

GENERAL RESTRUCTURING NOTES

This draft, which restructures the Sentencing Guidelines, is the first restructuring draft that has been released for the Commission's review. It was prepared by staff, with contributions by Ben Johnson of the House Research Department and editorial guidance by the comprehensive review restructuring committee, consisting of Judge Castro, Judge Ede, Professor Frase, and Commissioner Middlebrook.

The commentary and appendices are not now included in the restructuring project; it is hoped that the Commission will be able to work on them immediately after completing its restructuring of the Guidelines themselves.

This draft's most basic goal is to follow the Revisor's decimal-numbering format, and to adopt the Revisor's style in general, with several differences, chiefly: a section is instead referred to as a "guideline"; there are more tables than appear in statute; and headnotes beyond the subdivision level are not uncommon. The yellow-highlighted restructuring notes are not intended as permanent commentary, but as explanations to the Commission. (The same is true of these notes and the table that follows.)

In addition to style and organizational changes, this restructure also makes non-substantive, people-first changes—for example, many instances of "offender" are changed to "person being sentenced"—and makes language clearer and plainer, and organization more logical, when possible. There are some substantive changes as well, chiefly in areas where the Guidelines are unclear, ambiguous, or incomplete. These changes, which are intended to hew as closely as possible to the status quo, as staff understands it, are indicated by restructuring notes at the end of the applicable guideline.

The following table highlights thirteen entirely new policies in this draft, all of which are explained in detail in the restructuring notes:

GUIDELINE	NEW POLICY	INSPIRATION
1.20 & 6.20	A stayed adult sentence in an EJJ disposition is not a departure	The EJJ statute
1.30	The amelioration doctrine affects effective dates	Case law
1.40	New rules of construction specify what is or is not binding authority	Case law & statutory rules of construction
1.50	New "equivalent ... offense" definition, with clearer criteria than 2.B.5, applied through Guidelines	2.B.5's rewrite presented opportunity to improve
2.31 & 2.32	Upon successful discharge, a stay of imposition is counted as a misdemeanor in criminal history	The statute deeming it to be a misdemeanor
2.35	2.B.7 is entirely rewritten to more clearly account for offense or penalty changes; changed priors are weighed in criminal history as the more lenient of its weight now or its weight then; inflation rule is abolished	Need for clarity, consistency, and fairness in accounting for offense changes

GUIDELINE	NEW POLICY	INSPIRATION
2.36	2.B.5 is entirely rewritten with bright-line rules based on an out-of-state prior's sentence, rather than its elements, to determine how to weigh it in criminal history	U.S. Sentencing Guidelines
2.60	New order of operations controls all durational modifiers	Need to avoid potential mathematical ambiguity
2.64	New rounding rule for percentage modifiers	Need to avoid small fractions in presumptive duration
2.66	Recalculate 15%-down, 20%-up ranges after applying modifiers	The MSGC charter statute
2.73	The conditions under which the execution of a presumptively stayed sentence is permissible without departure are changed; execution is permitted only for the consecutive offense, and only if the older offense is already executed	The Commission's original intent, as recorded in MSGC's 2004 modification summary
6.50	Deleted "more onerous than usual" language in drug kingpin aggravating factor; unclear if that was intended to be a separate requirement from the 11 factors that follow	No appellate case gives separate meaning to "more onerous than usual"
6.50	Added a general limitation on using an element of the crime, or of another crime, as an aggravating factor	Case law

The changes to the 2026 Sentencing Guidelines are intended to be marked up through Microsoft Word's track-changes feature. This draft does not, however, focus on marking up various immaterial changes, including changes in capitalization or font style (such as underlining or bolding), and changes to leading section, paragraph, or clause numbers (including letters and bullets). For technical reasons, numbered cross-references to other parts of the restructured Guidelines are not marked up. In addition, the offense lists in chapter 7 do not mark changes to the sequence in which offenses are listed, and global style changes to the lists—such as the addition of commas after "subd." or the rearrangement of columns—are not marked. Finally, the newly added "history" section at the bottom of each guideline is not marked, nor are the restructuring notes.

Ordinarily, a markup is applied to the original document—in this case, the 2026 Sentencing Guidelines. Because this draft completely reorganizes the Guidelines, however, such a markup would be unreadable. Instead, the 2026 Guidelines are chopped into various sections, and those 2026 sections are marked up in the appropriate place or places in the restructured Guidelines. To aid the reader in following this, the number of each 2026 section is marked as deleted text at the beginning of the markup to that section.

To find how and where a particular part of the current Guidelines is represented in this draft, refer to the reference table in Appendix 1 (p. 110). Conversely, to find the origins of a particular guideline in this draft, refer to the "history" section at the end of the guideline.

