

Draft Meeting Minutes

June 7, 2023

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on June 7, 2023, in the Afton Room at the Department of Corrections, 1450 Energy Park Drive, Saint Paul, MN 55108; and by telephone and/or electronically.

Present in person were Chair Kelly Lyn Mitchell and Commission members Officer Mohamoud Ibrahim, Judge David Knutson, Kyra Ladd, Cathryn Middlebrook, Justice Gordon L. Moore, III, Brooke Morath, and Commissioner of Corrections Paul Schnell. MSGC Executive Director Nate Reitz and staff members Linda McBryer, Jill Payne, and Anne Wall were also present in person. Members of the public present in person were Sue Carter, Deb Dailey, Jodi Ehlenz, Prof. Richard Frase, and Prof. Kevin Reitz.

Commission member and Judge Michelle A. Larkin was present electronically, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on May 12, 2023. Also present by telephone and/or electronically was MSGC staff member Kathleen Madland; and members of the public including Damion Kushan, Matt Majovski, and Desiree Oakley.

1. Call to Order and Roll Call

Chair Mitchell called the meeting to order at 1:04 p.m.

Director Reitz called the roll. Present were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell. Nine members were present, one member was absent, and one seat was vacant. A quorum was present.

2. Recognition of Employee Service

Chair Mitchell and Director Reitz recognized Anne Wall for her 39 years of service to the State of Minnesota and the Sentencing Guidelines Commission. Anne Wall was presented with an award for almost four decades of public service. Anne Wall thanked Chair Mitchell and the Commission as well as Director Reitz and former Director Deb Dailey, who was in attendance.

3. Approval of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

Motion by Commissioner Schnell and second by Commissioner Middlebrook to approve the meeting agenda.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

4. Approval of Draft Meeting Minutes from May 11, 2023 (Action)

This was on the agenda as an action item.

Motion by Commissioner Schnell and second by Commissioner Knutson to approve the May 11, 2023, draft meeting minutes.

Motion carried unanimously on an 8–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell. Commissioner Ibrahim abstained.

5. 2023 Regular Session Laws

A. Ranking Newly Created or Amended Crimes, Part 2 (Action)

This was on the agenda as an action item.

Chair Mitchell called on Director Reitz who presented (5A1) “Ranking Newly Created or Amended Crimes, Part 2,” dated June 5, 2023. Director Reitz gave the Commission general background on assigning severity-level rankings. Director Reitz explained that, unless the Commission specifies otherwise, it was understood that any modifications adopted by the Commission will be subject to a public hearing on July 20, 2023, and to the Commission’s final action on July 27, 2023. The document also explained that, unless otherwise specified, the specified effective date of all modifications is August 1, 2023, to apply as provided in Guidelines section 3.G.

Director Reitz described the following newly created and amended crime laws including staff recommendations for amendments to the 2022 Minn. Sentencing Guidelines and Commentary; and the Commission discussed and took action, as follows.

1. Labor Trafficking – Restructured Offense and Mandated Review

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Ladd and second by Commissioner Larkin to leave Labor Trafficking (Death) unranked; to rank Labor Trafficking (Great Bodily Harm) at severity level (SL) 9; to rank Labor Trafficking (Minor Victim) at SL 8; to rank Labor Trafficking (Extended Period of Time) at SL 7; to rank Labor Trafficking (other) at SL 6; to continue to list Labor Trafficking in section 6 (Offenses Eligible for Permissive Consecutive Sentences); and to continue to list Labor

Trafficking in section 8 (Severe Violent Offense List). All but the first two rankings in the motion were recommended by staff.

Commissioners Ladd and Larkin accepted a **friendly amendment** to rank Labor Trafficking (Death) at SL 10 and to divide from the motion the decision to list Labor Trafficking in sections 6 and 8. The amended motion is shown in Appendix 1's changes to Guidelines section 5 with respect to Minn. Stat. § 609.282.

As amended, **motion carried** on a 7–2 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Moore, and Morath.

Voting “No” were commissioners Middlebrook and Schnell.

After some discussion, there was no motion to change the current placement of Labor Trafficking in section 6 (Offenses Eligible for Permissive Consecutive Sentences), thereby leaving the restructured Labor Trafficking offense on the list.

Motion by Commissioner Middlebrook and second by Commissioner Knutson to list all forms of Labor Trafficking except the SL 6 offense in section 8 (Severe Violent Offense List), as shown in Appendix 1's changes to Guidelines section 8 with respect to Minn. Stat. § 609.282.

The Commission discussed the motion. The maker of the motion opined that the SL 6 offense does not meet the threshold for being on the list.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

Director Reitz reminded the Commission that today's actions were not understood to be final, and that all motions to change the Sentencing Guidelines were understood to be motions to propose such changes for consideration at the public hearing to be held July 20, 2023.

2. Robbery – New Carjacking Offense Specified

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Schnell and second by Commissioner Middlebrook to adopt staff recommendations to rank carjacking in the first, second, and third degrees at SL 8, SL 6, and SL 5, respectively; to list Carjacking in section 6; and to list Carjacking 1st Degree in section 8. This motion is shown in Appendix 1's changes to Guidelines sections 5, 6, and 8 with respect to Minn. Stat. §§ 609.245 and 609.247.

The Commission discussed the motion. A commissioner questioned whether the creation of the offense was a signal from the Legislature to treat carjacking more seriously than robbery.

Another commissioner talked about how serious an offense it was and how it takes victims time to recover from it. Another commissioner recognized the seriousness of carjacking but also saw

the seriousness of all robberies and discussed how the legislative intent appeared to be to make distinctions between carjacking and robberies for tracking purposes.

Motion carried on a 7–2 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Knutson, Ladd, Middlebrook Moore, Morath, and Schnell.

Voting “No” were commissioners Ibrahim and Larkin.

3. Kidnapping – Aggravating Circumstances Numbered

Director Reitz described the offense and staff recommendation, noting that there were no substantive changes to the law, that these were conforming changes, and that the staff recommendations were “status quo.”

Motion by Commissioner Middlebrook and second by Commissioner Knutson to adopt staff recommendations to make conforming and editorial changes related to the enumeration of kidnapping’s aggravating circumstances, as shown in Appendix 1’s changes to Guidelines sections 5 and 8 with respect to Minn. Stat. § 609.25.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook Moore, Morath, and Schnell.

4. Fictitious Emergency Call – New Offense Level

Director Reitz described the offense and staff recommendation. A commissioner asked a clarifying question.

Motion by Commissioner Ibrahim and second by Commissioner Schnell to adopt the staff recommendations with respect to Minn. Stat. § 609.78, including ranking Fictitious Emergency Call (Substantial Bodily Harm) at SL 4.

The Commission discussed the motion. Some commissioners thought SL 4 was too high given this conduct seemed like a prank phone call and that the behavior was not as serious as the underlying conduct of fleeing a peace officer.

Commissioners Ibrahim and Schnell accepted a **friendly amendment** to rank Fictitious Emergency Call (Substantial Bodily Harm) at SL 3. The amended motion is shown in Appendix 1’s changes to Guidelines sections 5 and 6 with respect to Minn. Stat. § 609.78.

As amended, **motion carried** unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

5. Organized Retail Theft – New Crime

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Larkin and second by Commissioner Ladd to adopt the staff recommendations to rank Organized Retail Theft (Over \$5,000) at SL 4; to rank Organized Retail Theft (\$1,001–\$5,000, or \$501–\$1,000 and Prior Convictions) at SL 3; and to rank Organized Retail Theft (\$501–\$1,000, or \$500 or Less and Prior Convictions) at SL 1, as shown in Appendix 1’s changes to Guidelines section 5 with respect to Minn. Stat. § 609.522.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

6. Burglary – New Offenses for Shoplifting Contrary to a Trespass Notice

Director Reitz described the offense and staff recommendation.

The Commission discussed the new crime and asked clarifying questions.

Motion by Commissioner Middlebrook and second by Commissioner Moore to rank Burglary 3rd Degree (Shoplifting Contrary to Trespass Notice, 2nd or Subsequent) at SL 3 and to direct staff to make appropriate conforming and editorial changes. This motion is shown in Appendix 1’s changes to Guidelines section 5 with respect to Minn. Stat. § 609.582.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, Schnell.

7. Machine Gun, Trigger Activator, or Conversion Kit – Quadrupled Statutory Maximum Penalty

Director Reitz described the offense and staff recommendation.

The Commission discussed the new crime. One Commissioner observed that the quadrupling of the statutory maximum may be as a signal from the Legislature of how serious the crime is and the potential for mass casualty from such a device.

Motion by Commissioner Moore and second by Commissioner Ibrahim to adopt staff recommendations to rank Machine Gun, Trigger Activator, or Conversion Kit at SL 8 and make related conforming changes, as shown in Appendix 1’s changes to Guidelines section 5 with respect to Minn. Stat. § 609.67.

Members discussed the comparative ranking for Felon in Possession of a Firearm, noting that offense’s five-year mandatory minimum.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

The Chair called a brief recess beginning at 3:11 p.m.

Chair Mitchell called the meeting back to order at 3:19 p.m.

8. Interference with Privacy – New Enhanceable Offenses

Director Reitz described the offenses and staff recommendations for ranking them. Chair Mitchell asked the Commission to address the ranking decisions separately from the decision on listing the offense in section 6.

The Commission discussed the existing offense that was renumbered that involved a “minor victim and sexual intent.”

Motion by Commissioner Schnell and second by Commissioner Morath to rank Surreptitious Photography Under or Around Clothing (3rd or Subsequent Violation) at SL 3 and to adopt staff recommendations to make conforming and editorial changes, as shown in Appendix 1’s changes to Guidelines section 5 and Appendix 3 with respect to Minn. Stat. § 609.746.

Motion carried on a 7–2 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Middlebrook, Moore, Morath, and Schnell.

Voting “No” were commissioners Ladd and Larkin.

The Commission next discussed the permissive-consecutive sentencing staff recommendations, which were to add the Interference with Privacy offenses ranked at SL 3 to, and maintain the Interference with Privacy offenses ranked at SL G on, the list.

Motion by Commissioner Moore and second by Commissioner Knutson to adopt staff recommendations to add Surreptitious Photography Under or Around Clothing (3rd or Subsequent Violation) to the list in section 6, and make conforming changes to keep Surreptitious Observation Device (Minor Victim and Sexual Intent) on the same list, as shown in Appendix 1’s changes to Guidelines section 6 with respect to Minn. Stat. § 609.746.

Motion carried on a 7–2 roll-call vote.

Voting “Yes” were commissioners Ibrahim, Knutson, Ladd, Larkin, Moore, Morath, and Schnell.

Voting “No” were Chair Mitchell and Commissioner Middlebrook.

9. False Statement to Obtain a Firearm Transferee Permit – Enhanced to Felony

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Middlebrook and second by Commissioner Schnell to adopt staff recommendations to rank False Statement to Obtain Firearm Transferee Permit at SL 1, as shown in Appendix 1's changes to Guidelines section 5 with respect to Minn. Stat. § 609.7131.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

10. Money Transmitter Regulations – New Crime

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Schnell and second by Commissioner Ibrahim to adopt staff recommendations to rank Money Transmitter Regulations at SL 1, as shown in Appendix 1's changes to Guidelines section 5 with respect to Minn. Stat. § 53B.66.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

11. Disseminating a Deep Fake Depicting Intimate Parts or Sexual Acts – New Crime

Director Reitz described the offense and staff recommendation.

The Commission asked questions and made comparisons between the new offense and “revenge porn,” the offense upon which the new offense appeared to have been based.

Motion by Commissioner Schnell and second by Commissioner Knutson to adopt staff recommendations to rank Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts at SL 3, to list the offense in section 6, and to make an editorial change, as shown in Appendix 1's changes to Guidelines sections 5 and 6 with respect to Minn. Stat. §§ 617.261 & 617.262.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

12. Using Deep Fake Technology to Influence an Election – New Crime

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Middlebrook and second by Commissioner Ibrahim to adopt staff recommendations to leave the crime of Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation) unranked, as shown in Appendix 1's changes to Guidelines section 5 with respect to Minn. Stat. § 609.771.

The Commission discussed the Guidelines' rationale for unranked offenses. At one point, a member expressed interest in ranking the offense, but reconsidered based on the full discussion.

Motion carried unanimously on a 9–0 roll-call vote.

Voting "Yes" were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

13. Family and Medical Benefit Fraud – New Crime

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Larkin and second by Commissioner Moore to adopt staff recommendations to place the crime of Family and Medical Benefit Fraud on the Theft Offense List in section 7, resulting in a ranking of SL 3 for a monetary amount of over \$5,000, or a ranking of SL 2 for a monetary amount of \$5,000 or less, as shown in Appendix 1's changes to Guidelines sections 5 and 7 with respect to Minn. Stat. § 268B.185.

Motion carried unanimously on a 9–0 roll-call vote.

Voting "Yes" were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

14. Cannabis Possession, Sale, and Cultivation – New Crimes

Director Reitz described the offense and staff recommendation.

Motion by Commissioner Schnell and second by Commissioner Knutson to adopt staff recommendations. Effective August 1, 2023, the motion was to rank the first-degree versions of cannabis possession, cannabis sale, and cannabis cultivation at SL D2, and to make conforming, corrective, and editorial changes related to failure to affix tax stamp crimes, controlled substance crime in the fifth degree, and sale of synthetic cannabinoids, as shown in Appendix 1's changes to Guidelines section 5 with respect to Minn. Stat. §§ 152.0263, 152.0264, 152.0265, 152.027, and 297D.09. Effective August 1, 2025, the motion was to strike references to medical cannabis violations, which are repealed in 2025, as shown in Appendix 2.

The Commission discussed the new offenses in relation to controlled substance crimes under Minn. Stat. Ch. 152. The Commission discussed the possibility of adding a comment or an appendix to help explain the new cannabis law. During discussion, staff was directed to create an appendix for the Guidelines using the table in the meeting materials. Because appendices are not part of the Guidelines, they do not need a public hearing review; therefore, staff will prepare an appendix for the Commission's approval at its meeting on July 27, 2023.

