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# Assault Sentencing Practices

Assault Offenses and Violations of Restraining Orders  
Sentenced in 2018

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# MINNESOTA

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### ABOUT THIS REPORT

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this report should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

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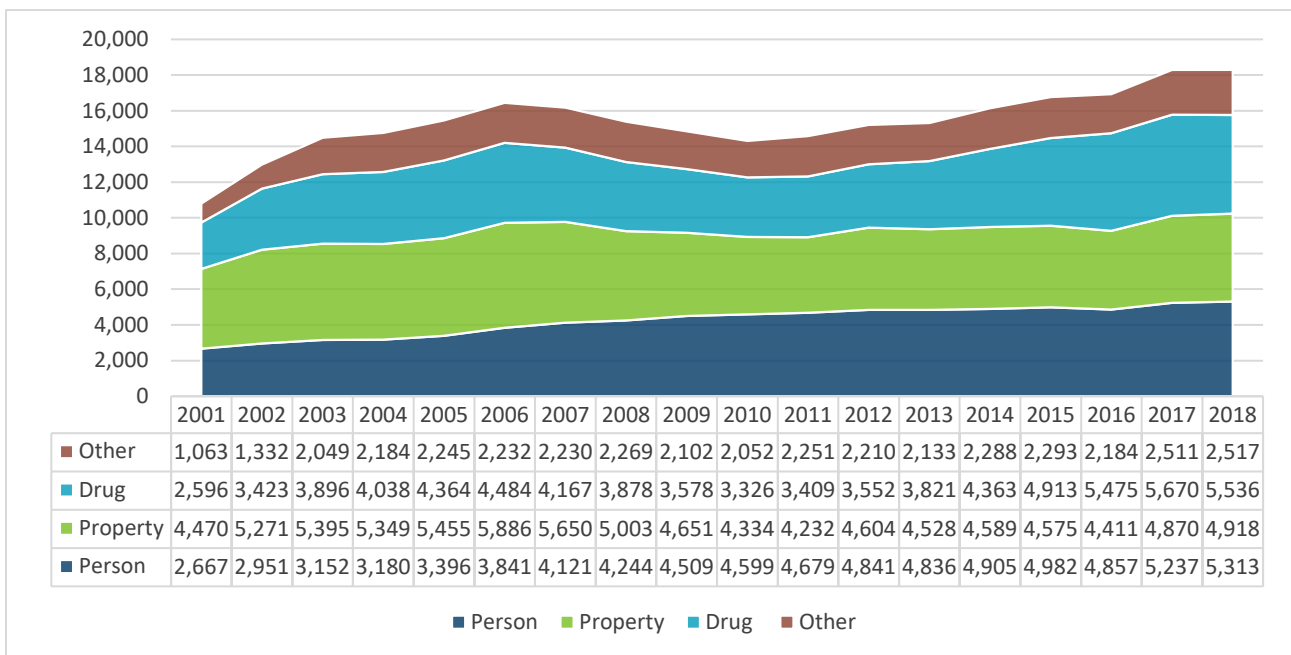


# Introduction

This report examines the increase in felony assault and restraining-order violations over the last eighteen years, with consideration of the impact of statutory enhancements in 2005 and 2006 to domestic assault and violation of restraining-order offenses.

From 2001 to 2010, the trend in volume<sup>1</sup> for all felony offenders sentenced resembled a bell curve, with the volume reaching a high of 16,443 offenders in 2006, and generally declining after that. From 2011 to 2017, the total volume rose again, reaching a new high of 18,288 offenders in 2017. The growth stopped in 2018, when the volume declined by 4 offenders (Figure 1).

Figure 1. Number of Offenders Sentenced by Offense Type, Sentenced 2001–2018



The number of offenders sentenced for person offenses<sup>2</sup> increased each year from 2002 to 2018, with the exceptions of a slight decline in 2013 (-0.1%) and a more significant decline in 2016 (-2.5%). In 2017, the volume of person offenses grew by 7.8 percent, to 5,237, and increased again in 2018 to a new high of 5,313 (+1.5%). The number of person offenses sentenced in 2018 was nearly double (+99%) the number of person offenses sentenced in 2001 (Figure 1).

<sup>1</sup> Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

<sup>2</sup> In addition to assault offenses and restraining order violations, “person offenses” include a number of offenses outside the scope of this report, such as murder, manslaughter, criminal vehicular homicide, criminal vehicular operation, criminal sexual conduct, kidnapping, drive-by shooting, robbery, stalking, and threats of violence.

