

Minnesota Sentencing Guidelines Commission

Adopted Modifications to the Sentencing Guidelines and Commentary Effective Date: August 1, 2013

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

A. Legislative Modification – Theft of Motor Fuel from Retailer (2012 Legislative Session)

Reference: [2012 Minn. Session Laws, Ch. 173, Sec. 6.](#)

The Commission reviewed the following new offense, which took effect August 1, 2012, and adopted the following modifications to the Minn. Sentencing Guidelines.

Description: Theft of motor fuel from a retailer under Minn. Stat. § 609.52, subd. 2(a)(18), went into effect August 1, 2012. The penalties for the offense are found in subdivision 3 of the theft statute. It is a felony if the value is over \$1,000.

Adopted Proposal: Modified Minn. Sentencing Guidelines § 5.B, by ranking the offense according to the Theft Offense list; Severity Level 3 for theft over \$5,000; and Severity Level 2 for theft \$5,000 or less.

Adopted Modifications:

5.B. Severity Level by Statutory Citation

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Statute Number	Offense Title	Severity Level
<u>609.52 subd. 2(a)(18)</u>	<u>Theft of Motor Fuel from Retailer (Over \$5,000)</u>	<u>3</u>
<u>609.52 subd. 2(a)(18)</u>	<u>Theft of Motor Fuel from Retailer (\$5,000 or Less)</u>	<u>2</u>

**B. Legislative Modification – New and Amended Offenses
(2013 Legislative Session)**

The Commission reviewed the following amended offenses and new offenses, which were enacted into law by the 2013 Legislature, and adopted the following modifications to the Minn. Sentencing Guidelines.

1. Amended Offense – Aggregation of Financial Exploitation of Vulnerable Adults (Minn. Stat. § 609.2335).

Reference: [2013 Minn. Session Laws, Ch. 5.](#)

Description: Subdivision 4 was added to the law for financial exploitation of vulnerable adult statute (Minn. Stat. § 609.2335) and provides for aggregating the value of the money or property or services received by the defendant within a six-month period. The defendant is then charged according to the criminal penalties in subdivision 3. The Commission ranks financial exploitation of a vulnerable adult over \$1,000 at Severity Level 4; over \$5,000 at Severity Level 5; and over \$35,000 at Severity Level 7. The Commission recognized that because the current rankings are based on dollar amount, this new aggregation provision may result in an increase in the number of people who are charged with felony-level offenses as well as an increase in the number of felony offenses sentenced at higher severity levels.

Adopted Proposal: After considering the amendment, the Commission decided to maintain the existing Severity Level rankings in Minn. Sentencing Guidelines § 5, and to maintain the current list of eligible offenses for permissive consecutive sentencing in Minn. Sentencing Guidelines § 6.

2. New Offenses. The Commission reviewed the offenses that were newly enacted by the 2013 Legislature, and adopted the following Severity Level rankings and modifications to the list of offenses eligible for permissive consecutive sentencing:

**a. Emergency Telephone Calls and Communications
(Minn. Stat. § 609.78)**

References: [2013 Minn. Session Laws, Ch. 20.](#)

Description: New offenses were added to the law for emergency telephone calls and communications.

- 1) It is a felony under subdivision 2a, if a person places an emergency call and reports a fictitious emergency with the intent of prompting an emergency response, and the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death.

- 2) It is a felony under subdivision 2b(2), if a person intentionally uses multiple communication devices or electronic means to block, interfere with, overload, or otherwise prevent the emergency call center's system from functioning properly, and these actions make the system unavailable to someone needing emergency assistance.
- 3) It is a felony under subdivision 2b(1), if a person commits a third or subsequent violation of the misdemeanor offense of making or initiating an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center's resources, remaining silent, or making abusive or harassing statements to the call recipient.

Adopted Proposal: The Commission adopted the Severity Level rankings outlined in the proposed modifications below.

