

November 9, 2016

MEMORANDUM

TO: MEMBERS OF THE MINNESOTA SENTENCING GUIDELINES COMMISSION, EXECUTIVE DIRECTOR NATE REITZ, AND STAFF

FROM: CHAIRMAN CHRISTOPHER J. DIETZEN

RE: Weighing Prior Controlled Substance Offenses

In light of the 2016 amendments to chapter 152, Staff has outlined a number of proposals for modifying a prior controlled substance conviction as part of the three-step process a probation officer uses when calculating a defendant's criminal history score. In my view, there is a threshold question that must be answered before the Commission considers the proposals outlined by Staff: Whether the Guidelines currently require a probation officer to modify a prior conviction when the legislature has subsequently modified an element of the prior offense of conviction. For the reasons outlined below, I would answer the threshold question "no," thereby eliminating the need to consider the proposals outlined by Staff.

Under the existing guidelines, a probation officer uses a three-step process to determine a defendant's criminal history score. First, the probation officer obtains a list of the defendant's prior convictions, which is typically maintained by the Minnesota Bureau of Criminal Apprehension (BCA) and/or the Federal Bureau of Investigation (FBI). Second, the probation officer reviews the Offense Severity Reference Table, Minn. Sent. Guidelines 5.A, to determine the current severity level for the prior conviction based on the offense title and statutory provision. *See* Attachment A (Offense Severity Reference

Tables for 2015 and 2016). Third, the probation officer consults the chart set forth in Minn. Sent. Guidelines 2.B.1.a, and uses the severity level obtained from the Offense Severity Reference Table to calculate the criminal history point to be assigned to the prior conviction. *See* attachment B (Severity Level/Points Charts from 2015 and 2016).

Minnesota Sentencing Guidelines 2.B.1 directs the probation officer to use the severity level in effect at the time the current offense was committed to determine the weight assigned to the prior offense. This simply means the probation officer need not look at past Offense Severity Reference Tables, but instead need only consult the current Offense Severity Reference Table. The underlying rationale for Minn. Sent. Guidelines 2.B.1 is to make it easy for the probation officer to determine the severity level ranking by simply matching the prior offense of conviction to Guideline 5. The focus of Minn. Sent. Guidelines 2.B.1 is, therefore, on the second step of the three-step process for determining a defendant's criminal history score. Nothing in the language of Minn. Sent. Guidelines 2.B.1 suggests that a probation officer should amend or reclassify the prior offense of conviction listed in the BCA or FBI printout following legislative amendments to the statute in question.

Before 1989, the weight and type of controlled substance was not an element of a controlled substance crime under Minn. Stat. § 152.09 (1988). Instead, the amount and type of controlled substance was part of the sentencing provisions that determined the length of the defendant's sentence. Minn. Stat. § 152.09 (1988). In 1990, the offense of controlled substance crime under Minn. Stat. § 152.09 was removed from the Severity Offense Reference Table, Minn. Sent. Guidelines V (1990), in response to a legislative

restructuring of the statutory scheme that repealed section 152.09. Act of June 1, 1989, ch. 290, art. 3, § 37, 1989 Minn. Laws 1580, 1612. Five new controlled substance crimes, which incorporated the amount and type as elements of the offense were added to the 1990 Severity Offense Reference Table: controlled substance crime in the first-degree (severity level VIII), controlled substance crime in the second-degree (severity level VII), controlled substance crime in the third-degree (severity levels VII and VI), controlled substance crime in the fourth-degree (severity level IV), and controlled substance crime in the fifth-degree (severity level II). In determining the severity level to be assigned to a prior controlled substance conviction under the repealed section 152.09, the Commission advised that “the amount and type of the controlled substance should . . . be considered in determining the appropriate weight to be assigned to a prior controlled substance offense.” Comment II.B.104 (1990). Put differently, one should use the severity level listed in the current Severity Offense Reference Table for the newly created controlled substance crime that encompassed the amount and type of controlled substance proven in the prior conviction under section 152.09.

In 2012, the Guidelines and Commentary were completely revised “to make them easier to read, use, and understand.” Minnesota Sentencing Guidelines Commission, *Guidelines Revision Project*, p. 3 (Apr. 2012). As part of the 2012 revision, the discussion of the 1989 amendments to chapter 152 was removed from comment II.B.104 and the substance of the comment was renumbered II.B.106, which now reads: “If an offense has been redefined by the Legislature, base the appropriate severity level on how the prior felony offense would currently be ranked in consideration of any new or removed elements.

It was contemplated that the sentencing court, in its discretion, should make the final determination as to the weight accorded prior felony sentences.”

Comment II.B.106 does not require a probation officer to modify a prior conviction whenever the legislature has subsequently modified an element of the offense of conviction. Instead, comment II.B.106 provides that *when the prior offense has been removed from the current Severity Offense Reference Table in response to a legislative restructuring of the statutory scheme* that eliminates the prior offense, a probation officer should use the current severity level for any newly created offense that has been added to Severity Offense Reference Table and encompasses the behavior necessarily proven by the prior conviction.

Here, the 2016 amendments to chapter 152 did not repeal any existing offenses and the Commission has not removed any prior controlled substance offenses from the Severity Offense Reference Table. Thus, the 2016 amendments do not implicate the advisory rule discussed in comment II.B.106.

Moreover, adopting a contrary interpretation of comment II.B.106 would adversely impact sentencing across Minnesota, for two reasons. First, in addition to raising the threshold for sale of cocaine, the legislature lowered the threshold for sale of marijuana from 50 kilograms to 25 kilograms. If a probation officer is required to modify a prior second-degree sale of marijuana conviction to reflect the current elements of the offense of conviction, a probation officer would be required to treat the defendant’s second-degree conviction as a first-degree conviction.

Second, a rule that requires a probation officer to modify a prior conviction whenever the legislature has subsequently modified an element of the offense of conviction will extend well beyond the 2016 amendments to chapter 152. In addition, to amending chapter 152, the legislature amended a number of other criminal statutes, including Minn. Stat. § 609.502, subd. 1, which prohibits a person from concealing evidence. More specifically, section 609.502 was amended to read:

Subdivision 1. Concealing evidence. ~~Whoever~~ A person is guilty of a crime and may be sentenced under subdivision 1a if the person interferes with the body or scene of death with intent to:

(1) conceal the body;

(2) conceal evidence; or

(3) otherwise mislead the coroner or ~~conceal evidence is guilty of a gross misdemeanor~~ medical examiner.

Subd. 1a. Penalty. A person convicted under subdivision 1, clause (2) or (3), is guilty of a gross misdemeanor. A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than three years or to a payment of a fine of not more than \$5,000 or both.

Act of May 31, 2016, ch. 175, §§ 1-2, 2016 Minn. Laws 758, 758. This amendment was called “Laura’s Law” to honor the victim in *State v. McArdle*. If a probation officer is required to modify a prior conviction whenever the legislature has subsequently modified an element of the offense of conviction, probation officer would need to determine whether a defendant’s prior conviction of concealing a body involved a body, evidence or another act which mislead the coroner. In fact, under such a rule, probation officers would need to annually obtain a list of every amendment to a criminal statute and then compare every defendant’s list of prior convictions to the list of amended statutes to determine whether

the prior conviction should be modified based on the statutory amendment. Not only is such a requirement the antithesis of the principle underlying Guidelines 2.B.1 (simplifying a probation officer's determination of the severity level of a prior offense), it will consume precious resources and undoubtedly lead to mistakes in the calculation of criminal history scores across the state.

If the Commission agrees with the above-described analysis, comment 2.B.106 could be amended as follows to eliminate any future confusion:

2.B.106. ~~If an offense has been redefined by the Legislature, base the appropriate severity level on how the prior felony offense, would currently be ranked in consideration of any new or removed elements. If the prior offense has been removed from the current Severity Offense Reference Table in response to a legislative action that repealed the prior offense and created separate offenses with new or removed elements, use the current severity level for the newly created offense that has been added to Severity Offense Reference Table and encompasses the behavior necessarily proven by the prior conviction. It was contemplated that the sentencing court, in its discretion, should make the final determination as to the weight accorded prior sentences.~~

Although not material to the issue in question, I would delete the last sentence of comment 2.B.106 to avoid any potential *Blakely* concerns.

