
- 13-1002. Solicitation of a class 3 felony
- 13-1004. Facilitation of a class 1 felony
- 13-1204. Aggravated assault (certain violations)
- 13-1205. Unlawfully administering intoxicating liquors, narcotic drug or dangerous drug (to a minor)
- 13-1305. Access interference (if the child is taken out of this state)
- 13-1403. Public sexual indecency to a minor
- 13-1404. Sexual abuse (if the victim is 15 years of age or older)
- 13-1419. Unlawful sexual conduct by a correctional employee with an offender who is 18 or older
- 13-1424. Voyeurism
- 13-1602. Criminal damage (damage of \$2,000 or more but less than \$10,000)
- 13-1604. Aggravated criminal damage (certain violations)
- 13-1703. Arson of property (valued \$100 or more but less than \$1,000)
- 13-1802. Theft (property or services valued at \$2,000 or more but less than \$3,000)
- 13-1803. Unlawful use of means of transportation (driver offense)
- 13-1805. Shoplifting (certain violations)
- 13-1817. Unlawful possession of at least 15 fraudulent sales receipts or UPC labels or machinery to manufacture them
- 13-2003. Criminal possession of a forgery device with intent to use it
- 13-2102. Theft of a credit card or obtaining a credit card by fraudulent means
- 13-2103. Receipt of anything of value obtained by fraudulent use of a credit card (property valued at \$1,000 or more)
- 13-2105. Fraudulent use of a credit card (items obtained in any six-month period valued at \$1,000 or more)
- 13-2107. False statement as to financial condition or identity
- 13-2109. Credit card transaction record theft (at least \$1,000 but less than \$2,000)
- 13-2207. Receiving deposits in an insolvent financial institution
- 13-2302. Making extortionate extensions of credit
- 13-2311. Fraudulent schemes and practices; wilful concealment
- 13-2316. Computer tampering (certain violations)
- 13-2316.01. Unlawful possession of access device (5 or more but fewer than 100)

- 13-2401. Placing personal information of a peace officer, justice, judge, commissioner, public defender or prosecutor on the web
- 13-2409. Obstructing criminal investigations or prosecutions
- 13-2503. Escape in the second degree (certain violations)
- 13-2505. Promoting prison contraband (other than drugs and dangerous weapons) or failing to report a violation
- 13-2507. Failure to appear in the first degree
- 13-2512. Hindering prosecution in the first degree (except cases involving terrorism or murder)
- 13-2514. Promoting secure facility contraband (other than drugs and dangerous weapons) or failing to report a violation
- 13-2605. Commercial bribery (value of benefit is more than \$1,000)
- 13-2802. Influencing a witness
- 13-2803. Receiving a bribe by a witness
- 13-2806. Receiving a bribe by a juror
- 13-2903. Riot
- 13-2910.01. Dog fighting
- 13-2910.03. Cockfighting
- 13-2912. Introduction of disease or parasite (that is a threat to livestock or poultry industry)
- 13-2921. Harassment against a public officer or employee
- 13-2921.01. Aggravated harassment (certain violations)
- 13-2923. Stalking (certain violations)
- 13-2926. Abandonment or concealment of a dead body
- 13-3005. Interception of wire, electronic and oral communications
- 13-3019. Surreptitious photographing, videotaping, filming, digitally recording or viewing (certain violations)
- 13-3110. Misconduct involving simulated explosive devices
- 13-3113. Adjudicated delinquents; firearm possession (first offense)
- 13-3203. Procuring or placing a person in a house of prostitution
- 13-3204. Receiving earnings of a prostitute
- 13-3205. Causing spouse to become a prostitute
- 13-3207. Detention of persons in a house of prostitution for debt
- 13-3208. Keeping a house of prostitution
- 13-3209. Pandering
- 13-3210. Transporting persons for purpose of prostitution or other immoral purpose
- 13-3214. Prostitution (three or more prior prostitution convictions)

