

## MEMORANDUM

To: Task Force on Mandatory Minimum Sentences  
From: Nate Reitz, Task Force Chair  
Date: July 10, 2026  
**Subject: Consensus Policy Recommendations**

The following is my unofficial summary of the consensus policy recommendations that the Task Force adopted at its meeting on July 10, 2026. All votes shown are subject to final ratification or objection on August 4, particularly by the two absent members. The color coding and section numbers correspond to my draft bill language, attached. I will now ask the Revisor for assistance in finalizing the bill language.

1. (11–0) Require the Sentencing Guidelines Commission to create, subject to legislative guidance, a penalty-enhancement scheme in the Sentencing Guidelines for committing violent felonies with firearms or while using dangerous weapons. The legislative guidance would include six tiers of firearm involvement in violent crimes, from personal firearm possession or other dangerous weapon use at the lowest tier, to firearm discharge at the highest tier. The new penalty-enhancement scheme would replace the existing mandatory-minimum scheme for crimes committed on or after August 1, 2029. Sections 15 & 16, with conforming amendments in sections 3–7 & 9–12.
2. (11–0) Remove from the “crime of violence” list—a conviction or juvenile adjudication of which will trigger a lifetime ban on possessing a firearm or ammunition—the following drug offenses: Minn. Stat. §§ 152.023, subd. 2 (third-degree controlled substance possession); 152.024, subd. 2 (fourth-degree controlled substance possession), 152.025, subd. 2 (fifth-degree controlled substance possession), 152.097 (sale of a simulated controlled substance), 152.0263 (first-degree cannabis possession), 152.0265 (first-degree cannabis cultivation), 152.136 (tamper, steal, or transport anhydrous ammonia), & 152.137 (exposing a child or vulnerable adult to methamphetamine or related chemicals, or exposing a child to fentanyl). Effective: August 1, 2027. Section 13, with conforming amendments in section 14.
3. (10–1) Repeal the year-and-a-day mandatory minimum penalty for first-time violations of predatory offender registration requirements. Reduce the two-year mandatory minimum penalty for second-time violations to a year and a day. Effective: August 1, 2027. Section 2.
4. (11–0) For all waivable mandatory minimum penalties where the prosecutor is the only party permitted to make a waiver motion, permit either party to make a waiver motion. Effective: August 1, 2027. Sections 1, 2 (part), & 8.

Section 1. Minnesota Statutes 2026, section 152.021, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000.

(c) If the defendant is convicted under subdivision 1, clause (1), (2), (3), (4), or (5), or subdivision 2, paragraph (a), clause (1), (2), or (3), and the defendant or an accomplice sold or possessed 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue, that person shall be committed to the commissioner of corrections for not less than 65 months or the presumptive fixed sentence under the Minnesota Sentencing Guidelines, whichever is greater, nor more than 40 years and may be sentenced to payment of a fine of not more than \$1,000,000, or both. If a person to be sentenced under this paragraph for a conviction under subdivision 2, paragraph (a), clause (1), (2), or (3), has not previously been convicted of an offense under section 152.021, 152.022, or 152.023, or of a similar offense by the United States or another state, ~~the prosecutor~~ either party may, prior to the time of sentencing, file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this paragraph. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to this mandatory minimum sentence if the court finds substantial and compelling reasons to do so; such a sentence is a departure from the Sentencing Guidelines.

(d) A person convicted under subdivision 2b shall be committed to the commissioner of corrections for not less than 86 months or the presumptive fixed sentence under the Minnesota Sentencing Guidelines, whichever is greater, nor more than 40 years and may be sentenced to payment of a fine of not more than \$1,000,000, or both.

(e) In a prosecution under subdivisions 1 to 2b involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

**EFFECTIVE DATE.** This section is effective August 1, 2027.

Sec. 2. Minnesota Statutes 2026, section 243.166, subdivision 5, is amended to read:

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was given notice, knows, or reasonably should know of the duty to register and who:

(1) knowingly commits an act or fails to fulfill a requirement that violates any provision of this section; or

(2) intentionally provides false information to a corrections agent, law enforcement authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

~~(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.~~

~~(e) (b)~~ A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state or the United States, shall be committed to the custody of the commissioner of corrections for not less than ~~two years~~ a year and a day, nor more than five years.

