

Notice of Public Hearing

Proposed Amendments to the Sentencing Guidelines and Commentary

Date of notice: June 16, 2025

Date of hearing: July 17, 2025

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 17, 2025, at 1:00 p.m., in the Afton Room at the Department of Corrections headquarters, 1450 Energy Park Drive, Saint Paul, MN 55108. A remote-participation option will be available: Members of the public may monitor and participate in the hearing remotely, and some Commission members may participate by interactive technology. Refer to the web site (mn.gov/sentencing-guidelines) for information on how to attend the public hearing remotely.

All interested persons are encouraged to participate and offer comments. Persons wishing to testify may register in advance; registration instructions will be posted on the Commission's [web site](#). If you require special accommodations to attend the public hearing, please contact the Minnesota Sentencing Guidelines Commission staff as soon as possible. The Commission will hold the record open for five calendar days after the public hearing to accept written comment. Instructions on how to submit written materials are posted on the Commission's web site. Written materials must be received no later than July 22, 2025.

After the written comment period ends, the proposed modifications are subject to final action by the Commission at its meeting on Thursday, July 24, 2025, with meeting details to be posted on the Commission's [web site](#). If adopted, modifications will take effect August 1, 2025, and will apply as provided in Guidelines section 3.G.

This notice, which is available in alternative formats upon request, was posted on the MSGC web site on June 16, 2025.

Proposed Modifications

The public hearing is being held to consider proposed modifications to the 2024 Minnesota Sentencing Guidelines and Commentary resulting from: (A) Legislative amendments to crime laws affecting the Sentencing Guidelines enacted in the 2025 Regular Session; (B) other conforming amendments to crime laws affecting the Sentencing Guidelines enacted in the 2025 Regular Session; and (C) technical

amendments to the Sentencing Guidelines. The specified effective date of all proposed modifications is August 1, 2025, unless otherwise specified.

A. Legislative amendments to crime laws affecting the Sentencing Guidelines – 2025 Regular Session – Eff. Aug. 1, 2025, and Jan. 1, 2026

As a result of its review of 2025 Regular Session Laws, the Commission proposed the following modifications at its meeting on June 5, 2025.

1. New Order for Protection Against Financial Exploitation of a Vulnerable Adult

Resulting from: [2025 Minn. Laws. ch. 35, art. 11, § 16.](#)

Proposal summary: Rank the new felony Violation of a Financial Exploitation Protective Order at severity level (SL) 4, effective January 1, 2026.

Amendments are proposed to the 2024 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
4	* * *	
	<u>Violation of a Financial Exploitation Protective Order</u>	<u>609.2334, subd. 13(c)</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
	* * *	

Statute Number	Offense Title	Severity Level
<u>609.2334 subd. 13(c)</u>	<u>Violation of a Financial Exploitation Protective Order</u>	<u>4</u>
* * *		

2. New Anti-Kickback Offense – Unauthorized Human Services Renumerations

Resulting from: 2025 Minn. Laws. ch. 38, art. 5, § 32.

Proposal summary: Rank the new felony Unauthorized Human Services Renumerations at SL 6 (over \$35,000), at SL 3 (over \$5,000), and at SL 2 (\$5,000 or Less).

Amendments are proposed to the 2024 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
6	* * *	
	<u>Unauthorized Human Services Renumerations (Over \$35,000)</u>	<u>609.542, subd. 4(1)</u>
3	* * *	
	<u>Unauthorized Human Services Renumerations (Over \$5,000)</u>	<u>609.542, subd. 4(2)</u>
2	* * *	
	<u>Unauthorized Human Services Renumerations (\$5,000 or Less)</u>	<u>609.542, subd. 4(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>609.542 subd. 4(1)</u>	<u>Unauthorized Human Services Renumerations (Over \$35,000)</u>	<u>6</u>
<u>609.542 subd. 4(2)</u>	<u>Unauthorized Human Services Renumerations (Over \$5,000)</u>	<u>3</u>
<u>609.542 subd. 4(3)</u>	<u>Unauthorized Human Services Renumerations (\$5,000 or Less)</u>	<u>2</u>
* * *		

B. Other conforming amendments to crime laws affecting the Sentencing Guidelines – 2025 Regular Session – Effective August 1, 2025

As a result of its review of 2025 Regular Session Laws, the Commission proposed the following conforming modifications at its meeting on June 5, 2025.

