

Minnesota Sentencing Guidelines Commission

Adopted Modifications to the Sentencing Guidelines and Commentary Effective Date: August 1, 2012

The Minnesota Sentencing Guidelines Commission adopted the following legislative and non-legislative modifications to the Sentencing Guidelines and Commentary, effective August 1, 2012.

Formatting Note: Modifications to the Guidelines as presented in this document further modify the Guidelines as revised in the Commission’s “Guidelines Revision Project.” As explained in section D.2, below, the Guidelines Revision Project made primarily stylistic and technical modifications to the Guidelines that are effective August 1, 2012.

A. Legislative Modification – Amended Prostitution in a School or Park Zone (2011 Special Session)

The following amendment was enacted into law by the 2011 Legislature during its Special Session. It was effective August 1, 2011. Because the Special Session extended into July, the Commission was unable to address this offense in its 2011 public hearing.

Description: The Legislature amended the definitions in Minn. Stat. § 609.321 for “patron,” “prostitute,” and “prostitution,” and established separate non-felony penalties for patrons and prostitutes in Minn. Stat. § 609.324. These amendments do not directly create or amend a felony offense, but they do form the underlying definitions that support the felony offense of committing a prostitution offense in a school or park zone, which is in Minn. Stat. § 609.324.

Reference: [2011 Special Session 1, Chapter 1, Article 5](#)

Commission Adopted Proposal: Maintained the existing severity level ranking (Severity Level 1) for felony-level prostitution in a school or park zone under Minn. Stat. § 609.3242, subd. 2(2).

B. Legislative Modification – New and Amended Offenses (2012 Legislative Session)

The Commission reviewed the following new and amended offenses, which were enacted into law by the 2012 Legislature.

- 1. Amended Offenses:** The following offenses were amended by the 2012 Legislature. In some instances, the amendments expanded offense definitions; in others the amendments expand the scope of the offense(s).

Adopted Proposal: The Commission adopted a proposal to maintain the existing severity level rankings and policies for each of the offenses below that were amended by the 2012 Legislature.

a. Fraudulent or Improper Financing Statements (Minn. Stat. § 609.7475)

Description: The law for fraudulent or improper financing statements was expanded to include retaliation against a sheriff, deputy sheriff, or county recorder for performing official duties (e.g., sheriff's sale or filing of liens regarding real property). The offense is on the unranked offense list.

Reference: [Chapter 210 - H.F. 2373](#)

b. Corrections Related to Criminal Vehicular Operations (CVOs)

Description: The Legislature amended the prior impaired driving conviction definition, the prior impaired driving-related loss of license definition, and the first-degree driving while impaired (DWI) offense in Chapter 169A by adding references to the 2006 CVO statutes. The intent was to clarify that these prior CVO offenses can be used under the law for enhancement purposes. These amendments do not directly create or amend a felony offense, but clarify that the Legislature intends criminal vehicular operation convictions to be used for enhancing felony DWI, which is ranked at Severity Level 7.

Reference: [Chapter 222 – H.F. 2246](#)

c. Expanded List of Qualified Domestic Violence-Related Offenses (Minn. Stat. § 609.02)

Description: The list of qualified domestic violence-related offenses in Minn. Stat. § 609.02, subd. 16, was expanded to include female genital mutilation under Minn. Stat. § 609.2245. The law clarifies that domestic violence-related offenses from other states, tribal lands, and U.S. territories, qualify under Minnesota law for enhancing certain assaults and violation of restraining orders to gross misdemeanors and felonies. This amendment does not directly create or amend a felony offense, but does form the underlying definition that supports such felony offenses as domestic assault and violation of a restraining order which are ranked at Severity Level 4.

Reference: [Chapter 227 – H.F. 2149](#)

2. **New Offenses.** The Commission reviewed the offenses that were newly enacted by the 2012 Legislature, and adopted severity level rankings as follows.

a. Sale of Synthetic Cannabinoids (Minn. Stat. § 152.027)

Description: The Legislature increased the penalty for the crime of sale of synthetic cannabinoids under Minn. Stat. § 152.027, subdivision 6. Sales with no remuneration remain a gross misdemeanor, while other sales become a felony with a five-year statutory maximum.

Reference: [Chapter 240 – H.F. 2508](#)

Adopted Proposal: Ranked felony sale of synthetic cannabinoids at Severity Level 2.

