

**2026 Regular Session Laws**

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**Possible Modifications to the Sentencing Guidelines and Commentary**

**May 28, 2026**

After each session, the Commission reviews “crime[s] created or amended by the legislature in the preceding session” for possible related modifications to the Sentencing Guidelines. In accordance with Minn. Stat. § 244.09, subd. 11, the Commission may make such modifications without advance submission to the Legislature. This paper reviews crime legislation created or amended in the 2026 Regular Session that the Commission should review for ranking and other decisions.

Unless the Commission specifies otherwise, it is understood that any modifications adopted by the Commission on June 4, 2026, will be subject to a public hearing on July 16 and to the Commission’s final action on July 23, 2026. It is also understood that, unless otherwise specified, the effective date of all modifications is August 1, 2026, to apply as provided in Guidelines section 3.G.

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*This document was prepared by the staff of the Minnesota Sentencing Guidelines Commission for the Commission’s review. This document has not been adopted by the Commission and does not necessarily represent its views.*

## Assigning Severity-Level Rankings (In General)

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One of the responsibilities of the Commission is to assign severity-level rankings to new offenses and to consider whether they should be added to the Guidelines' offense lists (*e.g.*, offenses eligible for permissive consecutive sentences and severe violent offenses). The Commission bases its decisions, in part, on the level of harm typically caused by the offense and the typical culpability of the defendant. Other considerations are the statutory maximum penalties and how similar offenses are ranked. An alternative to ranking is leaving the offense unranked and allowing the court to assign a severity level on a case-by-case basis. Unranked offenses typically are: 1) Rarely prosecuted; 2) Cover a wide range of underlying conduct; 3) Are new and the severity of a typical offense cannot yet be determined.<sup>1</sup>

For new and amended offenses listed below, the Commission may decide:

1. What severity level (SL) should be assigned?
2. Should the offense be added to the list of Offenses Eligible for Permissive Consecutive Sentences (section 6)?
3. Should the offense be added to the list of Severe Violent Offenses (section 8)?
4. Are there other modifications that must be made to the Guidelines?

### A. Ranking New and Amended Crimes

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Staff recommends that the Commission consider making offense rankings and other Guidelines modifications in response to the creation of the following new crime.

#### 1. **New: Coercion by Threat to Disseminate Private Sexual Images Resulting in Death or Great Bodily Harm**

[2026 Minn. Laws. ch. 76.](#)

**Description:** Currently, penalties for violating Minn. Stat. § 609.27 (Coercion) are graded, from a misdemeanor up to two levels of felony, by the amount of pecuniary gain or loss resulting from the threat. One of the existing ways of committing coercion, subd. 1(6), is by a threat to disseminate a private sexual image in violation of Minn. Stat. § 617.261. For this crime, the act establishes a 10-year, \$20,000 statutory maximum if the violation is a substantial factor in the victim suffering great bodily harm, and a 15-year, \$30,000 statutory maximum if the violation is a substantial factor in the victim suffering death.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. §§ [609.27](#); [617.261](#) (2025).

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<sup>1</sup> Comment 2.A.04. 2025 Minn. Sentencing Guidelines and Commentary at [https://mn.gov/sentencing-guidelines/assets/2025\\_Minn\\_Sentencing\\_Guidelines\\_Commentary\\_tcm30-700116.pdf](https://mn.gov/sentencing-guidelines/assets/2025_Minn_Sentencing_Guidelines_Commentary_tcm30-700116.pdf).

**Long-Term Fiscal Impact (H.F. 2358-1UE):** None. In its fiscal note, MSGC staff assumed these cases would be prosecuted federally. According to the FBI, many such cases involve international perpetrators, and many are investigated federally. The FBI reports two recent cases which resulted in death were of international perpetrators.

**Demographic Impact:** Not applicable.

**Sentencing Guidelines Considerations:** Nonconsensual Dissemination of Private Sexual Images (NDPSI) under Minn. Stat. § 617.261, is ranked at SL 3, and has a three-year statutory maximum sentence. Coercion for a violation of Minn. Stat. § 617.261, subd. 1(6) (a threat to commit NDPSI) is ranked at SL 3 if the monetary gain or loss is over \$2,500; and SL 2 if the monetary gain or loss is \$300 to \$2,500.

**Staff Recommendations:**

- **Rank Coercion; Substantial Factor to Victim Suffering Death at least as high as SL 9.** Ranked at SL 9 is Criminal Abuse of Vulnerable Adult (Death), which has a statutory maximum of 15 years.
- **Rank Coercion; Substantial Factor to Victim Suffering Great Bodily Harm at least as high as SL 8.** Ranked at SL 8 is Fictitious Emergency Call; Great Bodily Harm or Death under Minn. Stat. § 609.78, which has a statutory maximum of 10 years. Ranked at SL 9 is Assault, 1st Degree (Great Bodily Harm), which has a statutory maximum of 20 years.

For both above offenses, MSGC staff assumed SLs on the Standard Grid because the elements of the new coercion offenses do not appear to be sexually motivated. A reasonable Commission may rank the new offenses on the Sex Offender Grid. MSGC staff makes no recommendations about adding these offenses to the Guidelines’ offense lists (e.g., offenses eligible for permissive consecutive sentences and severe violent offenses).

Staff recommendations, as applied to the Sentencing Guidelines, are shown below.

*Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Section 5, as follows:*

\* \* \*

**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
9	* * *	
	<u>Coercion by Private Sexual Image Threat Resulting in Death</u>	<u>609.27, subd. 2(c)</u>

Severity Level	Offense Title	Statute Number
	* * *	

Severity Level	Offense Title	Statute Number
8	* * *	
	<u>Coercion by Private Sexual Image Threat Resulting in Great Bodily Harm</u>	<u>609.27, subd. 2(b)</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>609.27 subd. 2(b)</u>	<u>Coercion by Private Sexual Image Threat Resulting in Great Bodily Harm</u>	<u>8</u>
<u>609.27 subd. 2(c)</u>	<u>Coercion by Private Sexual Image Threat Resulting in Death</u>	<u>9</u>
	* * *	

## 2. New and Amended: Impersonating a Peace Officer

[2026 Minn. Laws. ch. 98.](#)

**Description:** Enhances impersonating a peace officer under Minn. Stat. § 609.4751.

- **Amended subdivision 1: Base offense.** Falsely impersonating a peace officer with intent to mislead another into believing that the impersonator is actually an officer is increased from a misdemeanor to a felony with a two-year/\$4,000 maximum penalty.
- **Amended subdivision 2: Buildings; vehicles.** This is violating subd. 1 while committing one of four listed acts: accessing a public or government building not open to the public; issuing an

unauthorized order; using a restricted vehicle light or siren; or operating a vehicle that is either marked as law enforcement, or (new) that displays equipment (or facsimile of equipment) commonly attached to law enforcement vehicles so it looks like law enforcement vehicle. This offense is increased from a gross misdemeanor to a felony with a five-year/\$10,000 maximum penalty.

- **Amended Subdivision 3(a): Previous violation within five years.** The maximum penalty for violating § 609.4751 within five years of a previous violation is increased from two years/\$4,000 to ten years/\$20,000. This offense is renumbered from subd. 3 to subd. 3(a).
- **New subdivision 3(b): Possession of a firearm.** The new felony for violating § 609.4751 while possessing a firearm also has a ten-year/\$20,000 maximum penalty.
- **New subdivision 4: Enhanced penalty:** This provision enhances the penalty for crimes (other than violations of § 609.4751) committed while falsely impersonating a peace officer with intent to mislead. If such a crime is a misdemeanor, it becomes a gross misdemeanor. If such a crime is a gross misdemeanor, it becomes a felony with a three-year/\$15,000 maximum penalty. If such a crime is a felony, the statutory maximum penalty is increased by five years. Application of an enhanced penalty to another crime does not bar prosecution under § 609.4751.
- **New subdivision 5:** Requires licensed peace officers, tribal officers, and certain officers from non-Minnesota jurisdictions to provide their employing entities, last names, and badge numbers on their uniforms or upon request, with a limited requirement (no last names required) for those wearing protective gear or body armor for crowd control or SWAT, and no requirement for undercover officers not detaining or arresting someone or executing a search warrant. Violations of this subdivision do not invalidate arrests or cause the suppression of evidence resulting from arrests. Subdivision 5 contains no criminal penalties, but, if person violating subdivision 5 met a condition of subdivision 3 (such as carrying a firearm), the felony penalty provisions of subdivision 3 would apparently apply.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. §§ [609.4751](#); [626.77](#) (2025).

**Long-Term Fiscal Impact (H.F. 3404-0):** Eventual need for one additional prison bed. Allowing six months for implementation, the one bed will be needed in FY2028, and every year after.

**Demographic Impact:** Not applicable.

**Sentencing Guidelines Considerations:** Felony impersonating a peace officer (previous violation) under subd. 3, with its current two-year statutory maximum, is ranked at SL 2. The offense exceeds the statutory maximum at the upper range of criminal history score (CHS) 6; therefore, it is listed in Appendix 3 (Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table).

**Staff Recommendations:**

- **Rank Impersonating a Peace Officer; Intent to mislead (subd. 1) at SL 2.** The offense has a two-year statutory maximum, which is the same statutory maximum as the existing offense under subd. 3. At SL 2, offenses with a CHS 6 or more are recommended to a prison sentence with presumptive

durations that range from 18 to 25 months. The offense would exceed the statutory maximum at the upper range of CHS 6; therefore, would need to be added to Appendix 3 (Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table).