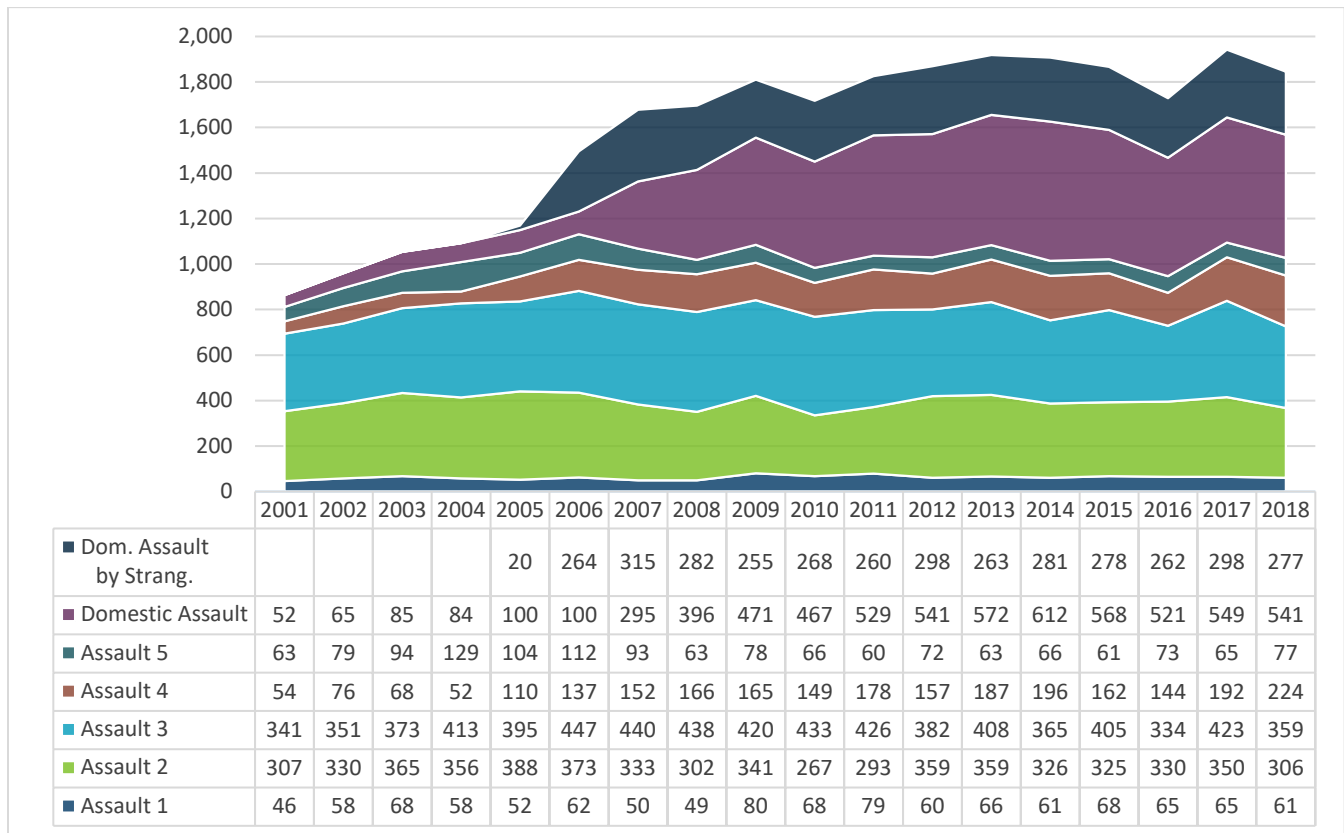
Part of the increase in person offenses after 2005 is due to the fact that MSGC started tracking first-degree murder sentences,<sup>3</sup> but the roughly 15 to 25 first-degree murder sentences annually cannot solely explain the increase in person offenses. The increase in certain felony assaults is a large factor, particularly domestic assault-related offenses. The number of felony violation of restraining order offenses sentenced has also increased over the past several years.

## Assault Offenses

### Distribution of Cases

In 2018, 1,845 offenders were sentenced for felony-level assault (a decrease of 5%) from the 1,942 offenders in 2017). Assaults accounted for 35 percent of the person offenses sentenced. The decrease was not uniform among the various types of assault. Fourth-degree assaults increased (by 14.3%) and fifth-degree assaults increased (by 15.6%). All other assault categories decreased, with the largest decreases seen in second-degree (14.4%) and third-degree (17.8%).

Figure 2. Frequency of Assault Offenses, Sentenced 2001–2018



<sup>3</sup> Before August 1, 2005, first-degree murder was not included in the MSGC’s dataset; first-degree murder is excluded from the sentencing guidelines by law and continues to have a mandatory life sentence.

## Domestic Assault<sup>4</sup>

In 2018, 541 offenders were sentenced for domestic assault (Figure 2). Felony domestic assault is chargeable when the offender has two or more qualified domestic violence-related prior offenses. While felony domestic assault has existed since 1995, the Legislature made several changes to the offense in 2006—removing the requirement that the prior offenses had to be against the same victim, extending the look-back period to 10 years, and expanding the list of qualified priors—that effectively expanded the scope of those eligible to be sentenced for this offense as a felony.<sup>5</sup> Since these enhancements, the number of offenders sentenced for felony domestic assault has grown more than fivefold. While the number of offenders sentenced for domestic assault did increase between 2001 and 2005—before the enhancements were enacted—the annual increases observed since 2006 have been more dramatic, rising from 100 felony domestic assault cases per year (2005 & 2006) to an average of 554 cases per year (2011–2018).