In sum, before the Commission considers the proposals outlined by Staff, it should consider the threshold question of whether the guidelines currently require a probation officer to modify a prior conviction when the legislature has subsequently modified an element of the offense of conviction. For the reasons outlined above, I would answer this question “no,” and recommend that comment 2.B.106 be amended as proposed above to avoid future confusion. Alternatively, the Commission could adopt Option B which was

originally proposed by the Mr. Small which basically answers the threshold question “no” because under Option B, a probation officer does not modify the prior offense.

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Severity Level	Offense Title	Statute Number
11	Adulteration	609.687, subd. 3(1)
	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By Shootings)	609.19, subd. 1
	Murder of an Unborn Child 2nd Degree	609.2662(1)
10	Fleeing a Peace Officer (Death)	609.487, subd. 4(a)
	Murder 2nd Degree (Unintentional Murder)	609.19, subd. 2
	Murder of an Unborn Child 2nd Degree	609.2662(2)
	Murder 3rd Degree	609.195(a)
	Murder of an Unborn Child 3rd Degree	609.2663
9	Assault 1st Degree	609.221
	Assault of an Unborn Child 1st Degree	609.267
	Controlled Substance Crime 1st Degree	152.021
	Manufacture Any Amount of Methamphetamine	152.021, subd. 2a(a)
	Criminal Abuse of Vulnerable Adult (Death)	609.2325, subd. 3(a)(1)
	Death of an Unborn Child in the Commission of Crime	609.268, subd. 1
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(a)
	Importing Controlled Substances Across State Borders	152.0261
	Kidnapping (Great Bodily Harm)	609.25, subd. 2(2)
	Manslaughter 1st Degree	609.20(1),(2) & (5)
	Manslaughter of an Unborn Child 1st Degree	609.2664(1) & (2)

Severity Level	Offense Title	Statute Number
9	Murder 3rd Degree	609.195(b)
	Tampering with Witness, Aggravated 1st Degree	609.498, subd. 1b
8	Aggravated Robbery 1st Degree	609.245, subd. 1
	Arson 1st Degree	609.561
	Burglary 1st Degree (w/Weapon or Assault)	609.582, 1(b) & (c)
	Controlled Substance Crime 2nd Degree	152.022
	Criminal Abuse of Vulnerable Adult (Great Bodily Harm)	609.2325, subd. 3(a)(2)
	Criminal Vehicular Homicide (Death)	609.2112, subd. 1
	Criminal Vehicular Operation (Death to an Unborn Child)	609.2114, subd. 1
	Deprivation of Vulnerable Adult (Great Bodily Harm)	609.233, subd. 3(1)
	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)	609.66, subd. 1e(b)
	Emergency Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury or Death)	609.78, subd. 2a
	Escape with Violence from Felony Offense	609.485, subd. 4(b)
	Great Bodily Harm Caused by Distribution of Drugs	609.228
	Identity Theft	609.527, subd. 3(5)
	Kidnapping (Not in Safe Place or Victim Under 16)	609.25, subd. 2(2)
	Malicious Punishment of Child (Great Bodily Harm)	609.377, subd. 6
	Manslaughter 1st Degree	609.20 (3) & (4)
	Manslaughter of an Unborn Child 1st Degree	609.2664(3)
Manslaughter 2nd Degree – Culpable Negligence	609.205 (1) & (5)	
Manslaughter of an Unborn Child 2nd Degree	609.2665(1)	

Severity Level	Offense Title	Statute Number
8	Riot 1st Degree	609.71, subd. 1
	Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)	609.5641 subd. 1a(c)
7	Financial Exploitation of a Vulnerable Adult (Over \$35,000)	609.2335
	Felony Driving While Impaired 1st Degree	169A.24
	Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)	609.5641 subd. 1a(b)
6	Aggravated Robbery 2nd Degree	609.245, subd. 2
	Assault 2nd Degree	609.222
	Burglary 1st Degree (Occupied Dwelling)	609.582, subd. 1(a)
	Certain Persons Not to Have Firearms or Ammunition	624.713, subd. 2(b); 609.165, subd. 1b
	Controlled Substance Crime 3rd Degree	152.023
	Discharge of Firearm at Occupied Transit Vehicle/Facility	609.855, subd. 5
	Explosive Device or Incendiary Device	609.668, subd. 6
	Failure to Affix Stamp on Cocaine	297D.09, subd. 1
	Failure to Affix Stamp on Hallucinogens or PCP	297D.09, subd. 1
	Failure to Affix Stamp on Heroin	297D.09, subd. 1
	Failure to Affix Stamp on Remaining Schedule I & II Narcotics	297D.09, subd. 1
	Fleeing Peace Officer (Great Bodily Harm)	609.487, subd. 4(b)
	Kidnapping (Safe Release/No Great Bodily Harm)	609.25, subd. 2(1)
	Medical Assistance Fraud (Over \$35,000)	609.466
Price Fixing/Collusive Bidding	325D.53, subd. 1(2)(a)	

Severity Level	Offense Title	Statute Number
6	Theft Over \$35,000	609.52, subd. 2(a)(3),(4), (15), & (16) with 609.52, subd. 3(1)
5	Arson 2nd Degree	609.562
	Burglary 2nd Degree	609.582, subd. 2(a)(1)&(2), 2(b)
	Check Forgery (Over \$35,000)	609.631, subd. 4(1)
	Criminal Vehicular Operation (Great Bodily Harm)	609.2113, subd. 1
	Criminal Vehicular Operation (Injury to an Unborn Child)	609.2114, subd. 2
	Deprivation of Vulnerable Adult (Substantial Bodily Harm)	609.233, subd. 3(2)
	Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)	609.78, subd. 2b(2)
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(b)
	Financial Exploitation of a Vulnerable Adult (Over \$5,000)	609.2335
	Financial Transaction Card Fraud (Over \$35,000)	609.821, subd. 3(1)(i)
	Interference with Emergency Communications	609.776
	Manslaughter 2nd Degree – Hunting Accident	609.205 (2),(3), & (4)
	Manslaughter of an Unborn Child 2nd Degree	609.2665 (2),(3), & (4)
	Negligent Discharge of Explosive	299F.83
	Perjury	609.48, subd. 4(1)
Possession of Substances with Intent to Manufacture Methamphetamine	152.0262	
Possession or Use (Unauthorized) of Explosives	299F.79; 299F.80, subd. 1; 299F.82, subd. 1	

Severity Level	Offense Title	Statute Number
5	Price Fixing/Collusive Bidding	325D.53, subd. 1(1), and subd. 1(2)(b) & (c)
	Simple Robbery	609.24
	Stalking (3rd or Subsequent Violations)	609.749, subd. 4(b)
	Stalking (Pattern of Stalking Conduct)	609.749, subd. 5
	Tampering with Witness in the First Degree	609.498, subd. 1a
	Wildfire Arson (Demonstrable Bodily Harm)	609.5641 subd. 1a(d)
4	Adulteration	609.687, subd. 3(2)
	Assault of an Unborn Child 2nd Degree	609.2671
	Assault 3rd Degree	609.223, subd. 1,2, & 3
	Assault 5th Degree (3rd or Subsequent Violation)	609.224, subd. 4
	Bribery	609.42; 90.41; 609.86
	Bribery, Advancing Money, and Treating	211B.13
	Bring Contraband into State Prison	243.55
	Bring Dangerous Weapon into County Jail	641.165, subd. 2(b)
	Burglary 2nd Degree (Pharmacy/Tool)	609.582, subd. 2(a)(3) & (4)
	Burglary 3rd Degree (Non Residential)	609.582, subd. 3
	Controlled Substance Crime 4th Degree	152.024
	Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm)	609.2325, subd. 3(a)(3)
	Dangerous Weapons on School Property	609.66, 1d(a)
	Domestic Assault	609.2242, subd. 4
	Domestic Assault by Strangulation	609.2247