- 13-3303. Promotion of gambling
- 13-3403. Possession and sale of a vapor-releasing substance containing a toxic substance; failure to maintain proper sales records (except court may enter judgment of conviction for class 1 misdemeanors)
- 13-3403.01. Sale of nitrous oxide containers to minors (except court may enter judgment of conviction for class 1 misdemeanor)
- 13-3404. Sale of precursor or regulated chemicals (certain violations)
- 13-3404.01. Possession or sale of precursor chemicals, regulated chemicals, substances or equipment (certain violations)
- 13-3405. Possession, use, production, sale or transportation of marijuana (certain violations)
- 13-3417. Using any wire or electronic communication in facilitating a class 5 felony
- 13-3453. Manufacture or distribution of imitation controlled substance (with respect to someone under 18 years of age)
- 13-3454. Manufacture or distribution of imitation prescription-only drug (with respect to someone under 18 years of age)
- 13-3455. Manufacture or distribution of imitation over-the-counter drug (with respect to someone under 18 years of age)
- 13-3502. Production, publication, sale, possession and presentation of obscene items
- 13-3504. Coercing or requiring acceptance of obscene articles or publications
- 13-3601.02. Aggravated domestic violence
- 13-3606. Bigamy
- 13-3607. Marrying spouse of another
- 13-3623. Child or vulnerable adult abuse (certain violations)
- 13-3625. Unlawful sale or purchase of children
- 13-3701. Unlawful use of food stamps (certain violations)
- 13-3702.01. Excavating certain sites (first offense)
- 13-3713. Fraud in obtaining medical coverage (certain violations)
- 13-3714. Aggravated or multiple violations of insurance code
- 13-3716. Failure to give notice of conviction of dangerous crime against children or child abuse
- 13-3885. Prohibited conduct of bail recovery or bail bond agent
- 16-184. Swearing falsely to an election affidavit
- 16-1002. Counterfeiting or distributing unlawful ballots
- 16-1004. Interference with or corruption of election officer; interference with voting equipment
- 16-1005. Early ballot abuse

- 16-1006. Changing vote of elector by corrupt means or inducement
- 16-1016. Illegal voting; pollution of ballot box; removal or destruction of ballot box, poll lists or ballots
- 20-401.06. Unauthorized transactions (insurance)
- 20-443.01. Misrepresentation in the sale of insurance
- 20-485.12. Claiming to be an administrator without holding a valid certificate of registration
- 23-418. Second or subsequent occupational safety and health violation by an employer that causes death to an employee
- 26-123. Maintenance of private troops
- 26-178. Illegal possession of military uniform, supplies or equipment (valued at more than \$50)
- 28-622.01. Unlawful flight from a pursuing law enforcement vehicle
- 28-661. Accidents involving death or personal injury; failure to stop (certain violations)
- 28-676. Causing serious physical injury by use of a vehicle
- 28-2531. Vehicle registration violations (certain violations)
- 28-4593. Altering a vehicle serial or ID number with intent to alter the identity of a vehicle
- 28-5921. Motor vehicle fuel tax violations
- 28-8288. Third or subsequent conviction of operating an aircraft under the influence of drugs or alcohol
- 29-613. Interrogatory or signature violations; limited liability company records (certain violations)
- 31-129. Taking prohibited articles into a jail or jail grounds
- 31-130. Destruction of or injury to a public jail or other place of confinement
- 31-233. Failure of an inmate to return from furlough, temporary removal or temporary release
- 32-746. Fraudulent audit practices
- 32-1267. Use of fraudulent document (before state board of dental examiners)
- 32-1557. Unlawful naturopathic practice (certain violations)
- 32-1858. Unlawful osteopathic practice (certain violations)
- 32-1996. Unlawful pharmacist practices with intent to defraud
- 32-2165. Unlawful real estate practices (certain violations)
- 33-457. Fraudulent representation by married person of ability to convey realty
- 35-215. Influencing, obstructing or impairing an audit (related to a contract with the state)
- 36-2303. Violating any provision of title 36, chapter 23, article 1 (protection of an embryo or fetus)