- **Rank Impersonating a Peace Officer; Intent to mislead; Buildings; Vehicles (subd. 2) at SL 4.** The new felony has a five-year statutory maximum. Other offenses with five-year statutory maximums that are ranked at SL 4 are assault in the third degree; violation of restraining order, falsely impersonating another; aggravated harassment, and falsely impersonating another.
- **Re-rank Impersonating a Peace Officer; Previous Violations (subd. 3(a)) at SL 5.** Currently ranked at SL 2, with a two-year statutory maximum, the statutory maximum is increased to ten years. Subsequent violation of harassment has a 10-year statutory maximum and is ranked at SL 5.
- **Rank Impersonating a Peace Officer; Possession of a Firearm (subd. 3(b)) at SL 6.** The new felony, for possession of a firearm (subd. 3(b)), has a ten-year statutory maximum. Possession of a firearm or ammunition after a crime of violence (with a 15-year statutory maximum) is ranked at SL 6.
- **Rank Impersonating a Peace Officer; Enhanced Felony (subd. 4(a)(2)) at SL 3.** The new enhanced felony (subd. 4(a)(2)), has a three-year statutory maximum if the underlying crime committed is a gross misdemeanor. On the other hand, Minn. Stat. § 609.3242 enhances gross misdemeanor prostitution crimes to felonies (2-year statutory maximum) if committed in a school or park zone, and the Guidelines rank that offense at SL 1; and § 609.52, subd. 3a, enhances misdemeanor and gross misdemeanor theft crimes to felonies (3-year statutory maximum) if a reasonably foreseeable risk of bodily harm results, and the Guidelines rank that offense at SL 2.
- **Create a penalty modifier for Crime Committed While Impersonating a Peace Officer (subd. 4(a)(3)).** Add 12 months to the presumptive duration for any felony committed while impersonating a peace officer. Under such circumstances, the act increases the statutory maximum by five years, like a crime committed for the benefit of a gang (Minn. Stat. § 609.229, subd. 3(a). Treating the five-year enhancement as a penalty modifier under Guidelines section 2.G, and adding 12 months to the presumptive duration, follows the durational pattern established for crimes committed for the benefit of a gang. Alternative approaches are: increase the crime's severity ranking (as with theft creating a risk of bodily harm, which carries a 50-percent maximum penalty increase and increases the severity level by one), or increase the duration by a percentage (as with criminal sexual predatory conduct, which carries a 25-percent maximum penalty increase and increases the duration by 25 percent).

MSGC staff makes no recommendations about adding these offenses to the Guidelines' offense lists (*e.g.*, offenses eligible for permissive consecutive sentences and severe violent offenses).

Recommendations, as applied to the Sentencing Guidelines, are shown below.

*Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Sections 2.G, 5; and Appendix 3, as follows:*

\* \* \*

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

\* \* \*

14. Offense Committed While Impersonating a Peace Officer. For a crime for which the maximum penalty has been increased under Minn. Stat. § 609.4751, subd. 4(a)(3), the presumptive duration applicable to the underlying crime is increased by:

- a. 12 months, if the underlying offense was completed; or
- b. 6 months, if the underlying offense was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

\* \* \*

**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
6	* * *	
	<u>Impersonating a Peace Officer with a Firearm</u>	<u>609.4751, subd. 3(b)</u>
	* * *	

Severity Level	Offense Title	Statute Number
5	* * *	
	<u>Impersonating a Peace Officer as Second Violation</u>	<u>609.4751, subd. 3(a)</u>
	* * *	

Severity Level	Offense Title	Statute Number
4	* * *	
	<u>Impersonating a Peace Officer with a Vehicle or While Exercising Authority</u>	<u>609.4751, subd. 2</u>

Severity Level	Offense Title	Statute Number
	* * *	

Severity Level	Offense Title	Statute Number
3	* * *	
	<u>Committing a Gross Misdemeanor While Impersonating a Peace Officer</u>	<u>609.4751, subd. 4(a)(2)</u>
	* * *	

Severity Level	Offense Title	Statute Number
2	* * *	
	Impersonating a Peace Officer	<u>609.4751, subd. 3 subd. 1</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>609.4751 subd. 3 subd. 1</u>	Impersonating a Peace Officer	<u>2</u>
<u>609.4751 subd. 2</u>	<u>Impersonating a Peace Officer with a Vehicle or While Exercising Authority</u>	<u>4</u>
<u>609.4751 subd. 3(a)</u>	<u>Impersonating a Peace Officer as a Second Violation</u>	<u>5</u>
<u>609.4751 subd. 3(b)</u>	<u>Impersonating a Peace Officer with a Firearm</u>	<u>6</u>
<u>609.4751 subd. 4(a)(2)</u>	<u>Committing a Gross Misdemeanor While Impersonating a Peace Officer</u>	<u>3</u>

Statute Number	Offense Title	Severity Level
<u>609.4751 subd. 4(a)(3)</u>	<u>Committing a Felony While Impersonating a Peace Officer</u>	<u>See Note<sup>1</sup></u>
* * *		

<sup>1</sup> See section 2.G.14 to determine the presumptive sentence.

\* \* \*

### 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:
* * *				
<del>609.4751, subd. 3</del> <u>subd. 1</u>	Impersonating a Peace Officer	2	24	CHS 6 (upper-range)
* * *				

### 3. New: Child Grooming Offense

[2026 Minn. Laws. ch. 108, § 6-9.](#)<sup>2</sup>

**Description:** The act creates a new felony in Minn. Stat. § 609.352, subd. 2c, for an adult who grooms a child under age 16. “Grooming” is engaging in a deliberate pattern of conduct to methodically develop a false trusting relationship with the child that is intended to strategically manipulate the child to engage in sexual conduct with the person at a future time, while also expressing to the child the desire or intent to engage in sexual conduct with that child. The new crime shares the same 5 year/\$10,000 maximum penalty

<sup>2</sup> Presented to the Governor on May 20, 2026. Not yet signed as of May 28, 2026. While there is no indication of a veto, it could remain unsigned or be vetoed. The gubernatorial action deadline is June 2, 2026.

as the existing crimes under § 609.352: soliciting a child to engage in sexual conduct and electronic solicitation of a child.

While both existing crimes—and the new grooming crime—apply to adults interacting with children under 16, the act also applies new felony penalties to all three crimes if committed against:

- A 16- or 17-year old child by a person in a current or recent position of authority over the child who is more than 36 months older than the child (subd. 2d); and
- A person, regardless of age, who is enrolled as a student at an elementary, middle, or secondary school by a person who is employed or contracted to provide services for the school (subd. 2e).