MINNESOTA SENTENCING GUIDELINES

CHAPTER 1 PURPOSE; APPLICABILITY; DEFINITIONS.....	5
1.10 Purpose and Principles.....	5
1.20 Applicability.	6
1.30 Effective Date of Policy Changes.....	7
1.40 Construction.	7
1.50 Definitions.	7
CHAPTER 2 DETERMINING THE PRESUMPTIVE SENTENCE	13
2.10 Presumptive Sentence in General.....	13
 OFFENSE SEVERITY	13
2.20 Determining Offense Severity.	13
2.25 Offense Severity for Theft Offenses.....	14
 CRIMINAL HISTORY	14
2.30 Criminal History Score.....	14
2.31 Points from Prior Felonies.	15
2.32 Point from Prior Gross Misdemeanors and Misdemeanors.	17
2.35 Prior Minnesota Offenses That Have Changed.....	18
2.36 Prior Non-Minnesota Convictions.	19
 PRESUMPTIVE SENTENCE	23
2.40 Finding the Presumptive Sentence.	23
2.41 Presumptive Disposition.	23
2.42 Presumptive Duration.....	23
2.43 Attempt or Conspiracy to Commit First-Degree Murder.	24
 MODIFYING THE PRESUMPTIVE DISPOSITION.....	24
2.50 Modifying a Presumptive Disposition from a Stay to Commitment.	24
2.51 Statutes that Modify the Presumptive Disposition.	24
2.52 Guidelines Policies that Modify the Presumptive Disposition.....	25
2.55 Permissive Commitment for Certain Consecutive Offenses.	26
 MODIFYING THE PRESUMPTIVE DURATION.....	26
2.60 Modifying the Presumptive Duration in General.....	26
2.61 Custody Status at the Time of the Offense.....	27
2.62 Policies that Reduce the Presumptive Duration by Half.....	28
2.63 Mandatory Minimum Durations.	29
2.64 Policies that Increase the Presumptive Duration by a Percentage.	31
2.65 Other Policies that Add to the Presumptive Duration.....	31
2.66 Final Calculation of Presumptive Durations.	33

CONCURRENT AND CONSECUTIVE SENTENCES	33
2.70 Concurrent Sentences Presumptive; Exceptions.	33
2.71 Consecutive Sentences; General Requirements.	34
2.72 Presumptively Consecutive Sentences.	34
2.73 Permissively Consecutive Sentences.	35
2.74 Modifying Consecutive Sentences.	38
2.75 Administration of Consecutive Sentences.	38
CHAPTER 3 SENTENCING GUIDELINES GRIDS.....	39
3.10 Standard Grid.....	39
3.20 Sex Offense Grid.	41
3.30 Drug Offense Grid.....	43
CHAPTER 4 STAYED SENTENCES.....	45
4.10 Method of Granting Stayed Sentences.	45
4.20 Conditions of Stayed Sentences.....	45
4.30 Revocation of Stayed Sentences.	46
CHAPTER 5 RELATED POLICIES	48
5.10 Jail Credit.....	48
5.20 Conditional Release Terms.	48
5.30 Presentence Mental or Physical Examinations for Sex Offenses.	49
5.40 Military Veterans.....	49
CHAPTER 6 DEPARTURES FROM THE GUIDELINES.....	50
6.10 Departures in General.....	50
6.20 Special Procedural Circumstances.	51
6.30 Factors that Should Not Be Used as Reasons for Departure.....	51
6.40 Factors that May Be Used as Reasons for Mitigated Departure.....	52
6.50 Factors that May Be Used as Reasons for Aggravated Departure.	53
CHAPTER 7 OFFENSE LISTS.....	56
7.10 Severity Levels of Offenses on the Standard Grid.	56
7.20 Severity Levels of Offenses on the Sex Offense Grid.....	71
7.30 Severity Levels of Offenses on the Drug Offense Grid.	74
7.40 Unranked Offenses.....	76
7.50 All Offenses by Statutory Citation.	79
7.60 Theft Offenses.	102
7.80 Severe Violent Offenses.....	104
7.90 Permissively Consecutive Offenses.....	105
APPENDICES	110
Appendix 1. 2026 Sentencing Guidelines Reference Table	110

MINNESOTA SENTENCING GUIDELINES

CHAPTER 1

PURPOSE; APPLICABILITY; DEFINITIONS

1.10 PURPOSE AND PRINCIPLES.

Subdivision 1. **Purpose.** The purpose of the Sentencing Guidelines is to establish rational and consistent sentencing standards that promote public safety, reduce sentencing disparity, and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the criminal history of the person being sentenced.

Subd. 2. **Principles.** (a) The principles in this subdivision describe the ideals embodied in the Sentencing Guidelines.

(b) In establishing and modifying the Sentencing Guidelines, public safety is the Commission's primary consideration. Public safety includes consideration of the long-term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5. Sentences that work to reduce future crimes and victimizations through means such as rehabilitation, deterrence, incapacitation, and effective community supervision further public safety. In some cases, public safety is furthered by reasonable caution in the choice of sanctions that could hinder reintegration into the law-abiding community.

(c) Sentencing should be neutral with respect to the race, gender, social, or economic status of those convicted of felonies.

(d) The severity of the sanction should increase in direct proportion to an increase in offense severity, criminal history, or both. This promotes a rational and consistent sentencing policy. Proportionate sentence severity is measured against the blameworthiness of the person being sentenced and the harms done, or risked, to victims and the community in the current offense.

(e) The weight given to the criminal history score advances the Guidelines' goals of public safety and proportionality. The score reflects policy judgments that prior convictions are an important indicator of a person's risk of recidivism, and that they may add to the blameworthiness of the commission of the current offense. The criminal history score is not meant to impose cumulative penalties for prior offenses that have previously been punished.

(f) Commitment to the Commissioner of Corrections is the most severe sanction that can be imposed for a felony conviction, but it is not the only significant sanction available to the court.

(g) Because state and local correctional facility capacity is finite, confinement should be imposed only for those convicted of more serious offenses or who have longer criminal histories. To ensure such usage of finite resources, sanctions used in sentencing those convicted of felonies should be the least restrictive necessary to achieve the purposes of the sentence.

(h) Although the Sentencing Guidelines are advisory to the court, the presumptive sentences are deemed appropriate for all typical cases sharing criminal history and offense

severity characteristics. Therefore, departures from the presumptive sentences established in the Sentencing Guidelines may be made only when the court can identify and articulate substantial and compelling circumstances that justify a departure.

History: 2026 Minn. Sentencing Guidelines & Commentary 1.A & 1.B.13; restructured 2027.