Adopted Modifications:

5.A. Offense Severity Reference Table

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Severity Level	Offense Title	Statute Number
<u>8</u>	<u>Emergency Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury or Death)</u>	<u>609.78, subd. 2a</u>
<u>5</u>	<u>Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)</u>	<u>609.78, subd. 2b(2)</u>
<u>4</u>	<u>Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)</u>	<u>609.78, subd. 2b(1)</u>

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5.B. Severity Level by Statutory Citation

Statute Number	Offense Title	Severity Level
<u>609.78, subd. 2a</u>	<u>Emergency Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury or Death)</u>	<u>8</u>
<u>609.78, subd. 2b(1)</u>	<u>Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)</u>	<u>4</u>
<u>609.78, subd. 2b(2)</u>	<u>Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)</u>	<u>5</u>

Adopted Proposal: The Commission added the offenses outlined in the proposed modifications below to the list of eligible offenses for permissive consecutive sentencing in Minn. Sentencing Guidelines § 6.

Adopted Modifications:

6. Offenses Eligible for Permissive Consecutive Sentences

Statute Number	Offense Title
<u>609.78, subd. 2a</u>	<u>Emergency Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury or Death)</u>
<u>609.78, subd. 2b(2)</u>	<u>Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)</u>

b. Wildfire Arson (Minn. Stat. § 609.5641)

References: [2013 Minn. Session Laws, Ch. 139.](#)

Description: The existing law of wildfire arson defined as intentionally setting a fire to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material was amended by adding new offenses for which the statutory maximums were based on the number of buildings, acres, or size of crop loss that are damaged or threatened with damage. The penalty for the existing felony was moved from subdivision 1 to subdivision 1a(a).

- 1) Under subdivision 1a(b), the statutory maximum is ten years when the fire damages or threatened to damage in excess of five dwellings, burns 500 or more acres, or damages crops in excess of \$100,000.
- 2) Under subdivision 1a(c), the statutory maximum is 20 years when the fire damages or threatened to damage in excess of 100 dwellings, burns 1,500 or more acres, or damages crops in excess of \$250,000.
- 3) Additionally, subdivision 1a(d) is added for intentionally setting a fire where the fire causes another person to suffer demonstrable bodily harm. The statutory maximum is ten years.

Adopted Proposal: The Commission adopted the Severity Level rankings as outlined below.

Adopted Modifications:

5.A. Offense Severity Reference Table

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Severity Level	Offense Title	Statute Number
<u>8</u>	<u>Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)</u>	<u>609.5641 subd. 1a(c)</u>
<u>7</u>	<u>Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)</u>	<u>609.5641 subd. 1a(b)</u>

Severity Level	Offense Title	Statute Number
<u>5</u>	<u>Wildfire Arson (Demonstrable Bodily Harm)</u>	<u>609.5641 subd. 1a(d)</u>
2	Wildfire Arson	609.5641 subd. <u>1a(a)</u>

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5.B. Severity Level by Statutory Citation

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Statute Number	Offense Title	Severity Level
609.5641 subd. <u>1a(a)</u>	Wildfire Arson	2
<u>609.5641 subd. 1a(b)</u>	<u>Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)</u>	<u>7</u>
<u>609.5641 subd. 1a(c)</u>	<u>Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)</u>	<u>8</u>
<u>609.5641 subd. 1a(d)</u>	<u>Wildfire Arson (Demonstrable Bodily Harm)</u>	<u>5</u>

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Commission Proposal: The Commission added the offenses outlined in the proposed modifications below to the list of eligible offenses for permissive consecutive sentencing in Minn. Sentencing Guidelines § 6.

Adopted Modifications:

6. Offenses Eligible for Permissive Consecutive Sentences

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Statute Number	Offense Title
<u>609.5641 subd. 1a(b)</u>	<u>Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)</u>
<u>609.5641 subd. 1a(c)</u>	<u>Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)</u>
<u>609.5641 subd. 1a(d)</u>	<u>Wildfire Arson (Demonstrable Bodily Harm)</u>

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C. Legislative Action – Presumptive Executed Sentences for Repeat Sex Offenders (2013 Legislative Session)

References: [Chapter 86, Art 3, Sec. 10 - S.F. 671](#)

Description: Minn. Stat. § 609.3455, was amended to provide for presumptive executed prison sentences of at least 36 months for offenders sentenced for first-through fourth-degree criminal sexual conduct offenses under Minn. Stat. §§ 609.342 to 345, and criminal sexual predatory conduct under Minn. Stat. § 609.3453, if the offender has a previous sex offense conviction. The court may stay execution of the presumptive sentence if it finds that the offender is accepted by and can respond to a long-term inpatient treatment program for sex offenders. If the sentence is stayed, the court must include as conditions of probation some term of incarceration in a local facility and a requirement that the offender successfully complete the treatment program and aftercare.