These new crimes also share the same 5 year/\$10,000 maximum penalty as the other § 609.352 crimes.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. §§ [609.341](#); [609.352](#) (2025).

**Long-Term Fiscal Impact:** None. MSGC never formally prepared a fiscal note on a bill with these grooming elements (subd. 2c), but the executive director emailed Senate fiscal staff on May 9, 2026, with his opinion that the bill’s requirement that the perpetrator must express the desire or intent to engage in sexual conduct with the child created significant overlap between the new grooming crime and the existing § 609.352 offenses (soliciting a child to engage in sexual conduct and electronic solicitation of a child), and that the crime’s enactment would therefore not have a fiscal impact.<sup>3</sup> Previous MSGC analyses of provisions similar to subds. 2d and 2e had resulted in estimates of no prison-bed impact.

**Demographic Impact:** Not applicable.

**Sentencing Guidelines Considerations:** The existing crimes of soliciting a child under age 16 to engage in sexual conduct (subd. 2) and electronic solicitation of children under age 16 (subd. 2a), are ranked on the Sex Offender Grid at SL G. As stated, above, these crimes have five-year/\$10,000 maximum penalties.

**Staff Recommendations:**

**Rank Grooming (Minn. Stat. § 609.352, subd. 2c), Positions of Authority (subd. 2d), and School Violations (subd. 2e) on the Sex Offender Grid at SL G.** This is consistent with the existing crimes of soliciting a child to engage in sexual conduct (subd. 2) and electronic solicitation of children (subd. 2a). Add the two new offenses to the Guidelines’ offense list of offenses eligible for permissive consecutive sentences consistent with the existing crimes.

Recommendations, as applied to the Sentencing Guidelines, are shown below.

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<sup>3</sup> Director Reitz was influenced by the dissent’s characterization of *State v. Koenig*, 666 N.W.2d 366 (Minn. 2003): “Indeed, the court’s interpretation of the statute is so broad that I cannot imagine any sexually explicit conversation between an individual 18 years or older and a child under the age of 16 that would not be punishable under Minn. Stat. § 609.352, subd. 2.” 666 N.W.2d at 378 (Page, J., dissenting).

Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Sections 5 & 6, as follows:

\* \* \*

### 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
G	* * *	
	<u>Sexual Solicitation of Children to Engage in Sexual Conduct a Child</u>	609.352, subd. 2
	<u>Sexual Solicitation of a Child by Grooming</u>	609.352, subd. 2c
	<u>Sexual Solicitation of Children to Engage in Sexual Conduct (Electronic) a Child – Electronic</u>	609.352, subd. 2a
	<u>Sexual Solicitation of a Minor While in a Position of Authority</u>	609.352, subd. 2d
	<u>Sexual Solicitation of a Student</u>	609.352, subd. 2e
	* * *	

### 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
* * *		
609.352 subd. 2	<u>Sexual Solicitation of Children to Engage in Sexual Conduct a Child</u>	G
609.352 subd. 2a	<u>Electronic Sexual Solicitation of Children to Engage in Sexual Conduct (Electronic) a Child</u>	G
609.352 subd. 2c	<u>Sexual Solicitation of a Child by Grooming</u>	<u>G</u>

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
<u>609.352 subd. 2d</u>	<u>Sexual Solicitation of a Minor While in a Position of Authority</u>	<u>G</u>
<u>609.352 subd. 2e</u>	<u>Sexual Solicitation of a Student</u>	<u>G</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.

<b>Statute Number</b>	<b>Offense Title</b>
* * *	
609.352, subd. 2	<u>Sexual Solicitation of Children to Engage in Sexual Conduct a Child</u>
609.352, subd. 2a	<u>Electronic Sexual Solicitation of Children to Engage in Sexual Conduct (Internet or Computer) a Child</u>
<u>609.352 subd. 2c</u>	<u>Sexual Solicitation of a Child by Grooming</u>
<u>609.352 subd. 2d</u>	<u>Sexual Solicitation of a Minor While in a Position of Authority</u>
<u>609.352 subd. 2e</u>	<u>Sexual Solicitation of a Student</u>

\* \* \*

**4. New: Assault in the Fourth Degree Against a Hospital or Clinic Security Guard**

2026 Minn. Laws ch. 118, art. 5, § 1.

**Description:** Amends Minn. Stat. § 609.2231, subd. 2 (assault in the fourth degree against firefighters and emergency medical personnel) by creating a new gross misdemeanor for physically assaulting a security officer providing services in a hospital or clinic. It is a felony with a three-year statutory maximum if the assault inflicts demonstrable bodily harm (i.e., bodily harm that is capable of being perceived by another).

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. § [609.2231](#) (2025).

**Long-Term Fiscal Impact (H.F. 3504-0):** One additional prison bed.

**Demographic Impact:** Not applicable.

**Guidelines Considerations:** Following a public hearing, the MSGC voted to increase the SL for felony assault in the fourth degree from SL 1 to SL 3, effective August 1, 2026. Assault in the fourth degree is a listed offenses eligible for permissive consecutive sentences.

**Staff Recommendation:** Rank the new felony assault in the fourth degree against a hospital or clinic security guard at SL 3, consistent with other felony assault in the fourth-degree offenses. Continue to list the offense as eligible for permissive consecutive sentencing.

These recommendations, as applied to the Sentencing Guidelines, are shown below.

*Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Sections 5 & 6, as follows:*

\* \* \*

**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	* * *	
	Assault 4th Degree	609.2231, subd. 1(c), 2(b), 3, 3a, & 4(b)
	* * *	

## 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
* * *		
609.2231 subd. 2	Assault 4th Degree (Firefighters and Emergency Medical Personnel)	3
* * *		

## 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
* * *	
609.2231	Assault 4th Degree
* * *	

## 5. Enhanced Penalties: Theft from Vulnerable Adults

[2026 Minn. Laws ch. 118, art. 5, § 2.](#)

**Description:** The act amends Minn. Stat. § 609.52, subd. 3a, which currently provides enhanced penalties for theft offenses that create reasonably foreseeable risks for body harm to another, by adding paragraph (b) related to vulnerable adults. Under paragraph (b), if a person knows or has reason to know that the victim of the theft is a vulnerable adult as defined in section 609.232, subdivision 11, the penalties are enhanced as follows: (1) misdemeanors are enhanced to gross misdemeanors; (2) gross misdemeanors are enhanced to felonies with a maximum penalty of two years imprisonment and a \$5,000 fine; and (3) the maximum sentence for felonies is increased by 25 percent.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. §§ [609.232](#); [609.52](#) (2025).

**Long-Term Fiscal Impact (H.F. 3465-0):** Two additional prison beds.

**Demographic Impact:** Not applicable.

**Sentencing Guidelines Considerations:** If applied to misdemeanor or gross misdemeanor theft, the existing § 609.52, subd. 3a(1) (theft creating a risk of harm), converts the offense into a felony with a three-year statutory maximum, which the Guidelines rank at severity level (SL) 2. The existing offenses for felony financial exploitation of a vulnerable adult (FEVA, Minn. Stat. § 609.2335) are ranked as described in Table 1, below.

Table 1. Existing Rankings for Felony Financial Exploitation of a Vulnerable Adult; Staff Recommended Severity-Level (SL) Rankings for Theft from a Vulnerable Adult

Existing Rankings for FEVA	Staff Recommended Rankings for Theft from a vulnerable Adult	SL
FEVA over \$35,000	Theft from a vulnerable adult – over \$35,000	7
FEVA over \$5,000	Theft from a vulnerable adult – over \$5,000	5
FEVA \$5,000 or less	Felony theft from a vulnerable adult - \$5,000 or less	4
Theft – Reasonably foreseeable risk bodily harm \$1,000 or less	Gross misdemeanor theft from a vulnerable adult – enhanced to felony	2

Unlike theft, FEVA includes the following fact patterns: (1) A fiduciary, with special access to a vulnerable adult’s property, mismanages or misdirects that property; or (2) A vulnerable adult’s financial resources are acquired through undue influence, harassment, or duress.

**Staff Recommendations:** Rank the new offenses under subd. 3a(b)(3) similarly to felony financial exploitation of a vulnerable adult (FEVA, Minn. Stat. § 609.2335) (Table 1, above). MSGC staff makes no recommendations about adding these offenses to the Guidelines’ offense lists (*e.g.*, offenses eligible for permissive consecutive sentences and severe violent offenses). Because statutory changes are needed to Guidelines 2.A.2, staff recommends taking this opportunity to eliminate unnecessary language in that section—and, in the case of an inapplicable reference to damage to property, an erroneous reference as well.

Recommendations, as applied to the Sentencing Guidelines, are shown below.

*Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Sections 2.A & 5, as follows:*

\* \* \*

## **2.A. Offense Severity \* \* \***

- ~~2. Theft and Damage to Property; Foreseeable Creating a Risk of Bodily Harm. For an offender sentenced for theft under~~ If Minn. Stat. § 609.52, subd. 3a(a)(2), applies to a felony theft offense,

the severity level ranking is elevated by one severity level from that listed on the Offense Severity Reference Table if the offense creates a foreseeable risk of bodily harm to another and:

- a. the violation involves a monetary value over \$1,000; or
- b. the violation involves a monetary value between \$500 and \$1,000, and the offender has been convicted within the preceding five years for an offense under Minn. Stat. § 609.52, subd. 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
7	* * *	
	<u>Theft from a Vulnerable Adult (Over \$35,000)</u>	<u>609.52, subd. 3a(b)(3)</u>
	* * *	

Severity Level	Offense Title	Statute Number
5	* * *	
	<u>Theft from a Vulnerable Adult (Over \$5,000)</u>	<u>609.52, subd. 3a(b)(3)</u>
	* * *	

Severity Level	Offense Title	Statute Number
4	* * *	
	<u>Theft from a Vulnerable Adult (\$5,000 or Less)</u>	<u>609.52, subd. 3a(b)(3)</u>
	* * *	

Severity Level	Offense Title	Statute Number
2	* * *	
	Theft Crimes – \$5,000 or Less	See section 7: Theft Offense List
	<u>Theft from a Vulnerable Adult</u>	<u>609.52, subd. 3a(b)(2)</u>
	Theft (Looting)	609.52
	Theft (\$1,000 or Less; Risk of Bodily Harm)	609.52, subd. 3a(a)(1)
	* * *	

### 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
* * *		
609.52 subd. 3a(a)(1)	Theft (\$1,000, or Less; Risk of Bodily Harm)	2
609.52 subd. 3a(a)(2)	Theft (Over \$1,000; Risk of Bodily Harm)	See Note <sup>1</sup>
609.52 subd. 3a(a)(2)	Theft (\$501-\$1,000, and Prior Conviction; Risk of Bodily Harm)	See Note <sup>1</sup>
<u>609.52 subd. 3a(b)(3)</u>	<u>Theft from a Vulnerable Adult (Over \$35,000)</u>	<u>7</u>
<u>609.52 subd. 3a(b)(3)</u>	<u>Theft from a Vulnerable Adult (Over \$5,000)</u>	<u>5</u>
<u>609.52 subd. 3a(b)(3)</u>	<u>Theft from a Vulnerable Adult (\$5,000 or Less)</u>	<u>4</u>
<u>609.52 subd. 3a(b)(2)</u>	<u>Theft from a Vulnerable Adult</u>	<u>2</u>
* * *		

<sup>1</sup> See Guidelines section 2.A.2.a-b to determine the severity level.