- 36-2905.04. Aiding another person in committing medicaid fraud
- 36-2991. Aiding another person in committing children's health insurance program fraud
- 38-413. Charging of excessive fees by a public officer
- 38-447. Violation of prohibition against acquisition of certain interests by public officers
- 38-609. Retention by a public officer or employee of salary of a subordinate
- 41-607. False statement regarding a claim to the department of veterans' services
- 41-735. Disclosure of restricted information by department of administration director or staff
- 41-865. Possessing, selling or transferring human remains or funerary objects
- 41-1221. Preventing meeting of or disturbing the legislature
- 41-1279.05. Divulgence of confidential records or information by auditor general employees or staff
- 41-1279.22. Failure of local officers to comply with auditor general requests for information
- 41-1378. Release of confidential information by ombudsman-citizens aide or staff
- 41-1604.11. Failure of an inmate to return from furlough, home arrest or temporary release (for offenses committed before Jan. 1, 1994)
- 41-1604.12. Absence without leave or failure to return to community correctional center (for offenses committed before Jan. 1, 1994)
- 41-1613. Absence without leave or failure to return to community correctional center
- 41-1805. Disclosure of confidential critical infrastructure information system information
- 41-3504. Disclosure of confidential information by GITA director or staff
- 42-1127. Cigarette tax evasion offenses
- 42-3228. Delivery sales of tobacco products violations (see title 42, chapter 3, article 5.1)
- 44-1219. Sale, removal or concealment of encumbered property
- 44-1220. Fraudulent insurance claim
- 44-1220.01. Fraudulent fire insurance application or claim
- 44-1277. Telephone solicitation by unregistered seller
- 44-1304.01. Unlawful storage, disposal, discard or abandonment of used motor vehicle tires
- 44-1453. Counterfeit marks violations (certain violations)

- 44-1455. Use of unauthorized copy of computer software (except for personal, noncommercial use)
- 44-7204. Violation of title 44, chapter 29 (internet representations)
- 46-455. Permitting life or health of an incapacitated or vulnerable adult to be endangered by neglect
- 49-263. Certain water quality violations (see title 49, chapter 2)
- 49-263.01. Certain violations of the Arizona pollutant discharge elimination system program
- 49-263.02. Certain violations of the sewage sludge program
- 49-464. Certain violations of the hazardous substances and air pollutants statutes
- 49-514. Certain violations of the hazardous air pollutants statutes
- 49-550. Counterfeiting vehicle emissions certificates or waivers
- 49-925. Certain hazardous waste violations (see title 49, chapter 5, article 2)

*Class 6 Felonies:*

- 3-240. Certain violations of seed statutes (see title 3, chapter 2, article 2)
- 3-370. Certain serious violations of pesticide control statutes (see title 3, chapter 2, article 6)
- 3-932. Theft of protected native plants (certain violations)
- 3-2159. Certain poultry slaughter violations (see sections 3-2156, 3-2157, 3-2158 and 3-2161)
- 3-3113. Employer violation of certain agricultural standards or rules
- 5-112. Unauthorized legalized wagering (simulcasting of races)
- 5-115. Removing identifying marks or severely mistreating a racing greyhound
- 5-349. Watercraft collision; failure to stop and remain at the scene of the collision (accident caused injury other than serious physical injury or death)
- 5-391. Removal of factory watercraft identification numbers
- 5-396. Aggravated operating or actual physical control of a motorized watercraft while under the influence of intoxicating liquor or drugs while a person under 15 years of age is aboard
- 5-410. Filing a false bingo report
- 6-133. General banking violations for which another classification is not prescribed (see title 6)
- 6-1241. Refusing to make money transmitter records available to attorney general, county attorney or superintendent
- 8-128. Violations of adoption statutes (see title 8, chapter 1, article 1)