## Domestic Assault by Strangulation

In 2018, 277 offenders were sentenced for domestic assault by strangulation (Figure 2), a felony created in 2005.<sup>6</sup> This was a 7.6 percent decrease from 2017 (298 offenders). Prior to the crime’s enactment, the assault of a family member or household member by strangulation may have been categorized and charged either as a misdemeanor—such as domestic assault—or under other felony assault provisions—such as felony domestic assault, fifth-degree assault, or third-degree assault. As Figure 2 illustrates, the number of offenders sentenced for the newly created offense quickly climbed to 315 offenders in 2007, then remained below 300 annually from 2008 through 2018. Because the other felony assault provisions that may have previously encompassed this behavior—most obviously, felony domestic assault—did not fall by an offsetting amount during this time period, the creation of this offense appears to have increased the number of felony assault cases.

Figure 3 provides another way to examine felony assault offenses. While Figure 2 displayed the number of offenders sentenced for each type of assault, Figure 3 shows the proportion each assault offense comprises of all felony assaults. With the creation of felony offenses for repeat domestic assault and domestic assault by strangulation, the composition of the assault offenses has changed. For example, felony domestic assault offenses made up less than seven percent of the felony assaults sentenced in 2006. By 2009, domestic assault grew to 26 percent of assaults, and they have comprised between 28 and 32 percent of assaults since 2011 (29% in 2018). Since 2010, felony domestic assault and domestic assault by strangulation, combined, have comprised between 43 and 47 percent of all felony assaults sentenced (44% in 2018).

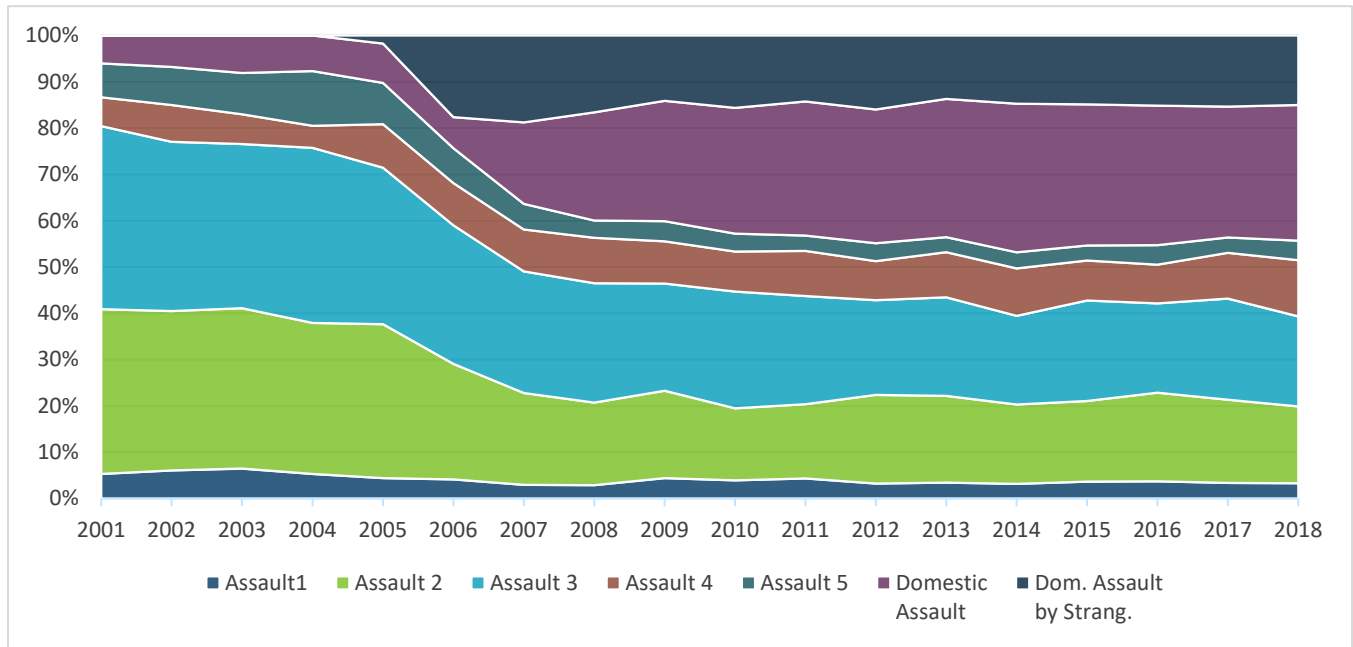
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<sup>4</sup> Throughout this report, “domestic assault” is reported separately from “domestic assault by strangulation.”

<sup>5</sup> [2006 Minn. Laws ch. 260](#), Art. 1, §§ 12 & 19.

<sup>6</sup> [2005 Minn. Laws ch. 136](#), Art. 17, § 13.