5.A. OFFENSE SEVERITY REFERENCE TABLE

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SEVERITY LEVEL	OFFENSE	STATUTE
<u>2</u>	<u>Sale of Synthetic Cannabinoids</u>	<u>152.027, subd. 6(c)</u>

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5.B. SEVERITY LEVEL BY STATUTORY CITATION

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Statute Number	Offense Title	Severity Level
<u>152.027, subd. 6(c)</u>	<u>Sale of Synthetic Cannabinoids</u>	<u>2</u>

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b. Deprivation of Vulnerable Adult (Minn. Stat. § 609.233)

Description: Felony deprivation is a new offense defined as a “caregiver or operator who intentionally deprives a vulnerable adult of necessary food, clothing, shelter, health care, or supervision, when the caregiver or operator is reasonably able to make the necessary provisions....” There are two felony-level offenses: 1) neglect resulting in great bodily harm, which carries a 10-year statutory maximum sentence; and 2) neglect resulting in substantial bodily harm, which carries a 5-statutory maximum sentence.

Reference: [Chapter 175 – S.F. 1586](#)

Adopted Proposal: Assigned the following severity levels; and added the offenses to the list in section 6, Offenses Eligible for Permissive Consecutive Sentences.

- 1) Neglect resulting in great bodily harm—Severity Level 8
- 2) Neglect resulting in substantial bodily harm—Severity Level 5

5.A. OFFENSE SEVERITY REFERENCE TABLE

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SEVERITY LEVEL	OFFENSE	STATUTE
<u>8</u>	<u>Deprivation of Vulnerable Adult (Great Bodily Harm)</u>	<u>609.233, subd. 2a(1)</u>
<u>5</u>	<u>Deprivation of Vulnerable Adult (Substantial Bodily Harm)</u>	<u>609.233, subd. 2a(2)</u>

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5.B. SEVERITY LEVEL BY STATUTORY CITATION

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Statute Number	Offense Title	Severity Level
<u>609.233, subd. 2a(1)</u>	<u>Deprivation of Vulnerable Adult (Great Bodily Harm)</u>	<u>8</u>
<u>609.233, subd. 2a(2)</u>	<u>Deprivation of Vulnerable Adult (Substantial Bodily Harm)</u>	<u>5</u>

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6. OFFENSES ELIGIBLE FOR PERMISSIVE CONSECUTIVE SENTENCES

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Statute Number	Offense Title
<u>609.233, subd. 2a</u>	<u>Deprivation of Vulnerable Adult</u>

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c. False Imprisonment; Unreasonable Restraint of Children (Minn. Stat. 609.255)

Description: False imprisonment; unreasonable restraint of children under Minn. Stat. § 609.255, subd. 3, was amended to add a second felony-level offense when the confinement or restraint results in demonstrable bodily harm. The statutory maximum sentence is two years imprisonment.

Reference: [Chapter 175 – S.F. 1586](#)

Adopted Proposal: Ranked at Severity Level 3, and affirmed that the offense is eligible for permissive consecutive sentencing as noted in section 6. Note that the offense is listed in each table with the high-level offense description of false imprisonment. The specific offense of unreasonable restraint of a child is identifiable by the more specific statutory cite.

5.A. OFFENSE SEVERITY REFERENCE TABLE

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SEVERITY LEVEL	OFFENSE	STATUTE
<u>3</u>	<u>False Imprisonment (Demonstrable Bodily Harm)</u>	<u>609.255, subd. 3(b)</u>
4	False Imprisonment (Substantial Bodily Harm)	609.255, subd. 3(c)

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5.B. SEVERITY LEVEL BY STATUTORY CITATION

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Statute Number	Offense Title	Severity Level
<u>609.255, subd. 3(b)</u>	<u>False Imprisonment (Demonstrable Bodily Harm)</u>	<u>3</u>
609.255, subd. 3(c)	False Imprisonment (Substantial Bodily Harm)	4

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6. OFFENSES ELIGIBLE FOR PERMISSIVE CONSECUTIVE SENTENCES

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Statute Number	Offense Title
609.255	False Imprisonment

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C. Non-Legislative Modifications

Following are adopted non-legislative modifications to the Sentencing Guidelines made by the Commission.