- 8-173. Submitting a false claim for services pertaining to adoption assistance agreements
- 10-202. Making an untrue statement regarding a certificate of disclosure (corporations)
- 10-3202. Making an untrue statement regarding a certificate of disclosure (nonprofit corporations)
- 11-505. Unlawful disclosure of confidential taxpayer info
- 11-1023. Unauthorized release of animals
- 12-994. Violating a restraining order, injunction or other court order (regarding commercial property nuisance)
- 12-1000. Violating an order or notice of removal regarding a clandestine drug laboratory
- 12-1563. Impeding recovery by action or judgment of personal property
- 12-2703. Unauthorized practice of immigration and naturalization law
- 13-1001. Attempt of a class 5 felony
- 13-1002. Solicitation of a class 4 felony
- 13-1004. Facilitation of a class 2 or 3 felony
- 13-1201. Endangerment (involving substantial risk of imminent death)
- 13-1202. Threatening or intimidating (certain violations)
- 13-1204. Aggravated assault (certain violations)
- 13-1205. Unlawfully administering intoxicating liquors, narcotic drug or dangerous drug
- 13-1212. Prisoner assault with bodily fluids
- 13-1302. Custodial interference (by parent or parent's agent)
- 13-1303. Unlawful imprisonment
- 13-1402. Indecent exposure (to a person under 15 years of age)
- 13-1405. Sexual conduct with a minor (15 years of age or older)
- 13-1411. Bestiality
- 13-1418. Sexual misconduct by behavioral health professionals
- 13-1504. Criminal trespass in the first degree (certain violations)
- 13-1505. Possession of burglary tools
- 13-1602. Criminal damage (damage of more than \$250 but less than \$2,000)
- 13-1603. Criminal littering or polluting (certain violations)
- 13-1604. Aggravated criminal damage
- 13-1706. Burning of wildlands (knowing or intentional violation during time of extreme fire hazard)
- 13-1802. Theft (property or services valued at \$1,000 or more but less than \$2,000, or theft of a firearm or dog taken for the purpose of dog fighting)

- 13-1803. Unlawful use of means of transportation (passenger offense)
- 13-1805. Shoplifting (property valued \$1,000 or more but less than \$2,000 or a firearm valued less than \$1,000)
- 13-1807. Issuing a bad check ( amount of \$5,000 or more)
- 13-1813. Unlawful failure to return a motor vehicle subject to a security interest
- 13-1816. Unlawful use, possession or removal of theft detection shielding device
- 13-1817. Unlawful use, possession or alteration of a retail sales receipt or UPC label
- 13-2003. Criminal possession of a forgery device with intent to commit fraud
- 13-2004. Criminal simulation
- 13-2006. Criminal impersonation
- 13-2103. Receipt of anything of value obtained by fraudulent use of a credit card (property valued at \$250 or more but less than \$1,000)
- 13-2105. Fraudulent use of a credit card (items obtained in any 6-month period valued at \$250 or more but less than \$1,000)
- 13-2106. Possession of machinery, plate or other contrivance or incomplete credit card (with intent to defraud)
- 13-2108. Fraud by person authorized to provide goods or services (valued at more than \$100 in a 6-month period)
- 13-2109. Credit card transaction record theft (valued at least \$500 but less than \$1,000)
- 13-2110. Unlawful possession or use of scanning device or reencoder
- 13-2204. Defrauding secured creditors
- 13-2205. Defrauding judgment creditors
- 13-2206. Fraud in insolvency
- 13-2306. Possession of altered property
- 13-2316. Computer tampering (certain violations)
- 13-2316.01. Unlawful possession of access device (fewer than five)
- 13-2316.02. Unauthorized release of proprietary or confidential computer security information (certain violations)
- 13-2317. Money laundering (third degree)
- 13-2405. Compounding (if crime compounded is a felony)
- 13-2407. Tampering with a public record
- 13-2408. Securing the proceeds of an offense (if the person assisted committed a felony)
- 13-2411. Impersonating a peace officer
- 13-2502. Escape in the third degree
- 13-2508. Resisting arrest