Restructuring note: Subd. 2(h) contains some language that was previously in the definition of “presumptive sentence,” but is more principle than definition; hence the move. Also, “should be made only when” is changed to “may be made only when” to be consistent with guideline 6.10, *Shattuck*, and the “court shall follow” language in Minn. Stat. § 244.09, subd. 5.

1.20 APPLICABILITY.

Subdivision 1. **Applicability in general.** (a) The Sentencing Guidelines apply to all adult sentences for convictions of felonies committed on or after May 1, 1980.

(b) The Sentencing Guidelines in effect on the date the conviction offense took place (see guideline 1.30) determine the presumptive sentence, except that:

(1) if multiple offenses are an element of the conviction offense, the date of the conviction offense must be determined by the factfinder; and

(2) if offenses have been aggregated as permitted by statute, the date of the earliest offense must be used as the date of the conviction offense.

Subd. 3. **Applicability to juveniles.** (a) The Guidelines apply when determining the appropriate sentence for a juvenile certified as an adult under Minn. Stat. § 260B.125.

(b) For an extended jurisdiction juvenile (EJJ) prosecution, the Guidelines apply:

(1) to the designation of the proceeding as an EJJ prosecution, to the extent such designation is based on the presumptive Guidelines disposition (see Minn. Stat. § 260B.130, subd. 1(2)); and

(2) to the presumptive duration of the stayed adult sentence pronounced as part of the EJJ disposition imposed under Minn. Stat. § 260B.130, subd. 4(a)(2).

Subd. 4. **Life sentences.** (a) The Sentencing Guidelines do not apply to a mandatory life sentence under Minn. Stat. § 609.106, 609.185, 609.2661, or 609.3455, subd. 2.

(b) Regarding a mandatory life sentence under Minn. Stat. § 609.3455, subd. 3 or 4, see guideline 2.63, subd. 4.

(c) Regarding Minn. Stat. § 609.385 (treason), see guideline 7.40 (unranked offenses).

History: 2026 Minn. Sentencing Guidelines & Commentary 2, 2.E.4, & 3.D; restructured 2027.

Restructuring note: Subdivision 1 deletes an unnecessary and possibly incomplete table listing aggregated offenses. If the table is deemed to be helpful to practitioners, it can be included in an appendix. Subd. 2(b) includes some missing aspects of the EJJ statute; see also the restructuring note regarding guideline 6.20, paragraph (a). Subd. 3(a) omits treason from the life sentences list because the Guidelines, oddly, list it as an unranked offense.

1.30 EFFECTIVE DATE OF POLICY CHANGES.

Subdivision 1. **Policy modifications; effective date.** (a) Except as provided in paragraph (b), modifications to chapters 1 to 7 of the Sentencing Guidelines, and associated commentary and appendices, apply to offenses with a date of offense on or after the specified modification effective date.

(b) Pursuant to the amelioration doctrine, Sentencing Guidelines modifications that mitigate punishment apply to all cases whose conviction was not final as of the specified modification effective date, unless the legislature has made a clear statement of its intent to abrogate the doctrine.

(c) Pursuant to court rules and appellate decisions, a conviction becomes final when the district court has entered judgment of conviction and has imposed or stayed a sentence and every avenue of appellate review, whether by direct appeal or by petition for discretionary review by the Supreme Court of Minnesota or the Supreme Court of the United States, has either not been pursued in time or has been exhausted.

Subd. 2. **Policy clarifications; effective date.** Changes and clarifications to commentary and appendices relating to existing Guidelines policy apply to those sentenced on or after the specified effective date.

History: 2026 Minn. Sentencing Guidelines & Commentary 3.G; restructured 2027.

Restructuring note: Subd. 1(b) is an attempt to incorporate the holdings of Kirby, Otto, and Robinette. Subd. 1(c) is an attempt to incorporate Minn. R. Crim. P. 28.02, subd. 2(1), and Luna-Pliego v. State, 904 N.W.2d 916 (Minn. Ct. App. 2017).

1.40 CONSTRUCTION.

(a) Commentary and appendices are advisory and not binding on the courts.

(b) The following are mere catchwords to indicate the contents of the matter that follows, and are not part of the Guidelines:

(1) headnotes printed in boldface type before chapters, subchapters, guidelines, subdivisions, paragraphs, and clauses; and

(2) example offenses printed in italics before the severity levels on the sentencing grids.

History: Adopted 2027.

Restructuring note: This guideline is new. Paragraph (a) incorporates a holding of Asfaha. Paragraph (b)(1) generally applies Minn. Stat. § 645.49 to the Guidelines, but with “guidelines” replacing “sections” and its scope expanded to cover headnotes above the guideline level and below the subdivision level. Paragraph (b)(2) gives the Commission the flexibility to list example offenses that are helpful without the concern of being exactly precise, given the limited space available.

1.50 DEFINITIONS.

Subdivision 1. **Applicability.** As used in these Sentencing Guidelines, the following terms have the meanings given.

Subd. 2. **Applicable grid.** “Applicable grid” means, for an offense listed in guideline 7.10, 7.20, or 7.30, the standard grid, the sex offense grid, or the drug offense grid, respectively. For an unranked offense, the applicable grid is the grid containing the severity level assigned by the court under guideline 2.20, subd. 3. When an offense includes a sentence modifier, such as attempt or conspiracy, the applicable grid is the grid applicable to the underlying offense, except that, for an attempt or conspiracy to commit first-degree murder, the applicable grid is found in guideline 2.43.

Subd. 3. **Commission.** “Commission,” when capitalized but not the first word of a sentence, means the Minnesota Sentencing Guidelines Commission.

Subd. 4. **Commitment.** “Commitment” is the act of sentencing someone to the custody of the Commissioner of Corrections.