1. Non-Felony Sentence for Felony Conviction

Description: Under Minn. Stat. § 609.13, if a court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction will be deemed to be a gross misdemeanor or misdemeanor. Under Guidelines 2.D, the sentence is also a departure because it is outside the applicable range on the grid. Commission staff noticed that courts sometimes do not issue a departure report in these cases because the judge mistakenly believes that the reduction in the level of sentence pursuant to Minn. Stat. § 609.13 means that the charge is also reduced.

Adopted Proposal: Modified section 2.D as outlined below.

D. Departures from the Guidelines:

1. Departures in General

The sentence ranges provided in the Grids are presumed to be appropriate for the crimes to which they apply. The court must pronounce a sentence within the applicable range unless there exist identifiable, substantial, and compelling circumstances to support a sentence outside the range on the applicable Grid.

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 range on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a departure from the Guidelines ~~and~~. A departure is not controlled by the Guidelines, but rather, is an exercise of judicial discretion constrained by statute or case law.

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2.D.105. *Under Minn. Stat. § 609.13, if a court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross*

misdemeanor or misdemeanor. The sentence is a departure because it is outside the appropriate range on the applicable Grid. Because courts sometimes fail to issue departure reports in these cases, section 2.D was amended to clarify that if the court stays or imposes a gross misdemeanor or misdemeanor sentence for a felony conviction, the sentence is a departure.

In contrast, if the prosecutor amends the charge to a gross misdemeanor or misdemeanor offense prior to conviction, a gross misdemeanor or misdemeanor sentence will not be a departure because the sentence will be consistent with the level of the charge. When the prosecutor amends the charge, the prosecutor must amend it to an existing offense. For example, there is no gross misdemeanor version of terroristic threats (Minn. Stat. § 609.713) in statute, so a terroristic threats charge cannot be amended from a felony to a gross misdemeanor.

2. Sex Trafficking Notation on the Sex Offender Grid

Description: It is not clear from looking at the Sex Offender Grid whether a 15 percent lower range applies to the sex trafficking offense ranked at Severity Level B/Criminal History Score 0. Effective August 1, 2011, sex trafficking was moved from the Standard Grid to the Sex Offender Grid at Severity Level B. The other offense ranked at Severity Level B is criminal sexual conduct in the second degree, which carries a 90-month minimum statutory presumptive sentence. Therefore, the cell at a criminal history score of 0 reflects the mandatory minimum at the low end of the range, and 20 percent greater than 90 months at the high end of the range.

Adopted Proposal: Added a footnote to the Sex Offender Grid explaining that the statutory range applies in sex trafficking cases, as outlined below.

4.B. SEX OFFENDER GRID

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		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or More
B	CSC 2nd Degree– (c)(d)(e)(f)(h) Prostitution; Sex Trafficking ³ 1st Degree–1(a)	90 90 ³ -108	110 94-132	130 111-156	150 128-180	195 166-234	255 217-300	300 255-300 ²

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³Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)

Effective August 1, 2012

3. Permissive Consecutive Sentences: Criminal History Score for Felony Sentenced Consecutive to a Gross Misdemeanor

Description: On May 9, 2012, the Supreme Court issued a decision in [State v. Campbell, No. A10-0512 \(Minn. 2012\)](#), which addressed whether, when a district court permissively imposes a felony sentence consecutive to a gross misdemeanor sentence, the court is required under Minn. Sent. Guidelines § 2.F.2 to reduce the offender’s criminal history score to zero before calculating the presumptive sentence for the felony offense. Section 2.F.2 currently states:

For each offense sentenced consecutive to *another offense(s)*, other than those that are presumptive, a zero criminal history score, or the mandatory minimum for the offense, whichever is greater, shall be used in determining the presumptive duration (emphasis added).

The defendant in *Campbell* argued that because the section referred to “another offense” rather than another *felony* offense, the criminal history reduction had to take place even if the offense to which the felony was being sentenced consecutively was a gross misdemeanor. The Supreme Court disagreed, holding that “another offense” means “felony offense.”

Adopted Proposal: Modified section 2.F.2 as outlined below to clarify that the directive to reduce the offender’s criminal history score to zero applies only when sentencing a felony offense consecutively to another *felony* offense.

2. Permissive Consecutive Sentences

- a. Criteria for Imposing a Permissive Consecutive Sentence. Consecutive sentences are permissive (may be given without departure) only in the situations specified in this section. For each felony offense sentenced consecutive to another felony offense(s), a Criminal History Score of 0, or the mandatory minimum for the offense, whichever is longer, is used in determining the presumptive duration. A consecutive sentence at any other duration is a departure.