- 13-2603. Trading in public office
- 13-2605. Commercial bribery (value of benefit is \$100 or more but less than \$1,000)
- 13-2703. False swearing
- 13-2804. Tampering with a witness
- 13-2807. Jury tampering
- 13-2808. Misconduct by a juror
- 13-2809. Tampering with physical evidence
- 13-2904. Disorderly conduct (recklessly using a dangerous weapon)
- 13-2907. False reporting (second or subsequent violation)
- 13-2910. Cruelty to animals (certain violations)
- 13-2910.02. Presence at a dog fight
- 13-2911. Interference with or disruption of an educational institution (certain violations)
- 13-2921.01. Aggravated harassment (certain violations)
- 13-2922. Interference with emergency communications on public safety land mobile radio frequencies
- 13-3005. Installation or use of pen register or trap and trace device
- 13-3006. Divulging communication service information
- 13-3008. Possession of interception devices
- 13-3019. Surreptitious photographing, videotaping, filming, digitally recording or viewing (certain violations)
- 13-3102. Misconduct involving weapons (certain violations)
- 13-3107. Unlawful discharge of a firearm within a municipality
- 13-3109. Unlawful sale or gift of firearm to minor
- 13-3111. Unlawful carrying or possessing firearm by a minor
- 13-3201. Enticement of persons for purpose of prostitution
- 13-3202. Procurement by false pretenses of person for purpose of prostitution
- 13-3402. Possession and sale of peyote
- 13-3404. Sale of precursor or regulated chemicals (certain violations)
- 13-3404.01. Possession or sale of precursor chemicals, regulated chemicals, substances or equipment (certain violations)
- 13-3405. Possession, use, production, sale or transportation of marijuana (certain violations)
- 13-3406. Certain prescription-only drug violations
- 13-3415. Possession, manufacture, delivery or advertisement of drug paraphernalia
- 13-3417. Using any wire or electronic communication in committing a class 6 felony

- 13-3421. Using building for sale or manufacture of dangerous or narcotic drugs
- 13-3453. Manufacture or distribution of imitation controlled substance
- 13-3454. Manufacture or distribution of imitation prescription-only drug
- 13-3455. Manufacture or distribution of imitation over-the-counter drug
- 13-3506.01. Failure to report furnishing of harmful items to minors by internet
- 13-3507. Public display of explicit sexual materials
- 13-3509. Failure to report solicitation to record, film, photograph or develop any depiction of sexual activity
- 13-3513. Sale or distribution of material harmful to minors through vending machines
- 13-3558. Admitting minors to public displays of sexual conduct
- 13-3603.01. Performing a partial-birth abortion
- 13-3620. Duty to report (failure to report reportable offenses)
- 13-3623. Child or vulnerable adult abuse (certain violations); emotional abuse of an adult
- 13-3701. Unlawful use of food stamps (certain violations)
- 13-3704. Adding poison or other harmful substance to food, drink or medicine
- 13-3705. Unlawful copying or sale of sounds or images from recording devices (certain violations)
- 13-3709. Manufacturing, distributing or selling unauthorized decoding devices (for cable television services)
- 13-3713. Consideration for referral of a patient, client or customer; fraud; presenting false information to maintain health coverage (certain violations)
- 13-3719. Manufacturing, distributing or selling unauthorized decoding devices (for wireless telecommunications services)
- 13-3721. Tattoo violations
- 13-3724. Obtaining utility service fraudulently
- 13-3824. Failure of sex offender to comply with registration requirements to obtain a license
- 13-5002. Criminal trespass on a military reservation or facility
- 16-168. Unauthorized use or disclosure of precinct register or list
- 16-182. False registration as an elector
- 16-183. Election registration violations
- 16-551. Unlawfully releasing vote tally information
- 16-907. Making, accepting or permitting use of name for a prohibited campaign contribution
- 16-919. Effecting a prohibited campaign contribution by a corporation, limited liability company or labor organization