Severity Level	Offense Title	Statute Number
4	Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)	609.78, subd. 2b(1)
	False Imprisonment (Substantial Bodily Harm)	609.255, subd. 3(c)
	Financial Exploitation of a Vulnerable Adult (\$5,000 or Less)	609.2335
	Fleeing a Peace Officer (Substantial Bodily Harm)	609.487, subd. 4(c)
	Injury of an Unborn Child in Commission of Crime	609.268, subd. 2
	Malicious Punishment of Child (2nd or Subsequent Violation)	609.377, subd. 3
	Malicious Punishment of Child (Bodily Harm)	609.377, subd. 4
	Malicious Punishment of Child (Substantial Bodily Harm)	609.377, subd. 5
	Negligent Fires (Great Bodily Harm)	609.576, subd. 1(1)
	Perjury	609.48, subd. 4(2)
	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (2nd or Subsequent Violations)	609.526
	Receiving Stolen Property (Firearm)	609.53
	Security Violations (Over \$2,500)	80A.68; 80B.10, subd. 1; 80C.16, subd. 3(a) & (b)
	Sports Bookmaking	609.76, subd. 2
	Stalking (Aggravated Violations)	609.749, subd. 3(a),(b)
	Stalking (2nd or Subsequent Violation)	609.749, subd. 4(a)
	Threats of Violence (Terror/Evacuation)	609.713, subd. 1
	Theft From Person	609.52
	Theft of Controlled Substances	609.52, subd. 3(2)

Severity Level	Offense Title	Statute Number
4	Theft of Firearm	609.52, subd. 3(1)
	Theft of Incendiary Device	609.52, subd. 3(2)
	Theft of Motor Vehicle	609.52, subd. 2(a)(1)
	Use of Drugs to Injure or Facilitate Crime	609.235
	Violation of a Domestic Abuse No Contact Order	629.75, subd. 2(d)
	Violation of an Order for Protection	518B.01, subd. 14(d)
	Violation of Harassment Restraining Order	609.748, subd. 6(d)
	Weapon in Courthouse or Certain State Buildings	609.66, subd. 1g
3	Anhydrous Ammonia (Tamper/Theft/Transport)	152.136
	Arson 3rd Degree	609.563
	Bringing Stolen Goods into State (Over \$5,000)	609.525
	Check Forgery (Over \$2,500)	609.631, subd. 4(2)
	Coercion (Threat Bodily Harm)	609.27, subd. 1(1)
	Coercion (\$2,500 or More)	609.27, subd. 1(2),(3), (4), & (5)
	Computer Damage (Over \$2,500)	609.88
	Computer Theft (Over \$2,500)	609.89
	Criminal Vehicular Operation (Substantial Bodily Harm)	609.2113, subd. 2
	Damage or Theft to Energy Transmission, Telecommunications	609.593
	Damage to Property (Risk Bodily Harm)	609.595, subd. 1(1)
	Damages; Illegal Molestation of Human Remains; Burials; Cemeteries	307.08, subd. 2(a)
	Dangerous Smoking	609.576, subd. 2

Severity Level	Offense Title	Statute Number
3	Dangerous Trespass, Railroad Tracks	609.85(1)
	Dangerous Weapons/Certain Persons Not to Have Firearms or Ammunition	609.67, subd. 2; 624.713, subd. 2(a)
	Depriving Another of Custodial or Parental Rights	609.26, subd. 6(a)(2)
	Disarming a Peace Officer	609.504
	Drive-By Shooting (Unoccupied Motor Vehicle or Building)	609.66, subd. 1e(a)
	Embezzlement of Public Funds (Over \$2,500)	609.54
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(c)
	Escape from Civil Commitment, Sexually Dangerous Persons	609.485, subd. 4(a)(5)
	Escape from Felony Offense	609.485, subd. 4(a)(1)
	False Imprisonment (Demonstrable Bodily Harm)	609.255 subd. 3(b)
	False Imprisonment (Restraint)	609.255, subd. 2
	False Traffic Signal	609.851, subd. 2
	Financial Transaction Card Fraud (Over \$2,500)	609.821, subd. 2(1)(2)(5)(6)(7)(8)
	Firearm Suppressor (Public Housing, School, or Park Zone)	609.66, subd. 1a(a)(1)
	Gambling Taxes	297E.13, subd. 1-4
	Hinder Logging (Great Bodily Harm)	609.591, subd. 3(1)
	Identity Theft	609.527, subd. 3(4)
	Insurance Tax	297I.90, subd. 1 & 2
	Intentional Release of Harmful Substance	624.732, subd. 2
	Medical Assistance Fraud (Over \$5,000)	609.466
Methamphetamine Crimes Involving Children and Vulnerable Adults	152.137	

Severity Level	Offense Title	Statute Number
3	Motor Vehicle Use Without Consent	609.52, subd. 2(a)(17)
	Obstructing Legal Process, Arrest, Firefighting, or Ambulance Service Personnel Crew	609.50, subd. 2
	Possession of Burglary Tools	609.59
	Possession of Code Grabbing Devices	609.586, subd. 2
	Possession of Shoplifting Gear	609.521
	Possession or Sale of Stolen or Counterfeit Check	609.528, subd. 3(4)
	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (\$1,000 or More)	609.526, subd. 2(1)
	Receiving Stolen Goods (Over \$5,000)	609.53
	Rustling and Livestock Theft (Over \$2,500)	609.551
	Security Violations (\$2,500 or Less)	80A.68; 80B.10, subd. 1; 80C.16, subd. 3(a) & (b)
	Tampering with Fire Alarm System (Results in Bodily Harm)	609.686, subd. 2
	Tax Evasion Laws	289A.63
	Tear Gas & Tear Gas Compounds; Electronic Incapacitation Devices	624.731, subd. 8(a)
	Telecommunications and Information Services; Obtaining Services by Fraud (Over \$2,500)	609.893, subd. 1
	Theft Crimes – Over \$5,000	<i>See section 7: Theft Offense List</i>
	Theft of Controlled Substances	609.52, subd. 3(3)(b)
	Theft of Public Records	609.52
	Theft of Trade Secret	609.52, subd. 2(a)(8)
	Unauthorized Presence at Camp Ripley	609.396, subd. 2

Severity Level	Offense Title	Statute Number
2	Accidents (Death)	169.09, subd. 14(a)(1)
	Aggravated Forgery (Misc. Non-Check)	609.625; 609.635; 609.64
	Bribery of Participant or Official in Contest	609.825, subd. 2
	Bringing Stolen Goods into State (\$1,001-\$5,000)	609.525
	Bringing Stolen Goods into State (\$501-\$1,000, w/Previous Conviction)	609.525
	Cellular Counterfeiting 1st Degree	609.894, subd. 4
	Check Forgery (\$251 - \$2,500)	609.631, subd. 4(3)(a)
	Coercion (\$301 - \$2,499)	609.27, subd. 1(2),(3), (4), & (5)
	Computer Damage (\$2,500 or Less)	609.88
	Computer Theft (\$2,500 or Less)	609.89
	Controlled Substance in the 5th Degree	152.025
	Counterfeited Intellectual Property	609.895, subd. 3(a)
	Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent)	609.595, subd. 1(2), (3), & (4)
	Discharge of Firearm (Intentional)	609.66, subd. 1a(a)(2)
	Discharge of Firearm (Public Housing, School, or Park Zone)	609.66, subd. 1a(a)(2) & (3)
	Dishonored Check (Over \$500)	609.535, subd. 2a(a)(1)
	Duty to Render Aid (Death or Great Bodily Harm)	609.662, subd. 2(b)(1)
	Electronic Use of False Pretense to Obtain Identity	609.527, subd. 5a
	Embezzlement of Public Funds (\$2,500 or Less)	609.54
	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	297D.09, subd. 1