~~(d) (c)~~ Prior to the time of sentencing, ~~the prosecutor~~ either party may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

~~(e) (d)~~ A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

**EFFECTIVE DATE.** This section is effective August 1, 2027, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2026, section 244.09, subdivision 14, is amended to read:

Subd. 14. **Report on mandatory minimum sentences for violent felonies committed with firearms or while using dangerous weapons.** (a) The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 609.11, subdivision 10.

(b) The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of sentences for which the Sentencing Guidelines recommended an increased penalty because the offense was a violent felony committed with a firearm or while using a dangerous weapon.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to sentences on or after that date that have been incorporated into the Sentencing Guidelines Commission's sentence-monitoring data.

Sec. 4. Minnesota Statutes 2026, section 244.10, subdivision 5, is amended to read:

Subd. 5. **Procedures in cases where state intends to seek an aggravated departure.**

(a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines or the state's request for an aggravated sentence under any sentencing enhancement statute ~~or the state's request for a mandatory minimum under section 609.11~~ as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

(1) would be admissible as part of the trial on the elements of the offense; or

(2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

(1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and

(2) would result in unfair prejudice to the defendant.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2026, section 244.10, subdivision 6, is amended to read:

Subd. 6. **Defendants to present evidence and argument.** In either a unitary or bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence and argument to the

jury or fact finder regarding whether facts exist that would justify an aggravated departure or an aggravated sentence under any sentencing enhancement statute ~~or a mandatory minimum sentence under section 609.11~~. A defendant is not allowed to present evidence or argument to the jury or fact finder regarding facts in support of a mitigated departure during the trial, but may present evidence and argument in support of a mitigated departure to the judge as fact finder during a sentencing hearing.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2026, section 244.10, subdivision 7, is amended to read:

Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a jury determination of whether facts exist that would justify an aggravated sentence. Upon receipt of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable doubt whether the factors in support of the state's motion for aggravated departure or an aggravated sentence under any sentencing enhancement statute ~~or a mandatory minimum sentence under section 609.11~~ exist.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2026, section 588.20, subdivision 1, is amended to read:

Subdivision 1. **Felony contempt.** (a) A person who knowingly and willfully disobeys a subpoena lawfully issued in relation to a ~~crime of violence, as defined in section 609.11,~~ subdivision 9 designated offense, as defined in section 609.229, subdivision 1, paragraph (c), with the intent to obstruct the criminal justice process is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A felony charge under this subdivision may be filed upon the person's nonappearance. However, the charge must be dismissed if the person voluntarily appears within 48 hours after the time required for appearance on the subpoena and reappears as directed by the court until discharged from the subpoena by the court. This paragraph does not apply if the person appears as a result of being apprehended by law enforcement authorities.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

1 Sec. 8. Minnesota Statutes 2026, section 609.11, subdivision 8, is amended to read:

2 Subd. 8. **Motion by prosecutor.** (a) Except as otherwise provided in paragraphs (b) and (c),  
3 prior to the time of sentencing, ~~the prosecutor~~ either party may file a motion to have the  
4 defendant sentenced without regard to the mandatory minimum sentences established by this  
5 section. The motion shall be accompanied by a statement on the record of the reasons for it.  
6 When presented with the motion, or on its own motion, the court may sentence the defendant  
7 without regard to the mandatory minimum sentences established by this section if the court finds  
8 substantial and compelling reasons to do so. A sentence imposed under this subdivision is a  
9 departure from the Sentencing Guidelines.

10 (b) The court may not, on its own motion or ~~the prosecutor's~~ a party's motion, sentence a  
11 defendant without regard to the mandatory minimum sentences established by this section if the  
12 defendant previously has been convicted of an offense listed in subdivision 9 in which the  
13 defendant used or possessed a firearm or other dangerous weapon.

14 (c) The court may not, on its own motion or ~~the prosecutor's~~ a party's motion, sentence a  
15 defendant without regard to the mandatory minimum sentences established by subdivision 5, if  
16 the defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022,  
17 subdivision 1, and the person or an accomplice possessed on their person or within immediate  
18 reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing, a  
19 firearm.