Motion carried unanimously on a 9–0 roll-call vote.

Voting "Yes" were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

B. Making Conforming Changes to the Sentencing Guidelines (Action)

This was on the agenda as an action item.

Director Reitz presented (5B) “Conforming Changes to the Sentencing Guidelines,” dated June 5, 2023, which included staff recommendations for amendments to the 2022 Minn. Sentencing Guidelines and Commentary. The Commission discussed and took action, as follows.

1. Bias Crimes Expanded

Director Reitz described the conforming changes and staff recommendations.

Chair Mitchell suggested recommending that the statutory list of aggravating factors in Minn. Stat. § 244.10, subd. 5a, be repealed rather than trying to keep the list in in the Guidelines in sync.

Motion by Commissioner Schnell and second by Commissioner Morath to adopt staff recommendations to make conforming changes related to the expansion of bias crimes, as shown in Appendix 1’s changes to Guidelines section 2.D.3.b(11) and Comment 2.D.308.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

2. Felony Redefined

Director Reitz described the conforming changes and staff recommendations.

Motion by Commissioner Knutson and second by Commissioner Ladd to adopt staff recommendations to make conforming, corrective, and editorial changes related to the redefinition of a felony, as shown in Appendix 1’s changes to Guidelines sections 2.B.2.c, 2.C.1, 2.G, & 4, and to comments 2.B.502, 2.E.02, & 2.F.103.

The Commission discussed how the amendments would affect out-of-state priors. One Commission member expressed concern.

Motion by Commissioner Larkin and second by Commissioner Middlebrook to **amend** the Knutson motion by striking, in Guidelines section 2.B.5.b, the phrase “that in Minnesota would be a felony-level sentence,” and by replacing the stricken phrase with the phrase “of 366 days or more,” as shown in Appendix 1’s changes to Guidelines section 2.B.5.b.

Larkin motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

As amended, **Knutson motion carried** unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

3. Probation Lengths – Five Year Cap Codified

Director Reitz described the conforming changes and staff recommendations.

Motion by Commissioner Middlebrook and second by Commissioner Schnell to adopt staff recommendations to make conforming changes related to the codification of five-year probation lengths, as shown in Appendix 1’s changes to Guidelines sections 1.B & 2.D.1, and to section 3.A and associated commentary.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

4. Targeted Misdemeanor List – Obscene or Harassing Telephone Calls Added

Director Reitz described the conforming changes and staff recommendations.

Motion by Commissioner Middlebrook and second by Commissioner Schnell to make no changes to the list in Guidelines Appendix 4 in light of the apparent typographical error in the statutory list’s change.

Motion carried unanimously on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell and commissioners Ibrahim, Knutson, Ladd, Larkin, Middlebrook, Moore, Morath, and Schnell.

Next the Commission briefly discussed legislation in the document that, in staff’s opinion, did not require conforming Guidelines changes: 1. Minnesota’s “Truth in Sentencing” law; and 2. Community Supervision reform. The Commission took no action as a result of changes to these laws.

C. Other Laws of Interest to the Commission (Discussion)

This was on the agenda as a discussion item.

Item 5C “Other Laws of Interest to the Commission” was included in the meeting materials but not presented.

6. Executive Director’s Report (Discussion)

This was on the agenda as a discussion item.

Director Reitz reported on two items: the National Association of Sentencing Commissions (NASC) 2023 conference would be held August 7 to August 9, 2023, in Lake Tahoe, Nevada; new Commission appointments were forthcoming; and funding was approved for a new research supervisor position that will be posted soon.

Commissioner Moore asked for a review of the scope of the comprehensive review project given that it had been funded.

7. Public Input

Chair Mitchell asked if there were members of the public who wished to speak.

Desiree Oakley, spoke about her son Josiah Oakley who was killed on December 11, 2022, in Minneapolis by an unlicensed motorist who was speeding, ran a red light, and had a blood-alcohol content that was three times the legal limit. Oakley said that prosecutors offered a 4-year plea deal to the defendant and told her it was the best that she could hope for because it was the Guidelines sentence. Oakley asked the Commission how a person who could take a life in such a reckless way could receive only a four-year sentence. Oakley said that sentencing was scheduled for July 3, 2023.

Chair Mitchell thanked Oakley for speaking and said that the item was not on the agenda for today and that the Commission was about to engage in a comprehensive review of the Guidelines. Chair Mitchell urged Oakley to put her thoughts in writing so that the Commission could reconsider this issue. Oakley said that she had previously written a letter to the Office of the Attorney General.

Commissioner Larkin thanked Oakley for her comments and said that this was not the first time the Commission has heard this criticism and that consequences are important.

8. Adjournment

The Commission having finished the business on its agenda, Chair Mitchell canceled the continuation meeting that had been scheduled for the following day, June 8, 2023. Chair Mitchell said that the public hearing on the proposed amendments would be on July 20, 2023, and the Commission would meet to take final action on July 27, 2023. Chair Mitchell reminded members that a quorum was required on July 27, 2023.

Chair Mitchell adjourned the meeting at 5:35 p.m., without objection.

Appendix 1. Proposed Modifications to the 2022 Minn. Sentencing Guidelines and Commentary – Effective August 1, 2023

*The following amendments are proposed to the 2022 Minn. Sentencing Guidelines and Commentary, as modified (with previously adopted modifications related to sex trafficking, expected to take effect August 1, 2023, **displayed in red**), effective August 1, 2023:*

Minnesota Sentencing Guidelines and Commentary

1. Purpose and Definitions

* * *

B. Definitions

As used in these Sentencing Guidelines (or “Guidelines”), the following terms have the meanings given.

* * *

5. Departure. A “departure” is a pronounced sentence other than that recommended in the appropriate cell on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence. ~~A stayed sentence with a length of stay other than as provided in section 3.A.2 is also a “departure.”~~

* * *

- b. Durational Departure. A “durational departure” occurs when the court orders a sentence with a prison duration other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid ~~or when the court pronounces a length of stay other than as provided in section 3.A.2.~~

- (1) Aggravated Durational Departure. An “aggravated durational departure” occurs when the court pronounces a prison duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid ~~or when the court pronounces a length of stay longer than provided in section 3.A.2.~~

* * *

13. Presumptive Sentence. "Presumptive sentences" are those sentences provided on the Sentencing Guidelines Grids ~~and in section 3.A.2~~. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.

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2. Determining Presumptive Sentences

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B. Criminal History

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2. Custody Status at the Time of the Offense.

* * *

c. Additional Duration. An **additional three months** must be added to the duration of the appropriate cell time, which then becomes the presumptive duration, when:

(1) at least one-half custody status point is assigned; and

(2) the offender's total Criminal History Score exceeds the maximum score on the applicable Grid (i.e., 7 or more).

Three months must also be added to the lower and upper end of the range provided in the appropriate cell on the applicable Grid.

If the current conviction is an attempt, conspiracy, or other offense with a sentence modifier that reduces the presumptive sentence, the three months must be added to the cell duration before the duration is reduced as outlined in section 2.G. The presumptive duration, however, cannot be less than one year ~~and one day~~.

* * *

5. Convictions from Jurisdictions other than Minnesota

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b. How to Count. Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The section in which to count the non-Minnesota offense in criminal history depends on:

- whether the offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; **and**
- the sentence imposed.

An offense may be counted as a felony only if it would **both** be defined as a felony in Minnesota, and the offender received a sentence ~~that in Minnesota would be a felony-level sentence~~ of 366 days or more, which includes the equivalent of a stay of imposition. The offense definitions in effect when the current Minnesota offense was committed govern the designation of non-Minnesota convictions as felonies, gross misdemeanors, or misdemeanors.

* * *

2.B.502. *The Commission concluded that convictions from other jurisdictions must, in fairness, be considered in the computation of an offender's criminal history score. No uniform nationwide characterization of the terms "felony," "gross misdemeanor," and "misdemeanor" exists. Therefore, the Commission recognizes that criminal conduct may be characterized differently by the various state and federal criminal jurisdictions. Generally, the classification of prior offenses as petty misdemeanors, misdemeanors, gross misdemeanors, or felonies should be determined by current Minnesota offense definitions and sentencing policies, except as provided in section 2.B.7. For example, an assault with a dangerous weapon committed in Texas that received a 364-day ~~365-day~~ sentence would be given one gross misdemeanor unit due to the sentence length despite being the equivalent by definition of a Minnesota felony second-degree assault.*

* * *

C. Presumptive Sentence

1. Finding the Presumptive Sentence.

* * *

Each cell on the Grids provides a fixed sentence duration. Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitments. For cells above the solid line, the Guidelines provide both a fixed presumptive duration and a range of time for that sentence except as provided in section 2.C.3.c(1). The shaded areas of the grids do not display ranges. If the duration for a sentence that is a presumptive commitment is found in a shaded area, the standard range – 15 percent lower and 20 percent higher than the fixed duration displayed – is permissible without departure, 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.

* * *

D. Departures from the Guidelines

1. Departures in General. The sentences provided in the Grids are presumed to be appropriate for the crimes to which they apply. The court must pronounce a sentence of the applicable disposition, and within the applicable prison range, ~~and within the applicable length of stay,~~ unless there exist identifiable, substantial, and compelling circumstances to support a departure.

The court may depart from the presumptive disposition or duration provided in the Guidelines, and stay or impose a sentence that is deemed to be more appropriate than the presumptive sentence. A pronounced sentence for a felony conviction that is outside the appropriate prison range on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a departure from the Guidelines. ~~A stayed sentence with a length of stay other than as provided in section 3.A.2 is also a departure from the Guidelines.~~ A departure is not controlled by the Guidelines, but rather, is an exercise of judicial discretion constrained by statute or case law.

* * *

3. Factors that may be used as Reasons for Departure. The following is a nonexclusive list of factors that may be used as reasons for departure:

* * *

b. Aggravating Factors.

* * *

- (11) The offender intentionally selected the victim or the property against which the offense was committed, in whole or in substantial part, because of the victim's, the property owner's, or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03, ~~age, or national origin~~ or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03.

* * *

2.D.308. *The aggravating factor involving bias motivation under section 2.D.3.b(11) cannot be used when sentencing an offender for a crime with an increased statutory maximum penalty under Minn. Stat. § 609.2233 (felony assault motivated by bias), or for a crime that was elevated to a felony offense because of bias motivation (e.g., Minn. Stat. §§ 609.2231, subd. 4 (fourth-degree assault); 609.595, subd. 1a(a) (criminal damage to property); 609.749, subd. 3(a)(1) (harassment)). The Commission intends that a penalty for a bias-motivated offense be subject to enhancement only once.*

In determining when domestic violence, sexual assault and sexual abuse cases are motivated by a victim's sex, gender, sexual orientation, gender identity, or gender expression and may be appropriately enhanced, proof must be shown of at least one factor, such as: offender makes abusive or derogatory references based on sex, gender, sexual orientation, gender identity, or gender expression; offender states hatred for a sex, gender, sexual orientation, gender identity, or gender expression as a class; crime involves excessive violence, including mutilation; or there are multiple victims of the same sex, gender, sexual orientation, gender identity, or gender expression.

* * *

E. Mandatory Sentences

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2.E.02. *When the mandatory minimum sentence is ~~for less than one year and one day~~, the Commission interprets the minimum to mean any incarceration including time spent in local confinement as a condition of a stayed sentence. The presumptive disposition is not commitment unless the case falls above the dispositional line on the applicable Grid. ~~An example is a conviction for a Fifth-Degree Controlled Substance Crime. If the offender has previously been convicted of a controlled substance crime, the mandatory minimum law requires at least six months incarceration, which can be served in a local jail or workhouse.~~*

* * *

F. Concurrent/Consecutive Sentences

* * *

2.F.103. *A concurrent sentence is presumptive if ~~the result is that an offender will serve it results in a longer time to serve in prison.~~ For example, an inmate with a Criminal History Score of 6 assaults a prison guard ~~during his term of imprisonment and has only one month remaining until his~~ before supervised release ~~term~~ is scheduled to begin. The Guidelines would typically recommend that the assault run consecutively to the unexpired prior except that a concurrent sentence is longer; therefore, a concurrent sentence is presumptive.*

	1 month (before scheduled supervised release date)	
+	<u>12 mos. and 1 day</u> (Severity Level 1; Criminal History Score of 1)	
=	13 mos. and 1 day , consecutive	

vs.

19 months, concurrent (Severity Level 1; Criminal History Score of 6).
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* * *

G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers

* * *

1. In General. Sentence modifiers are statutes or policies that aid in defining the punishment for the underlying offense. Modifiers can affect either or both the duration and the disposition of the presumptive sentence. Any change to the presumptive fixed sentence under this section must also be applied to the upper and lower ends of the range found in the appropriate cell on the applicable Grid, except that the presumptive sentence cannot be less than one year ~~and one day~~, nor can it be less than any applicable mandatory minimum.
2. Attempt or Conspiracy. ~~When an offender is sentenced for~~ For an attempted offense under Minn. Stat. § 609.17 or for conspiracy to commit an offense under Minn. Stat. § 609.175, the presumptive duration is one-half of that found in the appropriate cell on the applicable Grid for the underlying offense. When the underlying offense has a mandatory minimum sentence of a year ~~and a day~~ or more, the presumptive duration is the mandatory minimum sentence in statute or one-half the duration found in the appropriate cell on the applicable Grid, whichever is longer.

* * *

12. Attempt or Conspiracy to Commit First-Degree Murder. When an offender is sentenced for attempt or conspiracy to commit murder in the first degree under Minn. Stat. § 609.185 or murder of an unborn child in the first degree under Minn. Stat. § 609.2661, the presumptive disposition is commitment. The presumptive durations are as follows:

SEVERITY LEVEL OF CONVICTION OFFENSE	CRIMINAL HISTORY SCORE						
	0	1	2	3	4	5	6 or more
<i>Conspiracy / Attempted Murder, 1st Degree</i>	180 <i>153-216</i>	190 <i>162-228</i>	200 <i>170-240</i>	210 <i>179-240¹</i>	220 <i>187-240¹</i>	230 <i>196-240¹</i>	240 <i>204-240¹</i>

¹ 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.