Severity Level	Offense Title	Statute Number
2	Failure to Control a Regulated Animal, Resulting in Great Bodily Harm or Death	346.155, subd. 10(e)
	Financial Transaction Card Fraud (\$2,500 or Less)	609.821, subd. 2(1)(2)(5)(6)(7)(8)
	Firearm Suppressor	609.66, subd. 1a(a)(1)
	Furnishing a Dangerous Weapon	609.66, subd. 1c
	Furnishing Firearm to Minor	609.66, subd. 1b
	Gambling Regulations	349.2127, subd. 1-6; 349.22, subd. 4
	Identity Theft	609.527, subd. 3(3)
	Mail Theft	609.529
	Medical Assistance Fraud (\$5,000 or Less)	609.466
	Medical Cannabis Violations (Submission of False Records)	152.33, subd. 4
	Negligent Fires (Damage \$2,500 or More)	609.576, subd. 1(3)(iii)
	Possession or Sale of Stolen or Counterfeit Check	609.528, subd. 3(3)
	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (Less than \$1,000)	609.526, subd. 2(2)
	Precious Metal Dealers, Regulatory Provisions	325F.743
	Receiving Stolen Goods (\$5,000 or Less)	609.53
	Residential Mortgage Fraud	609.822
	Riot 2nd Degree	609.71, subd. 2
	Rustling and Livestock Theft (\$2,500 or Less)	609.551
	Sale of Synthetic Cannabinoids	152.027, subd. 6(c)
	Telecommunications and Information Services; Obtaining Services by Fraud (\$2,500 or Less)	609.893, subd. 1

Severity Level	Offense Title	Statute Number
2	Telecommunications and Information Services; Facilitation of Telecommunications Fraud	609.893, subd. 2
	Threats of Violence (Bomb Threat)	609.713, subd. 2
	Theft Crimes - \$5,000, or Less	<i>See section 7: Theft Offense List</i>
	Theft (Looting)	609.52
	Theft (\$1,000 or Less; Risk of Bodily Harm)	609.52, subd. 3a(1)
	Transfer Pistol to Ineligible Person	624.7141, subd. 2
	Transfer Pistol to Minor	624.7132, subd. 15(b)
	Unlawful Possession or Use of Scanning Device or Reencoder	609.527, subd. 5b
	Wildfire Arson	609.5641, subd. 1a(a)
	1	Accidents (Great Bodily Harm)
Altering Livestock Certificate		35.824
Assault 4th Degree		609.2231, subd. 1,2,3, & 3a
Assault Weapon in Public if Under 21		624.7181, subd. 2
Assaulting or Harming a Police Horse		609.597, subd. 3(3)
Assaults Motivated by Bias		609.2231, subd. 4(b)
Aiding Offender to Avoid Arrest		609.495, subd. 1
Bullet-Resistant Vest During Commission of Crime		609.486
Cable Communication Systems Interference		609.80, subd. 2
Cellular Counterfeiting 2nd Degree		609.894, subd. 3
Certification for Title on Watercraft		86B.865, subd. 1
Check Forgery (\$250 or Less)		609.631, subd. 4(3)(b)
Child Neglect/Endangerment		609.378

Severity Level	Offense Title	Statute Number
1	Counterfeited Intellectual Property	609.895, subd. 3(b)
	Crime Committed for Benefit of Gang	609.229, subd. 3(c)
	Criminal Damage to Property Motivated by Bias	609.595, subd. 1a,(a)
	Criminal Use of Real Property (Movie Pirating)	609.896
	Depriving Another of Custodial or Parental Rights	609.26, subd. 6(a)(1)
	Discharge of Firearm (Reckless)	609.66, subd. 1a(a)(3)
	Discharge of Firearm at Unoccupied Transit Vehicle/Facility	609.855, subd. 5
	Duty to Render Aid (Substantial Bodily Harm)	609.662, subd. 2(b)(2)
	Escape from Civil Commitment	609.485, subd. 4(a)(4)
	Escape, Mental Illness	609.485, subd, 4(a)(2)
	Failure to Affix Stamp on Marijuana/Hashish/Tetrahydrocannabinols	297D.09, subd. 1
	Failure to Affix Stamp on Schedule IV Substances	297D.09, subd. 1
	Failure to Appear in Court	609.49; 588.20, subd. 1
	False Bill of Lading	228.45, 47, 49, 50, 51
	False Certification by Notary Public	609.65 (1)
	False Declaration	256.984
	False Information - Certificate of Title Application	168A.30, subd. 1
	Financial Transaction Card Fraud	609.821, subd. 2(3) & (4)
	Fleeing A Peace Officer	609.487, subd. 3
	Forgery	609.63
Fraudulent Drivers' Licenses and Identification Cards	609.652	

Severity Level	Offense Title	Statute Number
1	Fraudulent Instrument or Entry for Procuring a Certificate of Title	508.80
	Fraudulent Statements	609.645
	Insurance Regulations	62A.41
	Interference with Privacy (Subsequent Violations & Minor Victim)	609.746, subd. 1(e)
	Interference with Transit Operator	609.855, subd. 2(c)(1)
	Leaving State to Evade Establishment of Paternity	609.31
	Liquor Taxation (Criminal Penalties)	297G.19, subd. 3,4(c), 5(c)
	Lottery Fraud	609.651, subd. 1 with subd. 4(a)
	Medical Cannabis Violations (Intentional Diversion)	152.33, subd. 1
	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	152.33, subd. 2
	Nonsupport of Spouse or Child	609.375, subd. 2a
	Pistol Without a Permit (Subsequent Violations)	624.714, subd. 1a
	Prize Notices and Solicitations	325F.755, subd. 7
	Prostitution Crimes (Gross Misdemeanor Level) Committed in School or Park Zones	609.3242, subd. 2(2)
	Remove or Alter Serial Number on Firearm	609.667
	Sale of Simulated Controlled Substance	152.097
	Tampering with a Fire Alarm (Potential for Bodily Harm)	609.686, subd. 2
	Tax on Petroleum and Other Fuels (Willful Evasion)	296A.23, subd. 2
Threats of Violence (Replica Firearm)	609.713, subd. 3(a)	

Severity Level	Offense Title	Statute Number
1	Theft from Abandoned or Vacant Building (\$1,000 or Less)	609.52, subd. 3(3)(d)(iii)
	Unlawful Acts Involving Liquor	340A.701
	Voting Violations	Chapter 201, 203B, & 204C
UNRANKED	Abortion	617.20; 617.22; 145.412
	Accomplice After the Fact	609.495, subd. 3
	Adulteration	609.687, subd. 3(3)
	Aiding Suicide	609.215
	Altering Engrossed Bill	3.191
	Animal Fighting	343.31, subd. 1(a)
	Assaulting or Harming a Police Horse	609.597, subd. 3 (1) & (2)
	Bigamy	609.355
	Cigarette Tax and Regulation Violations	297F.20
	Collusive Bidding/Price Fixing	325D.53, subds. 1(3), 2 & 3
	Computer Encryption	609.8912
	Concealing Criminal Proceeds; Engaging in Business	609.496; 609.497
	Corrupting Legislator	609.425
	Counterfeiting of Currency	609.632
	Damage to Property of Critical Public Service Facilities, Utilities, and Pipelines	609.594
	Escape with Violence from Gross Misdemeanor or Misdemeanor Offense	609.485, subd. 4(a)(3)
	Failure to Report	626.556, subd. 6
Falsely Impersonating Another	609.83	

Severity Level	Offense Title	Statute Number
UNRANKED	Female Genital Mutilation	609.2245
	Forced Execution of a Declaration	145B.105
	Fraudulent or Improper Financing Statements	609.7475
	Gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)	609.76, subd. 3,4,5,6, & 7
	Hazardous Wastes	609.671
	Horse Racing – Prohibited Act	240.25
	Incest	609.365
	Insurance Fraud – Employment of Runners	609.612
	Interstate Compact Violation	243.161
	Issuing a Receipt for Goods One Does Not Have	227.50
	Issuing a Second Receipt Without “Duplicate” on It	227.52
	Killing or Harming a Public Safety Dog	609.596, subd. 1
	Labor Trafficking	609.282
	Lawful Gambling Fraud	609.763
	Metal Penetrating Bullets	624.7191
	Midwest Interstate Low-Level Radioactive Waste Compact; Enforcement of Compact and Laws	116C.835
	Misprision of Treason	609.39
	Motor Vehicle Excise Tax	297B.10
	Obscene Materials; Distribution	617.241, subd. 4
	Obstructing Military Forces	609.395
Pipeline Safety	299J	
Police Radios During Commission of Crime	609.856	