### 6. New: Operating, Facilitating, or Advertising Prediction Markets

[2026 Minn. Laws ch. 118, art. 6](#) (repealing and replacing [2026 Minn. Laws. ch. 97, art. 8](#)).

**Description:** Section 3 enacts Minn. Stat. § 609.7615 (Prediction Markets). Subdivision 1 defines, among other terms, a “prediction market” as a system that allows consumers to place a wager on the future outcome of a specified event that is not determined or affected by the performance of the parties to the

contract. The wager must be for one of nine types of events, including games, wars, catastrophes, elections, legal actions, deaths, cultural events, statements, or other “events happening to a natural person or group of people.”

Subd. 2 establishes a felony for any of the following behaviors with respect to a prediction market: operation; platform or system operation, management, or control; facilitation; and providing information or supportive services.

Subd. 3 establishes a felony for advertising or marketing financial or technology related to a prediction market.

Subd. 4 excepts from the scope of section 3 activities that are excepted from the statutory definition of “bet,” as well as regulated insurance contracts.

By default, the statutory maximum penalty for each new felony is five years’ imprisonment and a \$10,000 fine, per Minn. Stat. § 609.03.

Section 1 amends Minn. Stat. § 299L.03 to authorize the director of alcohol and gambling enforcement to issue cease-and-desist orders related to violations of the new Minn. Stat. § 609.7615.

Section 2 amends Minn. Stat. § 609.7615 to expand the futures-contract exception to definition of the term “bet.” In addition to contracts for buying or selling securities or physical commodities, the new exception includes options on such futures contracts, such securities or commodities, or their prices. A new exception to the futures-contract exception is added: “except as provided in [the new Minn. Stat. §] 609.7615.”

If this last provision is interpreted as classifying wagering on a prediction market as a “bet,” then consumers of prediction markets will be guilty of misdemeanor gambling under Minn. Stat. § 609.755.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.<sup>4</sup>

**References:** Minn. Stat. § [299L.03](#); Minn. Stat. §§ [609.03](#); [609.75](#); [609.76](#) (2025).

**Long-Term Fiscal Impact (S.F. 4511-2E):** None.

**Demographic Impact:** Not applicable.

**Sentencing Guidelines Considerations:** Felony sports bookmaking (Minn. Stat. § 609.76, subd. 2), is ranked at SL 4; other felony gambling (Minn. Stat. § 609.76, subsd. 3 through 7) is unranked.

From 2015 through 2024, there was one conviction for violating Minn. Stat. § 609.76, subd. 2. That case did not result in executed prison, and the defendant received four days of conditional confinement as a probationary sanction. From 2015 through 2024, there have been no convictions, and therefore no sentences, for violating subd. 7.

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<sup>4</sup> A lawsuit was filed May 19, 2026, in the District of Minnesota by the U.S. Commodity Futures Trading Commission (CFTC) and U.S. Department of Justice against the State of Minnesota. The CFTC seeks a preliminary injunction to stop Minnesota’s law from taking effect, arguing that CFTC has exclusive jurisdiction to regulate under the Commodity Exchange Act. *United States & Commodity Futures Trading Commission v. State of Minnesota, et al.*, No. 0:26-cv-02661 (D. Minn. 2026). The lawsuit was filed before the law was repealed. In the repealed version, “prediction market” was more broadly defined inasmuch as the enumerated qualifying events—which included weather—were examples, rather than limitations, of the subjects of the prohibited wagers. Also in the repealed version, futures-market exception to “bet” did not mention options. The replacement version was enacted May 26, 2026.

**Staff Recommendations:** Consistent with its ranking of felony sports bookmaking (Minn. Stat. § 609.76, subd. 2), rank the new offenses at SL 4. On the other hand, a reasonable Commission member may wish to leave the new offense unranked.

Recommendations, as applied to the Sentencing Guidelines, are shown below.

*Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Section 5, as follows:*

\* \* \*

**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.

\* \* \*

<b>Severity Level</b>	<b>Offense Title</b>	<b>Statute Number</b>
4	* * *	
	<u>Prediction Market – Advertising</u>	<u>609.7615, subd. 3</u>
	<u>Prediction Market – Operating or Facilitating</u>	<u>609.7615, 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.

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
* * *		
<u>609.7615 subd. 2</u>	<u>Operating or Facilitating a Prediction Market</u>	<u>4</u>
<u>609.7615 subd. 3</u>	<u>Advertising a Prediction Market</u>	<u>4</u>
* * *		

## 7. New: Medical Assistance Fraud

[2026 Minn. Laws ch. 127, art. 7, § 3-7.](#)

**Description:** This act repeals the existing medical assistance fraud crimes found in Minn. Stat. §§ 609.466 & 609.52, subd. 2(a)(3)(iii), replacing them with a new Minn. Stat. § 609.467 (Medical Assistance Fraud), with expanded elements and three new penalty tiers.

