

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 <i>Example offenses listed in italics</i>		CRIMINAL HISTORY SCORE							Custody Status
		0	1	2	3	4	5	6 or more	
<i>Criminal Sexual Conduct (CSC) 1st Degree</i>	A	144 144 ² –172	156 144 ² –187	168 144 ² –201	180 153–216	234 199–280	306 261–360	360 306–360 ³	+18
<i>CSC 2nd Degree, contact by harm/force</i>	B	90 90 ² –108	110 94–132	130 111–156	150 128–180	195 166–234	255 217–306	300 255–360	+15
<i>CSC 3rd Degree, penetration by coercion</i>	C	48 41–57	62 53–74	76 65–91	90 77–108	117 100–140	153 131–183	180 153–216	+9
<i>CSC 3rd Degree, penetration of child 14–15</i>	D	36 31–43	48 41–57	60 51–72	70 60–84	91 78–109	119 102–142	140 119–168	+7
<i>CSC 4th Degree, contact by coercion</i>	E	24 21–28	36 31–43	48 41–57	60 51–72	78 67–93	102 87–120	120 102–120 ³	+6
<i>CSC 4th Degree, contact of child 14–15</i>	F	18 16–21	27 23–32	36 31–43	45 39–54	59 51–70	77 66–92	84 72–100	+4
<i>Possession of Child Sexual Abuse Material</i>	G	15 13–18	20 17–24	25 22–30	30 26–36	39 34–46	51 44–60	60 51–60 ³	+3
<i>CSC 5th Degree, nonconsensual penetration</i>	H	12 12–14	14 12–16	16 14–19	18 16–21	24 21–24 ³	24 ³ 24–24	24 ³ 24–24	+2
<i>Failure to Register as a Predatory Offender</i>	I	12 ¹ 12 ¹ –14	14 12 ¹ –16	16 14–19	18 16–21	24 21–28	30 26–36	36 31–43	+2

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 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 the maximum sentence is not more than the statutory maximum. See section 2.C.1. 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.

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	84	56	28
14	9 $\frac{1}{3}$	4 $\frac{2}{3}$	90	60	30
15	10	5	91	60 $\frac{2}{3}$	30 $\frac{1}{3}$
16	10 $\frac{2}{3}$	5 $\frac{1}{3}$	102	68	34
18	12	6	110	73 $\frac{1}{3}$	36 $\frac{2}{3}$
20	13 $\frac{1}{3}$	6 $\frac{2}{3}$	117	78	39
24	16	8	119	79 $\frac{1}{3}$	39 $\frac{2}{3}$
25	16 $\frac{2}{3}$	8 $\frac{1}{3}$	120	80	40
27	18	9	130	86 $\frac{2}{3}$	43 $\frac{1}{3}$
30	20	10	140	93 $\frac{1}{3}$	46 $\frac{2}{3}$
36	24	12	144	96	48
39	26	13	150	100	50
40	26 $\frac{2}{3}$	13 $\frac{1}{3}$	153	102	51
45	30	15	156	104	52
48	32	16	168	112	56
51	34	17	180	120	60
59	39 $\frac{1}{3}$	19 $\frac{2}{3}$	195	130	65
60	40	20	234	156	78
62	41 $\frac{1}{3}$	20 $\frac{2}{3}$	255	170	85
70	46 $\frac{2}{3}$	23 $\frac{1}{3}$	300	200	100
76	50 $\frac{2}{3}$	25 $\frac{1}{3}$	306	204	102
77	51 $\frac{1}{3}$	25 $\frac{2}{3}$	360	240	120
78	52	26			