

2024 Amendments

Minnesota Sentencing Guidelines and Commentary

Date: August 1, 2024

This document is a staff compilation of modifications that the Minnesota Sentencing Guidelines Commission made to the August 1, 2023, edition of the Minnesota Sentencing Guidelines and Commentary. Each modification contained in this compilation has a specified effective date of August 1, 2024.*

A. Legislative amendments to crime laws affecting the Sentencing Guidelines – 2024 Regular Session – Effective August 1, 2024

On July 25, 2024, after public hearing, the Commission adopted the following proposals. The Commission had made these proposals on June 6, 2024, after its review of the 2024 Regular Session Laws.

1. Transferring Firearm to Ineligible Person – amended and new felonies

Resulting from: [2024 Minn. Laws ch. 127, art. 36, § 3.](#)

Modification summary: Rank at severity level (SL) 2 the new felony Transferring Firearm to Ineligible Person, Minn. Stat. § 624.7141, subd. 1, and list the new offense in Appendix 3, which describes offenses with presumptive durations that exceed the statutory maximums. Increase from SL 2 to SL 5 the ranking of the amended felony Transferring Firearm to Ineligible Person (Aggravated), Minn. Stat. § 624.7141, subd. 2, and retitle the amended offense (now known as “Transfer Pistol to Ineligible Person”).

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5 and Appendix 3:

* * *

* See Minn. Sentencing Guidelines § 3.G for an explanation of how effective dates are implemented.

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
5	* * *	
	<u>Transferring Firearm to Ineligible Person (Aggravated)</u>	<u>624.7141, subd. 2</u>
2	* * *	
	Transfer Pistol <u>Transferring Firearm to Ineligible Person</u>	<u>624.7141, subd. 1 subd. 2</u>
	* * *	

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
* * *		
<u>624.7141 subd. 1</u>	<u>Transferring Firearm to Ineligible Person</u>	<u>2*</u>
624.7141 subd. 2	Transfer Pistol <u>Transferring Firearm to Ineligible Person (Aggravated)</u>	<u>2</u>
* * *		

* 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.

* * *

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:
* * *				
<u>624.7141, subd. 1</u>	<u>Transferring Firearm to Ineligible Person</u>	<u>2</u>	<u>24</u>	<u>CHS 6 (upper-range)</u>
* * *				

* * *

2. Publishing Personal Information of Judicial Official (Bodily Harm) – new felony

Resulting from: [2024 Minn. Laws ch. 123, art. 12 § 4](#).

Modification summary: Rank at SL 4 the new felony Publishing Personal Information of Judicial Official (Bodily Harm), codified in Minn. Stat. § 609.476, subd. 3, and list the new offense in section 6 (Offenses Eligible for Permissive Consecutive Sentences).

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Sections 5 & 6:

* * *

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
4	* * *	
	<u>Publishing Personal Information of Judicial Official (Bodily Harm)</u>	<u>609.476, subd. 3</u>
	* * *	

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
* * *		
<u>609.476 subd. 3</u>	<u>Publishing Personal Information of Judicial Official (Bodily Harm)</u>	<u>4</u>
* * *		

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
* * *	
<u>609.476, subd. 3</u>	<u>Publishing Personal Information of Judicial Official (Bodily Harm)</u>
* * *	

* * *

3. Fictitious Emergency Call (Response to Home of Official) – new felony

Resulting from: [2024 Minn. Laws ch. 123, art. 6 § 17](#).

Modification summary: Rank at SL 1 the new felony Fictitious Emergency Call (Response to Home of Official), codified in Minn. Stat. § 609.78, subd. 2c, and list the new offense Appendix 3, which describes offenses with presumptive durations that exceed the statutory maximums. Make related conforming stylistic changes.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5 and Appendix 3:

* * *

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
1	* * *	
	<u>Fictitious Emergency Call (Response to Home of Official)</u>	<u>609.78, subd. 2c</u>
	* * *	

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
* * *		
609.78, subd. 2a(1)	Fictitious Emergency Call (Great Bodily Harm or Death)	8
609.78 subd. 2a(2)	Fictitious Emergency Call (Substantial Bodily Harm)	3
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
<u>609.78 subd. 2c</u>	<u>Fictitious Emergency Call (Response to Home of Official)</u>	<u>1*</u>

Statute Number	Offense Title	Severity Level
* * *		

* 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.

* * *

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:
* * *				
<u>609.78 subd. 2c</u>	<u>Fictitious Emergency Call (Response to Home of Official)</u>	<u>1</u>	<u>12</u>	<u>CHS 3</u>
* * *				

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4. Sale of Human Remains – new felony

Resulting from: [2024 Minn. Laws ch. 123, art. 6 § 19.](#)

Modification summary: Rank at SL 3 the new felony Sale of Human Remains, codified in Minn. Stat. § 609.84.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5:

* * *

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
3	* * *	
	<u>Sale of Human Remains</u>	<u>609.84</u>
	* * *	

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
* * *		
<u>609.84</u>	<u>Sale of Human Remains</u>	<u>3</u>
* * *		

* * *

B. Other conforming amendments to crime laws affecting the Sentencing Guidelines – 2024 Regular Session – Effective August 1, 2024

On July 25, 2024, after public hearing, the Commission adopted the following proposals. The Commission had made these proposals on June 6, 2024, after its review of the 2024 Regular Session Laws.

1. Obscene or Harassing Telephone Calls – Targeted Misdemeanor List

Resulting from: [2024 Minn. Laws ch. 85, § 98.](#)

Modification summary: Add Obscene or Harassing Telephone Calls to Appendix 4, which lists offenses on the targeted misdemeanor list of Minn. Stat. § 299C10, subd. 1(e), to conform to the change to the statutory list.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Appendix 4:

* * *

Appendix 4. Targeted Misdemeanor List

(As provided for in Minn. Stat. § 299C.10, subd. 1(e))

Under Minn. Stat. § 299C.10, subd. 1(e), a targeted misdemeanor is a misdemeanor violation of:

Statute Number	Offense Title
169A.20	Driving While Impaired
518B.01	Order for Protection Violation
609.224	Assault 5th Degree
609.2242	Domestic Assault
609.746	Interference with Privacy
609.748	Harassment or Restraining Order Violation
<u>609.79</u>	<u>Obscene or Harassing Telephone Calls</u>
617.23	Indecent Exposure
629.75	Domestic Abuse No Contact Order Violation

* * *

2. Renaming a felony – Replacing “at Camp Ripley” with “in Hazardous Military Area”

Resulting from: [2024 Minn. Laws ch. 100, § 21.](#)

Modification summary: Change the title of the felony now known as “Unauthorized Presence at Camp Ripley” to “Unauthorized Presence in Hazardous Military Area” to conform to the statutory change to Minn. Stat. § 609.396, subd. 2.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5:

* * *

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
3	* * *	
	Unauthorized Presence at Camp Ripley <u>in Hazardous Military Area</u>	609.396, 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
	* * *	
609.396 subd. 2	Unauthorized Presence at Camp Ripley <u>in Hazardous Military Area</u>	3
	* * *	

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