- 16-1010. Refusal by election officer to perform duty or violation of election law by election officer
- 17-309. Wildlife violations
- 17-339. Failure of dealer of hunting licenses to submit required reports, returns and fees
- 20-233. Untrue statement by an insurer regarding its annual report
- 20-466.01. Making or presenting a false, incomplete or misleading insurance application or claim with intent to defraud (see section 20-463)
- 20-481.26. False statement, report or filing by an insurance holding company system officer or employee with intent to deceive the director
- 20-892. Making a false or fraudulent fraternal benefit society claim
- 23-418. Occupational safety and health violation by an employer that causes death to an employee
- 23-536. Acting as an employment agent without a license
- 23-785. False statement, misrepresentation or nondisclosure of material fact to obtain unemployment benefits
- 23-932. Workers' compensation violations of title 23, chapter 6 for which no other penalty is provided
- 23-967. Deduction by employer of workers' compensation premium from employee wage or salary
- 23-984. Misrepresentation by employer of payroll, job description, job function or loss history affecting workers' compensation premium payment
- 23-1025. Unlawful collection by employer of workers' compensation premium from an employee
- 23-1028. False statements or representations to obtain workers' compensation
- 25-511. Failure of parent to provide for child
- 27-318. Removal of or tampering with covering or warning sign on abandoned and inactive mines
- 28-708. Racing on highways (second conviction within 24 months)
- 28-1383. Aggravated driving or actual physical control while under the influence (certain violations)
- 28-3476. Falsification of license (if serious physical injury results from violation)
- 28-5240. Commercial motor carrier violations (third or subsequent violations; see title 28, chapter 14)
- 28-5938. Knowing disclosure of confidential information (see sections 28-5935, 28-5936 and 28-5937)

- 28-8386. Acting as an aircraft dealer without a license; failing to give notification of sale or purchase of aircraft (see section 28-8383)
- 32-927. Practicing without a license (chiropractic)
- 32-1261. Practicing without a license or business entity registration (dentistry)
- 32-1557. Unlawful naturopathic medical assistant practice (certain violations)
- 32-1667. Nursing program and licensing violations
- 32-1996. Unlawful dispensing of human growth hormone
- 32-2161. False statements or publications concerning land, subdivision or membership camping contract for sale or lease
- 32-2165. Performing real estate activities without being licensed
- 32-2166. Performing real estate activities while incarcerated
- 32-2554. Violation of physician assistant statutes (see title 32, chapter 25)
- 32-3633. Influencing an appraiser to secure a misleading or fraudulent appraisal
- 36-757. Unlawful midwifery
- 36-855. Falsifying, forging, concealing, defacing or obliterating a document of human body part gift for financial gain
- 36-2610. Reporting false or fraudulent information to Arizona State Board of Pharmacy or unlawful disclosure of Arizona State Board of Pharmacy information
- 38-421. Stealing, destroying, altering or secreting public record (applies to a person who is not a public officer)
- 38-423. Making or giving a false certificate (applies to a public officer)
- 38-444. Asking for or receiving illegal gratuity or reward (applies to a public officer)
- 38-465. Purchase of appointment to office
- 38-466. Sale of appointment to office (applies to a public officer)
- 38-510. Knowing conflict of interest violations by a public officer (see sections 38-503, 38-504 and 38-505)
- 38-793. Defrauding or attempting to defraud the Arizona State Retirement System
- 38-797.12. Defrauding or attempting to defraud the long-term disability program
- 38-849. Defrauding or attempting to defraud the Public Safety Personnel Retirement System
- 39-124. Releasing identifying information of an eligible person
- 39-161. Presentment of false instrument for filing in a public office
- 41-329. Notary public notice violations
- 41-367. Electronic notary public notice violations