Subd. 5. **Concurrent sentence.** “Concurrent sentence” means that multiple sentences must be served at the same time.

Subd. 6. **Consecutive sentence.** “Consecutive sentence” means that multiple sentences must be served one after the other in the manner described in guidelines 2.70 to 2.75.

Subd. 7. **Conviction.** “Conviction” has the meaning given in Minn. Stat. § 609.02, subd. 5.

Subd. 8. **Criminal history score.** “Criminal history score” means the total number of points assigned to a person based on the criminal history factors detailed in guidelines 2.30 to 2.36. The horizontal axis on the applicable grid represents the criminal history score.

Subd. 9. **Current offense; current conviction offense.** “Current offense” or “current conviction offense” means the Minnesota felony offense for which a person is, for the first time after conviction, receiving a stayed or imposed sentence, and to which the Guidelines are being applied.

Subd. 10. **Departure.** “Departure” means a pronounced sentence other than the presumptive sentence recommended in chapter 2. A departure may take the form of a dispositional departure, a durational departure, or a departure from a policy in guidelines 2.70 to 2.75 (concurrent and consecutive sentences). One sentence may include any combination of these departures.

Subd. 11. **Departure report.** “Departure report” means the form referred to in Minn. R. Crim. P. 27.03, subd. 4(C), which must, when the court pronounces a sentence that is a departure, be completed by the court and submitted to the Sentencing Guidelines Commission within 15 days after sentencing.

Subd. 12. **Dispositional departure.** “Dispositional departure” means a disposition ordered by the court that is different from the disposition recommended in chapter 2. A dispositional departure includes:

(1) an aggravated dispositional departure, which occurs when chapter 2 recommends a stayed sentence but the court pronounces an executed prison sentence; and

(2) a mitigated dispositional departure, which occurs when chapter 2 recommends an executed prison sentence but the court stays the sentence.

Subd. 13. **Durational departure.** “Durational departure” means a sentence ordered by the court with a prison duration that is not within the presumptive duration recommended in chapter 2. A durational departure includes:

(1) an aggravated durational departure, which occurs when the court pronounces a prison duration that is longer than the presumptive duration; and

(2) a mitigated durational departure, which occurs when the court pronounces a prison sentence that is shorter than the presumptive duration, including a stayed or imposed misdemeanor or gross misdemeanor sentence.

Subd. 14. **Equivalent non-Minnesota felony offense.** “Equivalent non-Minnesota felony offense” means a prior non-Minnesota offense that, when committed, had a statutory maximum of more than one year, was not defined as a type of misdemeanor, and whose elements, as determined by the court:

(1) were identical to the elements of at least one Minnesota offense within the category in question on the date the current offense was committed; or

(2) required no less than the same type and degree of prohibited conduct, harm, and culpability required by the elements of at least one Minnesota offense within the category in question on the date the current offense was committed.

Subd. 15. **Executed sentence.** “Executed sentence” means the total period of time for which a court commits a person to the custody of the Commissioner of Corrections (*i.e.*, sends the person to prison). Under Minn. Stat. § 244.101, for those committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, an executed sentence consists of the following two parts:

(1) a minimum term of imprisonment equal to two-thirds of the executed sentence; and

(2) a maximum supervised release term equal to one-third of the executed sentence less any applicable disciplinary confinement period. A supervised release term is a period of mandatory community supervision served immediately following the end of the term of imprisonment.

Subd. 16. **Extended jurisdiction juvenile (EJJ).** “Extended jurisdiction juvenile” means a child who, under the procedures in Minn. Stat. § 260B.130, has been given a stayed adult sentence and a juvenile disposition, and for whom jurisdiction of the juvenile court may continue until the child’s 21st birthday.

Subd. 17. **Factfinder; finder of fact.** “Factfinder” or “finder of fact” means the person or body who determines the facts in the case. The factfinder or finder of fact may be either the court or the jury.

Subd. 18. **Guidelines.** “Guidelines,” when capitalized but not the first word of a sentence, means these Minnesota Sentencing Guidelines.

Subd. 19. **Local confinement.** “Local confinement” means a term of incarceration required to be served in a local facility. Under Minn. Stat. § 609.135, subd. 4, a court may order up to one year of local confinement as a condition of probation.

Subd. 20. **Mandatory minimum.** “Mandatory minimum” means the shortest length of imprisonment specified in statute that the court must impose on a person convicted of a specified felony offense.

Subd. 21. **Non-Minnesota.** “Non-Minnesota” means not governed by the law of the State of Minnesota as applied by a court established or authorized under the Minnesota Constitution, article VI. The term includes, without limitation, the application of Minnesota law by a tribal court, a court-martial, or a court of the United States.

Subd. 22. **Presumptive sentence.** (a) “Presumptive sentence” means the sentence provided and recommended by chapter 2. Some presumptive sentences include provisions regarding concurrent and consecutive sentencing (see guidelines 2.70 to 2.75), but every presumptive sentence includes the following:

(1) a presumptive disposition, which is either a presumptive commitment or a presumptively stayed sentence; and

(2) a presumptive duration, which consists of the presumptive fixed sentence length, in months, and a presumptive range.

(c) Pursuant to Minn. Stat. § 244.09, subd. 5(2), the durations of the presumptive range extend from 15 percent shorter than the presumptive fixed sentence (the “lower range”) to 20 percent longer than the presumptive fixed sentence (the “upper range”). The presumptive duration must not exceed the statutory maximum, be shorter than any mandatory minimum that applies, or be shorter than 12 months.