20 **EFFECTIVE DATE.** This section is effective August 1, 2027.

21 Sec. 9. Minnesota Statutes 2026, section 609.135, subdivision 1, is amended to read:

22 Subdivision 1. **Terms and conditions.** (a) Except when the applicable law requires a  
23 sentence of life imprisonment ~~is required by law, or when a mandatory minimum sentence is~~  
24 ~~required by section 609.11~~ or a minimum executed sentence of imprisonment, any court may  
25 stay imposition or execution of sentence and:

26 (1) may order intermediate sanctions without placing the defendant on probation; or

27 (2) may place the defendant on probation with or without supervision and on the terms the  
28 court prescribes, including intermediate sanctions when practicable. The court may order the  
29 supervision to be under the probation officer of the court, or, if there is none and the conviction  
30 is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by  
31 some other suitable and consenting person. Unless the court directs otherwise, state parole and  
32 probation agents and probation officers may impose community work service or probation  
33 violation sanctions, consistent with section 243.05, subdivision 1, or sections 244.197 to  
34 244.199.



No intermediate sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.

(b) For purposes of this subdivision, subdivision 6, and section 609.14, the term "intermediate sanctions" includes but is not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, restitution, fines, day-fines, community work service, work service in a restorative justice program, work in lieu of or to work off fines and, with the victim's consent, work in lieu of or to work off restitution.

(c) A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169A.20.

(d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

(e) The court may prohibit a defendant from using adult-use cannabis flower as defined in section 342.01, subdivision 4, or adult-use cannabis products as defined in section 342.01, subdivision 2, if the defendant undergoes a chemical use assessment and abstinence is consistent with a recommended level of care for the defendant in accordance with the criteria under section 254B.04, subdivision 4. The assessment must be conducted by an assessor qualified under section 245G.11, subdivisions 1 and 5.

(f) A court shall not impose an intermediate sanction that has the effect of prohibiting a person from participating in the registry program as defined in section 342.01, subdivision 63.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2026, section 609.229, subdivision 1, is amended to read:

Subdivision 1. ~~**Definition.** As used in this section, "criminal~~ **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Criminal gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

(1) has, as one of its primary activities, the commission of one or more ~~of the offenses listed in section 609.11, subdivision 9~~ designated offenses;

(2) has a common name or common identifying sign or symbol; and

(3) includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

(c) "Designated offense" means a felony violation of chapter 152; a violation of section 609.165, subdivision 1b (possessing a firearm or ammunition after a crime of violence); 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.221 (first-degree assault); 609.223 (third-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342, subdivision 1 (first-degree criminal sexual conduct; adult victim); 609.342, subdivision 1a, clause (a), (b), (c), (d), (e), (f), or (i) (first-degree criminal sexual conduct; victim under the age of 18); 609.343, subdivision 1 (second-degree criminal sexual conduct; adult victim); 609.343, subdivision 1a, clause (a), (b), (c), (d), (e), (f), or (i) (second-degree criminal sexual conduct; victim under the age of 18); 609.344, subdivision 1, clause (a), (b), or (c), or clause (d) under the conditions described in section 609.341, subdivision 24, clause (2)(i), (ii), or (iii) (third-degree criminal sexual conduct; adult victim); 609.344, subdivision 1a, clause (a), (b), (c), (d), (e), or (h), or clause (i) under the conditions described in section 609.341, subdivision 24, clause (2)(i), (ii), or (iii) (third-degree criminal sexual conduct; victim under the age of 18); 609.485 (escape from custody); 609.498, subdivision 1 or 1b (first-degree or aggravated first-degree witness tampering); 609.561 (first-degree arson); 609.562 (second-degree arson); 609.563 (third-degree arson); 609.582 (burglary); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision 3, paragraph (a), clause (3) (harassment with a dangerous weapon); or 624.713, subdivision 1, clause (2) (possessing a firearm or ammunition after a crime of violence); or an attempt to commit any of these offenses.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2026, section 609.495, subdivision 3, is amended to read:

Subd. 3. **Obstructing investigation.** (a) For purposes of this subdivision, "designated crime" means a crime listed in section 609.229, subdivision 1, paragraph (c); a crime under the laws of another state or of the United States in conformity with such a crime; or an act that would be such a crime if committed by an adult.