- 41-739. Drawing of an illegal warrant by the director or an employee of the department of Administration
- 41-772. Solicitation of or discrimination against any employee or member of the personnel board
- 41-1756. Unauthorized access to criminal history
- 41-2823. Aiding in escape of youth committed to department
- 42-1127. Certain luxury privilege tax violations (see title 42, chapter 3)
- 42-2004. Knowing disclosure of confidential tax information
- 42-11128. Making a false statement for property tax exemption
- 44-315. Knowing disclosure of confidential information relating to unclaimed property
- 44-1047. Fraudulent transactions by assignor
- 44-1215. Salting gold or silver ore to defraud
- 44-1216. Fraud on seller of ore
- 44-1218. Fraudulent or mock auction
- 44-1453. Counterfeit marks violations (certain violations)
- 44-1631. The charging of excessive interest or unlicensed activity by a pawnbroker (see section 44-1626, subsection A and section 44-1627)
- 44-1732. Pyramid promotional scheme violations (see title 44, chapter 11, article 9)
- 44-1797.17. Discount buying services violations (see title 44, chapter 11, article 14)
- 44-6561. Unlawful solicitation for charity
- 45-139. Unlawful filling a body of water of 1,000 acre-feet or more (see title 45, chapter 1, article 3)
- 45-636. Falsifying groundwater measuring device or unlawful withdrawal of 1,000 acre-feet or more of groundwater
- 46-215. Welfare fraud by means of a false statement or representation, impersonation or other fraudulent device
- 49-263. Certain water quality violations (see title 49, chapter 2)
- 49-263.01. Certain violations of the Arizona pollutant discharge elimination system program
- 49-464. Certain violations of the hazardous substances and air pollutants statutes
- 49-514. Certain violations of the hazardous air pollutants statutes
- 49-861. Special waste management violations (see title 49, chapter 4, article 9)
- 49-925. Certain hazardous waste violations (see Title 49, Chapter 5, Article 2)

## Arkansas Crimes, continued

### *Class A Felonies*

- Capital Murder - Conspiracy/Solicitation
- Capital Murder - Attempt/Conspiracy/Solicitation
- Murder 2nd Degree
- Death by delivery - first degree
- Death by delivery - second degree
- Human Trafficking
- Knowingly exposing another person to fentanyl in the first degree
- Knowingly exposing another person to fentanyl in the second degree- certain victims
- Carnal Abuse 1st Degree
- Knowingly Exposing Another to HIV
- Sexual Assault 1st Degree
- Sexual Assault by a Court Ordered Supervision Officer 1st Degree
- Sexual Assault 1st Degree - school employees
- Trafficking of Persons
- Trafficking of persons - benefiting from participating in an involuntary servitude venture
- Trafficking of persons - subjects a person to involuntary servitude
- Trafficking of persons - recruits etc a minor for commercial sexual activity
- Trafficking of Persons - Selling or Advertising Travel Services
- Trafficking of Persons - Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born
- Trafficking of Persons - Benefitting from Recruiting a Pregnant Woman to Cause Placement of Baby Who is Not Yet Born
- Patronizing a Victim of Human Trafficking - Victim is a Minor
- Incest - Victim < 16
- Unlawful Solicitation for the Relinquishment of Parental Rights in the 1st Degree - Use of Duress, Coercion, etc
- Domestic Battering 1st Degree - serious phys. injury w/deadly weapon - Subq. Offense or to a Pregnant Woman
- Domestic Battering 1st Degree - serious phys. injury w/extreme indifference - Subq. Offense or to a Pregnant Woman
- Domestic Battering 1st Degree - serious phys. injury victim  $\geq 60$  or  $< 4$  - Subq. Offense or to a Pregnant Woman