Subd. 23. **Sentence modifier.** “Sentence modifier” means a statute or Guidelines policy that aids in defining the punishment for the underlying offense. A sentence modifier can affect either the presumptive duration or the presumptive disposition, or both. See guidelines 2.50 to 2.66 for policies relating to determining the presumptive sentence for offenses that include a sentence modifier.

Subd. 24. **Sentencing Guidelines grid; grid.** “Sentencing Guidelines grid” or “grid” means any of the tables that display presumptive sentences for felony offenses according to the severity level of the offense (vertical axis) and criminal history score of the person being sentenced (horizontal axis). The grids include:

(1) the standard grid, guideline 3.10, which displays the presumptive sentences for felony offenses listed in guideline 7.10;

(2) the sex offense grid, guideline 3.20, which displays the presumptive sentences for criminal sexual conduct, other sex offenses, and failure to register as a predatory offender, as listed in guideline 7.20;

(3) the drug offense grid, guideline 3.30, which displays the presumptive sentences for controlled substance crime and related offenses, as listed in guideline 7.30; and

(4) a special one-row grid for attempt or conspiracy to commit first-degree murder, as provided in guideline 2.43.

Subd. 25. **Severity level.** (a) “Severity level” means the ranking the Commission assigns to a felony offense to indicate its seriousness. The Commission assigns a ranking to each felony offense listed in guidelines 7.10 to 7.30 as follows:

(1) offenses listed in guideline 7.10 are assigned severity levels 11 (high) to 1 (low) on the standard grid;

(2) offenses listed in guideline 7.20 are assigned severity levels A (high) to I (low) on the sex offense grid; and

(3) offenses listed in guideline 7.30 are assigned severity levels D9 (high) to D1 (low) on the drug offense grid.

(c) The vertical axis on the applicable grid represents the severity level of the conviction offense. The Commission deems offenses at the same severity level to be equally serious.

Subd. 26. **Statutory maximum.** “Statutory maximum” means the maximum sentence duration provided for an offense in statute (e.g., “imprisonment for not more than 15 years”).

Subd. 27. **Stayed sentence.** “Stayed sentence” means a sentence for a felony conviction primarily served in the community rather than in the custody of the Commissioner of Corrections. A stayed sentence may be accomplished in either of the following ways:

(1) A stay of imposition occurs when the court accepts and records a finding or plea of guilty, but, rather than impose (or pronounce) a prison sentence, the court stays imposition of the sentence. If the person successfully completes the stay, the case is discharged, and the conviction is deemed a misdemeanor under Minn. Stat. § 609.13, but is still included in criminal history under guideline 2.31.

(2) A stay of execution occurs when the court accepts and records a finding or plea of guilty and imposes (or pronounces) a prison sentence, but, rather than execute the sentence and send the person to prison, the court stays execution of the imposed sentence. If the person successfully completes the stay, the case is discharged, but the person continues to have a record of a felony conviction, which is included in criminal history under guideline 2.31.

History: 2026 Minn. Sentencing Guidelines & Commentary 1.B; restructured 2027.

Restructuring note: Numerous references to “the appropriate cell on the applicable grid” ignored the possibility of sentence modifiers and disregarded concurrent/consecutive sentencing policy, and were therefore replaced with general references to chapter 2. Definitions for “applicable grid,” “Commission,” “conviction,” “current offense,” “equivalent non-Minnesota felony offense,” “Guidelines,” and “non-Minnesota” were added. It was necessary to add a definition for “equivalent non-Minnesota felony offense” because the term is used in various places in the Guidelines, and its current source, 2.B.5 (here guideline 2.36) is being completely rewritten to get away from offense elements. Note that this definition is new; it deviates significantly from the 2.B.5 approach in the hopes of giving clearer guidance to the court without being entirely rigid or formulaic. Definitions of “Hernandizing” and “sentencing worksheet” were deleted. The former term is used only once in the Guidelines, and then just in a parenthetical cross-reference to the definition. For what purpose? The definition says it is an “informal” term; then why formally define it? If it’s helpful, it can be demoted to the commentary. Both the

definition and the parenthetical cross-reference are deleted. The latter definition is deleted because it defines a term that is never used in the Guidelines.

CHAPTER 2

DETERMINING THE PRESUMPTIVE SENTENCE

2.10 PRESUMPTIVE SENTENCE IN GENERAL.

The presumptive sentence is generally found in the cell of the appropriate grid located at the intersection of the criminal history score and the severity level.

History: 2026 Minn. Sentencing Guidelines & Commentary 2; restructured 2027.

OFFENSE SEVERITY

2.20 DETERMINING OFFENSE SEVERITY.

Subdivision 1. **General rule.** The applicable offense severity level is the level assigned to the conviction offense, not the charging offense. The severity level for each felony offense is found in guidelines 7.10 to 7.30 (severity levels by grid) and restated in guideline 7.50 (all offenses by statutory citation).

Subd. 2. **Life sentences.** Offenses for which the punishment by law is a mandatory life sentence, including first-degree murder, have not been assigned a severity level; see guidelines 1.20, subd. 4, and 2.43.

Subd. 3. **Unranked offenses.** (a) The offenses listed in guideline 7.40 are designated as unranked offenses. If an offense is omitted from guidelines 7.10 to 7.30 and 7.50, the offense is considered unranked.

(b) When sentencing an unranked offense, the court must assign an appropriate severity level for the offense and specify on the record why that particular level was assigned. The court may consider, but is not limited to, the following factors:

- (1) the gravity of the specific conduct underlying the unranked offense;
- (2) the severity level assigned to any ranked offense with elements that are similar to the elements of the unranked offense;
- (3) the conduct of and severity level assigned to others sentenced for the same unranked offense; and
- (4) the severity level assigned to others engaged in similar conduct.