Adopted Proposal: The Commission modified Minn. Sentencing Guidelines § 2.C.3.a to address presumptive executed prison sentences of at least 36 months for repeat sex offenders, as outlined below:

Adopted Modifications:

3. Finding the Presumptive Sentence for Certain Offenses.

- a. Sex Offenses. Under Minn. Stat. § 609.3455, certain sex offenders are subject to mandatory life sentences and certain repeat sex offenders are subject to presumptive executed prison sentences of at least 36 months.

(1) Mandatory Life Sentence. The Sentencing Guidelines presumptive sentence does not apply to offenders subject to mandatory life without the possibility of release under subdivision 2 of that statute. For offenders subject to life with the possibility of release under subdivisions 3 and 4 of that statute, the court must specify a minimum term of imprisonment, based on the Sentencing Guidelines presumptive sentence as determined in section 2.C, or any applicable mandatory minimum sentence not contained in Minn. Stat. § 609.3455, that must be served before the offender may be considered for release.

(2) Presumptive Executed Prison Sentences of at least 36 Months. Except when a life sentence applies, if the current conviction offense is criminal sexual conduct in the first, second, third, or fourth degree (Minn. Stat. §§ 609.342 to 345) or criminal sexual predatory conduct (609.3453) within 15 years of a previous sex offense conviction, under Minn. Stat. § 609.3455, subd. 10, the presumptive disposition is commitment. The presumptive duration is at least 36 months, or the fixed duration indicated in the appropriate cell on the Grid, whichever is longer.

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D. Non-Legislative Modifications

The following are adopted proposals related to non-legislative modifications to the Minn. Sentencing Guidelines.

1. Use of Expunged Convictions in Criminal History Score Calculation

Description: The Guidelines do not address whether an expunged conviction is eligible for possible use in future criminal history. Minn. Stat. § 609A.03, states that an ex parte order may open an expunged record for sentencing purposes. The Commission agrees that the statute is clear on the process required for including an expunged offense in criminal history.

Adopted Proposal: The Commission added a comment to Minn. Sentencing Guidelines § 2.B, directing practitioners to the governing statute.

Adopted Modifications:

2.B.03. Minn. Stat. § 609A.03, subd. 7(b) provides that:

Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order;

...

Upon request by law enforcement, prosecution, or corrections authorities, an agency or jurisdiction subject to an expungement order shall inform the requester of the existence of a sealed record and of the right to obtain access to it as provided by this paragraph....

2. Attempts and Conspiracies that Carry Mandatory Minimums

Description: Non-substantive Guidelines revisions that were effective August 1, 2012, caused them to be unclear about how to determine the appropriate presumptive duration of the sentence when the offender is convicted of an attempt or conspiracy and the underlying offense carries a mandatory minimum sentence.

Adopted Proposal: The Commission modified Minn. Sentencing Guidelines §§ 2.E and 2.G, to clarify that the duration is the mandatory minimum or one-half the duration on the appropriate Grid, whichever is longer.

Adopted Modifications:

E. Mandatory Sentences

1. In General. When an offender is convicted of an offense with a statutory mandatory minimum sentence of one year and one day or more, the presumptive disposition is commitment even if the presumptive sentence would ordinarily fall within the shaded area on the applicable Grid. The presumptive duration of the prison sentence is the mandatory minimum sentence in statute or the duration provided in the appropriate cell on the applicable Grid, whichever is longer. When an offender is sentenced for an attempted offense under Minn. Stat. § 609.17 or conspiracy to commit an offense under Minn. Stat. § 609.175, and 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. See Mandatory and Presumptive Sentences Reference Table in Appendix 1.

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

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2. Attempt or Conspiracy. When an offender is sentenced 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.