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4. **Permissive Consecutive Sentences: Sentencing a Current Felony Conviction and a Prior Non-Minnesota Felony Sentence Consecutive**

Description: Recently, the Minnesota Court of Appeals issued an opinion in [State v. Hahn, 799 N.W.2d 25 \(Minn. Ct. App. 2012\)](#), relating to permissive consecutive sentencing. Hahn was convicted in state court of first-degree criminal sexual conduct. In a separate proceeding, Hahn pled guilty in federal court for one count of production of child pornography and was sentenced to 210 months in prison. Following his federal sentence, the district court sentenced Hahn to 100 months in prison, to be served consecutive to the federal sentence. On appeal, Hahn argued that the state conviction could not be sentenced consecutive to the federal conviction because the federal offense was not on the list in section 6 of the Guidelines, *Offenses Eligible for Permissive Consecutive Sentences*. The Court held that a current felony conviction may be sentenced consecutively (i.e., “permissive consecutive”) to a prior felony sentence only when both the current felony conviction and the prior felony sentence are on the list in section 6.

Adopted Proposal: Modified sections 2.F.2 and 6 as outlined below to permit the court to sentence a current felony conviction consecutively to a prior unexpired felony sentence from a jurisdiction other than Minnesota.

2. **Permissive Consecutive Sentences**

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(1) Specific Offenses; Presumptive Commitment. Consecutive sentences are permissive if the presumptive disposition for the current offense(s) is commitment and paragraph (i), (ii), or (iii) applies. If the court pronounces a consecutive stayed sentence under one of these paragraphs the stayed sentence is a mitigated dispositional departure, but the consecutive nature of the sentence is not a departure. The consecutive stayed sentence begins when the offender completes the term of imprisonment and is placed on supervised release.

(i) Prior Felony Sentence. A current felony conviction for a crime on the list in section 6 of offenses eligible for permissive consecutive sentences may be sentenced consecutively to a prior felony sentence that has not expired or been discharged if the prior felony conviction:

(a) is for a crime on the list in section 6 of offenses eligible for permissive consecutive sentences; or

(b) is from a jurisdiction other than Minnesota and would be equivalent to a crime on the list in section 6.

The presumptive disposition for the prior offense(s) must also be commitment as outlined in section 2.C. A non-Minnesota conviction is equivalent to a crime on the list in section 6 if it would both be defined as a felony in Minnesota, and received a sentence that in Minnesota would be a felony-level sentence, including the equivalent of a stay of imposition.

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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.

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5. Juvenile DWIs in Adult Traffic Court

Description: Sections 2.B.2 and 2.B.3 provide that targeted misdemeanors and gross misdemeanor driving while impaired offenses count towards the calculation of criminal history for both a custody status point and prior misdemeanor and gross misdemeanor units. “Targeted misdemeanors” are defined in Minn. Stat. § 299C.10, subd. 1(e), and include misdemeanor violations of Minn. Stat. § 169A.20 (driving while impaired).

For offenders who were juveniles when the prior DWI offense was committed, the issue is more complex. Minn. Stat. § 260B.225, subd. 3 provides:

a child who commits an *adult court traffic offense* and at the time of the offense was at least 16 years old shall be subject to the laws and court procedures controlling adult traffic violations and shall not be under the jurisdiction of the juvenile court.

The phrase, “adult court traffic offense” is defined to include a violation of Minn. Stat. § 169A.20. Minn. Stat. § 260B.225, subd. 1(a)(2). Thus, it would appear that a juvenile who commits a DWI and is 16 or 17 at the time should be treated like an adult, and that the offense should be counted towards criminal history under section 2.B.3 of the Guidelines. However, one additional statutory provision complicates the analysis. With regard to sentencing, Minn. Stat. § 260B.225, subd. 8 (emphasis added) provides in part:

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(b) A juvenile who is *convicted* of an adult court traffic offense in district court shall be treated as an adult for sentencing purposes, except that the court may order the juvenile placed out of home only in a residential treatment facility or in a juvenile correctional facility.

(c) The disposition of an adult court traffic offender remains with the county in which the *adjudication* occurred.