* * *

3. Related Policies

A. Establishing Conditions of Stayed Sentences

1. Method of Granting Stayed Sentences. When the court orders a stayed sentence, the court may pronounce a stay of execution or a stay of imposition. The court must pronounce the length of the stay, which may exceed the duration of the presumptive prison sentence but not the maximum length of stay established in Minn. Stat. § 609.135, subd. 2. ~~The court as provided in section 3.A.2 and~~ may establish appropriate conditions subject to the considerations in section ~~3.A.3.~~ 3.A.2.

* * *

2. Length of Stay.

- a. ~~When the court stays execution or imposition of sentence for a felony offense, including an attempt or conspiracy, the pronounced length of stay must not exceed five years or the length of the statutory maximum punishment, whichever is less, unless the court identifies and articulates substantial and compelling reasons to support a departure from this rule.~~
- b. ~~Subject to the limitation in section 3.A.2.a, the pronounced length of stay may exceed the presumptive prison sentence duration provided in the appropriate cell on the applicable Grid.~~
- c. ~~If the court by departure exceeds the limitation in section 3.A.2.a, the length of stay must not exceed the statutory maximum punishment for the offense.~~
- d. ~~The limitation in section 3.A.2.a does not apply to a sentence for a violation of Minn. Stat. § 609.19 (Murder 2nd Degree), 609.195 (Murder 3rd Degree), 609.20 (Manslaughter 1st Degree), 609.2112 (Criminal Vehicular Homicide), 609.2662 (Murder of an Unborn Child 2nd Degree), 609.2663 (Murder of an Unborn Child 3rd Degree), 609.2664 (Manslaughter of an Unborn Child 1st Degree), 609.268 (Death or Injury of an Unborn Child in Comm. of Crime), 609.342 (Criminal Sexual Conduct 1st Degree), 609.343 (Criminal Sexual Conduct 2nd Degree), 609.344 (Criminal Sexual Conduct 3rd Degree), 609.345 (Criminal Sexual~~

Conduct 4th Degree), 609.3451 (Criminal Sexual Conduct 5th Degree), or 609.3458 (Sexual Extortion).

e. ~~Extensions of probation are governed by statute (see Minn. Stat. § 609.135, subd. 2(g)-(h)).~~

Comment

~~**3.A.201. 3.A.102.** When a court grants a stayed sentence, the duration of the stayed sentence may exceed the presumptive sentence length indicated in the appropriate cell on the applicable Grid, and may be as long as the statutory maximum punishment for the conviction offense. See maximum length of stay provided in Minn. Stat. § 609.135, subd. 2—for most offenses, no more than five years. Absent substantial and compelling reasons to depart, however, the length of the stay may not exceed five years, unless the current offense is a homicide or criminal sexual conduct offense, including an attempt or conspiracy. Thus, for an offender convicted of a sentence for Theft over \$5,000 (Severity Level 3), with a Criminal History Score of 1, the duration of the stay could be up to five years—or, upon a finding of substantial and compelling reasons to depart, up to ten years. Regardless of the length of stay, the 13-month sentence shown in the Guidelines is the presumptive sentence length and, if imposed, would be executed if: (a) the court departs from the dispositional recommendation and decides to execute the sentence; or (b) the stay is later revoked and the court decides to imprison the offender.~~

~~**3.A.202.** Before section 3.A.2.a took effect, case law required durational departures to be based on the nature of the offense rather than on the individual characteristics of the offender. See *State v. Solberg*, 882 N.W.2d 618, 625 (Minn. 2016). Although a pronounced length of stay longer than provided in section 3.A.2 is defined as an aggravated durational departure, the Commission recognizes that judicial considerations for pronouncing a longer than recommended length of stay may differ substantially from considerations for imposing a longer than recommended prison duration. As a result of these differences, the individual characteristics of the offender may be relevant to the district court’s finding of substantial and compelling reasons justifying a longer than recommended length of stay.~~

~~**3.A.203.** Within section 3.A.2, “statutory maximum punishment” refers to the applicable maximum period for a stay of sentence established in statute. For most felonies, this is the maximum period for which the sentence of imprisonment might have been imposed, but, for some felonies, this is four or six years. Minn. Stat § 609.135, subd. 2(a)-(b).~~

3-2. Other Conditions of Stayed Sentences.

* * *

Comment

~~3.A.301.~~ 3.A.201. *The court may attach any conditions to a stayed sentence that are permitted by law and that the court deems appropriate. The Guidelines neither enlarge nor restrict the conditions that courts may attach to a stayed sentence. Minn. Stat. § 244.09, subd. 5 permits, but does not require, the Commission to establish guidelines covering conditions of stayed sentences. ~~The~~ In 2020, the Commission has developed such guidelines with respect to the pronounced length of stay-stay—which the Legislature essentially codified in 2023 Minn. Laws ch. 52, art. 6, § 13—and in section 3.A.2, and has provided additional, general direction in the use of conditions of stayed sentences in the above section.*

~~3.A.302.~~ 3.A.202. *While the Commission has otherwise not developed guidelines for nonimprisonment sanctions, the Commission believes it is important for the sentencing courts to consider proportionality when pronouncing a period of local confinement as a condition of probation. This is particularly important given Minn. Stat. § 609.135, subd. 7, which states when an offender may not demand execution of sentence. The period of local confinement should be proportional to the severity of the conviction offense and the criminal history score of the offender. Therefore, the period of local confinement should not exceed the term of imprisonment that would be served if the offender were to have received an executed prison sentence according to the presumptive Guidelines duration.*

* * *


4.A. Sentencing Guidelines Grid


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.

CRIMINAL HISTORY SCORE

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

¹ 12¹—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~~ 364 days 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.

^{2,1} 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.

³ 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.)

**Examples of Executed Sentences (Length in Months) Broken Down by:
Term of Imprisonment and Supervised Release Term**

Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12-and 1 day	8-and 1 day	4	78	52	26
13	8 ⅔	4 ⅓	86	57 ⅓	28 ⅔
15	10	5	88	58 ⅔	29 ⅓
17	11 ⅓	5 ⅔	98	65 ⅓	32 ⅔
18	12	6	108	72	36
19	12 ⅔	6 ⅓	110	73 ⅓	36 ⅔
21	14	7	122	81 ⅓	40 ⅔
23	15 ⅓	7 ⅔	134	89 ⅓	44 ⅔
24	16	8	146	97 ⅓	48 ⅔
27	18	9	150	100	50
28	18 ⅔	9 ⅓	158	105 ⅓	52 ⅔
30	20	10	165	110	55
33	22	11	180	120	60
36	24	12	190	126 ⅔	63 ⅓
38	25 ⅓	12 ⅔	195	130	65
39	26	13	200	133 ⅓	66 ⅔
42	28	14	210	140	70
43	28 ⅔	14 ⅓	220	146 ⅔	73 ⅓
45	30	15	225	150	75
48	32	16	230	153 ⅓	76 ⅔
51	34	17	240	160	80
54	36	18	306	204	102
57	38	19	326	217 ⅓	108 ⅔
58	38 ⅔	19 ⅓	346	230 ⅔	115 ⅓
60	40	20	366	244	122
66	44	22	386	257 ⅓	128 ⅔

68	45 ⅓	22 ⅔	406	270 ⅔	135 ⅓
72	48	24	426	284	142

4.B. Sex Offender Grid

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>Criminal Sexual Conduct (CSC) 1st Degree</i>	A	144 <i>144²-172</i>	156 <i>144²-187</i>	168 <i>144²-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360³</i>
<i>CSC 2nd Degree–1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(h)(i) (e.g., contact & force with bodily harm)</i>	B	90 <i>90²-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-306</i>	300 <i>255-360</i>
<i>CSC 3rd Degree–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., penetration & coercion/occupation)</i>	C	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-183</i>	180 <i>153-216</i>
<i>CSC 2nd Degree–1a(e)(f)(g) (age) CSC 3rd Degree–1a(a)(e)(f) or 1a(b) with 2(1) (age)</i>	D	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4th Degree–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., contact & coercion/occupation)</i>	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120³</i>
<i>CSC 4th Degree–1a(a)(b)(e)(f) (age) CSC 5th Degree–3(b) (subsequent)</i>	F	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3rd Degree–1a(b) with 2(2) Possession of Child Pornography Solicit Child for Sexual Conduct</i>	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60³</i>
<i>CSC 5th Degree–3(a) (nonconsensual penetration)</i>	H	12 ¹	14	16	18	24	24 ³ <i>24-24</i>	24 ³ <i>24-24</i>
<i>Failure to Register as a Predatory Offender</i>	I	12 ¹ <i>12¹-14</i>	14 <i>12¹-16</i>	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>

¹ 12¹=One year and one day mandatory minimum under Minn. Stat. § 243.166 subd. 5(b).



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See section 2.E, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.



Presumptive stayed sentence; at the discretion of the court, up to ~~one year~~ 364 days of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. See sections 2.C and 2.E.

² Sex Trafficking is not subject to a 144- or 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (For Severity Level A, Criminal History Scores 0, 1, & 2, the ranges are 123–172, 133–187, & 143–201, respectively. For Severity Level B, Criminal History Score 0, the range is 77–108.)

³ 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. For Severity Level H, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum at criminal history scores above 4.

* * *

4.C. Drug Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denotes range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subjected 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>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	D9	86	98	110	122	134	146	158
		<i>74*-103</i>	<i>84*-117</i>	<i>94*-132</i>	<i>104*-146</i>	<i>114*-160</i>	<i>125*-175</i>	<i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	D8	65	75	85	95	105	115	125
		<i>56*-78</i>	<i>64*-90</i>	<i>73*-102</i>	<i>81*-114</i>	<i>90*-126</i>	<i>98*-138</i>	<i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	D7	48	58	68	78	88	98	108
				<i>58-81</i>	<i>67-93</i>	<i>75-105</i>	<i>84-117</i>	<i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	D6	21	27	33	39	45	51	57
					<i>34-46</i>	<i>39-54</i>	<i>44-61</i>	<i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	D5	18	23	28	33	38	43	48
					<i>29-39</i>	<i>33-45</i>	<i>37-51</i>	<i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	D4	12 ¹	15	18	21	24	27	30
						<i>21-28</i>	<i>23-32</i>	<i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	D3	12 ¹	13	15	17	19	21	23
						<i>17-22</i>	<i>18-25</i>	<i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	D2	12 ¹	12 ¹	13	15	17	19	21
								<i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	D1	12 ¹	12 ¹	12 ¹	13	15	17	19
								<i>17-22</i>

* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

¹ 12¹—One year and one day



Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to ~~one year~~ 364 days 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.

**Examples of Executed Sentences (Length in Months) Broken Down by:
Term of Imprisonment and Supervised Release Term**

Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	58	38 ⅔	19 ⅓
13	8 ⅔	4 ⅓	65	43 ⅓	21 ⅔
15	10	5	68	45 ⅓	22 ⅔
17	11 ⅓	5 ⅔	75	50	25
18	12	6	78	52	26
19	12 ⅔	6 ⅓	85	56 ⅔	28 ⅓
21	14	7	86	57 ⅓	28 ⅔
23	15 ⅓	7 ⅔	88	58 ⅔	29 ⅓
24	16	8	95	63 ⅓	31 ⅔
27	18	9	98	65 ⅓	32 ⅔
28	18 ⅔	9 ⅓	105	70	35
30	20	10	108	72	36
33	22	11	110	73 ⅓	36 ⅔
38	25 ⅓	12 ⅔	115	76 ⅔	38 ⅓
39	26	13	122	81 ⅓	40 ⅔
43	28 ⅔	14 ⅓	125	83 ⅓	41 ⅔
45	30	15	134	89 ⅓	44 ⅔
48	32	16	146	97 ⅓	48 ⅔
51	34	17	158	105 ⅓	52 ⅔
57	38	19			

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)
	Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force)	609.221, subd. 4
	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By Shootings)	609.19, subd. 1
	Murder of an Unborn Child 2nd Degree	609.2662(1)
10	Assault 1st Degree (Great Bodily Harm Upon Official)	609.221, subd. 3
	Fleeing a Peace Officer (Death)	609.487, subd. 4(a)
	<u>Labor Trafficking (Death)</u>	<u>609.282, subd. 1</u>
	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 (Deadly Force Against Official)	609.221, subd. 2
	Assault 1st Degree (Great Bodily Harm)	609.221, subd. 1
	Assault of an Unborn Child 1st Degree	609.267
	Criminal Abuse of Vulnerable Adult (Death)	609.2325, subd. 3(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)(ii)
	<u>Labor Trafficking (Great Bodily Harm)</u>	<u>609.282, subd. 1a(3)</u>
	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)

Severity Level	Offense Title	Statute Number
	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)
	<u>Carjacking 1st Degree</u>	<u>609.247, subd. 2</u>
	Child Torture	609.3775
	Criminal Abuse of Vulnerable Adult (Great Bodily Harm)	609.2325, subd. 3(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(a)(2) & (3)
	Fictitious Emergency Call Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury (Great Bodily Harm or Death)	609.78, subd. 2a(1)
	Escape with Violence from Felony Offense	609.485, subd. 4(b)
	Great Bodily Harm Caused by Distribution of Drugs	609.228
	Identity Theft (8 or More Direct Victims or Loss Over \$35,000)	609.527, subd. 3(5)
	Identity Theft (Related to Child Pornography)	609.527, subd. 3(6)
	Kidnapping (Not <u>Released</u> in Safe Place or Victim Under 16)	609.25, subd. 2(2)(i) & (iii)
	<u>Labor Trafficking (Minor Victim)</u>	<u>609.282, subd. 1a(1)</u>
	<u>Machine Gun, Trigger Activator, or Conversion Kit</u>	<u>609.67, subd. 2(a)</u>
Malicious Punishment of Child (Great Bodily Harm)	609.377, subd. 6	