Figure 3. Distribution of Assault Offenses, Sentenced 2001–2018



## Second-Degree Assault

Second-degree assault is on the list of offenses eligible for mandatory minimum sentences when committed while using or in possession of a firearm or other dangerous weapon.<sup>7</sup> Because second-degree assault necessarily involves the use of a firearm or other dangerous weapon,<sup>8</sup> the mandatory minimum prison sentence always applies. The statute specifically permits the court to sentence without regard to the mandatory minimum, however, if it finds substantial and compelling reasons to do so.<sup>9</sup> In second-degree assault cases, the gravity of the offense may vary greatly from case to case. Injury to the victim may or may not occur, and the type of dangerous weapon involved can vary widely, from a pool cue to a knife to a firearm. Circumstances surrounding the offense can also vary significantly, from barroom brawls to unprovoked confrontations.

Figure 2 illustrates that the long-term stability of second-degree assault case volume, with the number of sentences remaining within the 300s for fifteen of the past seventeen years. Figure 4 shows that the proportion of second-degree assault offenses is much lower than it was in the early 2000s. From 2001 to 2005, second-degree assault made up between 33 and 36 percent of felony assaults, compared to 16 to 19 percent between 2008 and 2018 (17% in 2018).

<sup>7</sup> Minn. Stat. § 609.11, subd. 9.

<sup>8</sup> Minn. Stat. §§ 609.02, subd. 6, & 609.222.

<sup>9</sup> Minn. Stat. § 609.11, subd. 8.



## Incarceration Rates

### Domestic Assault

The increase in felony-level domestic assault offenders translates into an increased need for correctional resources. While the average lengths of incarceration in state prison or local correctional facilities (i.e., county jail or workhouse) have fluctuated within a narrow range for these offenses, the number of cases for which prison or local confinement is pronounced has increased dramatically (Table 1). To illustrate, of the 1,626 offenders sentenced to prison for felony-level domestic assaults since 2001, just 88 were sentenced between 2001 and 2006; the remaining 1,538 were sentenced between 2007 and 2018, after the 2006 enhancements. The need for estimated prison beds has increased from an average of 19 per year before the enhancements, to an average of 165 per year thereafter (Table 1).<sup>10</sup>

*Table 1. Length of Pronounced Sentence for Domestic Assault Cases, Sentenced 2001–2018*

Year	No. of Cases	State Prison Sentence				Pronounced Local Confinement			
		Prison Rate		Average Duration (months)	Estimated Prison Beds	Local Rate		Average Duration (days)	Estimated Local Beds
		#	%			#	%		
2001	52	7	13	21	8	40	77	131	10
2002	65	11	17	22	13	48	74	128	11
2003	85	15	18	25	21	66	78	111	13
2004	84	18	21	23	23	56	67	143	15
2005	100	21	21	24	28	77	77	131	19
2006	100	16	16	20	18	73	73	153	21
<b>Avg. '01–'06</b>	<b>81</b>	<b>15</b>	<b>18</b>	<b>23</b>	<b>19</b>	<b>60</b>	<b>74</b>	<b>133</b>	<b>15</b>
2007	295	61	21	23	78	213	72	104	41
2008	396	101	26	22	123	270	68	117	58
2009	471	97	21	23	124	332	71	102	62
2010	467	118	25	24	157	278	60	107	55
2011	529	125	24	22	153	374	71	104	72
2012	541	136	25	23	174	375	69	107	74
2013	572	157	27	22	192	383	67	95	67
2014	612	156	26	24	208	424	69	101	79
2015	568	159	28	23	203	379	67	93	65
2016	521	145	28	23	185	347	67	96	61

<sup>10</sup> Although the need for local beds for felony-level domestic assaults has also increased, from an average of 15 per year (2001–06) to 65 per year (2007–18), it is possible that local facilities have seen an offsetting decrease in the number of misdemeanor and gross misdemeanor sentences because more of those cases have qualified for felony enhancement after 2006. Estimated prison beds (or local beds) are computed by calculating two-thirds of the sum, in years, of all executed prison sentences (or conditional confinement) imposed for the relevant category. Because these estimates are based on the assumption that offenders will serve two-thirds of the pronounced sentences, they do not account for case-specific possibilities that may reduce or increase the actual prison (or local) time to be served.

Year	No. of Cases	State Prison Sentence				Pronounced Local Confinement			
		Prison Rate		Average Duration (months)	Estimated Prison Beds	Local Rate		Average Duration (days)	Estimated Local Beds
		#	%			#	%		
2017	549	147	27	24	195	374	68	89	61
2018	541	136	25	24	181	380	70	92	64
<b>Avg. '07-'18</b>	<b>505</b>	<b>128</b>	<b>25</b>	<b>23</b>	<b>165</b>	<b>344</b>	<b>69</b>	<b>103</b>	<b>65</b>

## Domestic Assault by Strangulation

As mentioned earlier in this report, the creation of the offense of domestic assault by strangulation has also contributed to the recent increase in felony person offenses. Table 2 provides incarceration data for offenders sentenced for domestic assault by strangulation since the statute's 2005 enactment.<sup>11</sup> This offense is also ranked at Severity Level 4 (along with felony domestic assault), so it is not surprising that the average prison sentence pronounced is very similar to that average. However, for those offenders receiving local confinement (i.e., prison sentence was "stayed"), the pronounced local confinement time is less. The state prison rate for these offenders is less than for offenders sentenced for domestic assault because of lower criminal history scores. Since 2006, an average of 277 offenders each year have been sentenced. An average of 22 offenders each year received prison sentences, creating a need for 27 prison beds per year.<sup>12</sup> On average, 219 offenders each year have received local confinement as a condition of their stayed prison sentences and have required 33 beds in county jails or workhouses per year.<sup>13</sup>

*Table 2. Length of Pronounced Sentence for Domestic Assault by Strangulation, Sentenced 2005–2018*

Year	No. of Cases	State Prison Sentence				Pronounced Local Confinement			
		Prison Rate		Average Duration (months)	Estimated Prison Beds	Local Rate		Average Duration (days)	Estimated Local Beds
		#	%			#	%		
2006	264	16	6	24	21	229	87	89	37
2007	315	22	7	22	28	272	86	91	45
2008	282	22	8	22	26	239	85	83	36
2009	255	26	10	22	33	206	81	80	30
2010	268	24	9	23	31	208	78	81	31
2011	260	23	9	25	32	221	85	71	29
2012	298	28	9	21	32	257	86	72	34

<sup>11</sup> Because the statute took effect August 1, 2005, and applied to offenses committed on or after that date, very few cases were sentenced that year. The 20 cases that were sentenced in 2005 were excluded from the average so as not to distort it.

<sup>12</sup> Based on the average pronounced executed prison term of 22 months from 2006 to 2018, assuming service of 2/3 of the pronounced sentence (14.74 months); 22 offenders × 14.74 mos. = 324.28 ÷ 12 mos. = 27 prison beds.

<sup>13</sup> Based on the average local confinement term of 76 days from 2006 to 2018, assuming service of 2/3 of the pronounced sentence (50.9 days); 219 offenders × 50.9 days = 11,147 ÷ 365 days = 31 local beds. It is possible that county jails and workhouses have seen an offsetting decrease in the number of misdemeanor and gross misdemeanor sentences because some of those cases were charged as felony strangulation cases after 2005; see discussion on page 3.

Year	No. of Cases	State Prison Sentence				Pronounced Local Confinement			
		Prison Rate		Average Duration (months)	Estimated Prison Beds	Local Rate		Average Duration (days)	Estimated Local Beds
		#	%			#	%		
2013	263	26	10	22	32	223	85	71	29
2014	281	21	8	21	25	248	88	77	35
2015	278	17	6	25	24	242	87	70	31
2016	262	28	11	20	31	215	82	70	28
2017	298	24	8	24	32	250	84	69	32
2018	277	13	5	23	17	234	85	69	30
<b>Avg. '06-'18</b>	<b>277</b>	<b>22</b>	<b>8</b>	<b>22</b>	<b>27</b>	219	<b>85</b>	76	<b>33</b>

## Violation of Restraining Order Offenses

The case volume of violations of restraining orders has grown fivefold since 2006 (Figure 4). Three offenses are in this group: violations for orders of protection (OPF) under Minn. Stat. § [518B.01](#), subd. 14(d); violations of harassment restraining orders (HRO) under Minn. Stat. § [609.748](#), subd. 6(d); and violations of domestic abuse no contact orders (DANCO) under Minn. Stat. § [629.75](#), subd. 2(d). Each involves offenders who have two or more prior convictions for an offense from a list of qualified domestic violence-related offenses and who violate the restraining orders against them. The list of qualifying prior offenses was expanded in 2006, and a standardized 10-year look-back period was also implemented at that time.<sup>14</sup> Violation of DANCO is the newest offense in this group, effective for crimes committed on or after August 1, 2007.<sup>15</sup> These offenses are ranked at Severity Level 4 (the same severity level as the felony domestic assault offenses).

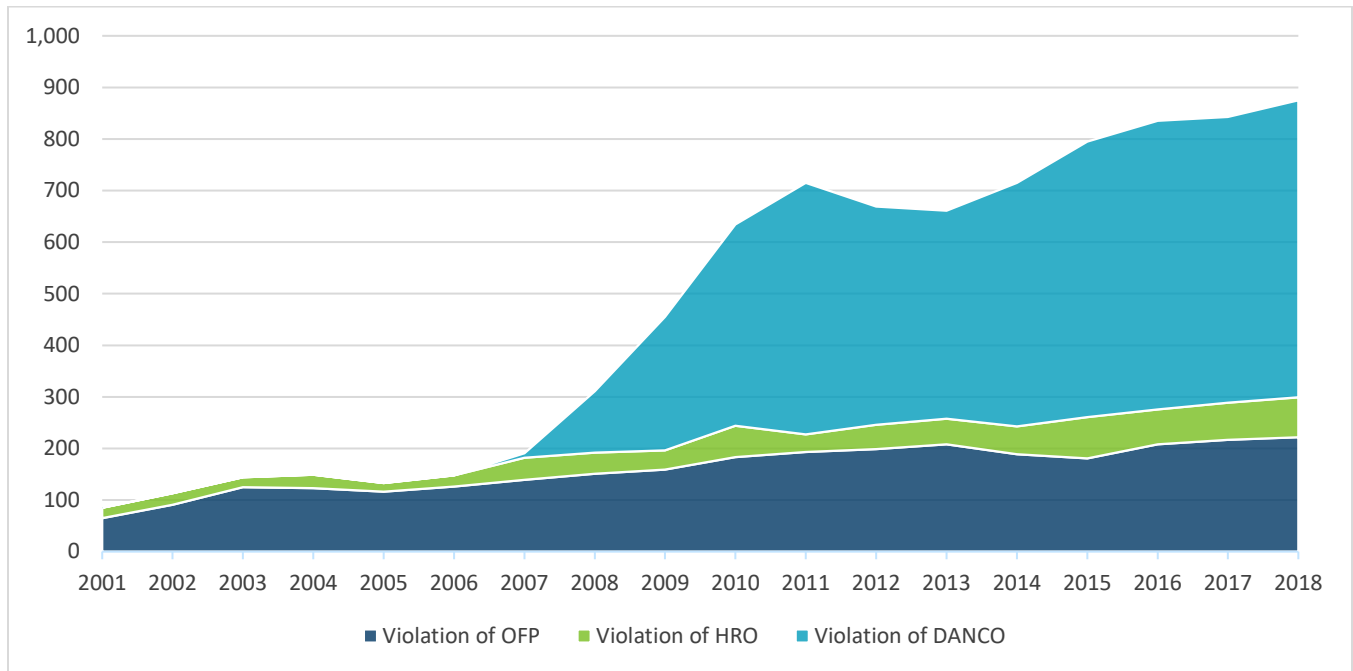
### Distribution of Cases

As Figure 4 shows, the number of offenders sentenced has increased 490 percent in the last ten years—from a total of 148 offenders sentenced in 2006 (the year the Legislature implemented the policy changes described above) to 875 in 2018. Most of this increase appears to have come from the creation of felony level DANCO violations, which have accounted for more than 60 percent of violations of restraining orders sentenced in each year from 2010 to 2018 (66% in 2018).

<sup>14</sup> [2006 Minn. Laws ch. 260](#), Art. 1, §§ 10, 12 & 28. The lookback period was changed to 10 years after conviction. Previously, the look-back period had been five years after discharge from sentence.

<sup>15</sup> [2007 Minn. Laws ch. 54](#), Art. 2, § 1 (enhancing DANCO violations by repeat offenders to felony level).

Figure 4. Frequency of Felony Violation of Restraining Order Offenses, Sentenced 2001–2018



## Incarceration Rates

As Table 3 shows, the average lengths of prison sentences for restraining order cases have fluctuated within a narrow range since 2002. The average local confinement time pronounced appears to have decreased slightly. A higher percentage of these offenders receive prison sentences than those sentenced for either of the domestic assault offenses. While the imprisonment rates have remained fairly stable, the number of cases for which prison or local confinement is pronounced has increased dramatically since the extension of the look-back periods and the creation of felony DANCO violation. The sentences for restraining order cases created the need for an average of 268 estimated prison beds from 2008 to 2018, compared with an average of 41 estimated prison beds from 2001 to 2007.<sup>16</sup>

<sup>16</sup> Although the need for local beds for felony-level violations of restraining orders has also increased, from an average of 20 per year (2001-07) to 78 per year (2008-18), it is possible that local facilities have seen an offsetting decrease in the number of misdemeanor and gross misdemeanor sentences because more of those cases have qualified for felony enhancement after 2006 and 2007. “Estimated prison beds” are based on the average pronounced executed prison term of 23 months from 2008 to 2018, assuming service of 2/3 of the pronounced sentence (15.4 months); 209 offenders × 15.4 mos. = 3,220.7 ÷ 12 mos. = 268 prison beds. “Local beds” are based on the average term of 99 days from 2008 to 2018, serving 2/3 of the pronounced sentence (66 days); 431 offenders × 66 days = 28,446 ÷ 365 days = 78 local beds.

Table 3. Length of Pronounced Sentence for Violation of Restraining Order Cases, Sentenced 2001–2018

Year	No. of Cases	State Prison Sentence				Pronounced Local Confinement			
		Prison Rate		Average Duration (months)	Estimated Prison Beds	Local Rate		Average Duration (days)	Estimated Local Beds
		#	%			#	%		
2001	85	12	14	27	18	64	75	127	15
2002	113	28	25	22	34	78	69	120	17
2003	144	29	20	23	37	96	67	127	22
2004	149	47	32	23	60	94	63	140	24
2005	133	27	20	22	33	99	74	116	21
2006	148	39	26	24	52	95	64	109	19
2007	191	52	37	25	71	125	65	105	24
<b>Avg. '01–'07</b>	<b>138</b>	<b>33</b>	<b>24</b>	<b>22</b>	<b>41</b>	<b>93</b>	<b>68</b>	<b>120</b>	<b>20</b>
2008	311	91	29	23	117	195	63	111	40
2009	455	142	31	24	190	291	64	106	57
2010	634	197	31	22	242	364	57	108	72
2011	715	209	29	22	262	453	63	103	86
2012	669	219	33	23	276	414	62	96	73
2013	661	208	32	23	262	415	63	100	76
2014	715	203	28	23	261	477	67	91	80
2015	795	265	33	23	337	495	62	97	88
2016	835	238	29	22	299	550	66	95	100
2017	843	265	31	23	340	535	64	96	94
2018	875	266	30	22	327	551	63	88	89
<b>Avg. '08–'18</b>	<b>683</b>	<b>209</b>	<b>31</b>	<b>23</b>	<b>268</b>	<b>431</b>	<b>63</b>	<b>99</b>	<b>78</b>

## How Felony Enhancement Works

Several offenses discussed in this report are felonies only because of the criminal histories of the offenders. This section outlines how such offenses are, due to prior offenses, enhanced to felonies. Although 2018 policies are described, it should be noted that these enhancement policies have changed over time.

The relevant prior offenses are “qualified domestic violence-related offense” (“QDVRO”) convictions or adjudications of delinquency. Despite the inclusion of “domestic violence” within the name, there is no requirement that the prior QDVRO involve domestic abuse.<sup>17</sup> The prior QDVRO need not be a felony. Violations and attempted violations of the offenses listed in Table 4—as well similar laws of other U.S. jurisdictions—are QDVROs:

*Table 4. Qualified Domestic Violence-Related Offenses, 2018*

<b>Minn. Stat. section</b>	<b>Offense</b>
518B.01, subd. 14	Violation of order for protection (OFP)
609.185; 609.19	First- and second-degree murder
609.221; 609.222; 609.223; 609.2231; 609.224	First-, second-, third-, fourth-, and fifth-degree assault
609.2242	Domestic assault
609.2245	Female genital mutilation
609.2247	Domestic assault by strangulation
609.342; 609.343; 609.344; 609.345	First-, second-, third-, and fourth-degree criminal sexual conduct
609.377	Malicious punishment of a child
609.713	Threats of violence
609.748, subd. 6	Violation of harassment restraining order (HRO)
609.749	Stalking
609.78, subd. 2	Interference with an emergency call
617.261	Nonconsensual dissemination of private sexual images
629.75	Violation of domestic abuse no contact order (DANCO)

Source: Minn. Stat. § 609.02, subd. 16.

<sup>17</sup> *State v. Moen*, 752 N.W.2d 532 (Minn. Ct. App. 2008). “Domestic abuse” is defined in Minn. Stat. § [518B.01](#), subd. 2.

Each offense listed in Table 5 will be enhanced to a felony if the offender has committed the required number qualifying prior QDVROs:

*Table 5. Offenses Enhanced Due to the Prior Commission of a Qualified Domestic Violence-Related Offense, 2018*

<b>Minn. Stat. section</b>	<b>Offense</b>	<b>With No Priors</b>	<b>Felony QDVRO Look-back Period (years)</b>	<b>Prior QDVROs Required for Felony</b>	<b>Sentencing Guidelines Severity Level</b>
<a href="#">518B.01</a> , subd. 14	Violation of OFP	Misdemeanor	10	2	4
<a href="#">609.224</a>	Fifth-degree assault	Misdemeanor	3; 10 if same victim	2	4
<a href="#">609.2242</a>	Domestic assault	Misdemeanor	10	2	4
<a href="#">609.748</a> , subd. 6	Violation of HRO	Misdemeanor	10	2	4
<a href="#">609.749</a>	Stalking	Gross misdemeanor	10	1	4 (1 prior) 5 (2 priors)
<a href="#">629.75</a>	Violation of DANCO	Misdemeanor	10	2	4

*Notes: "Look-back period" refers to time elapsed between the first prior QDVRO conviction or adjudication of delinquency and the current offense date. Convictions or adjudications outside the look-back period will not enhance the current offense to a felony. This table is intended to provide context and explanation for the operation of various sentencing provisions discussed in this report. It is not intended as a practitioner's guide. Please refer to the note at the beginning of this report entitled, "About this Report." Stalking, although outside the scope of this report, is listed in this table for completeness.*

## How the Guidelines Work

Minnesota's guidelines are based on a grid structure. The vertical axis of the Grid represents the **severity** of the offense for which the offender was convicted. The horizontal axis represents a measure of the offender's **criminal history**. The Commission has ranked felony level offenses into eleven severity levels. Offenses included in each severity level are listed in the **Severity Reference Table** in the *Minnesota Sentencing Guidelines and Commentary*.