Severity Level	Offense Title	Statute Number
UNRANKED	Racketeering, Criminal Penalties (RICO)	609.904
	Real and Simulated Weapons of Mass Destruction	609.712
	Refusal to Assist	6.53
	Sale of Membership Camping Contracts	82A.13; 82A.25
	Service Animal Providing Service	343.21, subd. 9(f)(h)
	State Lottery Fraud	609.651, subd. 1 with 4 (b) and subd. 2 & 3
	Subdivided Land Fraud	83.43
	Torture or Cruelty to Pet or Companion Animal	343.21, subd. 9(c)(d)(g)(i)
	Treason	609.385
	Unauthorized Computer Access	609.891
	Unlawful Conduct with Documents in Furtherance of Labor or Sex Trafficking	609.283
	Unlawful Transfer of Sounds; Sales	325E.201
	Warning Subject of Investigation	609.4971
	Warning Subject of Surveillance or Search	609.4975
Wire Communications Violations	626A.02, subd. 4; 626A.03, subd. 1(b) (ii); 626A.26, subd. 2(1)(ii)	
A	Criminal Sexual Conduct 1st Degree	609.342
B	Criminal Sexual Conduct 2nd Degree	609.343 subd. 1(c)(d)(e)(f)(h)
	Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 1st Degree	609.322, subd. 1(a)
C	Criminal Sexual Conduct 3rd Degree	609.344 subd. 1(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o)

Severity Level	Offense Title	Statute Number
C	Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 2nd Degree	609.322, subd. 1a
D	Criminal Sexual Conduct 2nd Degree	609.343 subd. 1(a)(b)(g)
	Criminal Sexual Conduct 3rd Degree	609.344 subd. 1(a)(e)(f) or subd. 1(b) with ref. to subd. 2(1)
	Dissemination of Child Pornography (Subsequent or by Predatory Offender)	617.247 subd. 3
E	Criminal Sexual Conduct 4th Degree	609.345 subd. 1(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o)
	Use Minors in Sexual Performance	617.246 subd. 2,3,4
	Dissemination of Child Pornography	617.247 subd. 3
F	Criminal Sexual Conduct 4th Degree	609.345 subd. 1(a)(b)(e)(f)
	Criminal Sexual Conduct 5th Degree	609.3451, subd. 3
	Possession of Child Pornography (Subsequent or by Predatory Offender)	617.247 subd. 4
G	Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 48 mos. older than Complainant)	609.344 subd. 1(b) with ref. to subd. 2(2)
	Solicitation of Children to Engage in Sexual Conduct	609.352, subd. 2
	Solicitation of Children to Engage in Sexual Conduct (Electronic)	609.352, subd. 2a
	Indecent Exposure	617.23 subd. 3
	Possession of Child Pornography	617.247 subd. 4
H	Failure to Register as a Predatory Offender	243.166 subd. 5(b) (c)

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Severity Level	Offense Title	Statute Number
11	Adulteration	609.687, subd. 3(1)
	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By Shootings)	609.19, subd. 1
	Murder of an Unborn Child 2nd Degree	609.2662(1)
10	Fleeing a Peace Officer (Death)	609.487, subd. 4(a)
	Murder 2nd Degree (Unintentional Murder)	609.19, subd. 2
	Murder of an Unborn Child 2nd Degree	609.2662(2)
	Murder 3rd Degree	609.195(a)
	Murder of an Unborn Child 3rd Degree	609.2663
9	Assault 1st Degree	609.221
	Assault of an Unborn Child 1st Degree	609.267
	Criminal Abuse of Vulnerable Adult (Death)	609.2325, subd. 3(a)(1)
	Death of an Unborn Child in the Commission of Crime	609.268, subd. 1
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(a)
	Kidnapping (Great Bodily Harm)	609.25, subd. 2(2)
	Manslaughter 1st Degree	609.20(1),(2) & (5)
	Manslaughter of an Unborn Child 1st Degree	609.2664(1) & (2)
	Murder 3rd Degree	609.195(b)
	Tampering with Witness, Aggravated 1st Degree	609.498, subd. 1b
8	Aggravated Robbery 1st Degree	609.245, subd. 1

Severity Level	Offense Title	Statute Number
8	Arson 1st Degree	609.561
	Burglary 1st Degree (w/Weapon or Assault)	609.582, 1(b) & (c)
	Criminal Abuse of Vulnerable Adult (Great Bodily Harm)	609.2325, subd. 3(a)(2)
	Criminal Vehicular Homicide (Death)	609.2112, subd. 1(a)
	Criminal Vehicular Homicide (Death, and Qualified Prior Conviction)	609.2112, subd. 1(b)
	Criminal Vehicular Operation (Death to an Unborn Child)	609.2114, subd. 1(a)
	Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction)	609.2114, subd. 1(b)
	Deprivation of Vulnerable Adult (Great Bodily Harm)	609.233, subd. 3(1)
	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)	609.66, subd. 1e(b)
	Emergency Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury or Death)	609.78, subd. 2a
	Escape with Violence from Felony Offense	609.485, subd. 4(b)
	Great Bodily Harm Caused by Distribution of Drugs	609.228
	Identity Theft	609.527, subd. 3(5)
	Kidnapping (Not in Safe Place or Victim Under 16)	609.25, subd. 2(2)
	Malicious Punishment of Child (Great Bodily Harm)	609.377, subd. 6
	Manslaughter 1st Degree	609.20 (3) & (4)
	Manslaughter of an Unborn Child 1st Degree	609.2664(3)
	Manslaughter 2nd Degree – Culpable Negligence	609.205 (1) & (5)
	Manslaughter of an Unborn Child 2nd Degree	609.2665(1)
	Riot 1st Degree	609.71, subd. 1

Severity Level	Offense Title	Statute Number
8	Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)	609.5641 subd. 1a(c)
7	Financial Exploitation of a Vulnerable Adult (Over \$35,000)	609.2335
	Felony Driving While Impaired 1st Degree	169A.24
	Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)	609.5641 subd. 1a(b)
6	Aggravated Robbery 2nd Degree	609.245, subd. 2
	Assault 2nd Degree	609.222
	Burglary 1st Degree (Occupied Dwelling)	609.582, subd. 1(a)
	Certain Persons Not to Have Firearms or Ammunition	624.713, subd. 2(b); 609.165, subd. 1b
	Discharge of Firearm at Occupied Transit Vehicle/Facility	609.855, subd. 5
	Explosive Device or Incendiary Device	609.668, subd. 6
	Fleeing Peace Officer (Great Bodily Harm)	609.487, subd. 4(b)
	Kidnapping (Safe Release/No Great Bodily Harm)	609.25, subd. 2(1)
	Medical Assistance Fraud (Over \$35,000)	609.466
	Price Fixing/Collusive Bidding	325D.53, subd. 1(2)(a)
	Theft Over \$35,000	609.52, subd. 2(a)(3),(4), (15), & (16) with 609.52, subd. 3(1)
5	Arson 2nd Degree	609.562
	Burglary 2nd Degree	609.582, subd. 2(a)(1)&(2), 2(b)
	Check Forgery (Over \$35,000)	609.631, subd. 4(1)
	Criminal Vehicular Operation (Great Bodily Harm)	609.2113, subd. 1