Severity Level	Offense Title	Statute Number
	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
	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
	<u>Labor Trafficking (Extended Period of Time)</u>	<u>609.282, subd. 1a(2)</u>
	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)
	<u>Carjacking 2nd Degree</u>	<u>609.247, subd. 3</u>
	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)
	<u>Labor Trafficking</u>	<u>609.282, subd. 2</u>
	Medical Assistance Fraud (Over \$35,000)	609.466
	Offering Counterfeit Currency (Over \$35,000)	609.632, subd. 3 with subd. 4(b)(1)
	Price Fixing/Collusive Bidding	325D.53, subd. 1(2)(a)

Severity Level	Offense Title	Statute Number
	Theft Over \$35,000	609.52, subd. 2(a)(3), (4), (15), (16), & (19) with 609.52, subd. 3(1)
5	Arson 2nd Degree	609.562
	Burglary 2nd Degree	609.582, subd. 2(a)(1) & (2), 2(b)
	<u>Carjacking 3rd Degree</u>	<u>609.247, subd. 4</u>
	Check Forgery (Over \$35,000)	609.631, subd. 4(1)
	Child Neglect/Endangerment	609.378
	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(a)(1)(i)
	Harassment (3rd or Subsequent Violations)	609.749, subd. 4(b)
	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	

Severity Level	Offense Title	Statute Number
	Stalking	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 Nonresidential)	609.582, subd. 3(a)
	Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm)	609.2325, subd. 3(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)
	Harassment (Aggravated Violations)	609.749, subd. 3(a),(b)
	Harassment (2nd Violation)	609.749, subd. 4(a)
	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)

Severity Level	Offense Title	Statute Number
	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)
	<u>Organized Retail Theft (Over \$5,000)</u>	<u>609.522, subd. 3(1)</u>
	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
	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
	Bringing Stolen Goods into State (Over \$5,000)	609.525
	<u>Burglary 3rd Degree (Shoplifting Contrary to Trespass Notice, 2nd or Subsequent)</u>	<u>609.582, subd. 3(b)</u>
	Check Forgery (Over \$2,500)	609.631, subd. 4(2)

Severity Level	Offense Title	Statute Number
	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, Public Safety Motor Vehicle)	609.595, subd. 1(1) & (2)
	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)(1)
	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 Electronic Monitoring	609.485, subd. 4(f)
	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
	Fictitious Emergency Call (Substantial Bodily Harm)	<u>609.78, subd. 2a(2)</u>

Severity Level	Offense Title	Statute Number
	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 (4-7 Direct Victims or Loss Over \$2,500)	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)
	<u>Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts</u>	<u>617.262, subd. 3(b)</u>
	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
	Offering Counterfeit Currency (\$5,001-\$35,000)	609.632, subd. 3 with subd. 4(b)(2)
	<u>Organized Retail Theft (\$1,001-\$5,000, or \$501-\$1,000 and Prior Convictions)</u>	<u>609.522, subd. 3(2)</u>
	Patrons of Prostitution (2nd or Subsequent Violation)	609.324, subd. 2(b)
	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
	Security Violations (\$2,500 or Less)	80A.68; 80B.10, subd. 1; 80C.16, subd. 3(a) & (b)
	Short-Barreled Shotgun	609.67, subd. 2(b)
	Surreptitious Photography Under or Around Clothing (3rd or Subsequent Violation)	609.746, subd. 1(j)
	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	See section 7: Theft Offense List
	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
	Computer Theft (\$2,500 or Less)	609.89

Severity Level	Offense Title	Statute Number
	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(3), (4) & (5)
	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 (2-3 Direct Victims or \$501-\$2,500 Loss)	609.527, subd. 3(3)
	Impersonating a Peace Officer	609.4751, subd. 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)
	Offering Counterfeit Currency (\$5,000 or Less)	609.632, subd. 3 with subd. 4(b)(3)
	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

Severity Level	Offense Title	Statute Number
	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	See section 7: Theft Offense List
	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)
	Unauthorized Computer Access (Electronic Terminal)	609.891, subd. 2(c)
	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)
	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

Severity Level	Offense Title	Statute Number
	Check Forgery (\$250 or Less)	609.631, subd. 4(3)(b)
	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
	False Statement to Obtain Firearm Transferee Permit	<u>624.7131, subd. 11</u>
	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 (<u>2nd or Subsequent Violations & Violation or Minor Victim</u>)	609.746, subd. 1(e)(g)
	Interference with Transit Operator	609.855, subd. 2(c)(1)

Severity Level	Offense Title	Statute Number
	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)
	<u>Money Transmitter Regulations</u>	<u>53B.66</u>
	Nonsupport of Spouse or Child	609.375, subd. 2a
	<u>Organized Retail Theft (\$501–\$1,000, or \$500 or Less and Prior Convictions)</u>	<u>609.522, subd. 3(3)</u>
	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)
	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)

Severity Level	Offense Title	Statute Number
	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 (Manufacturing or Printing/Means for False Reproduction)	609.632, subd. 1 & 2 with subd. 4(a)
	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 Danger to Child's Health (Death)	260E.08(c)
	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

Severity Level	Offense Title	Statute Number
	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
	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 (Grave Risk or Subsequent)	609.891, subd. 2(a) & (b)
	Unlawful Conduct with Documents in Furtherance of Labor or Sex Trafficking	609.283
	Unlawful Transfers or Sales of Recordings	325E.201
	<u>Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation)</u>	<u>609.771, subd. 3(1)</u>
	Warning Subject of Investigation	609.4971
	Warning Subject of Surveillance or Search	609.4975

Severity Level	Offense Title	Statute Number
	Wire Communications Violations	626A.02, subd. 4; 626A.03, subd. 1(b)(ii); 626A.26, subd. 2(1)(ii)
A	Aggravated Sex Trafficking 1st Degree	609.322, subd. 1(a) with ref. to subd. 1(b)
	Criminal Sexual Conduct 1st Degree	609.342
B	Aggravated Sex Trafficking 2nd Degree	609.322, subd. 1a with ref. to subd. 1(b)
	Criminal Sexual Conduct 2nd Degree	609.343, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i)
	Sex Trafficking 1st Degree	609.322, subd. 1(a)
C	Criminal Sexual Conduct 3rd Degree	609.344, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)
	Dissemination of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	617.247, subd. 3(b)
	Sexual Extortion (Penetration)	609.3458, subd. 1(b)
	Sex Trafficking 2nd Degree	609.322, subd. 1a
	Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 14)	617.246, subd. 2(b), 3(b), 4(b)
D	Criminal Sexual Conduct 2nd Degree	609.343, subd. 1a(e)(f)(g)
	Criminal Sexual Conduct 3rd Degree	609.344 subd. 1a(a)(e)(f) or subd. 1a(b) with ref. to subd. 2(1)
	Use of Minors in Sexual Performance	617.246, subd. 2(a), 3(a), 4(a)
E	Criminal Sexual Conduct 4th Degree	609.345, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)
	Dissemination of Child Pornography	617.247, subd. 3(a)
	Sexual Extortion (Contact)	609.3458, subd. 1(a)
	Possession of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	617.247, subd. 4(b)

Severity Level	Offense Title	Statute Number
F	Criminal Sexual Conduct 4th Degree	609.345 subd. 1a(a)(b)(e)(f)
	Criminal Sexual Conduct 5th Degree (2nd or Subsequent Violation)	609.3451, subd. 3(b)
G	Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 36 mos. older than Complainant)	609.344 subd. 1a(b) with ref. to subd. 2(2)
	Indecent Exposure	617.23 subd. 3
	Possession of Child Pornography	617.247, subd. 4(a)
	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
	Surreptitious Observation Device (Minor Victim and Sexual Intent)	609.746, subd. 1(f)(h)
H	Criminal Sexual Conduct 5th Degree (Nonconsensual Penetration)	609.3451, subd. 3(a)
I	Failure to Register as a Predatory Offender	243.166 subd. 5(b)(c)
D9	Aggravated Controlled Substance Crime 1st Degree	152.021, subd. 2b
	Importing Controlled Substances Across State Borders	152.0261
D9	Manufacture Any Amount of Methamphetamine	152.021, subd. 2a
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. 1a
	Failure to Affix Stamp on Hallucinogens or PCP	297D.09, subd. 1a
	Failure to Affix Stamp on Heroin	297D.09, subd. 1a
	Failure to Affix Stamp on Remaining Schedule I & II Narcotics	297D.09, subd. 1a
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

Severity Level	Offense Title	Statute Number
	Methamphetamine Crimes Involving Children and Vulnerable Adults	152.137
D2	<u>Cannabis Cultivation 1st Degree</u>	<u>152.0265, subd. 1</u>
	<u>Cannabis Possession 1st Degree</u>	<u>152.0263, subd. 1</u>
	<u>Cannabis Sale 1st Degree</u>	<u>152.0264, subd. 1</u>
	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. 1a
	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 <u>Illegal Cannabis Marijuana/Hashish/Tetrahydrocannabinols</u>	297D.09, subd. 1a
	Failure to Affix Stamp on Schedule IV Substances	297D.09, subd. 1a
	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

5.B. Severity Level by Statutory Citation

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.

Statute Number	Offense Title	Severity Level
3.191	Altering Engrossed Bill	Unranked
6.53	Refusal to Assist	Unranked
35.824	Altering Livestock Certificate	1
<u>53B.66</u>	<u>Money Transmitter Regulations</u>	<u>1</u>
62A.41	Insurance Regulations	1
80A.68 or 80B.10 subd. 1 or 80C.16 subd. 3(a)(b)	Securities Violation (Over \$2,500)	4
80A.68 or 80B.10 subd. 1 or 80C.16 subd. 3(a)(b)	Securities Violation (\$2,500 or Less)	3
82A.13 or 82A.25	Sale of Membership Camping Contracts	Unranked
83.43	Subdivided Land Fraud	Unranked
86B.865 subd. 1	Certification for Title on Watercraft	1
90.41 subd. 1	Bribery (State Appraiser and Scaler)	4
116C.835	Midwest Interstate Low-Level Radioactive Waste Compact; Enforcement of Compact and Laws	Unranked
145.412	Abortion	Unranked
145B.105	Forced Execution of a Declaration	Unranked
152.021, subd. 1 or 2	Controlled Substance Crime 1st Degree	D8
152.021, subd. 2a	Manufacture Any Amount of Methamphetamine	D9
152.021, subd. 2b	Aggravated Controlled Substance Crime 1st Degree	D9
152.022	Controlled Substance Crime 2nd Degree	D7*
152.023	Controlled Substance Crime 3rd Degree	D6

* See section 2.C and Appendix 1 to determine the presumptive disposition.

Statute Number	Offense Title	Severity Level
152.024	Controlled Substance Crime 4th Degree	D4
152.025, subd. 4(b)	Controlled Substance Crime 5th Degree	D2
152.0261	Importing Controlled Substances Across State Borders	D9
152.0262	Possession of Substances with Intent to Manufacture Methamphetamine	D5
<u>152.0263 subd. 1</u>	<u>Cannabis Possession 1st Degree</u>	<u>D2</u>
<u>152.0264 subd. 1</u>	<u>Cannabis Sale 1st Degree</u>	<u>D2</u>
<u>152.0265 subd. 1</u>	<u>Cannabis Cultivation 1st Degree</u>	<u>D2</u>
152.027, subd. 6(c)	Sale of Synthetic Cannabinoids	D2
152.097	Sale of Simulated Controlled Substance	D1
152.136	Anhydrous Ammonia (Tamper/Theft/Transport)	D3
152.137	Methamphetamine Crimes Involving Children and Vulnerable Adults	D3
152.33, subd. 1	Medical Cannabis Violations (Intentional Diversion)	D1
152.33, subd. 2	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	D1
152.33, subd. 4	Medical Cannabis Violations (Submission of False Records)	D2
168A.30, subd. 1	False Information - Certificate of Title Application	1
169.09 subd. 14(a)(1)	Accidents (Death)	2
169.09 subd. 14(a)(2)	Accidents (Great Bodily Harm)	1
169A.24	Felony Driving While Impaired 1st Degree	7*
176.178	Workers Compensation Fraud (Over \$5,000)	3
176.178	Workers Compensation Fraud (\$5,000 or Less)	2
201, 203B, 204C (Chapters)	Voting Violations	1
211B.13	Bribery, Advancing Money, and Treating Prohibited	4
211B.15	Corporate Political Contribution Violations	Unranked
227.50	Issuing a Receipt for Goods One Does Not Have	Unranked

* See section 2.C and Appendix 1 to determine the presumptive disposition.