(b) Whoever intentionally aids another person whom the actor knows or has reason to know has committed a ~~criminal act~~ designated crime, by destroying or concealing evidence of that crime, providing false or misleading information about that crime, receiving the proceeds of that crime, or otherwise obstructing the investigation or prosecution of that crime is an accomplice after the fact and may be sentenced ~~to not more than one-half of the statutory maximum sentence of imprisonment or to payment of a fine of not more than one-half of the maximum~~



~~fine that could be imposed on the principal offender for the crime of violence. For purposes of this subdivision, "criminal act" means an act that is a crime listed in section 609.11, subdivision 9, under the laws of this or another state, or of the United States, and also includes an act that would be a criminal act if committed by an adult as provided in paragraph (c).~~

(c) A person who violates this subdivision may be sentenced as follows:

(1) if the maximum sentence that could be imposed on the principal offender for the designated crime is life imprisonment, to not more than 20 years; or

(2) otherwise, to not more than one-half of the maximum imprisonment or fine or both that could be imposed on the principal offender for the designated crime, but such maximum in any case shall not be less than imprisonment for 90 days or a fine of \$100.

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2026, section 617.91, subdivision 4, is amended to read:

Subd. 4. **Gang activity.** "Gang activity" means the commission of one or more of the offenses listed in section ~~609.11, subdivision 9~~ 609.229, subdivision 1, paragraph (c); criminal damage to property in the first or second degree under section 609.595, subdivision 1 or 1a; trespass under section 609.605; disorderly conduct under section 609.72; or unlawful possession of a firearm by a minor under section 624.713, subdivision 1, clause (1).

**EFFECTIVE DATE.** This section is effective August 1, 2029, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2026, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" ~~means: felony convictions of the following offenses: sections~~ means a felony conviction of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime), 152.023, subd. 1 (third-degree controlled substance sale); 152.024, subd. 1 (fourth-degree controlled substance sale); 152.025, subd. 1 (fifth-degree controlled substance sale); 152.0261 (importing a controlled substance); 152.0262 (possession of substances with intent to manufacture methamphetamine); 152.0264, subd. 1 (first-degree cannabis sale); 152.027, subd. 6(c) (sale of synthetic cannabinoids); 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide ~~and~~ or aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes

committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, ~~and~~ or promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (~~involving theft~~), limited to theft of a firearm, and theft involving the theft of a controlled substance, an explosive, or an incendiary device; 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the first ~~and or second degrees~~ degree); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun, conversion kit, trigger activator, or short-barreled shotgun); 609.71 (riot); 609.713 (~~terroristic threats of violence~~); 609.749 (harassment; stalking); or 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); ~~and chapter 152 (drugs, controlled substances) and or an attempt to commit any of these offenses.~~

**EFFECTIVE DATE.** This section is effective August 1, 2027, and applies to violations of Minnesota Statutes, sections 609.165, 609.668, 624.713, and 624.7141, committed on or after that date.

Sec. 14. Minnesota Statutes 2026, section 624.713, subdivision 1, is amended to read:

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes

1 crimes in other states or jurisdictions which would have been crimes of violence as herein  
2 defined if they had been committed in this state;

3 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial  
4 determination that the person is mentally ill, developmentally disabled, or mentally ill and  
5 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever  
6 been found incompetent to stand trial or not guilty by reason of mental illness, unless the  
7 person's ability to possess a firearm and ammunition has been restored under subdivision 4;

8 (4) a person who has been convicted in Minnesota or elsewhere of a ~~misdemeanor or gross~~  
9 ~~misdemeanor~~ criminal violation of chapter 152 other than a crime of violence, unless three years  
10 have elapsed since the date of conviction and, during that time, the person has not been  
11 convicted of any other such violation of chapter 152 or a similar law of another state; or a person  
12 who is or has ever been committed by a judicial determination for treatment for the habitual use  
13 of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the  
14 person's ability to possess a firearm and ammunition has been restored under subdivision 4;