- Domestic Battering 1st Degree - two or more in past 10 years - Subq. Offense or to a Pregnant Woman
- Domestic Battering 1st Degree - Use of a Firearm - Subq. Offense
- Engaging Child in Sex Explicit - Subq. Offense
- Engaging Child in Sex Explicit - Offender is 18 or Older or Parent/Guardian of Victim - Subq. Offense
- Transportation of a Minor for Prohibited Sexual Conduct
- Internet Stalking - Arranges Meeting and Meets w/ Child 15 or Younger
- Internet Stalking
- Computer Exploitation of a Child 1st Degree - Subq. Offense
- Healthcare Fraud - Aggregate Amount w/in 1 year  $\geq$  \$25,000
- Arson ( $>$  \$20,000  $<$  \$100,000 Damage)
- Arson ( $\geq$  \$15,000  $<$  \$100,000 Damage)
- Aggravated residential burglary - residential structure occupied
- Treason
- Escape 1st Degree - Person in custody of DOC, DCC, or law enfor. Agency
- Using Prohibited Articles
- Using Prohibited Articles - Inmate Uses to Facilitate Escape, Continuing Criminal Enterprise, or a Violent Felony
- Delivering a Prohibited Article by an Inmate of a Correctional Facility - Controlled Substance – Death or Serious Bodily Injury Results
- Making a Terrorist Threat
- Violation of Medicaid Fraud Act - Payments Claimed  $\geq$  \$25,000
- Manufacture/Delivery/Possession Marijuana  $>$  100 lbs  $<$  500 lbs
- Possession of Controlled Substance - Schedule VI  $\geq$  100 lbs  $<$  500 lbs
- Possession of Methamphetamine or Cocaine w/ Purpose to Deliver  $\geq$  10 g  $<$  200g
- Possession of Methamphetamine, Cocaine, or Heroin w/ Purpose to Deliver  $\geq$  10 g  $<$  200g
- Possession of Fentanyl w/ Purpose to Deliver
- Possession of Schedule I or II Controlled Substance not Methamphetamine/Cocaine w/ Purpose to Deliver (not Heroin or Fentanyl 07/28/2021 and thereafter)
- Delivery of Schedule I or II Controlled Substance not Methamphetamine/Cocaine (not Heroin or Fentanyl 07/28/2021 and thereafter)
- Manufacture of Schedule I or II Controlled Substance not Methamphetamine/Cocaine (not Heroin or Fentanyl 07/28/2021 and thereafter)
- Possession of Schedule III Controlled Substance w/ Purpose to Deliver
- Delivery of Schedule III Controlled Substance  $\geq$  200 g  $<$  400 g
- Manufacture of Schedule III Controlled Substance  $\geq$  200 g
- Delivery of Schedule VI Controlled Substance  $\geq$  100 lbs  $<$  500 lbs

- Manufacture of Schedule VI Controlled Substance  $\geq$  100 lbs
- Perpetrating Crime with Machine Gun
- Engaging in Continuing Gang Org. or Enterprise 1st Degree
- Engaging in Continuing Gang Org. or Enterprise 2nd Degree

<https://law.justia.com/codes/arkansas/title-5/subtitle-1/chapter-4/subchapter-4/section-5-4-401/>

<https://law.justia.com/codes/arkansas/title-5/subtitle-1/chapter-4/subchapter-1/section-5-4-104/>

<https://doc.arkansas.gov/sentencing-commission/grids-rankings/>

<https://doc.arkansas.gov/wp-content/uploads/Bench-Book-Sentencing-Guidelines.pdf>

Felony Class Y: <https://law.justia.com/codes/arkansas/2010/title-16/subtitle-6/chapter-93/subchapter-6/16-93-611/>

<https://advance.lexis.com/container/?pdmfid=1000516&crd=5ee9c923-4c75-4215-9146-1265c73b678b&config=00JAA3ZTU0NTIzYy0zZDEyLTRhYmQtYmRmMS1iMWIxNDgxYWxZTQKAFBvZENhdGFsb2cubRW4ifTiwi5vLw6cl1uX&ecomp=6s85k&prid=918b3924-b21a-4e30-91d4-eb8887d3b427>

### Miscellaneous Federal Sources:

Introduced but not passed: <https://www.congress.gov/bill/115th-congress/house-bill/3800/text>

Introduced but not passed: <https://www.congress.gov/bill/117th-congress/senate-bill/1013>