Subd. 4. **Attempts, conspiracies, and similar statutes.** (a) The severity level for a current offense that includes a sentence modifier, such as attempt or conspiracy, is the severity level of the underlying offense. The presumptive duration for these offenses must be adjusted pursuant to guidelines 2.62 to 2.65.

(b) The severity level for knowing transfer of a communicable disease under Minn. Stat. § 609.2241 is the severity level of the underlying offense.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.A.1, 2.A.3 to 5, & 5.B; restructured 2027.

Restructuring note: While not explicit in the 2026 Guidelines, paragraph (b) is inferred from the fact that 5.B contains a footnote that directs the reader to 2.A.5, which states that, for an offense with a sentence modifier, the presumptive sentence is the sentence of the underlying offense, as modified by 2.G. That doesn't really apply here, because this statute modifies no sentence, so this draft infers that the intent of the cross-reference is that knowing transfer of a communicable disease does not have its own presumptive sentence, but inherits the presumptive sentence of the underlying offense (which parallels the unique structure of Minn. Stat. § 609.2241 itself).

2.25 OFFENSE SEVERITY FOR THEFT OFFENSES.

Subdivision 1. **Theft offenses with an assigned severity level.** If guideline 7.10 assigns a specific severity level to the current offense, the specific severity level applies. Thus, for example, regardless of value:

(1) permanent theft of a motor vehicle is ranked at severity level 4 if the conviction is under the general theft statute, Minn. Stat. § 609.52, subd. 2(a)(1), and the offense involves theft of a motor vehicle; and

(2) motor vehicle use without consent is ranked at severity level 3 if the conviction is under Minn. Stat. § 609.52, subd. 2(a)(17).

Subd. 2. **Theft offense list.** For offenses listed in guideline 7.60 (theft offenses) that are not assigned a specific severity level in guideline 7.10, the severity level is either:

(1) severity level 2 when the monetary value is \$5,000 or less; or

(2) severity level 3 when the monetary value exceeds \$5,000.

Subd. 3. **Theft creating a risk of harm.** 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 established in subdivisions 1 and 2.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.A.2 & Comment 2.A.05; restructured 2027.

Restructuring note: The new material consolidates various theft-related ranking rules in one place and explains how those rules interact. No new policy is intended.

CRIMINAL HISTORY

2.30 CRIMINAL HISTORY SCORE.

The horizontal axis divides the Sentencing Guidelines grids into columns based on possible criminal history scores. An individual's criminal history score is the sum of points from eligible:

(1) prior felonies; and

(2) prior misdemeanors and gross misdemeanors.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.B; restructured 2027.

2.31 POINTS FROM PRIOR FELONIES.

Subdivision 1. **Eligible prior felonies.** (a) Except as provided in subdivision 2, each felony conviction is eligible for inclusion in the criminal history score if, before the current sentencing, a felony sentence was stayed or imposed or a stay of imposition of sentence was given for the conviction.

(b) For the purpose of this guideline, the imposition of an adult criminal sentence as part of the disposition of an extended jurisdiction juvenile (EJJ) prosecution is a felony conviction.

Subd. 2. **Eligibility; exceptions and limitations.** (a) The following exceptions and limitations apply to subdivision 1:

(b) **No conviction.** An offense for which a judgment of guilty has not been entered before the current sentencing, such as a stay of adjudication or continuance for dismissal, is not a prior felony conviction for the purpose of this guideline.

(c) **Non-felony sentence.** A prior felony conviction where the imposed sentence was within the limits provided by law for a misdemeanor or gross misdemeanor under Minn. Stat. § 609.13, subd. 1(1), is not a prior felony conviction for the purpose of this guideline, but is an eligible prior misdemeanor or gross misdemeanor conviction under guideline 2.32, subd. 2.

(d) **Discharged stay of imposition.** If, before the current sentencing, a prior stay of imposition for a felony conviction is deemed to be a misdemeanor under Minn. Stat. § 609.13, subd. 1(2), due to discharge without a prison sentence, the prior stay of imposition is not a prior felony conviction for the purpose of this guideline, but is an eligible misdemeanor conviction under guideline 2.32, subd. 2.

(e) **Decayed offenses.** A prior felony conviction is not eligible for inclusion in the criminal history score if all the following, to the extent applicable, occurred before the date of the current offense:

(1) the prior felony sentence or stay of imposition expired or was discharged;

(2) a period of ten years elapsed after the date of the initial sentence following the prior conviction; and

(3) if the prior felony sentence was executed, a period of ten years elapsed after the date of expiration of the sentence.

(f) **Previous court appearances resulting in multiple sentences.** When multiple felony sentences were imposed in a previous court appearance, the following limitations apply:

(1) **Multiple sentences for a single course of conduct.** If multiple sentences for a single course of conduct were imposed under Minn. Stat. § 152.137, 609.585, or 609.251, only the offense at the highest severity level is eligible for inclusion in the criminal history score.

(2) **Multiple victims in a single course of conduct.** If multiple sentences arose from a single course of conduct involving multiple victims, only the two offenses at the highest severity levels are eligible for inclusion in the criminal history score.

Subd. 3. **Felony point values.** (a) Each eligible prior felony conviction is assigned a felony point value as provided in paragraph (c) or (d), as applicable.

(b) A prior felony conviction's point value is based on the prior felony's severity level in effect at the time the current offense was committed. Guidelines 2.35 and 2.36 govern the treatment of changed and non-Minnesota offenses. The severity level of a prior felony that included a sentence modifier, such as attempt or conspiracy, is the severity level of the prior underlying offense.

(c) If the current offense is not on the sex offense grid, determine the felony point value assigned to each eligible prior felony conviction according to its severity level, as follows:

Severity Level	Point Value
9, 10, 11, A, D8, D9, or first-degree murder	2 points
6, 7, 8, B, C, D, E, D6, or D7	1-1/2 points
3, 4, 5, F, G, D3, D4, D5, or I (for second or subsequent offense)	1 point
1, 2, H, D1, D2, or I (for first offense)	1/2 point

(d) If the current offense is on the sex offense grid, determine the felony point value assigned to each eligible prior felony conviction according to its severity level, as follows:

Severity Level	Point Value
A	3 points
9, 10, 11, B, C, D8, D9, or first-degree murder	2 points
6, 7, 8, D, E, D6, or D7	1-1/2 points
3, 4, 5, F, G, H, D3, D4, D5, or I (for second or subsequent offense)	1 point
1, 2, D1, D2, or I (for first offense)	1/2 point

Subd. 4. **Multiple current sentences.** Multiple offenses sentenced at the same time before the same court must be sentenced in the order in which they occurred. As each eligible felony offense is sentenced, it is included in the criminal history of the next offense to be sentenced except as follows:

(1) **Multiple sentences for a single course of conduct.** When multiple current convictions arise from a single course of conduct and the court is imposing multiple sentences on the same day under Minn. Stat. § 152.137, 609.585, or 609.251, the conviction and sentence for the offense sentenced earlier does not increase the criminal history score for the offense sentenced later.

(2) **Multiple victims in a single course of conduct.** When multiple current convictions arise out of a single course of conduct in which there were multiple victims, only the two offenses at the highest severity levels are included in the criminal history of the next offense to be sentenced.

Subd. 5. **Felony point total.** The total number of felony points in the criminal history score is the sum of the felony point values of all eligible felony convictions. If this sum results in a partial point, the total number of felony points must be rounded down to the nearest whole number.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.B.1; restructured 2027.

Restructuring note: Subd. 2(d) is a new rule: After a stay of imposition is successfully completed and becomes a misdemeanor by law, it also becomes a misdemeanor for purposes of the Guidelines. This is a change from current practice, although the existing Guidelines are not explicit on this point.

2.32 POINT FROM PRIOR GROSS MISDEMEANORS AND MISDEMEANORS.

Subdivision 1. **Gross misdemeanor and misdemeanor point calculation.** The existence of four or more eligible misdemeanor or gross misdemeanor convictions under the provisions of subdivision 2 contributes one point to the criminal history score. There is no partial point for fewer than four eligible convictions, and no more than one criminal history point may result from this guideline.

Subd. 2. **Eligible prior misdemeanor or gross misdemeanor convictions.** Except as provided in subdivision 3, each conviction of any of the following offenses is an eligible misdemeanor or gross misdemeanor conviction if, before the current sentencing, a stayed or imposed sentence or stay of imposition was given for the conviction:

- (1) a “targeted misdemeanor,” as defined in Minn. Stat. § 299C.10, subd. 1(e);
- (2) a non-traffic gross misdemeanor;
- (3) gross misdemeanor driving while impaired;
- (4) gross misdemeanor refusal to submit to a chemical test;
- (5) gross misdemeanor reckless driving;
- (6) a felony conviction where the imposed sentence was within the limits provided by law for a misdemeanor or gross misdemeanor under Minn. Stat. § 609.13, subd. 1(1); and
- (7) a prior stay of imposition for a felony conviction that is deemed to be a misdemeanor under Minn. Stat. § 609.13, subd. 1(2), due to discharge without a prison sentence.

Subd. 3. **Exceptions and limitations.** (a) Each of the following is not an eligible misdemeanor or gross misdemeanor conviction:

- (1) a prior misdemeanor or gross misdemeanor conviction if seven years have elapsed between the date of the initial sentence following the prior conviction and the date of the current offense;
- (2) a gross misdemeanor conviction resulting in a misdemeanor sentence for an offense not defined as a targeted misdemeanor under Minn. Stat. § 299C.10, subd. 1(e);
- (3) if the current offense is a felony solely because of one or more prior convictions for misdemeanor and gross misdemeanor offenses, any prior misdemeanor or gross misdemeanor conviction upon which the enhancement is based; and
- (4) a conviction for a misdemeanor or gross misdemeanor driving while impaired (DWI) committed while age 16 or 17 and processed in adult court under Minn. Stat. § 260B.225, subs. 3 and 8.

(c) **Limitation; multiple sentences for a single course of conduct.** If multiple sentences for a single course of conduct were imposed under Minn. Stat. § 152.137, 609.585, or 609.251, no more than one of the offenses may contribute to the criminal history score pursuant to subdivision 1.

(d) **Limitation; multiple victims in a single course of conduct.** If multiple offenses were sentenced arising from a single course of conduct involving multiple victims, no more than two of the offenses may contribute to the criminal history score pursuant to subdivision 1.

Subd. 4. **Petty misdemeanors.** Offenses that are petty misdemeanors by statute, or that are certified as or deemed to be petty misdemeanors under Minn. R. Crim. P. 23, must not be used to compute the criminal history score.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.B.3 & 2.B.7.a; restructured 2027.

Restructuring note: *Because, after 2026, all offenses count the same and there is a total limit of one point, the “unit” system is unnecessary and is repealed. This draft retains the following anomaly: Because the only rounding rule is in 2.31, it is sometimes more advantageous, on the margin, for a defendant’s criminal history to add a low-level felony (worth ½ point, rounded down) than a fourth misdemeanor (worth 1 point). This anomaly could be cured by moving the rounding rule to 2.30 and making two misdemeanors worth ½ point, for a maximum of 1 misdemeanor point. This would, however, tend to increase criminal history scores.*

2.35 PRIOR MINNESOTA OFFENSES THAT HAVE CHANGED.

Subdivision 1. **Definitions.** (a) As used in this guideline, the following terms have the meanings given.