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**3. Add Offense to the Permissive Consecutive Sentencing List –
Fleeing a Peace Officer in a Motor Vehicle (No Injury)**

Description: Fleeing a peace officer in a motor vehicle without any resulting injury under Minn. Stat. § 609.487, subd. 3 is not on the list of offenses eligible for permissive consecutive sentencing; however, the acts as described in subd. 4, resulting in substantial bodily harm, great bodily harm, or death are on the list.

Adopted Proposal: The Commission proposes added the offense of fleeing a peace officer in a motor vehicle without any resulting injury under Minn. Stat. § 609.487, subd. 3, to the permissive consecutive sentencing list in Minn. Sentencing Guidelines § 6. This modification was made to address offenders with high criminal history scores who habitually flee but are not currently eligible for additional prison confinement.

Adopted Modifications:

6. Offenses Eligible for Permissive Consecutive Sentences

Statute Number	Offense Title
<u>609.487, subd. 3</u>	<u>Fleeing Peace Officer</u>
609.487, subd. 4(b)	Fleeing Peace Officer (Great Bodily Harm)
609.487, subd. 4(c)	Fleeing Peace Officer (Substantial Bodily Harm)
609.487, subd. 4(c)	Fleeing Peace Officer (Substantial Bodily Harm)

4. Attempts or Conspiracies and Consecutive Sentencing

Description: The rule for finding the presumptive duration when applying consecutive sentencing to an attempt or conspiracy offense is to first locate the duration at a Criminal History Score of 0 or 1 (as appropriate), and then to cut that duration in half. This guidance is derived from reading Minn. Sentencing Guidelines §§ 2.F and 2.G together.

Adopted Proposal: The Commission added commentary to Minn. Sentencing Guidelines § 2.F, in order to clarify that if the court sentences an attempted offense consecutively, the presumptive duration is one-half of the duration found in the appropriate cell on the applicable Grid at a Criminal History Score of 1 for presumptive consecutive sentences and at a Criminal History Score of 0 for permissive consecutive sentences, as follows:

Adopted Modifications:

2.F.104. If the offense is an attempt under Minn. Stat. § 609.17, or a conspiracy under Minn. Stat. § 609.175, and the court pronounces a presumptive consecutive sentence, the presumptive duration for each offense sentenced consecutively to another offense is determined by first locating the duration in the appropriate cell on the applicable Grid at a Criminal History Score of 1, then applying the rules for attempts and conspiracy set forth in section 2.G.2. For example, for an attempted aggravated robbery offense sentenced presumptive consecutive to another offense, the duration found at Severity Level 8 and Criminal History Score of 1 (58 months), is divided in half – making the presumptive duration 29 months.

2F.203. If the offense is an attempt under Minn. Stat. § 609.17, or a conspiracy under Minn. Stat. § 609.175, and the court pronounces a permissive consecutive sentence, the presumptive duration for each offense sentenced consecutively to another offense is determined by first locating the duration in the appropriate cell on the applicable Grid at a Criminal History Score of 0, then applying the rules for attempts and conspiracy set forth in section 2.G.2. For example, for an attempted aggravated robbery offense sentenced permissive consecutive to another offense, the duration found at Severity Level 8 and Criminal History Score of 0 (48 months), is divided in half – making the presumptive sentence 24 months.

2.F.203204. The Commission's policies on permissive consecutive sentences outline the criteria that are necessary to permit consecutive sentences without the requirement to cite reasons for departure

2.F.204205. Consecutive sentences are permissive for multiple current felony convictions even when the offenses involve one victim and a single course of conduct, but only when the presumptive disposition is commitment. . . .

2.F.205206. An offender given a consecutive sentence for a crime committed while using or possessing metal-penetrating bullets under Minn. Stat. § 624.7191, subd. 3, can get up to the three-year statutory maximum without departing from the Guidelines.

E. Technical Modifications

The following are adopted proposals related to technical modifications to the Minn. Sentencing Guidelines.

1. Theft Re-codified

Description: To accommodate theft of motor fuel from retailer offense that went into effect August 1, 2012 (See section A, above), the theft statute was recodified to include paragraph (a) after subdivision 2. This was done to accommodate a new paragraph (b), which relates to how it is proven that theft of motor fuel from a retailer occurred. The change was made editorially by the Revisor of Statutes, effective October 23, 2012.