1. New Fentanyl Exposure Criminal Penalties

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 6.](#)

Proposal summary: Maintain SL D3 ranking, retitle the offense accordingly, and make conforming changes to the commentary. Make no changes to Section 2.B.1.d(1) & 2.B.1.e(1).

Amendments are proposed to the 2024 Minn. Sentencing Guidelines & Commentary, Section 5 and Comment 2.B.108, as follows:

* * *

2.B.108. *The Commission established policies to deal with several specific situations that arise under Minnesota law: a conviction under Minn. Stat. § 152.137, under which ~~offenders~~ those convicted of methamphetamine- and fentanyl-related crimes involving children and vulnerable adults are subject to conviction and sentence for other crimes resulting from the same criminal behavior; Minn. Stat. § 609.585, under which offenders committing another felony offense during the course of a burglary could be convicted of and sentenced for both the burglary and the other felony; and a conviction under Minn. Stat. § 609.251 under which offenders who commit another felony during the course of a kidnapping can be convicted of and sentenced for both offenses. For purposes of computing criminal history, the Commission*

decided that consideration should only be given to the most severe offense when there are prior multiple sentences under provisions of Minn. Stats. §§ 152.137, 609.585, or 609.251. This was done to prevent inequities due to past variability in prosecutorial and sentencing practices with respect to these statutes, to prevent systematic manipulation of these statutes in the future, and to provide a uniform and equitable method of computing criminal history scores for all cases of multiple convictions arising from a single course of conduct, when single victims are involved.

When multiple current convictions arise from a single course of conduct and multiple sentences are imposed on the same day under Minn. Stats. §§ 152.137, 609.585, or 609.251, the conviction and sentence for the "earlier" offense should not increase the criminal history score for the "later" offense.

* * *

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
D3	* * *	
	Methamphetamine <u>and Fentanyl</u> Crimes Involving Children and Vulnerable Adults	152.137
	* * *	

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
	* * *	
152.137	Methamphetamine <u>and Fentanyl</u> Crimes Involving Children and Vulnerable Adults	D3
	* * *	

2. New Consecutive Sentence for Assault on Sheriff or Sheriff's Deputy in Jail

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 8.](#)

Proposal summary: Make assault against a county sheriff or sheriff's deputy in a local correctional facility presumptive commitment, with such sentences presumed to run consecutively to any unexpired portion of the earlier sentence or that may be imposed, following conviction, for any crime or offense for which the person was in custody when the person committed the assault. Additionally, make conforming changes in Section 2.F so that it is clearer that the disposition for assault on secure treatment facility personnel is always presumptive commitment.

Amendments are proposed to the 2024 Minn. Sentencing Guidelines & Commentary, Sections 2.C, 2.F, and Appendix 1, as follows:

* * *

2. Determining Presumptive Sentences

* * *

C. Presumptive Sentence

* * *

3. Finding the Presumptive Sentence for Certain Offenses.

* * *

- e. Offenses Committed While Confined Under State or Local Authority. The presumptive disposition for escape from an executed sentence, felony assault committed by an inmate serving an executed term of imprisonment, ~~or~~ assault on secure treatment facility personnel, or assault against a county sheriff or sheriff's deputy in a local correctional facility is commitment. Pursuant to section 2.F.1, it is presumptive for escape from an executed term of imprisonment and for felony assault committed by an inmate serving an executed term of imprisonment to be sentenced consecutively to the offense for which the inmate was confined. The presumptive duration is determined by the presumptive sentencing consecutive policy (see section 2.F.1, Presumptive Consecutive Sentences).

* * *

F. Concurrent/Consecutive Sentences

* * *

1. Presumptive Consecutive Sentences.

* * *

- a. Criteria for Imposing a Presumptive Consecutive Sentence. Consecutive sentences are presumptive (required under the Guidelines) when:

(1) the offender was, at the time of the current offense:

- (i) serving an executed term of imprisonment, disciplinary confinement, or reimprisonment; ~~or~~
- (ii) on escape status from an executed term of imprisonment, disciplinary confinement, or reimprisonment; or and
- (iii) an inmate of a local correctional facility and the current offense was an assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy; and

(2) the presumptive disposition for the current offense(s) is commitment.