15 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a  
16 judicial determination that the person is chemically dependent as defined in section 253B.02,  
17 unless the person has completed treatment or the person's ability to possess a firearm and  
18 ammunition has been restored under subdivision 4. Property rights may not be abated but access  
19 may be restricted by the courts;

20 (6) a peace officer who is informally admitted to a treatment facility pursuant to section  
21 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the  
22 treatment facility discharging or provisionally discharging the officer from the treatment facility.  
23 Property rights may not be abated but access may be restricted by the courts;

24 (7) a person, including a person under the jurisdiction of the juvenile court, who has been  
25 charged with committing a crime of violence and has been placed in a pretrial diversion program  
26 by the court before disposition, until the person has completed the diversion program and the  
27 charge of committing the crime of violence has been dismissed;

28 (8) except as otherwise provided in clause (9), a person who has been convicted in another  
29 state of committing an offense similar to the offense described in section 609.224, subdivision 3,  
30 against a family or household member or section 609.2242, subdivision 3, unless three years  
31 have elapsed since the date of conviction and, during that time, the person has not been  
32 convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3,  
33 or a similar law of another state;

34 (9) a person who has been convicted in this state or elsewhere of assaulting a family or  
35 household member and who was found by the court to have used a firearm in any way during

commission of the assault is prohibited from possessing any type of firearm or ammunition for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152. The use of medical cannabis flower or medical cannabinoid products by a patient enrolled in the registry program or the use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of age or older does not constitute the unlawful use of a controlled substance under this item;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) has renounced the person's citizenship having been a citizen of the United States; or

(viii) is disqualified from possessing a firearm under United States Code, title 18, section 922(g)(8) or (9), as amended through March 1, 2014;

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state;

(12) a person who has been convicted of a violation of section 609.224 if the court determined that the assault was against a family or household member in accordance with section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since the

1 date of conviction and, during that time, the person has not been convicted of another violation  
2 of section 609.224 or a violation of a section listed in clause (11);

3 (13) a person who is subject to an order for protection as described in section 260C.201,  
4 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

5 (14) a person who is subject to an extreme risk protection order as described in section  
6 624.7172 or 624.7174.

7 A person who issues a certificate pursuant to this section in good faith is not liable for  
8 damages resulting or arising from the actions or misconduct with a firearm or ammunition  
9 committed by the individual who is the subject of the certificate.

10 The prohibition in this subdivision relating to the possession of firearms other than pistols  
11 and semiautomatic military-style assault weapons does not apply retroactively to persons who  
12 are prohibited from possessing a pistol or semiautomatic military-style assault weapon under  
13 this subdivision before August 1, 1994.

14 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and  
15 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2),  
16 applies only to offenders who are discharged from sentence or court supervision for a crime of  
17 violence on or after August 1, 1993.

18 Participation as a patient in the registry program or use of adult-use cannabis flower, adult-  
19 use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products by a  
20 person 21 years of age or older does not disqualify the person from possessing firearms and  
21 ammunition under this section.

22 For purposes of this section, "judicial determination" means a court proceeding pursuant to  
23 sections 253B.07 to 253B.09 or a comparable law from another state.

24 **EFFECTIVE DATE.** This section is effective August 1, 2027, and applies to crimes and  
25 committed on or after that date.

26 **Sec. 15. COMMISSION OF VIOLENT FELONIES WITH FIREARMS OR WHILE**  
27 **USING DANGEROUS WEAPONS; PENALTY ENHANCEMENT; SENTENCING**  
28 **GUIDELINES MODIFICATION.**

29 **Subdivision 1. Definitions.** For purposes of this section, the following terms have the  
30 meanings given them:

31 (a) "Crime of violence" has the meaning given in Minnesota Statutes, section 624.712,  
32 subdivision 5.

(b) "Dangerous weapon" has the meaning given in Minnesota Statutes, section 609.02, subdivision 6.