Adopted Proposal: The Commission corrected references in Minn. Sentencing Guidelines §§ 2, 5 and 7, by adding "(a)" after subdivision 2, as follows:

Adopted Modifications:

2.A.05. For Theft of a Motor Vehicle..., Minn. Stat. § 609.52, subd. 2(a)(1), ...

2.B.703. When the offense severity level is determined.... Minn. Stat. § 609.52.2(a)(1)....

5.A. Offense Severity Reference Table

Severity Level	Offense Title	Statute Number
6	Theft Over \$35,000	609.52, subd. 2(a)(3),(4), (15), & (16) with 609.52, subd. 3(1)
4	Theft of Motor Vehicle	609.52, subd. 2(a)(1)
3	Motor Vehicle Use Without Consent	609.52, subd. 2(a)(17)
3	Theft of Trade Secret	609.52, subd. 2(a)(8)

5.B. Severity Level by Statutory Citation

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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

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

Statute Number	Offense Title	Severity Level
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
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

Statute Number	Offense Title	Severity Level
609.52 subd. 2(a)(12)	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**

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7. Theft Offense List

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Statute Number	Offense Title
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

* 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.

Statute Number	Offense Title
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
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

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2. Guidelines Appendices

Description: Three offenses listed in the appendices refer to the incorrect location for the source of the mandatory minimum or presumptive sentence. The current title of Appendix 1 indicates that all of the presumptive sentences are mandatory minimums when some are due to Guidelines policy, and are presumptive sentences rather than mandatory sentences.

Adopted Proposal: The Commission modified the appendices to correctly show the source of the durations found in each appendix by updating the title of Appendix 1 to indicate that some sentences are found in the Guidelines rather than in statute.

Adopted Modifications:

Appendix 1. Mandatory and Presumptive Sentences Reference Table

Statute	Offense	Prerequisite or Conditions	Minimum Duration
<u>152.023, subd. 3(a)</u>	<u>Controlled Substance Crime 3rd Degree</u>	<u>Prior felony conviction under Minn. Stat. § 152 or finding under Minn. Stat. § 152.18</u>	<u>Grid Time*</u>
152.023, <u>subd. 3(b)</u>	Controlled Substance Crime 3rd Degree	Prior felony conviction per chapter <u>under Minn. Stat. § 152</u> or finding under Minn. Stat. § 152.18	24 months
609.582, subd. 1(a)	Burglary 1st Degree	Prior felony burglary	Grid Time*

*Presumptive commitment per Guidelines section 2.C.

Appendix 2. Dangerous Weapons Offense Reference Table

Dangerous Weapons - Minn. Stat. § 609.11			
Statute	Offense	Prerequisite or Conditions	Minimum Duration
609.165 or 624.713.1(2) <u>609.11, subd. 5(b)</u>	Certain Persons not to have Firearms	<u>Current conviction under Minn. Stat. § 609.165 or Minn. Stat. § 624.713 subd. 1(2)</u>	60 Months

3. Overworking or Mistreating Animals

Description: The 2010 Legislature amended the statute for overworking or mistreating animals. A new gross misdemeanor for harming a service animal that renders the service animal unable to perform its duties was inserted as paragraph (e); the felony offenses that followed the gross misdemeanor were renumbered.

References: [2010 Minn. Session Laws, Ch. 292, Sec. 2.](#)

Adopted Proposal: The Commission made corrections to Minn. Sentencing Guidelines § 5, as follows:

5.A. Offense Severity Reference Table

Severity Level	Offense Title	Statute Number
UNRANKED	Service Animal Providing Service	343.21, subd. 9 (e)(g) <u>(f)(h)</u>
UNRANKED	Torture or Cruelty to Pet or Companion Animal	343.21, subd. 9(c)(d) (f)(h) <u>(g)(i)</u>

5.B. Severity Level by Statutory Citation

Statute Number	Offense Title	Severity Level
343.21, subd. 9 (e)(g) <u>(f)(h)</u>	Service Animal Providing Service	UNRANKED
343.21, subd. 9(c)(d) (f)(h) <u>(g)(i)</u>	Torture or Cruelty to Pet or Companion Animal	UNRANKED
