

MINNESOTA SENTENCING GUIDELINES COMMISSION
Severity Levels and Felony Weights Summary
Controlled Substance Offenses
(Occurring on/after August 1, 2016)

<u>SEV. LEVEL</u>	<u>WEIGHT</u>	
D9	2	<p><u>MANUFACTURE ANY AMOUNT OF METH:</u> (MN. Stat. § 152.021.2a(a))</p> <p><u>AGGRAVATED CONTROLLED SUBSTANCE CRIME 1ST DEGREE:</u> (MN. Stat. § 152.021.2b): Violations of subd.1 (1), (2), (3), (4), (5) or subd.2 (a) (1) (2) (3) involving 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue and one of the following:</p> <p><u>AGGRAVATED CONTROLLED SUBSTANCE CRIME 1ST DEGREE AND FIREARM:</u> (MN. Stat. § 152.021.2b(1))</p> <p><u>AGG. CONTROLLED SUBSTANCE CRIME 1ST DEGREE AND 2 AGGRAVATING FACTORS:</u> (MN. Stat. § 152.021.2b(2))</p> <p><u>IMPORT CONTROLLED SUBSTANCE ACROSS STATE BORDERS:</u> (MN. Stat. § 152.026.1) Employing a Minor to Import Controlled Substances (subd. 1a)</p>
D8	2	<p><u>CONTROLLED SUBSTANCE CRIME 1ST DEGREE:</u> (MN. Stat. § 152.021)</p> <p><u>Sale/Possession with Intent: Aggregated Over 90 Day Period</u> (subd. 1) 17 or more grams Cocaine or Methamphetamine (subd. 1(1)) 10 or more grams Cocaine or Meth and Firearm (subd. 1(2)(i)) 10 or more grams Cocaine or Meth and 2 Aggravating Factors (subd. 1(2)(ii)) 10 or more grams Heroin (subd. 1(3)) 50 or more grams Other Narcotic (subd. 1(4)) 50 or more grams/200 or more Dosage Units of Amphet. PCP or Halluc. (subd. 1(5)) 25 or more kilograms Marijuana (subd. 1(6))</p> <p><u>Possession:</u> (subd. 2) 50 or more grams Cocaine or Methamphetamine (subd. 2(a)(1)) 25 or more grams Cocaine or Meth and Firearm (subd. 2(a)(2)(i)) 25 or more grams Cocaine or Meth and 2 Aggravating Factors (subd. 2(a)(2)(ii)) 25 or more grams Heroin (subd. 2(a)(3)) 500 or more grams Other Narcotic (subd. 2(a)(4)) 500 or more grams/500 or more Dosage Units of Amphet. PCP or Halluc. (subd. 2(a)(5)) 50 or more kilograms or 500 Plants of Marijuana (subd. 2(a)(6))</p> <p><u>Sale or Possession Large Amount:</u> (subd. 3(c)) 100 or more grams or 500 or more Dosage Units of a mixture containing the controlled substance at issue</p>

D7

1.5

CONTROLLED SUBSTANCE CRIME 2nd DEGREE: (MN. Stat. § 152.022)

Sale/Possession with Intent: Aggregated Over 90 Day Period (subd. 1)

10 or more grams Narcotic Drug Other than Heroin (subd. 1(1))

3 or more grams Cocaine or Meth and Firearm (subd. 1(2)(i))

3 or more grams Cocaine or Meth and 3 Aggravating Factors (subd. 1(2)(ii))

3 or more grams Heroin (subd. 1(3))

10 or more grams/50 or more Dosage Units of Amphet. PCP or Halluc. (subd. 1(4))

10 or more kilograms Marijuana (subd. 1(5))

Cocaine/Narcotic to Minor/Employs Minor (subd. 1(6))

Zone Offense* - Narcotic/LSD/MDA (subd. 1(7)(i))

Zone Offense* - Methamphetamine/Amphetamine (subd. 1(7)(ii))

Zone Offense* - 5 or more kilograms Marijuana (subd. 1(7)(iii))

Possession: (subd. 2)

25 or more grams Cocaine or Methamphetamine (subd. 2(a)(1))

10 or more grams Cocaine or Meth and Firearm (subd. 2(a)(2)(i))

10 or more grams Cocaine or Meth and 3 Aggravating Factors (subd. 2(a)(2)(ii))

6 or more grams Heroin (subd. 2(a)(3))

50 or more grams Other Narcotic (subd. 2(a)(4))

50 or more grams/100 or more Dosage Units of Ampet. PCP or Halluc. (subd. 2(a)(5))

25 or more kilograms or 100 Plants of Marijuana (subd. 2(a)(6))

D6

1.5

CONTROLLED SUBSTANCE CRIME 3rd DEGREE: (MN. Stat. § 152.023)

Sale/Possession with Intent: Aggregated Over 90 Day Period (subd. 1)

Narcotic Drug, including Cocaine, Meth, and Heroin (subd. 1(1))

10 or more Dosage Units of PCP or Hallucinogen (subd. 1(2))

Schedule I, II, III to Minor (not Narcotic) (subd. 1(3))

Schedule I, II, III Employs Minor (not Narcotic) (subd. 1(4))

5 or more kilograms Marijuana (subd. 1(5))