Severity Level	Offense Title	Statute Number
5	Criminal Vehicular Operation (Injury to an Unborn Child)	609.2114, subd. 2
	Deprivation of Vulnerable Adult (Substantial Bodily Harm)	609.233, subd. 3(2)
	Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)	609.78, subd. 2b(2)
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(b)
	Financial Exploitation of a Vulnerable Adult (Over \$5,000)	609.2335
	Financial Transaction Card Fraud (Over \$35,000)	609.821, subd. 3(1)(i)
	Interference with Emergency Communications	609.776
	Manslaughter 2nd Degree – Hunting Accident	609.205 (2),(3), & (4)
	Manslaughter of an Unborn Child 2nd Degree	609.2665 (2),(3), & (4)
	Negligent Discharge of Explosive	299F.83
	Perjury	609.48, subd. 4(1)
	Possession or Use (Unauthorized) of Explosives	299F.79; 299F.80, subd. 1; 299F.82, subd. 1
	Price Fixing/Collusive Bidding	325D.53, subd. 1(1), and subd. 1(2)(b) & (c)
	Simple Robbery	609.24
	Stalking (3rd or Subsequent Violations)	609.749, subd. 4(b)
	Stalking (Pattern of Stalking Conduct)	609.749, subd. 5
	Tampering with Witness in the First Degree	609.498, subd. 1a
Wildfire Arson (Demonstrable Bodily Harm)	609.5641 subd. 1a(d)	
4	Adulteration	609.687, subd. 3(2)
	Assault of an Unborn Child 2nd Degree	609.2671

Severity Level	Offense Title	Statute Number
4	Assault 3rd Degree	609.223, subd. 1,2, & 3
	Assault 5th Degree (3rd or Subsequent Violation)	609.224, subd. 4
	Bribery	609.42; 90.41; 609.86
	Bribery, Advancing Money, and Treating	211B.13
	Bring Contraband into State Prison	243.55
	Bring Dangerous Weapon into County Jail	641.165, subd. 2(b)
	Burglary 2nd Degree (Pharmacy/Tool)	609.582, subd. 2(a)(3) & (4)
	Burglary 3rd Degree (Non Residential)	609.582, subd. 3
	Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm)	609.2325, subd. 3(a)(3)
	Dangerous Weapons on School Property	609.66, 1d(a)
	Domestic Assault	609.2242, subd. 4
	Domestic Assault by Strangulation	609.2247
	Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)	609.78, subd. 2b(1)
	False Imprisonment (Substantial Bodily Harm)	609.255, subd. 3(c)
	Financial Exploitation of a Vulnerable Adult (\$5,000 or Less)	609.2335
	Fleeing a Peace Officer (Substantial Bodily Harm)	609.487, subd. 4(c)
	Injury of an Unborn Child in Commission of Crime	609.268, subd. 2
	Interference with a Dead Body or Scene of Death	609.502 subd. 1(1)
	Malicious Punishment of Child (2nd or Subsequent Violation)	609.377, subd. 3
	Malicious Punishment of Child (Bodily Harm)	609.377, subd. 4

Severity Level	Offense Title	Statute Number
4	Malicious Punishment of Child (Substantial Bodily Harm)	609.377, subd. 5
	Negligent Fires (Great Bodily Harm)	609.576, subd. 1(1)
	Perjury	609.48, subd. 4(2)
	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (2nd or Subsequent Violations)	609.526
	Receiving Stolen Property (Firearm)	609.53
	Security Violations (Over \$2,500)	80A.68; 80B.10, subd. 1; 80C.16, subd. 3(a) & (b)
	Sports Bookmaking	609.76, subd. 2
	Stalking (Aggravated Violations)	609.749, subd. 3(a),(b)
	Stalking (2nd or Subsequent Violation)	609.749, subd. 4(a)
	Threats of Violence (Terror/Evacuation)	609.713, subd. 1
	Theft From Person	609.52
	Theft of Controlled Substances	609.52, subd. 3(2)
	Theft of Firearm	609.52, subd. 3(1)
	Theft of Incendiary Device	609.52, subd. 3(2)
	Theft of Motor Vehicle	609.52, subd. 2(a)(1)
	Use of Drugs to Injure or Facilitate Crime	609.235
	Violation of a Domestic Abuse No Contact Order	629.75, subd. 2(d)
	Violation of an Order for Protection	518B.01, subd. 14(d)
	Violation of Harassment Restraining Order	609.748, subd. 6(d)
	Weapon in Courthouse or Certain State Buildings	609.66, subd. 1g
3	Arson 3rd Degree	609.563

Severity Level	Offense Title	Statute Number
3	Bringing Stolen Goods into State (Over \$5,000)	609.525
	Check Forgery (Over \$2,500)	609.631, subd. 4(2)
	Coercion (Threat Bodily Harm)	609.27, subd. 1(1)
	Coercion (Prop. Value \$2,500 or More)	609.27, subd. 1(2),(3), (4), (5), & (6)
	Computer Damage (Over \$2,500)	609.88
	Computer Theft (Over \$2,500)	609.89
	Criminal Vehicular Operation (Substantial Bodily Harm)	609.2113, subd. 2
	Damage or Theft to Energy Transmission, Telecommunications	609.593
	Damage to Property (Risk Bodily Harm)	609.595, subd. 1(1)
	Damages; Illegal Molestation of Human Remains; Burials; Cemeteries	307.08, subd. 2(a)
	Dangerous Smoking	609.576, subd. 2
	Dangerous Trespass, Railroad Tracks	609.85(1)
	Dangerous Weapons/Certain Persons Not to Have Firearms or Ammunition	609.67, subd. 2; 624.713, subd. 2(a)
	Depriving Another of Custodial or Parental Rights	609.26, subd. 6(a)(2)
	Disarming a Peace Officer	609.504
	Drive-By Shooting (Unoccupied Motor Vehicle or Building)	609.66, subd. 1e(a)
	Embezzlement of Public Funds (Over \$2,500)	609.54
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(c)
	Escape from Civil Commitment, Sexually Dangerous Persons	609.485, subd. 4(a)(5)
	Escape from Felony Offense	609.485, subd. 4(a)(1)

Severity Level	Offense Title	Statute Number
3	False Imprisonment (Demonstrable Bodily Harm)	609.255 subd. 3(b)
	False Imprisonment (Restraint)	609.255, subd. 2
	False Traffic Signal	609.851, subd. 2
	Financial Transaction Card Fraud (Over \$2,500)	609.821, subd. 2(1)(2)(5)(6)(7)(8)
	Firearm Suppressor (Public Housing, School, or Park Zone)	609.66, subd. 1a(a)(1)
	Gambling Taxes	297E.13, subd. 1-4
	Hinder Logging (Great Bodily Harm)	609.591, subd. 3(1)
	Identity Theft	609.527, subd. 3(4)
	Insurance Tax	297I.90, subd. 1 & 2
	Intentional Release of Harmful Substance	624.732, subd. 2
	Medical Assistance Fraud (Over \$5,000)	609.466
	Motor Vehicle Use Without Consent	609.52, subd. 2(a)(17)
	Nonconsensual Dissemination of Private Sexual Images	617.261, subd. 2(b)
	Obstructing Legal Process, Arrest, Firefighting, or Ambulance Service Personnel Crew	609.50, subd. 2
	Possession of Burglary Tools	609.59
	Possession of Code Grabbing Devices	609.586, subd. 2
	Possession of Shoplifting Gear	609.521
	Possession or Sale of Stolen or Counterfeit Check	609.528, subd. 3(4)
	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (\$1,000 or More)	609.526, subd. 2(1)
	Receiving Stolen Goods (Over \$5,000)	609.53
Rustling and Livestock Theft (Over \$2,500)	609.551	

Severity Level	Offense Title	Statute Number
3	Security Violations (\$2,500 or Less)	80A.68; 80B.10, subd. 1; 80C.16, subd. 3(a) & (b)
	Tampering with Fire Alarm System (Results in Bodily Harm)	609.686, subd. 2
	Tax Evasion Laws	289A.63
	Tear Gas & Tear Gas Compounds; Electronic Incapacitation Devices	624.731, subd. 8(a)
	Telecommunications and Information Services; Obtaining Services by Fraud (Over \$2,500)	609.893, subd. 1
	Theft Crimes – Over \$5,000	<i>See section 7: Theft Offense List</i>
	Theft of Controlled Substances	609.52, subd. 3(3)(b)
	Theft of Public Records	609.52
	Theft of Trade Secret	609.52, subd. 2(a)(8)
	Unauthorized Presence at Camp Ripley	609.396, subd. 2
2	Accidents (Death)	169.09, subd. 14(a)(1)
	Aggravated Forgery (Misc. Non-Check)	609.625; 609.635; 609.64
	Bribery of Participant or Official in Contest	609.825, subd. 2
	Bringing Stolen Goods into State (\$1,001-\$5,000)	609.525
	Bringing Stolen Goods into State (\$501-\$1,000, w/Previous Conviction)	609.525
	Cellular Counterfeiting 1st Degree	609.894, subd. 4
	Check Forgery (\$251 - \$2,500)	609.631, subd. 4(3)(a)
	Coercion (Prop. Value \$301 - \$2,500)	609.27, subd. 1(2),(3), (4), (5), & (6)
	Computer Damage (\$2,500 or Less)	609.88