The criminal history index measures the offender's prior record and consists of four measures of prior criminal behavior: (1) a weighted measure of prior felony sentences; (2) a limited measure of prior misdemeanor/gross misdemeanor sentences; (3) a limited measure of the prior serious juvenile record; and (4) a "custody status" measure which indicates if the offender was on probation or parole when the current offense was committed.

The recommended (presumptive) guideline sentence is found in the cell of the sentencing grid in which the offender's criminal history score and severity level intersect. The Guidelines recommend imprisonment in a state prison in the non-shaded cells of the grid.

The Guidelines generally recommend a stayed sentence for cells in the shaded area of the applicable Grid. When a sentence is stayed, the court typically places the offender on probation and may require up to a year of confinement in a local jail or workhouse. Other conditions such as fines, restitution, community work service, treatment, house arrest, etc. may also be applied to an offender's sentence. There are, however, a number of offenses that carry a presumptive prison sentence regardless of where the offender is on the applicable Guidelines Grid (e.g., offenses involving dangerous weapons which carry mandatory minimum prison terms, and drug and burglary offenses).

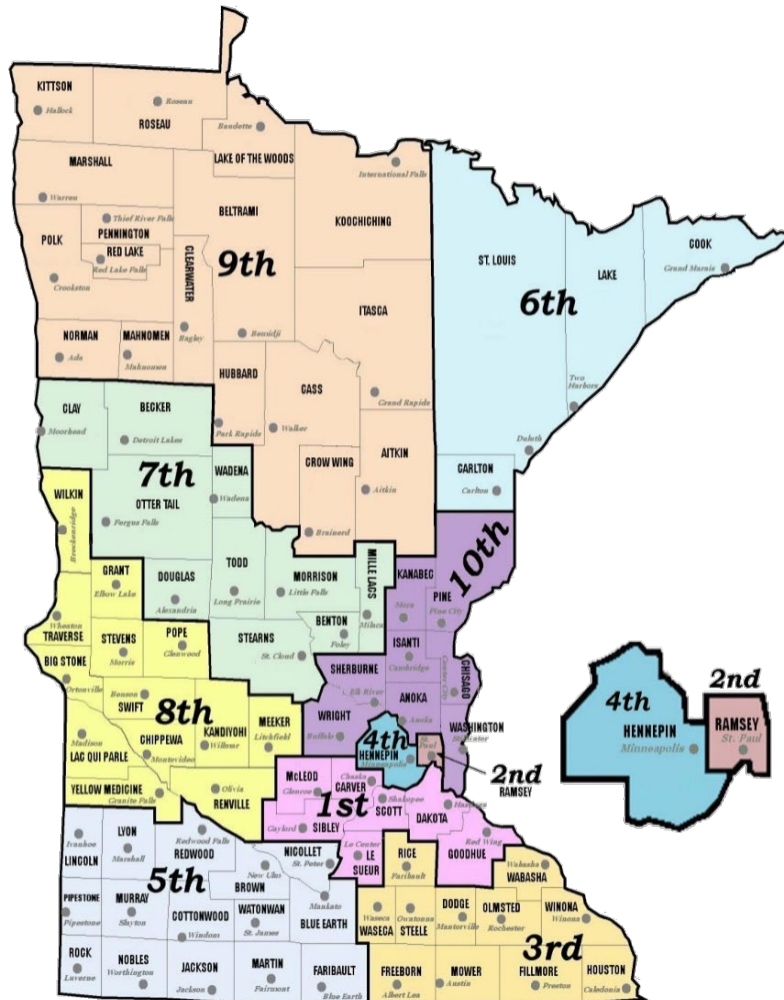
The number in the cell is the recommended length of the prison sentence in months. As explained above, sentences in shaded boxes are generally stayed probationary sentences. For cases in the non-shaded cells of the applicable Grid, the Guidelines also provide a narrow range of months around the presumptive duration that a judge may pronounce and still be within the Guidelines.

It is not possible to fully explain all of the policies in this brief summary. Additional information on the Guidelines is available by contacting the Commission's office. *The Minnesota Sentencing Guidelines and Commentary* is available online at <http://mn.gov/sentencing-guidelines>.



# Appendices

## Appendix 1. Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
Le Sueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	Lac qui Parle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Swift	Lake of the Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watsonwan				Polk	
								Red Lake	
								Roseau	

Source: Minn. Judicial Branch.

## Appendix 2. Standard Sentencing Guidelines Grid – Effective August 1, 2018

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE						
	0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings)	<b>11</b> 306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 <sup>2</sup>	426 363-480 <sup>2</sup>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	<b>10</b> 150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Assault, 1st Degree</i>	<b>9</b> 86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	<b>8</b> 48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	<b>7</b> 36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 <sup>2,3</sup>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	<b>6</b> 21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary</i> <i>Simple Robbery</i>	<b>5</b> 18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	<b>4</b> 12 <sup>1</sup>	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b> 12 <sup>1</sup>	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	<b>2</b> 12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 18-25
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	<b>1</b> 12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 17-22

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See section 2.E, for policies regarding those sentences controlled by law.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

<sup>3</sup> The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)