The new felony offense may be committed eight different ways:

- (1) by fraudulently scheming to falsely obtain money or credits related to medical assistance payments;
- (2) by fraudulently preparing, or attempting to prepare, a false claim for reimbursement, cost report, or rate application (not, by its terms, limited to the context of medical assistance);
- (3) by fraudulently falsifying or omitting information on a medical assistance provider’s enrollment application, provider agreement, or ownership and management disclosure;
- (4) by owning, managing, or controlling an entity receiving medical assistance money while suspended, excluded, or prohibited from enrolling as a medical assistance provider;
- (5) by permitting someone else to violate clause (4);
- (6) by committing aggravated forgery (minus the intent to defraud) with respect to a record relating to the delivery of medical assistance services (note: aggravated forgery (non-check) is ranked at SL 2);
- (7) by fraudulently preparing, or attempting to prepare, a claim for reimbursement for personal care assistance services or community first services and supports, knowing that the program requirements were not met; or
- (8) after receiving a lawful request for records by any state agency or law enforcement agency, by intentionally destroying medical, health care, and financial records required to be maintained under medical assistance laws and rules, or attempting to do so.

The three felony penalty tiers are:

- **Tier 1:** Minn. Stat. § 609.467, subd. 2(a) – 10-year, \$20,000 maximum penalty, is the general penalty for violation under subdivision 1. No minimum loss to any victim is specified.
- **Tier 2:** Minn. Stat. § 609.467, subd. 2(b) – 20-year, \$100,000 maximum penalty, applies to a violation that causes more than \$100,000, but not more than \$1,000,000, aggregate loss to any victim.
- **Tier 3:** Minn. Stat. § 609.467, subd. 2(c) – 30-year, \$1,000,000 maximum penalty, applies to a violation that causes more than \$1,000,000 aggregate loss to any victim.

Note that this act is missing the intermediate penalty tier that the Commission had recommended. The Senate Judiciary Committee did add an intermediate penalty tier (a \$10,000 tier, between tiers 1 and 2) to [SF 2689](#) upon the Commission’s recommendation, but that bill apparently stalled between committees. The Senate version of the Omnibus Health and Human Services supplemental appropriations bill did not contain

the medical assistance fraud crime, and so the House version of the crime—which lacked the intermediate tier—apparently prevailed in the conference committee.

The act also establishes a new gross misdemeanor for knowingly and intentionally failing to keep or maintain required medical assistance records under the newly codified Minn. Stat. § 609.467, subd. 3.

Section 5 adds to the list of criminal acts that may support the crime of racketeering the following: a violation of Minn. Stat. § 609.467; a theft by fraudulent false representation, by swindle, or by fraudulent diversion of corporate funds, if the crime involves a state agency; and attempts and conspiracies to commit one of these crimes.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. ch. [245A](#); [256B](#); Minn. Stat. §§ [609.52](#); [609.466](#); [609.902](#) (2025).

**Long-Term Fiscal Impact (S.F. 2689-6A):** Negligible. In its fiscal note, MSGC staff assumed less than one case annually would be impacted.

**Demographic Impact:** Not applicable.

**Sentencing Guidelines Considerations:** The repealed offenses adopted the penalty scheme of the theft statute, § 609.52, with three felony tiers with the same statutory maximum penalties and the same general thresholds applicable to thefts of public funds (under \$5,000; over \$5,000; and over \$35,000), although the applicability of the over \$35,000 threshold is limited to specific theft provisions, including subd. 2(a)(3)(iii).

It is assumed that the repealed medical assistance fraud crimes are currently ranked at severity level (SL) 2 if \$5,000 or less was stolen; at SL 3 if more than \$5,000 but not more than \$35,000 was stolen; and at SL 6 if more than \$35,000 was stolen.

**Staff Recommendations:** Rank tier 1 and tier 2 the same as tier 1 (SL 2) and tier 3 (SL 6) of the repealed medical assistance fraud (Minn. Stat. § 609.466), even though the new monetary thresholds are higher, because it is understood that the new monetary thresholds are intended to have been adjusted for inflation. Skip SL 3 because the act lacks an intermediate penalty tier between zero and \$100,000.

- **Rank Tier 1 at SL 2:** Minn. Stat. § 609.467, subd. 2(a) – 10-year, \$20,000 maximum penalty, is the general penalty for violation under subdivision 1. No minimum loss to any victim is specified.
- **Rank Tier 2 at SL 6:** Minn. Stat. § 609.467, subd. 2(b) – 20-year, \$100,000 maximum penalty, applies to a violation that causes more than \$100,000, but not more than \$1,000,000, aggregate loss to any victim.
- **Rank Tier 3 at SL 7:** Minn. Stat. § 609.467, subd. 2(c) – 30-year, \$1,000,000 maximum penalty, applies to a violation that causes more than \$1,000,000 aggregate loss to any victim. Offenses ranked at SL 7 are: carjacking in the second degree; felony driving while impaired (DWI); financial exploitation of a vulnerable adult over \$35,000; labor trafficking for an extended period of time; and wildfire arson with damages over five dwellings, 500 acres, or crops in excess of \$100,000.

MSGC staff makes no recommendations about adding these offenses to the Guidelines' offense lists (e.g., offenses eligible for permissive consecutive sentences and severe violent offenses).