**Subd. 2. Penalty enhancement proposal.** The Sentencing Guidelines Commission must propose modifications to the Sentencing Guidelines that enhance the presumptive sentences for individuals who commit violent felonies with firearms or while using dangerous weapons. The proposed modifications may amend the presumptive disposition of a sentence from a stay to imprisonment, increase the length of presumptive imprisonment, or both.

**Subd. 3. Requirements and considerations.** (a) The requirements and considerations described in Minnesota Statutes, section 244.09, subdivision 5, apply to the enhancements proposed under this section.

(b) The commission must assume that the proposed enhancements will replace the minimum penalties now provided in Minnesota Statutes 2026, section 609.11, subdivision 4 to 9.

(c) The commission must identify the violent felonies that would be subject to the proposed enhancement and is not bound by previous laws or guidelines establishing the possession of a controlled substance in violation of Minnesota Statutes, section 152.025, subdivision 2, or any other felony, to be a violent felony.

(d) In addition to the Sentencing Guidelines' considerations of the severity of the offense and the criminal history of the person who committed it, the Commission must consider, when proposing enhancements, the type of weapon involved in the offense and the degree of the weapon's involvement. The proposed enhancements must apply in the following scenarios and the commission must treat each scenario as more serious than the scenarios described in any preceding numbered clauses:

(1) the person used, whether by brandishing, displaying, threatening with, or otherwise employing, a dangerous weapon other than a firearm to commit a violent felony; or the person committed a violent felony while possessing a firearm on their person or in immediate reach;

(2) the person committed a violent felony while possessing a firearm on their person or in immediate reach contrary to a prohibition against such possession due to a prior crime of violence conviction or juvenile adjudication;

(3) the person used, whether by whether by brandishing, displaying, threatening with, or otherwise employing, a firearm to commit a violent felony;

(4) the person used a firearm to commit a violent felony contrary to a prohibition against firearm possession due to a prior crime of violence conviction or juvenile adjudication;

(5) the person used a firearm to commit a violent felony after a previous, non-decayed sentence for using a firearm to commit a violent felony; or



1 (6) the person discharged a firearm in the commission of a violent felony.

2 (e) The commission may establish when a person's use of a dangerous weapon or possession  
3 of a firearm during a violent felony justifies a presumptive penalty enhancement for an  
4 accomplice.

5 (f) Proposed enhancements must not result in the application of multiple penalties for the  
6 same conduct. For this reason:

7 (1) a presumptive penalty enhancement for discharging, using, or possessing a firearm  
8 during a violent felony, or for using a dangerous weapon other than a firearm during a violent  
9 felony, must not apply if the discharge, use, or possession of the weapon is a necessary element  
10 of the violent felony; and

11 (2) a presumptive penalty enhancement for using or possessing a firearm to commit a  
12 violent felony contrary to a prohibition against firearm possession due to a prior crime of  
13 violence conviction or juvenile adjudication must not apply if such a prohibition is a necessary  
14 element of the violent felony.

15 Subd. 4. **Report.** By January 15, 2029, the commission must submit a report with the  
16 proposed modifications to the Sentencing Guidelines and an explanation of the rationale for the  
17 proposal to the chairs and ranking members of the legislative committees and divisions with  
18 jurisdiction over public safety policy and finance.

19 Subd. 5. **Adoption; proposed application.** Modifications to the Sentencing Guidelines  
20 proposed pursuant to this act and submitted to the legislature by January 15, 2029, take effect as  
21 provided in Minnesota Statutes, section 244.09, subdivision 11, except that such modifications  
22 shall apply to crimes committed on or after August 1, 2029, unless the legislature by law  
23 provides otherwise.

24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25 Sec. 16. **REPEALER.**

26 (a) Minnesota Statutes 2028, section 609.11, subdivisions 4, 5, 5a, 6, 7, 8, and 9, are  
27 repealed.

28 (b) Minnesota Statutes 2026, section 609.11, subdivision 10, is repealed.

29 (c) Minnesota Statutes 2030, section 244.09, subdivision 14, paragraph (a), is repealed.

30 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2029, and applies to crimes  
31 committed on or after that date. Paragraphs (b) and (c) are effective January 16, 2032, and apply  
32 to reports of criminal cases disposed of on or after July 1, 2031.