Use of the term “convicted” in paragraph (b) but “adjudication” in paragraph (c) suggests some ambiguity with regard to whether the end result is an adult conviction or juvenile adjudication. And there is also some ambiguity with regard to the court’s disposition options. Paragraph (b) restricts out-of-home placement to juvenile facilities, which implies that, unlike an adult offender, a juvenile offender cannot be sentenced to jail. But in State v. Collins, 655 N.W.2d 652 (Minn. Ct. App. 2003), the Court of Appeals held that a driver *can* be sentenced as an adult – and therefore to jail – if the driver was a juvenile when the offense was committed but an adult at the time of sentencing.

Adopted Proposal: Treat prior DWIs committed by 16- or 17-year-old juveniles the same as other juvenile offenses for Guidelines purposes. Modified sections 2.B.2 and 2.B.3 to clarify that prior targeted misdemeanor or gross misdemeanor DWIs committed when the offender was 16 or 17 years old **do not** count for custody status and criminal history purposes even when processed as an “adult court traffic offense” under Minn. Stat. § 260B.225.

2. Custody Status at the Time of the Offense

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d. No Custody Status Points Assigned. The offender must not be assigned custody status points when:

(1) The offender was committed for treatment or examination under Minn. R. Crim. P. 20.01 or

(2) The offender was on juvenile custody status other than for an extended jurisdiction juvenile (EJJ) conviction, at the time the adult felony was committed.

(3) The offender was on custody status for a misdemeanor or gross misdemeanor DWI committed when the offender was 16 or 17 years old, and the DWI was processed in adult court under Minn. Stat. § 260B.225, subds. 3 and 8.

3. Prior Gross Misdemeanors and Misdemeanors

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h. Prior Misdemeanor or Gross Misdemeanor Driving While Impaired (DWI) Committed by Juvenile Offenders. Assign no units under this section if the offender was 16 or 17 years old when the prior misdemeanor or gross misdemeanor DWI was committed, and the DWI was processed in adult court under Minn. Stat. § 260B.225, subds. 3 and 8.

6. Aggregated Offenses – Determining Date of Conviction Offense

Description: When multiple offenses are aggregated into a single offense, section 2 of the Guidelines states that “the earliest date of offense should be used as the date of the conviction offense.” The date of offense is important because it determines which Guidelines apply to the sentence. Currently, the Guidelines only recognize theft offenses under Minn. Stat. § 609.52, subd. 3(5) or Criminal Damage to Property offenses under Minn. Stat. § 609.595, as aggregate offenses. But there are several additional statutes that allow for aggregation, including Issuing a Dishonored Check under Minn. Stat. § 609.535 and Financial Transaction Card Fraud under Minn. Stat. § 609.821. When the conviction offense is one other than that noted in Section 2, practitioners are often unclear about what date of offense to use.

Adopted Proposal: Modified section 2 to include citations to offenses for which the Guidelines policy applies. Additionally, included language making it clear that the Guidelines policy applies to offenses not listed, but for which aggregation is permitted by statute.

2. Determining Presumptive Sentences

The presumptive sentence for any offender convicted of a felony committed on or after May 1, 1980, is determined by the Sentencing Guidelines in effect on the date of the conviction offense, except that:

- If multiple offenses are an element of the conviction offense, the date of the conviction offense must be determined by the factfinder.
- If offenses have been aggregated under ~~Minn. Stat. § 609.52, subd. 3(5), or § 609.595~~ one of the following statutes, or as otherwise permitted by statute, the date of the earliest offense should be used as the date of the conviction offense.;

<u>Statute Number</u>	<u>Offense Title</u>
<u>349.2127, subs. 2 and 6</u>	<u>Gambling Regulations</u>
<u>609.322, subd. 1c</u>	<u>Solicitation, Promotion, and Inducement of Prostitution; Sex Trafficking</u>
<u>609.52, subd. 3(5)</u>	<u>Theft</u>
<u>609.527, subd. 7</u>	<u>Identity Theft</u>
<u>609.535, subd. 2a(b)</u>	<u>Issuance of Dishonored Checks</u>
<u>609.551, subd. 3</u>	<u>Rustling and Livestock Theft</u>
<u>609.595</u>	<u>Criminal Damage to Property</u>
<u>609.631, subd. 4</u>	<u>Check Forgery</u>
<u>609.632, subd. 5</u>	<u>Counterfeiting Currency</u>
<u>609.763, subd. 3</u>	<u>Lawful Gambling Fraud</u>

<u>Statute Number</u>	<u>Offense Title</u>
<u>609.821, subd. 3</u>	<u>Financial Transaction Card Fraud</u>
<u>609.86, subd. 3(2)</u>	<u>Commercial Bribery</u>
<u>609.893, subd. 3</u>	<u>Telecommunications Fraud</u>
<u>609.895, subd. 3</u>	<u>Counterfeited Intellectual Property</u>

D. Technical and Stylistic Modifications

The following technical and stylistic modifications were adopted by the Commission.