Severity Level	Offense Title	Statute Number
2	Computer Theft (\$2,500 or Less)	609.89
	Counterfeited Intellectual Property	609.895, subd. 3(a)
	Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent)	609.595, subd. 1(2), (3), & (4)
	Discharge of Firearm (Intentional)	609.66, subd. 1a(a)(2)
	Discharge of Firearm (Public Housing, School, or Park Zone)	609.66, subd. 1a(a)(2) & (3)
	Dishonored Check (Over \$500)	609.535, subd. 2a(a)(1)
	Duty to Render Aid (Death or Great Bodily Harm)	609.662, subd. 2(b)(1)
	Electronic Use of False Pretense to Obtain Identity	609.527, subd. 5a
	Embezzlement of Public Funds (\$2,500 or Less)	609.54
	Failure to Control a Regulated Animal, Resulting in Great Bodily Harm or Death	346.155, subd. 10(e)
	Financial Transaction Card Fraud (\$2,500 or Less)	609.821, subd. 2(1)(2)(5)(6)(7)(8)
	Firearm Suppressor	609.66, subd. 1a(a)(1)
	Furnishing a Dangerous Weapon	609.66, subd. 1c
	Furnishing Firearm to Minor	609.66, subd. 1b
	Gambling Regulations	349.2127, subd. 1-6; 349.22, subd. 4
	Identity Theft	609.527, subd. 3(3)
	Mail Theft	609.529
	Medical Assistance Fraud (\$5,000 or Less)	609.466
	Negligent Fires (Damage \$2,500 or More)	609.576, subd. 1(3)(iii)
	Possession or Sale of Stolen or Counterfeit Check	609.528, subd. 3(3)
Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (Less than \$1,000)	609.526, subd. 2(2)	

Severity Level	Offense Title	Statute Number
2	Precious Metal Dealers, Regulatory Provisions	325F.743
	Receiving Stolen Goods (\$5,000 or Less)	609.53
	Residential Mortgage Fraud	609.822
	Riot 2nd Degree	609.71, subd. 2
	Rustling and Livestock Theft (\$2,500 or Less)	609.551
	Telecommunications and Information Services; Obtaining Services by Fraud (\$2,500 or Less)	609.893, subd. 1
	Telecommunications and Information Services; Facilitation of Telecommunications Fraud	609.893, subd. 2
	Threats of Violence (Bomb Threat)	609.713, subd. 2
	Theft Crimes - \$5,000, or Less	<i>See section 7: Theft Offense List</i>
	Theft (Looting)	609.52
	Theft (\$1,000 or Less; Risk of Bodily Harm)	609.52, subd. 3a(1)
	Transfer Pistol to Ineligible Person	624.7141, subd. 2
	Transfer Pistol to Minor	624.7132, subd. 15(b)
	Unlawful Possession or Use of Scanning Device or Reencoder	609.527, subd. 5b
Wildfire Arson	609.5641, subd. 1a(a)	
1	Accidents (Great Bodily Harm)	169.09, subd. 14(a)(2)
	Altering Livestock Certificate	35.824
	Assault 4th Degree	609.2231, subd. 1,2,3, & 3a
	Assault Weapon in Public if Under 21	624.7181, subd. 2
	Assaulting or Harming a Police Horse	609.597, subd. 3(3)
	Assault 4th Degree Motivated by Bias	609.2231, subd. 4(b)

Severity Level	Offense Title	Statute Number
1	Aiding Offender to Avoid Arrest	609.495, subd. 1
	Bullet-Resistant Vest During Commission of Crime	609.486
	Cable Communication Systems Interference	609.80, subd. 2
	Cellular Counterfeiting 2nd Degree	609.894, subd. 3
	Certification for Title on Watercraft	86B.865, subd. 1
	Check Forgery (\$250 or Less)	609.631, subd. 4(3)(b)
	Child Neglect/Endangerment	609.378
	Counterfeited Intellectual Property	609.895, subd. 3(b)
	Crime Committed for Benefit of Gang	609.229, subd. 3(c)
	Criminal Damage to Property Motivated by Bias	609.595, subd. 1a,(a)
	Criminal Use of Real Property (Movie Pirating)	609.896
	Depriving Another of Custodial or Parental Rights	609.26, subd. 6(a)(1)
	Discharge of Firearm (Reckless)	609.66, subd. 1a(a)(3)
	Discharge of Firearm at Unoccupied Transit Vehicle/Facility	609.855, subd. 5
	Duty to Render Aid (Substantial Bodily Harm)	609.662, subd. 2(b)(2)
	Escape from Civil Commitment	609.485, subd. 4(a)(4)
	Escape, Mental Illness	609.485, subd, 4(a)(2)
	Failure to Appear in Court	609.49; 588.20, subd. 1
	False Bill of Lading	228.45, 47, 49, 50, 51
	False Certification by Notary Public	609.65 (1)
False Declaration	256.984	
False Information - Certificate of Title Application	168A.30, subd. 1	

Severity Level	Offense Title	Statute Number
1	Financial Transaction Card Fraud	609.821, subd. 2(3) & (4)
	Fleeing A Peace Officer	609.487, subd. 3
	Forgery	609.63
	Fraudulent Drivers' Licenses and Identification Cards	609.652
	Fraudulent Instrument or Entry for Procuring a Certificate of Title	508.80
	Fraudulent Statements	609.645
	Insurance Regulations	62A.41
	Interference with Privacy (Subsequent Violations & Minor Victim)	609.746, subd. 1(e)
	Interference with Transit Operator	609.855, subd. 2(c)(1)
	Leaving State to Evade Establishment of Paternity	609.31
	Liquor Taxation (Criminal Penalties)	297G.19, subd. 3,4(c), 5(c)
	Lottery Fraud	609.651, subd. 1 with subd. 4(a)
	Nonsupport of Spouse or Child	609.375, subd. 2a
	Pistol Without a Permit (Subsequent Violations)	624.714, subd. 1a
	Prize Notices and Solicitations	325F.755, subd. 7
	Prostitution Crimes (Gross Misdemeanor Level) Committed in School or Park Zones	609.3242, subd. 2(2)
	Remove or Alter Serial Number on Firearm	609.667
	Tampering with a Fire Alarm (Potential for Bodily Harm)	609.686, subd. 2
	Tax on Petroleum and Other Fuels (Willful Evasion)	296A.23, subd. 2
	Threats of Violence (Replica Firearm)	609.713, subd. 3(a)

Severity Level	Offense Title	Statute Number
1	Theft from Abandoned or Vacant Building (\$1,000 or Less)	609.52, subd. 3(3)(d)(iii)
	Unlawful Acts Involving Liquor	340A.701
	Voting Violations	Chapter 201, 203B, & 204C
UNRANKED	Abortion	617.20; 617.22; 145.412
	Accomplice After the Fact	609.495, subd. 3
	Adulteration	609.687, subd. 3(3)
	Aiding Suicide	609.215
	Altering Engrossed Bill	3.191
	Animal Fighting	343.31, subd. 1(a)
	Assaulting or Harming a Police Horse	609.597, subd. 3 (1) & (2)
	Bigamy	609.355
	Cigarette Tax and Regulation Violations	297F.20
	Collusive Bidding/Price Fixing	325D.53, subds. 1(3), 2 & 3
	Computer Encryption	609.8912
	Concealing Criminal Proceeds; Engaging in Business	609.496; 609.497
	Corporate Political Contribution Violations	211B.15
	Corrupting Legislator	609.425
	Counterfeiting of Currency	609.632
	Damage to Property of Critical Public Service Facilities, Utilities, and Pipelines	609.594
	Escape with Violence from Gross Misdemeanor or Misdemeanor Offense	609.485, subd. 4(a)(3)
Failure to Report	626.556, subd. 6	