Statute Number	Offense Title	Severity Level
227.52	Issuing a 2nd Receipt without "Duplicate" on it	Unranked
228.45, 47, 49, 50, 51	False Bill of Lading	1
240.25	Horse Racing (Prohibited Act)	Unranked
243.161	Interstate Compact Violation	Unranked
243.166 subd. 5(b)	Registration of Predatory Offenders	I
243.166 subd. 5(c)	Registration of Predatory Offenders (2nd or Subsequent Violations)	I
243.55	Bringing Contraband into State Prison	4
256.98	Welfare Fraud (Over \$5,000)	3
256.98	Welfare Fraud (\$5,000 or Less)	2
256.984	False Declaration	1
260E.08(c)	Failure to Report Danger to Child's Health (Death)	Unranked
268.182	Unemployment Benefit Fraud (Over \$5,000)	3
268.182	Unemployment Benefit Fraud (\$5,000 or Less)	2
<u>268B.185 subd. 3(a)</u>	<u>Family and Medical Benefit Fraud (Over \$5,000)</u>	<u>3</u>
<u>268B.185 subd. 3(b)</u>	<u>Family and Medical Benefit Fraud (\$5,000 or Less)</u>	<u>2</u>
289A.63	Tax Evasion Laws	3
296A.23 subd. 2	Tax on Petroleum and Other Fuels (Willful Evasion)	1
297B.10	Motor Vehicle Excise Tax	Unranked
297D.09 subd. 1a	Failure to Affix Stamp on Cocaine	D6
297D.09 subd. 1a	Failure to Affix Stamp on Hallucinogens or PCP (Angel Dust), Incl. LSD	D6
297D.09 subd. 1a	Failure to Affix Stamp on Heroin	D6
297D.09 subd. 1a	Failure to Affix Stamp on Remaining Schedule I and II Narcotics	D6
297D.09 subd. 1a	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	D2
297D.09 subd. 1a	Failure to Affix Stamp on <u>Illegal Cannabis</u> <u>Marijuana/Hashish/Tetrahydrocannabinols</u>	D1
297D.09 subd. 1a	Failure to Affix Stamp on Schedule IV Substance	D1
297E.13 subd. 1-4	Gambling Taxes	3

Statute Number	Offense Title	Severity Level
297F.20	Cigarette Tax and Regulation Violations	Unranked
297G.19 subd. 3, 4(c), 5(c)	Liquor Taxation (Criminal Penalties)	1
297I.90 subd. 1 & 2	Insurance Tax	3
299F.79	Intent to Manufacture Explosives	5
299F.80 subd. 1	Possession of Explosives Without Permit	5
299F.82 subd. 1	Transfer of Explosives	5
299F.83	Negligent Discharge of Explosive	5
299J	Pipeline Safety	Unranked
307.08 subd. 2(a)	Damages; Illegal Molestation of Human Remains; Burials; Cemeteries	3
325D.53 subd. 1(2)(a)	Price Fixing/Collusive Bidding	6
325D.53 subd. 1(1) subd. 1(2)(b)(c)	Price Fixing/Collusive Bidding	5
325D.53 subd. 1(3) subd. 2 & 3	Price Fixing/Collusive Bidding	Unranked
325E.201	Unlawful Transfers or Sales of Recordings	Unranked
325F.743	Precious Metal Dealers, Regulatory Provisions	2
325F.755 subd. 7	Prize Notices and Solicitations	1
340A.701	Unlawful Acts Involving Liquor	1
343.21, subd. 9(c)(d)(g)(i)	Torture or Cruelty to Pet or Companion Animal	Unranked
343.21, subd. 9(f)(h)	Service Animal Providing Service	Unranked
343.31, subd. 1(a)	Animal Fighting	Unranked
346.155	Failure to Control a Regulated Animal (Great Bodily Harm or Death)	2
349.2127 subd. 1-6; 349.22 subd. 4	Gambling Regulations	2
393.07 subd.10	Federal Food Stamp Program (Over \$5,000)	3
393.07 subd.10	Federal Food Stamp Program (\$5,000 or Less)	2
471.392	False Declaration of Claim (Over \$5,000)	3
471.392	False Declaration of Claim (\$5,000 or Less)	2

Statute Number	Offense Title	Severity Level
508.80	Fraudulent Instrument or Entry for Procuring a Certificate of Title	1
514.02 subd. 1(b)	Non-payment for Improvement (Over \$5,000; Proceeds of Payments; Acts Constituting Theft)	3
514.02 subd. 1(b)	Non-payment for Improvement (\$5,000 or Less Proceeds of Payments; Acts Constituting Theft)	2
518B.01 subd. 14(d)	Violation of an Order for Protection	4
588.20 subd. 1	Failure to Appear in Court	1
609.165 subd. 1b	Certain Persons Not to Have Firearms or Ammunition	6
609.19 subd. 1	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By-Shootings)	11
609.19 subd. 2	Murder 2nd Degree (Unintentional Murder)	10
609.195(a)	Murder 3rd Degree	10
609.195(b)	Murder 3rd Degree	9
609.20(1), (2) & (5)	Manslaughter 1st Degree	9
609.20(3) & (4)	Manslaughter 1st Degree	8
609.205(1) & (5)	Manslaughter 2nd Degree - Culpable Negligence	8
609.205(2), (3) & (4)	Manslaughter 2nd Degree - Hunting Accident	5
609.2112, subd. 1(a)	Criminal Vehicular Homicide (Death)	8
609.2112, subd. 1(b)	Criminal Vehicular Homicide (Death, and Qualified Prior Conviction)	8*
609.2113, subd. 1	Criminal Vehicular Operation (Great Bodily Harm)	5
609.2113, subd. 2	Criminal Vehicular Operation (Substantial Bodily Harm)	3
609.2114, subd. 1(a)	Criminal Vehicular Operation (Death to an Unborn Child)	8
609.2114, subd. 1(b)	Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction)	8*
609.2114, subd. 2	Criminal Vehicular Operation (Injury to an Unborn Child)	5

* See section 2.G.11 to determine the presumptive sentence.

Statute Number	Offense Title	Severity Level
609.215	Aiding Suicide	Unranked
609.221 subd. 1	Assault 1st Degree (Great Bodily Harm)	9
609.221 subd. 2	Assault 1st Degree (Deadly Force Against Official)	9
609.221 subd. 3	Assault 1st Degree (Great Bodily Harm Upon Official)	10
609.221 subd. 4	Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force)	11*
609.222	Assault 2nd Degree (Dangerous Weapon)	6
609.223 subd. 1	Assault 3rd Degree (Substantial Bodily Harm)	4**
609.223 subd. 2	Assault 3rd Degree (Bodily Harm, Pattern of Child Abuse)	4
609.223 subd. 3	Assault 3rd Degree (Bodily Harm, Victim under 4)	4
609.2231 subd. 1	Assault 4th Degree (Peace Officer)	1
609.2231 subd. 2	Assault 4th Degree (Firefighters and Emergency Medical Personnel)	1
609.2231 subd. 3	Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer)	1**
609.2231 subd. 3a	Assault 4th Degree (Secure Treatment Facility Personnel)	1**
609.2231 subd. 4 (b)	Assault 4th Degree Motivated by Bias	1*
609.2233	Felony Assault Motivated by Bias	See Note ¹
609.224 subd. 4	Assault 5th Degree (3rd or Subsequent Violation)	4
609.2241	Knowing Transfer of Communicable Disease	See Note ²
609.2242 subd. 4	Domestic Assault	4
609.2245	Female Genital Mutilation	Unranked
609.2247	Domestic Assault by Strangulation	4

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.

¹ See section 2.G.10 to determine the presumptive sentence.

² See section 2.A.5 to determine the presumptive sentence.

Statute Number	Offense Title	Severity Level
609.228	Great Bodily Harm Caused by Distribution of Drugs	8
609.229 subd. 3(a)	Crime Committed for Benefit of Gang	See Note ³
609.229 subd. 3(c)	Crime Committed for Benefit of Gang	1
609.2325 subd. 3(1)	Criminal Abuse of Vulnerable Adult (Death)	9
609.2325 subd. 3(2)	Criminal Abuse of Vulnerable Adult (Great Bodily Harm)	8
609.2325 subd. 3(3)	Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm)	4
609.233, subd. 3(1)	Deprivation of Vulnerable Adult (Great Bodily Harm)	8
609.233, subd. 3(2)	Deprivation of Vulnerable Adult (Substantial Bodily Harm)	5
609.2335	Financial Exploitation of Vulnerable Adult (Over \$35,000)	7
609.2335	Financial Exploitation of Vulnerable Adult (Over \$5,000)	5
609.2335	Financial Exploitation of Vulnerable Adult (\$5,000 or Less)	4
609.235	Use of Drugs to Injure or Facilitate Crime	4
609.24	Simple Robbery	5
609.245 subd. 1	Aggravated Robbery 1st Degree	8
609.245 subd. 2	Aggravated Robbery 2nd Degree	6
<u>609.247 subd. 2</u>	<u>Carjacking 1st Degree</u>	<u>8</u>
<u>609.247 subd. 3</u>	<u>Carjacking 2nd Degree</u>	<u>6</u>
<u>609.247 subd. 4</u>	<u>Carjacking 3rd Degree</u>	<u>5</u>
609.25 subd. 2(1)	Kidnapping (Safe Release/No Great Bodily Harm)	6
<u>609.25 subd. 2(2)(i)</u>	<u>Kidnapping (Not Released in Safe Place)</u>	<u>8</u>
609.25 subd. 2(2)(ii)	Kidnapping (Great Bodily Harm)	9
609.25 subd. 2(2)	Kidnapping (Unsafe Release)	8
609.25 subd. 2(2)(iii)	Kidnapping (Victim Under 16)	8

³ See section 2.G.9 to determine the presumptive sentence.

Statute Number	Offense Title	Severity Level
609.255 subd. 2	False Imprisonment (Restraint)	3
609.255 subd. 3(b)	False Imprisonment (Demonstrable Bodily Harm)	3
609.255 subd. 3(c)	False Imprisonment (Substantial Bodily Harm)	4
609.26 subd. 6(a)(1)	Depriving Another of Cust. or Parental Rights	1
609.26 subd. 6(a)(2)	Depriving Another of Cust. or Parental Rights	3
609.2662(1)	Murder of an Unborn Child 2nd Degree	11
609.2662(2)	Murder of an Unborn Child 2nd Degree	10
609.2663	Murder of an Unborn Child 3rd Degree	10
609.2664(1) & (2)	Manslaughter of an Unborn Child 1st Degree	9
609.2664(3)	Manslaughter of an Unborn Child 1st Degree	8
609.2665(1)	Manslaughter of an Unborn Child 2nd Degree	8
609.2665(2), (3), & (4)	Manslaughter of an Unborn Child 2nd Degree	5
609.267	Assault of an Unborn Child 1st Degree	9
609.2671	Assault of an Unborn Child 2nd Degree	4
609.268 subd. 1	Death of an Unborn Child in Comm. of Crime	9
609.268 subd. 2	Injury of an Unborn Child in Comm. of Crime	4
609.27 subd. 1(1)	Coercion (Threat Bodily Harm)	3
609.27 subd. 1(2), (3), (4), (5), & (6)	Coercion (Prop. Value \$2,500 or More)	3
609.27 subd. 1(2), (3), (4), (5), & (6)	Coercion (Prop. Value \$301-\$2,500)	2
609.282	Labor Trafficking	Unranked
<u>609.282 subd. 1</u>	<u>Labor Trafficking (Death)</u>	<u>10</u>
<u>609.282 subd. 1a(1)</u>	<u>Labor Trafficking (Minor Victim)</u>	<u>8</u>
<u>609.282 subd. 1a(2)</u>	<u>Labor Trafficking (Extended Period of Time)</u>	<u>7</u>
<u>609.282 subd. 1a(3)</u>	<u>Labor Trafficking (Great Bodily Harm)</u>	<u>9</u>
<u>609.282 subd. 2</u>	<u>Labor Trafficking</u>	<u>6</u>
609.283	Unlawful Conduct with Documents in Furtherance of Labor or Sex Trafficking	Unranked
609.31	Leaving State to Evade Paternity	1

Statute Number	Offense Title	Severity Level
609.322 subd. 1(a)	Sex Trafficking 1st Degree	B**
609.322 subd. 1(a) with ref. to subd. 1a	Aggravated Sex Trafficking 1st Degree	A
609.322 subd. 1a	Sex Trafficking 2nd Degree	C
609.322 subd. 1(b) with ref. to subd. 1a	Aggravated Sex Trafficking 2nd Degree	B
609.324 subd. 1(a)	Engage or Hire a Minor to Engage in Prostitution	9
609.324 subd. 1(b)	Engage or Hire a Minor to Engage in Prostitution	5
609.324 subd. 1(c)	Engage or Hire a Minor to Engage in Prostitution	3
609.324 subd. 2(b)	Patrons of Prostitution (2nd or Subsequent Violation)	3
609.3242 subd. 2(2)	Prostitution Crimes (Gross Misd. Level) Committed in School or Park Zones	1
609.342	Criminal Sexual Conduct 1st Degree	A
609.343 subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i)	Criminal Sexual Conduct 2nd Degree	B**
609.343 subd. 1a(e)(f)(g)	Criminal Sexual Conduct 2nd Degree	D
609.344 subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 3rd Degree	C*
609.344 subd. 1a(a)	Criminal Sexual Conduct 3rd Degree (By Definition Perpetrator Must be a Juvenile)	D
609.344 subd. 1a(e)(f) or subd. 1a(b) with ref. to subd. 2(1)	Criminal Sexual Conduct 3rd Degree	D
609.344 subd. 1a(b) with ref. to subd. 2(2)	Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 36 mos. older than Complainant)	G

** See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

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* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

Statute Number	Offense Title	Severity Level
609.345 subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 4th Degree	E
609.345 subd. 1a(a)	Criminal Sexual Conduct 4th Degree (By Definition Perpetrator Must be a Juvenile)	F
609.345 subd. 1a(b)(e)(f)	Criminal Sexual Conduct 4th Degree	F
609.3451 subd. 3(a)	Criminal Sexual Conduct 5th Degree (Nonconsensual Penetration)	H
609.3451 subd. 3(b)	Criminal Sexual Conduct 5th Degree (2nd or Subsequent Violation)	F
609.3453	Criminal Sexual Predatory Conduct	See Note ⁴
609.3458 subd. 1(a)	Sexual Extortion (Contact)	E
609.3458 subd. 1(b)	Sexual Extortion (Penetration)	C
609.352 subd. 2	Solicitation of Children to Engage in Sexual Conduct	G
609.352 subd. 2a	Solicitation of Children to Engage in Sexual Conduct (Electronic)	G
609.355	Bigamy	Unranked
609.365	Incest	Unranked
609.375 subd. 2a	Nonsupport of Spouse or Child	1
609.377 subd. 3	Malicious Punishment of Child (2nd or Subsequent Violation)	4
609.377 subd. 4	Malicious Punishment of Child (Bodily Harm)	4
609.377 subd. 5	Malicious Punishment of Child (Substantial Bodily Harm)	4
609.377 subd. 6	Malicious Punishment of Child (Great Bodily Harm)	8
609.3775	Child Torture	8
609.378	Child Neglect/Endangerment	5
609.385	Treason	Unranked
609.39	Misprision of Treason	Unranked
609.395	Obstructing Military Forces	Unranked

⁴ See section 2.G.8 to determine the presumptive sentence.

Statute Number	Offense Title	Severity Level
609.396 subd. 2	Unauthorized Presence at Camp Ripley	3
609.42 subd. 1 all sections	Bribery	4
609.425	Corrupting Legislator	Unranked
609.445	Failure to Pay Over State Funds (Over \$5,000)	3
609.445	Failure to Pay Over State Funds (\$5,000 or Less)	2
609.455	Permitting False Claims against Government (Over \$5,000)	3
609.455	Permitting False Claims against Government (\$5,000 or Less)	2
609.465	Presenting False Claims to Public Officer (Over \$5,000)	3
609.465	Presenting False Claims to Public Officer (\$5,000 or Less)	2
609.466	Medical Assistance Fraud (Over \$35,000)	6
609.466	Medical Assistance Fraud (Over \$5,000)	3
609.466	Medical Assistance Fraud (\$5,000 or Less)	2
609.4751, subd. 3	Impersonating a Peace Officer	2*
609.48 subd. 4(1)	Perjury (Felony Trial)	5
609.48 subd. 4(2)	Perjury (Other Trial)	4
609.485 subd. 4(a)(1)	Escape from Felony Offense	3**
609.485 subd. 4(a)(2)	Escape, Mental Illness	1*
609.485 subd. 4(a)(3)	Escape with Violence from Gross Misdemeanor or Misdemeanor Offense	Unranked
609.485 subd. 4(a)(4)	Escape from Civil Commitment	1*
609.485 subd. 4(a)(5)	Escape from Civil Commitment, Sexually Dangerous Persons	3
609.485 subd. 4(b)	Escape with Violence from Felony Offense	8
609.485 subd. 4(f)	Escape from Electronic Monitoring	3

Statute Number	Offense Title	Severity Level
609.486	Bullet-Resistant Vest During Crime	1
609.487 subd. 3	Fleeing Peace Officer	1
609.487 subd. 4(a)	Fleeing Peace Officer (Death)	10
609.487 subd. 4(b)	Fleeing Peace Officer (Great Bodily Harm)	6
609.487 subd. 4(c)	Fleeing Peace Officer (Substantial Bodily Harm)	4
609.49	Failure to Appear in Court	1
609.493	Solicitation of Mentally Impaired Persons	See Note ⁵
609.494 subd. 2(b)	Solicitation of Juveniles	See Note ⁶
609.495 subd. 1	Aiding an Offender to Avoid Arrest	1
609.495 subd. 3	Accomplice After the Fact	Unranked
609.495 subd. 4	Taking Responsibility for Criminal Acts	See Note ⁷
609.496; 609.497	Concealing Criminal Proceeds; Engaging in Business	Unranked
609.4971	Warning Subject of Investigation	Unranked
609.4975	Warning Subject of Surveillance or Search	Unranked
609.498 subd. 1a	Tampering with a Witness 1st Degree	5
609.498 subd. 1b	Tampering with a Witness Aggravated 1st Degree	9
609.50 subd. 2	Obstructing Legal Process, Arrest, Firefighting, or Ambulance Service Personnel Crew	3
609.502 subd. 1(1)	Interference with a Dead Body or Scene of Death	4
609.504	Disarming a Peace Officer	3
609.52 all sections*	Theft of Public Funds (Over \$5,000)	3
609.52 all sections*	Theft of Public Funds (\$5,000 or Less)	2
609.52 all sections*	Theft from Person	4
609.52 all sections*	Theft of Public Records	3
609.52 all sections*	Theft (Looting)	2

⁵ See section 2.G.3 to determine the presumptive sentence.

⁶ See section 2.G.3 to determine the presumptive sentence.

⁷ See section 2.G.6 to determine the presumptive sentence.

* Includes offenses sentenced according to Minn. Stat. § 609.52, subd. 3(3)(d).

Statute Number	Offense Title	Severity Level
609.52 subd. 2(a)(1)	Theft (Over \$5,000)	3
609.52 subd. 2(a)(1)	Theft (\$5,000 or Less)	2
609.52 subd. 2(a)(1)	Theft of a Motor Vehicle	4**
609.52 subd. 2(a)(2)	Taking Pledged Property (Over \$5,000)	3
609.52 subd. 2(a)(2)	Taking Pledged Property (\$5,000 or Less)	2
609.52 subd. 2(a)(3) with subd. 3(1)	Theft by Check/False Representation (Over \$35,000)	6
609.52 subd. 2(a)(3)(i)	Theft by Check (\$5,001 - \$35,000)	3
609.52 subd. 2(a)(3)(i)	Theft by Check (\$5,000 or Less)	2
609.52 subd. 2(a)(3)(ii-v)	Theft by False Representation (\$5,001-\$35,000)	3
609.52 subd. 2(a)(3)(ii-v)	Theft by False Representation (\$5,000 or Less)	2
609.52 subd. 2(a)(4) with subd. 3(1)	Theft by Trick (Over \$35,000)	6
609.52 subd. 2(a)(4)	Theft by Trick (\$5,001-\$35,000)	3
609.52 subd. 2(a)(4)	Theft by Trick (\$5,000 or Less)	2
609.52 subd. 2(a)(5)	Temporary Theft (Over \$5,000)	3
609.52 subd. 2(a)(5)	Temporary Theft (\$5,000 or Less)	2
609.52 subd. 2(a)(6)	Refusing to Return Lost Property (Over \$5,000)	3
609.52 subd. 2(a)(6)	Refusing to Return Lost Property (\$5,000 or Less)	2
609.52 subd. 2(a)(7)	Theft from Coin Operated Machine (Over \$5,000)	3
609.52 subd. 2(a)(7)	Theft from Coin Operated Machine (\$5,000 or Less)	2
609.52 subd. 2(a)(8)	Theft of Trade Secret	3
609.52 subd. 2(a)(9)	Theft of Leased Property (Over \$5,000)	3
609.52 subd. 2(a)(9)	Theft of Leased Property (\$5,000 or Less)	2
609.52 subd. 2(a)(10) & (11)	Altering Serial Number (Over \$5,000)	3
609.52 subd. 2(a)(10) & (11)	Altering Serial Number (\$5,000 or Less)	2

** See *Comment 2.A.05* for commentary on motor vehicle offense severity levels.

Statute Number	Offense Title	Severity Level
609.52 subd. 2(a)(12)	Theft of Cable TV Services (Over \$5,000)	3
609.52 subd. 2(a)(12)	Theft of Cable TV Services (\$5,000 or Less)	2
609.52 subd. 2(a)(13)	Theft of Services (Over \$5,000)	3
609.52 subd. 2(a)(13)	Theft of Services (\$5,000 or Less)	2
609.52 subd. 2(a)(14)	Theft of Telecommunication Services (Over \$5,000)	3
609.52 subd. 2(a)(14)	Theft of Telecommunication Services (\$5,000 or Less)	2
609.52 subd. 2(a)(15)(16) with subd. 3(1)	Diversion of Corporate Property (Over \$35,000)	6
609.52 subd. 2(a)(15)(16)	Diversion of Corporate Property (\$5,001 - \$35,000)	3
609.52 subd. 2(a)(15)(16)	Diversion of Corporate Property (\$5,000, or Less)	2
609.52 subd. 2(a)(17)*	Motor Vehicle Use Without Consent	3**
609.52 subd. 2(a)(18)	Theft of Motor Fuel from Retailer (Over \$5,000)	3
609.52 subd. 2(a)(18)	Theft of Motor Fuel from Retailer (\$5,000 or Less)	2
609.52 subd. 2(a)(19) with subd. 3(1)	Wage Theft (Over \$35,000)	6
609.52 subd. 2(a)(19)	Wage Theft (\$5,001–\$35,000)	3
609.52 subd. 2(a)(19)	Wage Theft (\$5,000 or Less)	2
609.52 subd. 3a(1)	Theft (\$1,000, or Less; Risk of Bodily Harm)	2
609.52 subd. 3a(2)	Theft (Over \$1,000; Risk of Bodily Harm)	See Note ⁸
609.52 subd. 3a(2)	Theft (\$501-\$1,000, and Prior Conviction; Risk of Bodily Harm)	See Note ⁹
609.52 subd. 3(1)	Theft of Firearm	4
609.52 subd. 3(2)	Theft of Incendiary Device	4
609.52 subd. 3(2)	Theft of Controlled Substances	4
609.52 subd. 3(3)(b)	Theft of Controlled Substances	3
609.52 subd. 3(3)(d)(iii)	Theft from an Abandoned or Vacant Building (\$1,000 or Less)	1

* Includes offenses sentenced according to Minn. Stat. § 609.52, subd. 3(3)(d).

** See *Comment 2.A.05* for commentary on motor vehicle offense severity levels.

⁸ See Guidelines section 2.A.2.a-b to determine the severity level.

Statute Number	Offense Title	Severity Level
609.521	Possession of Shoplifting Gear	3
<u>609.522 subd. 3(1)</u>	<u>Organized Retail Theft (Over \$5,000)</u>	<u>4</u>
<u>609.522 subd. 3(2)</u>	<u>Organized Retail Theft (\$1,001–\$5,000, or \$501–\$1,000 and Prior Convictions)</u>	<u>3</u>
<u>609.522 subd. 3(3)</u>	<u>Organized Retail Theft (\$501–\$1,000, or \$500 or Less and Prior Convictions)</u>	<u>1</u>
609.525 all sections	Bringing Stolen Goods into State (Over \$5,000)	3
609.525 all sections	Bringing Stolen Goods into State (\$1,001-\$5,000)	2
609.525 all sections	Bringing Stolen Goods into State (\$501-\$1,000, w/Previous Conviction)	2
609.526	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (2nd or Subsequent Violations)	4
609.526, subd. 2(1)	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (\$1,000 or More)	3
609.526, subd. 2(2)	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (Less than \$1,000)	2
609.527 subd. 3(3)	Identity Theft (2–3 Direct Victims or \$501–\$2,500 Loss)	2
609.527 subd. 3(4)	Identity Theft (4–7 Direct Victims or Loss Over \$2,500)	3
609.527 subd. 3(5)	Identity Theft (8 or More Direct Victims or Loss Over \$35,000)	8
609.527 subd. 3(6)	Identity Theft (Related to Child Pornography)	8
609.527 subd. 5a	Electronic Use of False Pretense to Obtain Identity	2
609.527 subd. 5b	Unlawful Possession or Use of Scanning Device or Reencoder	2
609.528 subd. 3(3)	Possession or Sale of Stolen or Counterfeit Check	2
609.528 subd. 3(4)	Possession or Sale of Stolen or Counterfeit Check	3
609.529	Mail Theft	2
609.53	Receiving Stolen Goods (Over \$5,000)	3
609.53	Receiving Stolen Goods (\$5,000 or Less)	2
609.53	Receiving Stolen Property (Firearm)	4
609.535 subd. 2a(a)(1)	Dishonored Check (Over \$500)	2

Statute Number	Offense Title	Severity Level
609.54 all sections	Embezzlement of Public Funds (Over \$2,500)	3
609.54 all sections	Embezzlement of Public Funds (\$2,500 or Less)	2
609.551 all sections	Rustling of Livestock (Over \$2,500)	3
609.551 all sections	Rustling of Livestock (\$2,500 or Less)	2
609.561 all sections	Arson 1st Degree	8
609.562	Arson 2nd Degree	5
609.563 all sections	Arson 3rd Degree	3
609.5641 subd. 1a(a)	Wildfire Arson	2
609.5641 subd. 1a(b)	Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)	7
609.5641 subd. 1a(c)	Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)	8
609.5641 subd. 1a(d)	Wildfire Arson (Demonstrable Bodily Harm)	5
609.576 subd. 1(1)	Negligent Fires (Great Bodily Harm)	4
609.576 subd. 1(3)(iii)	Negligent Fires (Damage \$2,500 or More)	2
609.576 subd. 2	Dangerous Smoking	3
609.582 subd. 1(a)	Burglary 1st Degree (Occupied Dwelling)	6*
609.582 subd. 1(b)(c)	Burglary 1st Degree (w/Weapon or Assault)	8
609.582 subd. 2(a)(1)(2)	Burglary 2nd Degree (Dwelling/Bank)	5
609.582 subd. 2(a)(3)(4)	Burglary 2nd Degree (Pharmacy/Tool)	4
609.582 subd. 2(b)	Burglary 2nd Degree (Government Building, Religious Est., Historic Property, or School Building)	5
609.582 subd. 3(a)	Burglary 3rd Degree (Non-Residential Nonresidential)	4
609.582 subd. 3(b)	<u>Burglary 3rd Degree (Shoplifting Contrary to Trespass Notice, 2nd or Subsequent)</u>	<u>3</u>
609.586 subd. 2	Possession of Code Grabbing Devices	3
609.59	Possession of Burglary Tools	3
609.591 subd. 3(1)	Hinder Logging (Great Bodily Harm)	3

* See section 2.C.3.b and Appendix 1 to determine the presumptive disposition.