- b. Finding the Presumptive Disposition. The presumptive disposition is determined using the criteria in section 2.C. The presumptive disposition for ~~an~~ escape from an executed sentence ~~or for a~~ felony assault committed by an inmate serving an executed term of imprisonment, assault on secure treatment facility personnel, or assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy in a local correctional facility is always commitment.

* * *

2. Permissive Consecutive Sentences.

* * *

- a. Criteria for Imposing a Permissive Consecutive Sentence. Consecutive sentences are permissive (may be given without departure) only in the situations specified in this section:

* * *

- (2) Other Offenses. Consecutive sentences for the following offenses are always permissive and there is no dispositional departure if the sentences are executed.

* * *

- (iv) Felony Assault in a Local Jail or Workhouse. If the offender is convicted of felony assault committed while in a local jail or workhouse, and the conviction is not already presumptive consecutive as described in section 2.F.1.a(1)(iii), the felony assault conviction may be sentenced consecutively to any other executed prison

sentence if the presumptive disposition for the other offense was commitment as outlined in section 2.C.

* * *

Appendix 1. Mandatory and Presumptive Sentences Reference Table

This table is for convenience when applying mandatory sentences (section 2.E) and presumptive sentences (section 2.C). It is not exhaustive.

- Presumptive disposition. Commitment.
- Presumptive duration. Mandatory minimum or the duration in the appropriate cell on the applicable Grid, whichever is longer.
- Attempts and Conspiracies. Mandatory sentences generally apply to attempted offenses under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175. Mandatory minimums are not divided in half. The presumptive duration is the mandatory minimum duration found in statute or one-half of the duration in the appropriate cell on the applicable Grid, whichever is longer. (See section 2.G for more information on convictions for attempts, conspiracies and offenses with other sentence modifiers.)

Statute	Offense	Prerequisite or Conditions	Minimum Duration
* * *			
609.221, 609.222, 609.223, 609.2231 or 609.224	Assault 1st through 5th Degree	Committed by State prison inmate while confined (609.2232)	Grid Time, Consecutive
<u>609.221, 609.222, 609.223, or 609.2231</u>	<u>Assault 1st through 4th Degree</u>	<u>Committed by an inmate of a local correctional facility against a sheriff or sheriff's deputy (609.2232)</u>	<u>Grid Time, Consecutive</u>
* * *			

3. Codified Minimum Sentences for Sex Trafficking

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 9.](#)

Proposal summary: Include the statutorily created presumptive sentences in the existing language of Guidelines 2.G.5.

Amendments are proposed to the 2024 Minn. Sentencing Guidelines & Commentary, Section 2.G.5, as follows:

* * *

2. Determining Presumptive Sentences

* * *

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

* * *

5. Attempt or Conspiracy to Commit Certain Sex Trafficking and Criminal Sexual Conduct in the First or Second Degree Offenses. The Commission regards the following provisions in Minn. Stat. § 609.342, subd. 2(b) and 609.343, subd. 2(b) as statutorily created presumptive sentences, not mandatory minimums. ~~When an offender is sentenced for~~ For an attempt or conspiracy to commit an offense to which one of these presumptive sentences applies, Criminal Sexual Conduct in the First Degree under Minn. Stat. § 609.342 or Criminal Sexual Conduct in the Second Degree under Minn. Stat. § 609.343, subd. 1(a), 1(b), 1(c), 1(d), 1(e), 1a(a), 1a(b), 1a(c), 1a(d), 1a(h), or 1a(i), the presumptive duration is one-half of that found in the appropriate cell on the Sex Offender Grid for the underlying offense or any mandatory minimum, whichever is ~~longer~~: longer:
 - a. Minn. Stat. § 609.322, subd. 1(c)(1) (applicable to sex trafficking offenses ranked at severity level B);
 - b. Minn. Stat. § 609.322, subd. 1(c)(2) (applicable to Aggravated Sex Trafficking 1st Degree);
 - c. Minn. Stat. § 609.342, subd. 2(b) (applicable to Criminal Sexual Conduct 1st Degree); and
 - d. Minn. Stat. § 609.343, subd. 2(c) (applicable to Criminal Sexual Conduct 2nd Degree offenses ranked at severity level B).

4. Renaming Child Pornography as “Child Sexual Abuse Material”

Resulting from: 2025 Minn. Laws. ch. 35, art. 4, § 12, & art. 5, §§ 14 & 17–21.

Proposal summary: Make conforming modifications throughout the Guidelines.

Amendments are proposed in the 2024 Minn. Sentencing Guidelines & Commentary, Sections 2.E, 4.B, 5, 6, Comment 2.B.105, and Appendix 3, as follows:

* * *

2. Determining Presumptive Sentences

* * *

E. Mandatory Sentences

* * *

3. Conditional Release. Several Minnesota statutes provide for mandatory conditional release terms that must be served by certain offenders once they are released from prison. The court must pronounce the conditional release term when sentencing for the following offenses:

- First-degree (felony) driving while impaired. Minn. Stat. § 169A.276, subd. 1(d).
- Predatory offense registration violation committed by certain offenders. Minn. Stat. § 243.166, subd. 5a.
- Assault in the fourth degree against secure treatment facility personnel. Minn. Stat. § 609.2231, subd. 3a(e).
- First- through fourth-degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct. Minn. Stat. § 609.3455, subds. 6–8.
- Use of minors in sexual performance or child sexual abuse material. Minn. Stat. § 617.246, subd. 7.
- Child ~~pornography~~ sexual abuse material. Minn. Stat. § 617.247, subd. 9.

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 (Example offenses listed in italics)	CRIMINAL HISTORY SCORE							
	0	1	2	3	4	5	6 or more	
* * *								
<i>CSC 3rd Degree–1a(b) with 2(2) Possession of Child Pornography Sexual Abuse Material Solicit Child for Sexual Conduct</i>	G	15	20	25	30	39 34-46	51 44-60	60 51-60 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
8	* * *	
	Identity Theft (Related to Child Pornography <u>Sexual Abuse Material</u>)	609.527, subd. 3(6)
* * *		
C	Criminal Sexual Conduct 3rd Degree	609.344, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)
	Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	617.247, subd. 3(b)
	Sexual Extortion (Penetration)	609.3458, subd. 1(b)
	Sex Trafficking 2nd Degree	609.322, subd. 1a

Severity Level	Offense Title	Statute Number
	Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	617.246, subd. 2(b), 3(b), 4(b)
D	Criminal Sexual Conduct 2nd Degree	609.343, subd. 1a(e)(f)(g)
	Criminal Sexual Conduct 3rd Degree	609.344 subd. 1a(a)(e)(f) or subd. 1a(b) with ref. to subd. 2(1)
	Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u>	617.246, subd. 2(a), 3(a), 4(a)
E	Criminal Sexual Conduct 4th Degree	609.345, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)
	Dissemination of Child Pornography <u>Sexual Abuse Material</u>	617.247, subd. 3(a)
	Sexual Extortion (Contact)	609.3458, subd. 1(a)
	Possession of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	617.247, subd. 4(b)
	* * *	
G	Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 36 mos. older than Complainant)	609.344 subd. 1a(b) with ref. to subd. 2(2)
	Indecent Exposure	617.23 subd. 3
	Possession of Child Pornography <u>Sexual Abuse Material</u>	617.247, subd. 4(a)
	Solicitation of Children to Engage in Sexual Conduct	609.352, subd. 2
	Solicitation of Children to Engage in Sexual Conduct (Electronic)	609.352, subd. 2a
	Surreptitious Observation Device (Minor Victim and Sexual Intent)	609.746, subd. 1(h)
	* * *	