Possession: (subd. 2)

10 or more grams Narcotic Drug other than Heroin (subd. 2(a)(1))

3 or more grams of Heroin (subd. 2(a)(2))

50 or more Dosage Units Narcotic (subd. 2(a)(3))

Zone Offense* - Schedule I & II Narcotic/5+ Dosage Units LSD/MDA (subd. 2(a)(4))

10 or more kilograms of Marijuana (subd. 2(a)(5))

Zone Offense* - Methamphetamine/Amphetamine (subd. 2(a)(6))

FAILURE TO AFFIX STAMP ON COCAINE: (MN. Stat. § 297D.09.1)

FAILURE TO AFFIX STAMP ON PCP/HALLUCINOGEN/LSD: (MN. Stat. § 297D.09.1)

FAILURE TO AFFIX STAMP ON HEROIN: (MN. Stat. § 297D.09.1)

FAILURE TO AFFIX STAMP ON REMAINING SCHEDULE I AND II NARCOTICS:

*Park zone, school zone, public housing zone, drug treatment facility. See, Minn. Stat.

<https://www.revisor.mn.gov/statutes/?id=152.01>, subds. 12a, 14a, 19, 22.

D5	1	<u>POSSESS SUBSTANCES- INTENT TO MANUFACTURE METH:</u> (MN. Stat. § 152.0262)
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D4	1	<u>CONTROLLED SUBSTANCE CRIME 4th DEGREE:</u> (MN. Stat. § 152.024) <u>Sale/Possession with Intent:</u> (subd. 1) Schedule I,II,III (except Marijuana) (subd. 1(1)) Schedule IV or V to Minor (subd. 1(2)) Employs Minor to sell Schedule IV or V (subd. 1(3)) Zone Offense* - MJ (subd. 1(4)) <u>Possession:</u> (subd. 2) 10 or more Dosage Units of PCP or Hallucinogen (subd. 2(1)) Schedule I, II, III (except MJ) with intent (subd. 2(2))
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D3	1	<u>ANHYDROUS AMMONIA (TAMPER/THEFT/TRANSPORT):</u> (MN. Stat. § 152.136.2) <u>METH CRIMES INVOLVING CHILDREN/VULNERABLE ADULTS:</u> (MN. Stat. § 152.137.2)
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D2	0.5	<u>CONTROLLED SUBSTANCE CRIME 5th DEGREE:</u> (MN. Stat. § 152.025) <u>Sale/Possession with Intent:</u> (subd. 1) Marijuana (subd. 1(1)) Schedule IV (subd. 1(2)) <u>Felony Possession:</u> (subd. 2 w/ ref. to subd. 4(b)) Schedule I, II, III (includes MJ – not small amount/Narc/PCP/Hallucinogen) (subd. 2(1)) Procurement by Fraud (subd. 2(2)) Procurement by Fraud - fraud or deceit (subd. 2(2)(i)) Procurement by Fraud - false name or false credit (subd. 2(2)(ii)) Procurement by Fraud – assume identity of authorized person (subd. 2(2)(ii)) <u>SALE OF SYNTHETIC CANNABINOIDS:</u> (MN. Stat. § 152.027.6(c)) <u>MEDICAL CANNABIS VIOLATIONS (FALSE RECORDS):</u> (MN. Stat. § 152.33.4) <u>FAILURE TO AFFIX STAMP ON REMAINING SCHEDULE I, II, AND III NON NARCOTICS:</u> (MN. Stat. § 297D.09.1)
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D1	0.5	<u>SALE OF SIMULATED CONTROLLED SUBSTANCE:</u> (MN. Stat. § 152.097) <u>MEDICAL CANNABIS VIOLATIONS (INTENTIONAL DIVERSION):</u> (MN. Stat. § 152.33.1)
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* Park zone, school zone, public housing zone, drug treatment facility. See, Minn. Stat. <https://www.revisor.mn.gov/statutes/?id=152.01>, subds. 12a, 14a, 19, 22.

MEDICAL CANNABIS VIOLATIONS (DIVERSION BY PATIENT/CAREGIVER/PARENT):

(MN. Stat. § 152.33.2)

FAILURE TO AFFIX STAMP ON MARIJUANA/HASHISH/TETRAHYDROCANNABINOLS:

(MN. Stat. § 297D.09.1)

FAILURE TO AFFIX STAMP ON SCHEDULE IV SUBSTANCE: (MN. Stat. § 297D.09.1)

GM

1 unit

CONTROLLED SUBSTANCE CRIME 5th DEGREE: (MN. Stat. § 152.025)

First-Time GM Possession: (subd. 2 w/ ref. to subd. 4(a))

Schedule I, II, III (includes MJ – not small amount/Narc/PCP/Hallucinogen) (subd. 2(1))

AND:

(1) Less than 0.25 grams or 1 dosage unit controlled substance other than Heroin; or

(2) Less than .05 grams Heroin

Marijuana “other than a small amount” is defined by Minn. Stat. § 152.01, subd. 16:

"Small amount" when applied to marijuana is 42.5 grams or less. This provision shall not apply to the resinous form of marijuana. The weight of fluid used in a water pipe may not be considered in determining a small amount except in cases where marijuana is mixed with four or more fluid ounces of fluid.