Statute Number	Offense Title	Severity Level
609.593	Damage or Theft (Energy Transmission or Telecommunications)	3
609.594	Damage to Property (Critical Service Facilities Utilities, and Pipelines)	Unranked
609.595 subd. 1(1) & (2)	Damage to Property (Risk Bodily Harm, Public Safety Motor Vehicle)	3
609.595 subd. 1(3), (4) & (5)	Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent)	2
609.595 subd. 1a(a)	Damage to Property (Motivated by Bias)	1**
609.596 subd. 1	Killing or Harming a Public Safety Dog	Unranked
609.597 subd. 3(3)	Assaulting or Harming a Police Horse	1*
609.597 subd. 3(1) & (2)	Assaulting or Harming a Police Horse	Unranked
609.611 all sections	Defrauding Insurer (Over \$5,000)	3
609.611 all sections	Defrauding Insurer (\$5,000 or Less)	2
609.612	Insurance Fraud (Employment of Runners)	Unranked
609.615 all sections	Defeating Security on Realty (Over \$5,000)	3
609.615 all sections	Defeating Security on Realty (\$5,000 or Less)	2
609.62 all sections	Defeating Security on Personalty (Over \$5,000)	3
609.62 all sections	Defeating Security on Personalty (\$5,000 or Less)	2
609.625 all sections	Aggravated Forgery (Non-Check)	2
609.63 all sections	Forgery	1
609.631 subd. 4(1)	Check Forgery (Over \$35,000)	5
609.631 subd. 4(2)	Check Forgery (Over \$2,500)	3
609.631 subd. 4(3)(a)	Check Forgery (\$251-\$2,500)	2
609.631 subd. 4(3)(b)	Check Forgery (\$250 or Less)	1
609.632 subd. 3 with subd. 4(b)(1)	Offering Counterfeit Currency (Over \$35,000)	6

** See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

Statute Number	Offense Title	Severity Level
609.632 subd. 3 with subd. 4(b)(2)	Offering Counterfeit Currency (\$5,001–\$35,000)	3
609.632 subd. 3 with subd. 4(b)(3)	Offering Counterfeit Currency (\$5,000 or Less)	2
609.632 subd. 1 & 2 with subd. 4(a)	Counterfeiting of Currency (Manufacturing or Printing/Mean for False Reproduction)	Unranked
609.635	Obtaining Signature by False Pretense	2
609.64	Recording, Filing of Forged Instrument	2
609.645	Fraudulent Statements	1
609.65 (1)	False Certification by Notary Public	1
609.651 subd. 1 with 4(a)	State Lottery Fraud	1
609.651 subd. 1 with 4(b) and subd. 2 & 3	State Lottery Fraud	Unranked
609.652	Fraudulent Drivers' Licenses and Identification Cards	1
609.66 subd. 1a(a)(1)	Firearm Suppressor	2
609.66 subd. 1a(a)(1)	Firearm Suppressor (Public Housing, School or Park Zone)	3
609.66 subd. 1a(a)(2) & (3)	Discharge of Firearm (Public Housing, School or Park Zone)	2
609.66 subd. 1a(a)(2)	Discharge of Firearm (Intentional)	2
609.66 subd. 1a(a)(3)	Discharge of Firearm (Reckless)	1
609.66 subd. 1b	Furnishing Firearm to a Minor	2
609.66 subd. 1c	Furnishing a Dangerous Weapon	2
609.66 subd. 1d(a)	Dangerous Weapons on School Property	4
609.66 subd. 1e(a)(1)	Drive-By Shooting (Unoccupied Motor Vehicle or Building)	3
609.66 subd. 1e(a)(2) & (3)	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)	8
609.66 subd. 1g	Weapon in Courthouse/Certain State Buildings	4
609.662 subd. 2(b)(1)	Duty to Render Aid (Death or Great Bodily Harm)	2

Statute Number	Offense Title	Severity Level
609.662 subd. 2(b)(2)	Duty to Render Aid (Substantial Bodily Harm)	1*
609.667	Remove or Alter Serial Number on Firearm	1
609.668 subd. 6	Explosive Devices/Incendiary Devices	6
609.67 subd. 2	Possession/Ownership of Machine and Shortbarreled Shotguns	3
<u>609.67 subd. 2(a)</u>	<u>Machine Gun, Trigger Activator, or Conversion Kit</u>	<u>8</u>
<u>609.67 subd. 2(b)</u>	<u>Short-Barreled Shotgun</u>	<u>3</u>
609.671	Hazardous Wastes	Unranked
609.686 subd. 2	Tampering w/ Fire Alarm System (Results in Bodily Harm)	3
609.686 subd. 2	Tampering w/ Fire Alarm System (Potential for Bodily Harm)	1
609.687 subd. 3(1)	Adulteration Resulting in Death	11
609.687 subd. 3(2)	Adulteration Resulting in Bodily Harm	4
609.687 subd. 3(3)	Adulteration	Unranked
609.71 subd. 1	Riot 1st Degree	8
609.71 subd. 2	Riot 2nd Degree	2
609.712	Real/Simulated Weapons of Mass Destruction	Unranked
609.713 subd. 1	Threats of Violence (Terror/Evacuation)	4
609.713 subd. 2	Threats of Violence (Bomb Threat)	2
609.713 subd. 3(a)	Threats of Violence (Replica Firearm)	1*
609.714	Offense in Furtherance of Terrorism	See Note ⁹
609.746 subd. 1 (e) <u>(g)</u>	Interference with Privacy (2nd or Subsequent Violation <u>Violations</u> or Minor Victim)	1
609.746 subd. 1 (f) <u>(h)</u>	Surreptitious Observation Device (Minor Victim and Sexual Intent)	G*

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

⁹ See section 2.G.7 to determine the presumptive sentence.

Statute Number	Offense Title	Severity Level
609.746 subd. 1(j)	<u>Surreptitious Photography Under or Around Clothing (3rd or Subsequent Violation)</u>	<u>3</u>
609.7475	Fraudulent or Improper Financing Statements	Unranked
609.748 subd. 6(d)	Violation of Harassment Restraining Order	4
609.749 subd. 3(a)(b)	Harassment (Aggravated Violations)	4
609.749 subd. 4(a)	Harassment (2nd Violation)	4
609.749 subd. 4(b)	Harassment (3rd or Subsequent Violations)	5
609.749 subd. 5	Stalking	5
609.76 subd. 2	Sports Bookmaking	4
609.76 subd. 3, 4, 5, 6 & 7	Gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)	Unranked
609.763	Lawful Gambling Fraud	Unranked
<u>609.771 subd. 3(1)</u>	<u>Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation)</u>	<u>Unranked</u>
609.776	Interference with Emergency Communications	5*
609.78 subd. 2a(1)	Fictitious Emergency Call Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury (Great Bodily Harm or Death)	8
<u>609.78 subd. 2a(2)</u>	<u>Fictitious Emergency Call (Substantial Bodily Harm)</u>	<u>3</u>
609.78, subd. 2b(1)	Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)	4
609.78, subd. 2b(2)	Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)	5
609.80 subd. 2	Cable Communication Systems Interference	1
609.816	Wrongful Employment at a Child Care Center (Over \$5,000)	3

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

Statute Number	Offense Title	Severity Level
609.816	Wrongful Employment at a Child Care Center (\$5,000 or Less)	2
609.82 all sections	Fraud in Obtaining Credit (Over \$5,000)	3
609.82 all sections	Fraud in Obtaining Credit (\$5,000 or Less)	2
609.821 subd. 2(1)(2)(5)(6)(7)(8)	Financial Transaction Card Fraud (Over \$2,500)	3
609.821 subd. 2(1)(2)(5)(6)(7)(8)	Financial Transaction Card Fraud (\$2,500 or Less)	2
609.821 subd. 2(3)(4)	Financial Transaction Card Fraud	1
609.821 subd. 3(a)(1)(i)	Financial Transaction Card Fraud (Over \$35,000)	5
609.822	Residential Mortgage Fraud	2
609.825 subd. 2	Bribery of Participant or Official in Contest	2
609.83	Falsely Impersonating Another	Unranked
609.85 (1)	Dangerous Trespass, Railroad Tracks	3
609.851 subd. 2	False Traffic Signal	3
609.855 subd. 2(c)(1)	Interference with Transit Operator	1
609.855 subd. 5	Discharge Firearm at Occupied Transit Vehicle/Facility	6
609.855 subd. 5	Discharge Firearm at Unoccupied Transit Vehicle/Facility	1
609.856	Police Radios During Commission of Crime	Unranked
609.86	Commercial Bribery	4
609.88	Computer Damage (Over \$2,500)	3
609.88	Computer Damage (\$2,500 or Less)	2
609.89	Computer Theft (Over \$2,500)	3
609.89	Computer Theft (\$2,500 or Less)	2
609.891 subd. 2(a) & (b)	Unauthorized Computer Access (Grave Risk or Subsequent)	Unranked
609.891 subd. 2(c)	Unauthorized Computer Access (Electronic Terminal)	2
609.8912	Computer Encryption	Unranked
609.893 subd. 1	Telecommunications and Information Services; Obtaining Services by Fraud (Over \$2,500)	3

Statute Number	Offense Title	Severity Level
609.893 subd. 1	Telecommunications and Information Services; Obtaining Services by Fraud (\$2,500 or Less)	2
609.893 subd. 2	Telecommunications and Information Services; Facilitation of Telecommunications Fraud	2
609.894 subd. 3	Cellular Counterfeiting 2nd Degree	1
609.894 subd. 4	Cellular Counterfeiting 1st Degree	2
609.895 subd. 3(a)	Counterfeited Intellectual Property	2
609.895 subd. 3(b)	Counterfeited Intellectual Property	1
609.896	Criminal Use of Real Property (Movie Pirating)	1
609.904	Racketeering (RICO)	Unranked
617.20	Abortion	Unranked
617.22	Abortion	Unranked
617.23 subd. 3	Indecent Exposure	G
617.241 subd. 4	Obscene Materials-Distribution	Unranked
617.246 subd. 2(a) 3(a) 4(a)	Use of Minors in Sexual Performance	D
617.246 subd. 2(b) 3(b) 4(b)	Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 14)	C*
617.247 subd. 3(a)	Dissemination of Child Pornography	E*
617.247 subd. 3(b)	Dissemination of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	C*
617.247 subd. 4(a)	Possession of Child Pornography	G
617.247 subd. 4(b)	Possession of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	E
617.261, subd. 2(b)	Nonconsensual Dissemination of Private Sexual Images	3
<u>617.262 subd. 3(b)</u>	<u>Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts</u>	<u>3</u>
624.713 subd. 2(a)	Certain Persons Not to Have Firearms or Ammunition	3

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

Statute Number	Offense Title	Severity Level
624.713 subd. 2(b)	Certain Persons Not to Have Firearms or Ammunition	6
<u>624.7131 subd. 11</u>	<u>False Statement to Obtain Firearm Transferee Permit</u>	<u>1</u>
624.7132 subd. 15(b)	Transfer Pistol to Minor	2
624.714 subd. 1a	Pistol Without Permit (Subsequent Violations)	1
624.7141 subd. 2	Transfer Pistol to Ineligible Person	2
624.7181 subd. 2	Assault Weapon in Public (Under 21)	1
624.731 subd. 8(a)	Tear Gas and Tear Gas Compounds; Electronic incapacitation devices	3
624.732 subd. 2	Intentional Release of Harmful Substance	3
624.7191	Metal Penetrating Bullets	Unranked
626A.02 subd. 4; 626A.03 subd.1(b)(ii); 626A.26 subd. 2(1)(ii)	Wire Communications Violations	Unranked
629.75 subd. 2(d)	Violation of a Domestic Abuse No Contact Order	4
641.165 subd. 2(b)	Bring Dangerous Weapon into County Jail	4

6. Offenses Eligible for Permissive Consecutive Sentences

- A.** Convictions for attempted offenses or conspiracies to commit offenses listed below are eligible for permissive consecutive sentences as well as convictions for completed offenses.
- B.** Under section 2.F.2.a(1)(i), it is permissive for a current felony conviction to run consecutively to a prior felony sentence from a jurisdiction other than Minnesota if the non-Minnesota conviction is for a crime that is equivalent to a crime listed below.

Statute Number	Offense Title
152.021, subd. 2a	Manufacture any Amount of Methamphetamine
152.021, subd. 2b(2) with ref. to 152.01, subd. 24(8)	Aggravated Controlled Substance Crime 1st Degree, Sale to a Minor or Vulnerable Adult
152.022, subd. 1(6)	Sells Cocaine/Narcotic to Minor/Employs Minor
152.023, subd. 1(3)	Sells Sch. I,II,III to Minor (not Narcotic)
152.023, subd. 1(4)	Sells Sch. I,II,III Employs Minor (not Narcotic)
152.024, subd. 1(2)	Schedule IV or V to Minor
152.024, subd. 1(3)	Employs Minor to Sell Schedule IV or V
152.0261, subd. 1a	Employing a Minor to Import Controlled Substances
152.137	Methamphetamine Crimes Involving Children or Vulnerable Adults
169.09, subd. 14(a)(1)	Accidents (Death)
169.09, subd. 14(a)(2)	Accidents (Great Bodily Harm)
169A.24	DWI 1st Degree
243.166, subd. 5(b)	Registration of Predatory Offenders
243.166, subd. 5(c)	Registration of Predatory Offenders (2nd or subsequent)
518B.01, subd. 14(d)	Violation of an Order for Protection
609.185	Murder 1st Degree
609.19	Murder 2nd Degree
609.195	Murder 3rd Degree
609.20	Manslaughter 1st Degree
609.205	Manslaughter 2nd Degree

Statute Number	Offense Title
609.2112, subd. 1	Criminal Vehicular Homicide (Death)
609.2113, subd. 1	Criminal Vehicular Operation (Great Bodily Harm)
609.2113, subd. 2	Criminal Vehicular Operation (Substantial Bodily Harm)
609.2114, subd. 1	Criminal Vehicular Operation (Death to an Unborn Child)
609.2114, subd. 2	Criminal Vehicular Operation (Injury to an Unborn Child)
609.215	Aiding Suicide
609.221	Assault 1st Degree
609.222	Assault 2nd Degree - Dangerous Weapon
609.223	Assault 3rd Degree
609.2231	Assault 4th Degree
609.224, subd. 4	Assault 5th Degree (3rd or Subsequent Violation)
609.2241	Knowing Transfer of Communicable Disease
609.2242, subd. 4	Domestic Assault
609.2245	Female Genital Mutilation
609.2247	Domestic Assault by Strangulation
609.228	Great Bodily Harm Caused by Distribution of Drugs
609.229, subd. 3	Crime Committed for Benefit of Gang
609.2325, subd. 3(1)	Criminal Abuse of Vulnerable Adult (Death)
609.2325, subd. 3(2)	Criminal Abuse of Vulnerable Adult (Great Bodily Harm)
609.2325, subd. 3(3)	Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm)
609.233, subd. 3	Deprivation of Vulnerable Adult
609.235	Use of Drugs to Injure or Facilitate Crime
609.24	Simple Robbery
609.245, subd. 1	Aggravated Robbery 1st Degree
609.245, subd. 2	Aggravated Robbery 2nd Degree
<u>609.247</u>	<u>Carjacking</u>
609.25	Kidnapping
609.255	False Imprisonment
609.2661	Consp./At. Murder of Unborn Child 1st Degree
609.2662	Murder of an Unborn Child 2nd Degree