1. Renumber Metal Penetrating Bullets

Description: The 2006 Legislature renumbered the statute for Metal Penetrating Bullets from Minn. Stat. § 624.74 to Minn. Stat. § 624.7191.

Adopted Proposal: Corrected the affected sections of the Guidelines (sections 5 and 6).

5.A. OFFENSE SEVERITY REFERENCE TABLE

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SEVERITY LEVEL	OFFENSE	STATUTE
UNRANKED	Metal Penetrating Bullets	624.74 <u>624.7191</u>

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5.B. SEVERITY LEVEL BY STATUTORY CITATION

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Statute Number	Offense Title	Severity Level
624.74 <u>624.7191</u>	Metal Penetrating Bullets	unranked

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6. OFFENSES ELIGIBLE FOR PERMISSIVE CONSECUTIVE SENTENCES

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Statute Number	Offense Title
624.74 <u>624.7191</u>	Metal Penetrating Bullets

2. Guidelines Revision Project

Description: In March 2010, the Minnesota Sentencing Guidelines Commission approved a plan to revise the Minnesota Sentencing Guidelines. The project was approached in two phases. Phase 1, which was completed with the publication of the 2011 Guidelines, focused on reformatting the Guidelines to improve their visual appearance and organization. Phase 2, which was commenced in September 2011, involved revising the Guidelines to make them easier to read, use, and more comprehensible. Although the Guidelines are a dynamic document, and are frequently updated to keep in step with changing laws and public policy initiatives, the Guidelines had not been comprehensively reviewed since they were first promulgated in 1981. This phase of the project allowed the Commission to focus on the Guidelines as a whole when making revisions.

Objectives: The objectives for the revision project were as follows:

- Restructure individual sections of the Guidelines to make them easier to read (e.g., break up long passages; apply standard grammar rules to improve flow and readability).
- Clarify intended meaning.
- Focus Guidelines content on policies established by the Commission; remove text that merely repeats language from statutes, rules, or policies that exist outside of the Guidelines. (Where content such as this has been retained, it has been placed in the comments rather than the Guidelines themselves.)
- Wherever possible, simplify the language and content.
- To the extent feasible, change the passive voice to active voice.
- Achieve a level of clarity that will enable those who have not used the Guidelines previously to feel confident that they understand them.
- Establish parameters for appropriate inclusion of case law.

Scope: The scope of the revision was primarily stylistic, that is, focused on achieving the objectives above rather than substantively rewriting the Guidelines. It was inevitable, however that substantive issues would be discovered during the course of the revision. When that occurred:

- Minor substantive changes were made if the Commission determined that the changes would be relatively noncontroversial and should be addressed.
- All other areas where substantive issues were identified were documented for future discussion and consideration by the Commission.

Format of Revisions: Because the stylistic revisions resulted in an extensive set of modifications, the Commission presents them in a format that makes it easier for the reader to see and comprehend. The Guidelines are presented in a side-by-side template as follows:

- The overall template is a two-column table.
- The left column contains the original text of the Guidelines broken out by section, and the adopted modifications are indicated in track-changes format (an overstrike indicates that the text has been moved or deleted; underlining indicates relocated or new text).

- The right column contains the text of the Guidelines as they will read in the 2012 Guidelines (minus substantive modifications contained in sections A thru D.1, above).
- Additional spacing is used in the right column so that the various sections, paragraphs, subparagraphs, etc. are aligned horizontally with the same part of the Guideline in the left column, which should make it easier to compare the original and the revised texts.
- Notes are provided to point out the major revisions to each section.

Sections 4 through Appendix 2 are presented in track changes format only because these sections contain the Grids and other reference tables that would not have fit easily into the side-by-side template. The notes that precede section 4 explain the major components of the revisions to sections 4 through Appendix 2.

Adopted Proposal: Incorporate the revisions into the 2012 Guidelines as presented in the *Guidelines Revision Project, Proposed Modifications, June 2012*, available here: <http://www.msgc.state.mn.us/#2012Guidelines>.