Severity Level	Offense Title	Statute Number
UNRANKED	Falsely Impersonating Another	609.83
	Female Genital Mutilation	609.2245
	Forced Execution of a Declaration	145B.105
	Fraudulent or Improper Financing Statements	609.7475
	Gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)	609.76, subd. 3,4,5,6, & 7
	Hazardous Wastes	609.671
	Horse Racing – Prohibited Act	240.25
	Incest	609.365
	Insurance Fraud – Employment of Runners	609.612
	Interstate Compact Violation	243.161
	Issuing a Receipt for Goods One Does Not Have	227.50
	Issuing a Second Receipt Without “Duplicate” on It	227.52
	Killing or Harming a Public Safety Dog	609.596, subd. 1
	Labor Trafficking	609.282
	Lawful Gambling Fraud	609.763
	Metal Penetrating Bullets	624.7191
	Midwest Interstate Low-Level Radioactive Waste Compact; Enforcement of Compact and Laws	116C.835
	Misprision of Treason	609.39
	Motor Vehicle Excise Tax	297B.10
	Obscene Materials; Distribution	617.241, subd. 4
Obstructing Military Forces	609.395	
Pipeline Safety	299J	

Severity Level	Offense Title	Statute Number
UNRANKED	Police Radios During Commission of Crime	609.856
	Racketeering, Criminal Penalties (RICO)	609.904
	Real and Simulated Weapons of Mass Destruction	609.712
	Refusal to Assist	6.53
	Sale of Membership Camping Contracts	82A.13; 82A.25
	Service Animal Providing Service	343.21, subd. 9(f)(h)
	State Lottery Fraud	609.651, subd. 1 with 4 (b) and subd. 2 & 3
	Subdivided Land Fraud	83.43
	Torture or Cruelty to Pet or Companion Animal	343.21, subd. 9(c)(d)(g)(i)
	Treason	609.385
	Unauthorized Computer Access	609.891
	Unlawful Conduct with Documents in Furtherance of Labor or Sex Trafficking	609.283
	Unlawful Transfer of Sounds; Sales	325E.201
	Warning Subject of Investigation	609.4971
	Warning Subject of Surveillance or Search	609.4975
Wire Communications Violations	626A.02, subd. 4; 626A.03, subd. 1(b) (ii); 626A.26, subd. 2(1)(ii)	
A	Criminal Sexual Conduct 1st Degree	609.342
B	Criminal Sexual Conduct 2nd Degree	609.343 subd. 1(c)(d)(e)(f)(h)
	Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 1st Degree	609.322, subd. 1(a)

Severity Level	Offense Title	Statute Number
C	Criminal Sexual Conduct 3rd Degree	609.344 subd. 1(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o)
	Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 2nd Degree	609.322, subd. 1a
D	Criminal Sexual Conduct 2nd Degree	609.343 subd. 1(a)(b)(g)
	Criminal Sexual Conduct 3rd Degree	609.344 subd. 1(a)(e)(f) or subd. 1(b) with ref. to subd. 2(1)
	Dissemination of Child Pornography (Subsequent or by Predatory Offender)	617.247 subd. 3
E	Criminal Sexual Conduct 4th Degree	609.345 subd. 1(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o)
	Use Minors in Sexual Performance	617.246 subd. 2,3,4
	Dissemination of Child Pornography	617.247 subd. 3
F	Criminal Sexual Conduct 4th Degree	609.345 subd. 1(a)(b)(e)(f)
	Criminal Sexual Conduct 5th Degree	609.3451, subd. 3
	Possession of Child Pornography (Subsequent or by Predatory Offender)	617.247 subd. 4
G	Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 48 mos. older than Complainant)	609.344 subd. 1(b) with ref. to subd. 2(2)
	Solicitation of Children to Engage in Sexual Conduct	609.352, subd. 2
	Solicitation of Children to Engage in Sexual Conduct (Electronic)	609.352, subd. 2a
	Indecent Exposure	617.23 subd. 3
	Possession of Child Pornography	617.247 subd. 4
H	Failure to Register as a Predatory Offender	243.166 subd. 5(b)(c)

Severity Level	Offense Title	Statute Number
D9	Aggravated Controlled Substance Crime 1st Degree	152.021, subd. 2b
	Importing Controlled Substances Across State Borders	152.0261
	Manufacture Any Amount of Methamphetamine	152.021, subd. 2a(a)
D8	Controlled Substance Crime 1st Degree	152.021, subd. 1 or 2
D7	Controlled Substance Crime 2nd Degree	152.022
D6	Controlled Substance Crime 3rd Degree	152.023
	Failure to Affix Stamp on Cocaine	297D.09, subd. 1
	Failure to Affix Stamp on Hallucinogens or PCP	297D.09, subd. 1
	Failure to Affix Stamp on Heroin	297D.09, subd. 1
	Failure to Affix Stamp on Remaining Schedule I & II Narcotics	297D.09, subd. 1
D5	Possession of Substances with Intent to Manufacture Methamphetamine	152.0262
D4	Controlled Substance Crime 4th Degree	152.024
D3	Anhydrous Ammonia (Tamper/Theft/Transport)	152.136
	Methamphetamine Crimes Involving Children and Vulnerable Adults	152.137
D2	Controlled Substance Crime 5th Degree	152.025, subd. 4(b)
	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	297D.09, subd. 1
	Medical Cannabis Violations (Submission of False Records)	152.33, subd. 4
	Sale of Synthetic Cannabinoids	152.027, subd. 6(c)
D1	Failure to Affix Stamp on Marijuana/Hashish/Tetrahydrocannabinols	297D.09, subd. 1
	Failure to Affix Stamp on Schedule IV Substances	297D.09, subd. 1

Severity Level	Offense Title	Statute Number
D1	Medical Cannabis Violations (Intentional Diversion)	152.33, subd. 1
	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	152.33, subd. 2
	Sale of Simulated Controlled Substance	152.097

- a. Current Offense on Standard Grid. If the current offense is **not** on the Sex Offender Grid, determine the weight assigned to each prior felony sentence according to its severity level, as follows:

Current Offense on Standard Grid	SEVERITY LEVEL	POINTS
	1 – 2	½
	3 – 5	1
	6 – 8	1 ½
	9 – 11	2
	Murder 1 st Degree	2
	A	2
	B – E	1 ½
	F – G	1
	H	½ (for first offense); 1 (for subsequent offenses)

- b. Current Offense on Sex Offender Grid. If the current offense is on the Sex Offender Grid, determine the weight assigned to each prior felony sentence according to its severity level, as follows:

Current Offense on Sex Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2	½
	3 – 5	1
	6 – 8	1 ½
	9 – 11	2
	Murder 1 st Degree	2
	A	3
	B – C	2
	D – E	1 ½
	F – G	1
H	½ (for first offense); 1 (for subsequent offenses)	

1. Prior Felonies. Assign a particular weight, as set forth in paragraphs a and b, to each extended jurisdiction juvenile (EJJ) conviction and each felony conviction, provided that a felony sentence was stayed or imposed before the current sentencing or a stay of imposition of sentence was given before the current sentencing.

The severity level ranking in effect at the time the current offense was committed determines the weight assigned to the prior offense.

- a. Current Offense on Standard Grid or Drug Offender Grid. If the current offense is **not** on the Sex Offender Grid, determine the weight assigned to each prior felony sentence according to its severity level, as follows:

Current Offense on Standard Grid or Drug Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, D1 – D2	½
	3 – 5, D3 – D5	1
	6 – 8, D6 – D7	1 ½
	9 – 11, D8 – D9	2
	Murder 1 st Degree	2
	A	2
	B – E	1 ½
	F – G	1
	H	½ (for first offense); 1 (for subsequent offenses)

- b. Current Offense on Sex Offender Grid. If the current offense is on the Sex Offender Grid, determine the weight assigned to each prior felony sentence according to its severity level, as follows: