

# Minnesota Sentencing Guidelines Commission

---

## Technical Modification: Reorganizing Targeted Misdemeanor List April 27, 2016

---

**Issue:** Guidelines § 8, lists the statutorily provided offenses defined as targeted misdemeanors in [Minn. Stat. § 299C.10](#), subd. 1(e).

Recently, a probation officer preparing a sentencing worksheet contacted MSGC staff and stated that he could not find [Minn. Stat. § 629.75](#) (violation of a domestic abuse no contact order) in Guidelines § 8, even though he knew it to be a targeted misdemeanor. The offense is listed, but it is out of numerical order and towards the top of the list next to [Minn. Stat. § 518B.01](#) (violation of an order for protection).

### **Guidelines Considerations:**

Targeted misdemeanors are relevant to the Guidelines because an offender is assigned one custody status point if he or she is on probation for a targeted misdemeanor. Guidelines § 2.B.2.a. A targeted misdemeanor is also counted as one unit toward the assignment of a misdemeanor/gross misdemeanor point (4 units=1 point) to an offender. Guidelines § 2.B.3.a.

### **Analysis of Alternatives:**

- To **take no action** may lead to more confusion from practitioners.
- To **correct the technical error** would clarify that [Minn. Stat. § 629.75](#) (violation of a domestic abuse no contact order) is a targeted misdemeanor as defined in statute.

**Question for the Commission:** Does the Commission wish to correct the list?

**Staff Recommendation:** Correct the list as indicated below.

## 8. Targeted Misdemeanor List

*(As provided for in Minn. Stat. § 299C.10, subd. 1(e))*

Under Minn. Stat. § 299C.10, subd. 1(e), a targeted misdemeanor is a misdemeanor violation of:

<b>Statute Number</b>	<b>Offense Title</b>
169A.20	Driving While Impaired
<del>518B.01; 629.75</del>	Order for Protection Violation
609.224	Assault 5th Degree
609.2242	Domestic Assault
609.746	Interference with Privacy
609.748	Harassment or Restraining Order Violation
617.23	Indecent Exposure
<del>629.75</del>	<u>Domestic Abuse No Contact Order Violation</u>