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
* * *		
609.527 subd. 3(6)	Identity Theft (Related to Child Pornography <u>Sexual Abuse Material</u>)	8
* * *		
617.246 subd. 2(a) 3(a) 4(a)	Use of Minors in Sexual Performance or Child <u>Sexual Abuse Material</u>	D
617.246 subd. 2(b) 3(b) 4(b)	Use of Minors in Sexual Performance or Child <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	C*
617.247 subd. 3(a)	Dissemination of Child Pornography <u>Sexual Abuse Material</u>	E*
617.247 subd. 3(b)	Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	C*
617.247 subd. 4(a)	Possession of Child Pornography <u>Sexual Abuse Material</u>	G
617.247 subd. 4(b)	Possession of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	E
* * *		

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
* * *	
617.246, subd. 2(a), 3(a), 4(a)	Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u>
617.246, subd. 2(b), 3(b), 4(b)	Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)
617.247, subd. 3(a)	Dissemination of Child Pornography <u>Sexual Abuse Material</u>
617.247, subd. 3(b)	Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)
617.247, subd. 4(a)	Possession of Child Pornography <u>Sexual Abuse Material</u>
617.247, subd. 4(b)	Possession of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)
* * *	

2.B.105. *If an offense has been repealed, but the elements of that offense have been incorporated into another felony statute, determine the appropriate severity level based on the severity level ranking for the current felony offense containing those similar elements. For example, in 2010, the Legislature recodified violations of domestic abuse no contact orders from Minn. Stat. § 518B.01, subd. 22(d) into Minn. Stat. § 629.75, subd. 2(d). This policy also applies to offenses that are currently assigned a severity level ranking, but were previously unranked and excluded from the Offense Severity Reference Table. For example, dissemination of child ~~pornography~~ sexual abuse material under Minn. Stat. § 617.247, subd. 3(a), was unranked until August 1, 2006. It is currently ranked at Severity Level E, and receives a weight of 1½ points.*

* * *

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:
* * *				
617.246, subd. 2(b) 3(b) 4(b)	Use of Minors in Sexual Performance or <u>Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	C	180	CHS 5 (upper-range)
617.247, subd. 3(a)	Dissemination of Child Pornography <u>Sexual Abuse Material</u>	E	84	CHS 5
617.247, subd. 3(b)	Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14)	C	180	CHS 5 (upper-range)
* * *				

C. Technical amendments to the Sentencing Guidelines

As a result of its review of technical issues and errors in the 2024 Sentencing Guidelines, the Commission proposed the following modifications at its meeting on June 5, 2025.

1. Correct Statute Citation for Use of Deep Fake to Influence Election

Resulting from: An error in a reference to a statute. A crime created by the 2023 Legislature for using deep fake technology to influence an election was originally codified under Minn. Stat. § 609.771, and the felony was found in subd. 3(1). The statutory reference was changed in 2024 when paragraph (b) was inserted to allow an exemption for a broadcaster or cable television system. This moved the citation for the felony offense to paragraph (a). [2024 Minn. Laws, Ch. 112, art. 2, s. 76](#).

Proposal summary: Insert “(a)” after subd. 3, so that it reads “609.771, subd. 3(a)(1).”

Amendments are proposed to the 2024 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
UNRANKED	* * *	
	Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation)	609.771, subd. 3(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
* * *		
609.771 subd. 3(a)(1)	Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation)	Unranked
* * *		

2. Add Criminal Vehicular Homicide to Appendix 3. Presumptive Sentence Durations that Exceed the Statutory Maximum

Resulting from: An addition to a reference list. The Guidelines contain a non-exhaustive list of offenses in which the presumptive duration exceeds the statutory maximum sentence. The list is for convenience and indicates the statute, offense title, severity level, statutory maximum, and at which Criminal History Score (CHS) the presumptive sentence exceeds the statutory maximum. Criminal Vehicular Homicide under 609.2112 subd. 1(a) exceeds the statutory maximums at CHS 6 (upper range) and is not on the list

Proposal summary: Add Minn. Stat. § 609.2112 subd. 1(a) to Appendix 3.

Amendments are proposed to the 2024 Minn. Sentencing Guidelines & Commentary, Appendix 3, as follows:

* * *

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>609.2112 subd. 1(a)</u>	<u>Criminal Vehicular Homicide</u>	<u>8</u>	<u>120</u>	<u>CHS 6 (upper-range)</u>
* * *				