Statute Number	Offense Title
609.2663	Murder of an Unborn Child 3rd Degree
609.2664	Manslaughter of an Unborn Child 1st Degree
609.2665	Manslaughter of an Unborn Child 2nd Degree
609.267	Assault of an Unborn Child 1st Degree
609.2671	Assault of an Unborn Child 2nd Degree
609.268	Death or Injury of an Unborn Child in Comm. of Crime
609.282	Labor Trafficking
609.322, subd. 1(a)	Sex Trafficking in the 1st Degree
609.322, subd. 1(a) with ref. to subd. 1(b)	Aggravated Sex Trafficking 1st Degree
609.322, subd. 1a	Sex Trafficking in the 2nd Degree
609.322, subd. 1a with ref. to subd. 1(b)	Aggravated Sex Trafficking 2nd Degree
609.324, subd. 1(a)	Engage or Hire a Minor to Engage in Prostitution
609.324, subd. 1(b)	Engage or Hire a Minor to Engage in Prostitution
609.324, subd. 1(c)	Engage or Hire a Minor to Engage in Prostitution
609.342	Criminal Sexual Conduct 1st Degree
609.343	Criminal Sexual Conduct 2nd Degree
609.344	Criminal Sexual Conduct 3rd Degree
609.345	Criminal Sexual Conduct 4th Degree
609.3451	Criminal Sexual Conduct 5th Degree
609.3453	Criminal Sexual Predatory Conduct
609.3458	Sexual Extortion
609.352, subd. 2	Solicitation of Children to Engage in Sexual Conduct
609.352, subd. 2a	Solicitation of Children to Engage in Sexual Conduct (Internet or Computer)
609.365	Incest
609.377	Malicious Punishment of Child
609.3775	Child Torture
609.378	Child Neglect/Endangerment

Statute Number	Offense Title
609.485, subd. 4(a)(3)	Escape with Violence from GM or Misd. Offense
609.485, subd. 4(b)	Escape with Violence from Felony Offense
609.487, subd. 3	Fleeing Peace Officer
609.487, subd. 4(a)	Fleeing Peace Officer (Resulting in Death)
609.487, subd. 4(b)	Fleeing Peace Officer (Great Bodily Harm)
609.487, subd. 4(c)	Fleeing Peace Officer (Substantial Bodily Harm)
609.498, subd. 1a	Tampering with a Witness in the 1st Degree
609.498, subd. 1b	Tampering with a Witness, Aggravated 1st Degree
609.502, subd. 1(1)	Interference with a Dead Body or Scene of Death
609.527	Identity Theft
609.561	Arson in the 1st Degree
609.5641, subd. 1a(b)	Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)
609.5641, subd. 1a(c)	Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)
609.5641, subd. 1a(d)	Wildfire Arson (Demonstrable Bodily Harm)
609.582, subd. 1(a)	Burglary 1st Degree - of Occupied Dwelling
609.582, subd. 1(b)	Burglary 1st Degree with Dangerous Weapon
609.582, subd. 1(c)	Burglary 1st Degree with Assault
609.582, subd. 2(a)(1)	Burglary 2nd Degree – Dwelling
609.582, subd. 2(a)(2)	Burglary 2nd Degree – Bank
609.591, subd. 3(1)	Hinder Logging (Great Bodily Harm)
609.594, subd. 2	Damage to Property - Critical Public Service Facilities
609.66, subd. 1e	Drive-By Shooting
609.662, subd. 2(b)(1)	Duty to Render Aid (Death or Great Bodily Harm)
609.662, subd. 2(b)(2)	Duty to Render Aid (Substantial Bodily Harm)
609.671	Hazardous Wastes
609.687, subd. 3(1)	Adulteration Resulting in Death
609.687, subd. 3(2)	Adulteration Resulting in Bodily Harm
609.71, subd. 1	Riot 1st Degree

Statute Number	Offense Title
609.712	Real/Simulated Weapons of Mass Destruction
609.713, subd. 1	Threats of Violence (Terror/Evacuation)
609.713, subd. 2	Threats of Violence (Bomb Threat)
609.713, subd. 3(a)	Threats of Violence (Replica Firearm)
609.714, subd. 2	Crimes Committed in Furtherance of Terrorism
609.746, subd. 1(f)(h)	Surreptitious Observation Device (Minor Victim and Sexual Intent)
609.746, subd. 1(j)	<u>Surreptitious Photography Under or Around Clothing (3rd or Subsequent Violation)</u>
609.748, subd. 6(d)	Violation of Harassment Restraining Order
609.749, subd. 3	Harassment (Aggravated Violations)
609.749, subd. 4	Harassment (Subsequent Violations)
609.749, subd. 5	Stalking
609.78, subd. 2a	Fictitious Emergency Call Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury (Substantial Bodily Harm, Great Bodily Harm, or Death)
609.78, subd. 2b(2)	Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)
609.855, subd. 2(c)(1)	Interference with Transit Operator
609.855, subd. 5	Discharge Firearm at Occupied Transit Vehicle/Facility
617.23, subd. 3	Indecent Exposure
617.246, subd. 2(a), 3(a), 4(a)	Use of Minors in Sexual Performance
617.246, subd. 2(b), 3(b), 4(b)	Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 14)
617.247, subd. 3(a)	Dissemination of Child Pornography
617.247, subd. 3(b)	Dissemination of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)
617.247, subd. 4(a)	Possession of Child Pornography
617.247, subd. 4(b)	Possession of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)
617.261, subd. 2(b)	Nonconsensual Dissemination of Private Sexual Images

Statute Number	Offense Title
<u>617.262, subd. 3(b)</u>	<u>Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts</u>
624.732, subd. 2	Intentional Release of Harmful Substance
624.7191	Metal Penetrating Bullets
629.75, subd. 2(d)	Violation of a Domestic Abuse No Contact Order

7. Theft Offense List

It is recommended that the following property crimes be treated similarly. Below is the Theft Offense List cited for the Theft Crimes (\$5,000 or less and over \$5,000) in section 5.A Offense Severity Reference Table. The severity level for these offenses is based on the monetary amount of the conviction offense. The monetary amount is contained in the penalty statute as cited below:

- Severity Level 2. When the monetary value of the Theft Crime is \$5,000 or less, the penalty statute is Minn. Stat. § 609.52, subdivision 3(3)(a).
- Severity Level 3. When the monetary value of the Theft Crime is over \$5,000, the penalty statute is Minn. Stat. § 609.52, subdivision 3(2).

Statute Number	Offense Title
176.178	Workers Compensation Fraud
256.98	Wrongfully Obtaining Assistance
268.182	Unemployment Benefit Fraud
<u>268B.185</u>	<u>Family and Medical Benefit Fraud</u>
393.07 subd. 10	Federal Food Stamp Program
471.392	False Declaration of Claim
514.02 subd. 1(b)	Non-payment for Improvement (Proceeds of Payments; Acts Constituting Theft)
609.445	Failure to Pay Over State Funds
609.455	Permitting False Claims Against Government
609.465	Presenting False Claims to Public Officer or Body
609.52	Theft of Public Funds
609.52 subd. 2(a)(1)	Theft
609.52 subd. 2(a)(2)	Taking Pledged Property
609.52 subd. 2(a)(3)(i)	Theft By Check
609.52 subd. 2(a)(3)(ii), (iii), (iv), & (v)	Theft By False Representation
609.52 subd. 2(a)(4)	Theft by Trick
609.52 subd. 2(a)(5)	Temporary Theft

Statute Number	Offense Title
609.52 subd. 2(a)(6)	Refusing to Return Lost Property
609.52 subd. 2(a)(7)	Theft from Coin Operated Machines
609.52 subd. 2(a)(9)	Theft of Leased Property
609.52 subd. 2(a)(10) & (11)	Altering Serial Number
609.52 subd. 2(a)(12)	Theft of Cable TV Services
609.52 subd. 2(a)(13)	Theft of Services
609.52 subd. 2(a)(14)	Theft of Telecommunications Services
609.52 subd. 2(a)(15) & (16)	Diversion of Corporate Property
609.52 subd. 2(a)(19)	Wage Theft
609.53	Receiving Stolen Property
609.611	Defrauding Insurer
609.615	Defeating Security on Realty
609.62	Defeating Security on Personalty
609.816	Wrongful Employment at a Child Care Center
609.82	Fraud in Obtaining Credit

8. Severe Violent Offense List

Each of the following is a “severe violent offense” within the meaning of sections 2.B.2.e and 2.G.13. Attempt or conspiracy is included, as is an equivalent felony from a jurisdiction other than Minnesota.

Statute Number	Offense Title
609.185	Murder 1st Degree
609.19	Murder 2nd Degree
609.195(a)	Murder 3rd Degree (Depraved Mind)
609.221	Assault 1st Degree
609.222, subd. 2	Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm)
609.245, subd. 1	Aggravated Robbery 1st Degree
<u>609.247, subd. 2</u>	<u>Carjacking 1st Degree</u>
609.25, subd. 2(2)	Kidnapping (Great Bodily Harm/ Unsafe Release <u>Not Released in Safe Place/Victim Under 16</u>)
609.2661	Murder of an Unborn Child 1st Degree
609.2662	Murder of an Unborn Child 2nd Degree
609.2663	Murder of an Unborn Child 3rd Degree
609.282	Labor Trafficking
<u>609.282 subd. 1</u>	<u>Labor Trafficking (Death)</u>
<u>609.282 subd. 1a(1)</u>	<u>Labor Trafficking (Minor Victim)</u>
<u>609.282 subd. 1a(2)</u>	<u>Labor Trafficking (Extended Period of Time)</u>
<u>609.282 subd. 1a(3)</u>	<u>Labor Trafficking (Great Bodily Harm)</u>
609.322, subd. 1(a)	Sex Trafficking 1st Degree
609.322, subd. 1(a) with ref. to subd. 1(b)	Aggravated Sex Trafficking 1st Degree
609.322, subd. 1a with ref. to subd. 1(b)(2) or (3)	Aggravated Sex Trafficking 2nd Degree (Bodily Harm/Debt Bondage/Forced Services)
609.342, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(i)	Criminal Sexual Conduct 1st Degree

Statute Number	Offense Title
609.343, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(i)	Criminal Sexual Conduct 2nd Degree
609.498, subd. 1b	Tampering with Witness, Aggravated 1st Degree
609.561, subd. 1 or 2	Arson 1st Degree
609.66, subd. 1e(a)(2) & (3)	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)

Appendix 3. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table

This table is for convenience when determining if a presumptive duration exceeds the statutory maximum sentence as described in section 2.C.2. Offenses identified in the table below have presumptive durations that exceed the statutory maximums at the Criminal History Score (CHS) indicated on the table. These are offenses for which the applicable grid does not adjust the duration or range to be at or below the statutory maximum. The table may not be exhaustive.

Statute	Offense	Severity Level	Statutory Maximum (Months)	Exceeds Statutory Maximum At:
609.221, subd. 4	Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force)	11	360	CHS 0 (upper-range)
609.2231, subd. 4(b)	Assault 4th Degree Motivated by Bias	1	12, and 1 Day	CHS 3
609.322 subd. 1(a)	Sex Trafficking 1st Degree	B	300	CHS 5 (upper-range)
609.343 subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i)	Criminal Sexual Conduct 2nd Degree	B	300	CHS 5 (upper-range)
609.344, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 3rd Degree	C	180	CHS 5 (upper-range)
609.4751, subd. 3	Impersonating a Peace Officer	2	24	CHS 6 (upper-range)
609.485, subd. 4(a)(2)	Escape, Mental Illness	1	12, and 1 Day	CHS 3
609.485, subd. 4(a)(4)	Escape from Civil Commitment	1	12, and 1 Day	CHS 3
609.595, subd. 1a(a)	Damage to Prop Motivated by Bias	1	12, and 1 Day	CHS 3
609.597, subd. 3(3)	Assaulting or Harming Police Horse	1	12, and 1 Day	CHS 3
609.662, subd. 2(b)(2)	Duty to Render Aid (Substantial Bodily Harm)	1	12, and 1 Day	CHS 3
609.713, subd. 3(a)	Threats of Violence (Replica Firearm)	1	12, and 1 Day	CHS 3

Statute	Offense	Severity Level	Statutory Maximum (Months)	Exceeds Statutory Maximum At:
609.746, subd. 1 (f) (h)	Surreptitious Observation Device (Minor Victim and Sexual Intent)	G	48	CHS 5
609.776	Interference with Emergency Comm.	5	36	CHS 4
617.246, subd. 2(b) 3(b) 4(b)	Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 14)	C	180	CHS 5 (upper-range)
617.247, subd. 3(a)	Dissemination of Child Pornography	E	84	CHS 5
617.247, subd. 3(b)	Dissemination of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	C	180	CHS 5 (upper-range)

Appendix 2. Proposed Modifications to the 2024 Minn. Sentencing Guidelines and Commentary – Effective August 1, 2025

The following amendments are proposed to the 2024 Minn. Sentencing Guidelines and Commentary sections 5.A & 5.B, effective August 1, 2025:

Minnesota Sentencing Guidelines and Commentary

* * *

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
* * *		
D2	* * *	
	Medical Cannabis Violations (Submission of False Records)	152.33, subd. 4
* * *		
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
* * *		

5.B. Severity Level by Statutory Citation

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.

Statute Number	Offense Title	Severity Level
* * *		
152.33, subd. 1	Medical Cannabis Violations (Intentional Diversion)	D1
152.33, subd. 2	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	D1
152.33, subd. 4	Medical Cannabis Violations (Submission of False Records)	D2
* * *		

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