Recommendations, as applied to the Sentencing Guidelines, are shown below.

*Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Sections 5 & 7, as follows:*

\* \* \*

### 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
7	* * *	
	Medical Assistance Fraud (Over \$1,000,000)	609.467, subd. 2(c)
	* * *	

Severity Level	Offense Title	Statute Number
6	* * *	
	Medical Assistance Fraud ( <del>Over \$35,000</del> ) (\$100,001–\$1,000,000)	<del>609.466</del> 609.467, subd. 2(b)
	* * *	

Severity Level	Offense Title	Statute Number
3	* * *	
	Medical Assistance Fraud (Over \$5,000)	609.466
	* * *	

Severity Level	Offense Title	Statute Number
2	* * *	
	Medical Assistance Fraud (\$5,000 \$100,000 or Less)	<del>609.466</del> <u>609.467, subd. 2(a)</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
* * *		
<del>609.466</del>	<del>Medical Assistance Fraud (Over \$35,000)</del>	<del>6</del>
<del>609.466</del>	<del>Medical Assistance Fraud (Over \$5,000)</del>	<del>3</del>
<del>609.466</del>	<del>Medical Assistance Fraud (\$5,000 or Less)</del>	<del>2</del>
<u>609.467 subd. 2(a)</u>	<u>Medical Assistance Fraud (\$100,000 or Less)</u>	<u>2</u>
<u>609.467 subd. 2(b)</u>	<u>Medical Assistance Fraud (\$100,001–\$1,000,000)</u>	<u>6</u>
<u>609.467 subd. 2(c)</u>	<u>Medical Assistance Fraud (More Than \$1,000,000)</u>	<u>7</u>
* * *		
<del>609.52 subd. 2(a)(3)(ii- iv)</del>	<del>Theft by False Representation (\$5,001-\$35,000)</del>	<del>3</del>
<del>609.52 subd. 2(a)(3)(ii- iv)</del>	<del>Theft by False Representation (\$5,000 or Less)</del>	<del>2</del>
* * *		

### 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
* * *	
609.52 subd. 2(a)(3)(ii), (iii), <u>iv</u> , <del>(v)</del>	Theft By False Representation
* * *	

## B. Other Conforming Changes

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Staff recommend that the Commission consider making Guidelines modifications in response to, or in conformity with, the following legislative changes.

- **New: Aggravating Factor for Age Deception**

[2026 Minn. Laws. ch. 97, art. 6, § 1 & 2.](#)

**Description:** The act amends Minn. Stat. § 244.10, subd. 5a, to include age deception (impersonating a minor to facilitate a crime against a minor victim) as a statutory aggravating factor, and permits judges to consider age deception when determining an appropriate sentence.

The act enacts Minn. Stat. § 609.099 (Deception Regarding Age as Sentencing Factor), which permits a judge, when determining an appropriate sentence for a crime, to consider as a relevant factor whether an adult offender intentionally deceived a minor victim into believing the offender was also a minor in order to facilitate the commission of the crime.

**Effective date:** August 1, 2026, and applies to crimes committed on or after that date.

**References:** Minn. Stat. § [244.10](#) (2025).

**Long-Term Fiscal Impact (H.F. 4578-0):** Negligible.

**Demographic Impact:** Not applicable.

**Guidelines Considerations:** In 2004, the U.S. Supreme Court held that, except for records of prior convictions, any facts supporting an aggravated departure from Washington’s state sentencing guidelines must be proven to a jury or admitted by the defendant. (*Blakely v. Washington*, 542 U.S. 296 (2004).) The implications for whether or how aggravated departures from the Minnesota Sentencing Guidelines could occur were not immediately clear, and the 2005 Minnesota Legislature sought to fill the void by enacting Minn. Stat. § 244.10, subds. 4 to 7, which provided a process for aggravated departures. Although the rules remain in statute, the Supreme Court has since superseded them with rules of criminal procedure. (See Comment to Minn. R. Crim. P. 1.04(d).) In 2009, the Legislature also enacted subd. 5a, which mirrored the Sentencing Guidelines’ list of aggravating factors as they existed at the time. The two lists are no longer the same—notable differences exist in the major controlled substance offense aggravating factor and in the bias aggravating factor—but, as both lists claim to be nonexclusive, perhaps it doesn’t matter.

In any event, by adding to the subd. 5a list and creating a separate sentencing statute, the Legislature is sending a clear message that it would like age deception to be an aggravating factor.

**Staff Recommendation:** Incorporate age deception into the Guidelines as an aggravating factor. Use leaner phrasing than the statutory “an adult offender intentionally deceived a minor victim into believing the offender was also a minor in order to facilitate the commission of the offense.”

These recommendations, as applied to the Sentencing Guidelines, are shown below.

Possible modifications to 2025 Minn. Sentencing Guidelines & Commentary, Section 2.D, as follows:

\* \* \*

#### **D. Departures from the Guidelines**

\* \* \*

##### 3. Factors that may be used as Reasons for Departure \* \* \*

a. Mitigating Factors. \* \* \*

b. Aggravating Factors. \* \* \*

(13) The offense was committed in the presence of a child.

(14) The offense, committed against a minor, was facilitated by impersonating a minor in the manner described in Minn. Stat. § 609.099.

~~(14)~~ (15) The offense was committed in a location in which the victim had an expectation of privacy.

\* \* \*