(b) “Comparison offense” means the Minnesota offense that, on the date the current offense was committed, had the same elements as the prior offense in question. If no such offense then existed, the comparison offense is the most serious Minnesota offense, if any, whose elements on the date the current offense was committed required no more than the same type and degree of prohibited conduct, harm, and culpability as the elements of the prior offense in question.

(c) “Current law” or “current Guidelines” means the Minnesota Statutes or Minnesota Sentencing Guidelines in effect on the date the current offense was committed.

(d) “Prior law” means the Minnesota Statutes in effect on the date the prior offense was committed.

Subd. 2. **Applicability.** (a) This guideline applies if a prior Minnesota offense’s statutory elements, penalty, or classification as a targeted misdemeanor changed between the dates the prior and current offenses were committed. When applicable, this guideline controls the consideration of the prior conviction in criminal history under guideline 2.31 or 2.32.

(b) For the purpose of paragraph (a), a one-day maximum-penalty change resulting from 2023 Minn. Laws ch. 52, art. 6, is not a change.

Subd. 3. **Comparison offense.** If this guideline applies, the court must first determine the prior offense’s comparison offense. If there is no comparison offense, the prior offense is not included in the criminal history score.

Subd. 4. **Classification.** (a) The court must determine the classifications of the prior offense and the comparison offense. The court must classify each as a petty misdemeanor or otherwise noncriminal, as a misdemeanor other than a targeted misdemeanor, as a targeted misdemeanor, as a gross misdemeanor, or as a felony by:

- (1) applying prior law to the prior offense; and
- (2) applying current law to the comparison offense.

(c) If the classifications are not identical, the court must apply the less serious classification to the prior offense for purposes of inclusion in the criminal history score under guideline 2.31 or 2.32.

Subd. 5. **Felony point value.** If the application of subdivision 4 results in a felony classification, the comparison offense's severity level under the current Guidelines must be used as the prior offense's severity level for the purpose of determining the prior offense's felony point value under guideline 2.31.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.B.7; restructured 2027.

Restructuring note: This is a complete rewrite of 2.B.7. It establishes two new principles: First, if a prior offense has more recently changed classification as a felony, gross misdemeanor, or targeted misdemeanor—or has been entirely decriminalized—the more lenient of the before-and-after classifications controls the prior offense's contribution to criminal history. Second, if the offense has been rewritten, the old offense will be treated the same as whatever current Minnesota offense has elements that most closely match the degree of misbehavior required by the old offense's elements—but, in order to match, the current Minnesota offense cannot require more serious criminality than the old offense required. Note that this is an elements-based approach, not a fact-based approach, so the judge can make these determinations simply by looking at the law. This approach does require creating a new "comparison offense" definition (the mirror image of the new "equivalent non-Minnesota felony offense" definition). Notably, this rule eliminates the existing "inflation" rule found in 2.B.7.b. Thus, in the unlikely scenario of a non-decayed prior 2006 conviction for theft of over \$2,500—an offense that was later inflation-adjusted to over \$5,000—the prior offense would be treated as felony theft of between \$1,000 and \$5,000 (because the prior's elements only required \$2,500, which is between these numbers). Under this rewrite, then, the defendant would receive one-half of a felony point value for this prior, whereas under the current, inflation-adjusted rule, the defendant would receive a full point because the prior would be equated to today's over-\$5,000 category.

2.36 PRIOR NON-MINNESOTA CONVICTIONS.

Subdivision 1. **In general.** The state has the burden of proving the facts necessary to justify consideration of a non-Minnesota offense in the criminal history score. The court must apply this guideline and make the final determination as to whether and how a prior non-Minnesota conviction should be counted in the criminal history score.

Subd. 4. **Non-Minnesota equivalents to stays of imposition.** (a) A prior non-Minnesota conviction is an eligible prior felony conviction for purposes of guideline 2.31, subd. 1, and is given a felony point value of 1/2 point, if:

(1) the jurisdiction that sentenced the defendant for the non-Minnesota conviction had a statutory program, similar to a stay of imposition in Minnesota, whereby a defendant may be convicted of a felony but the court may stay imposition of a felony sentence upon certain probationary conditions, and whereby the defendant who successfully completes such probation receives a benefit that includes the legal transformation of the felony conviction into something other than a felony conviction;

(2) the defendant was sentenced for the non-Minnesota conviction pursuant to the statutory program described in clause (1);

(3) the non-Minnesota offense had a statutory maximum penalty of more than one year; and

(4) the non-Minnesota offense was not statutorily defined as a type of misdemeanor.

(c) Notwithstanding paragraph (a), a prior non-Minnesota conviction described in paragraph (a) is not a prior felony for the purposes of guideline 2.31, but must be counted in the criminal history score as a misdemeanor or gross misdemeanor conviction under guideline 2.32, subd. 2, if, before the current sentencing, the defendant successfully completed probation and received the benefit described in paragraph (a), clause (1).

Subd. 5. **Sentence-based offense classification.** (a) Subdivisions 6 to 9 do not apply to a prior non-Minnesota conviction that is eligible for consideration in the criminal history score under subdivision 4.

(b) If subdivision 4 does not apply, a prior non-Minnesota conviction's eligibility for consideration in the criminal history score is primarily based on the prior sentence imposed, as determined by subdivisions 6 to 8.

(c) The sentence imposed includes the amount of the fine imposed and the length of the sentence of imprisonment, or other incarceration, imposed.

(d) In determining the amount of the fine imposed, the court must exclude fees, costs, and surcharges.

(e) The length of the sentence imposed is:

(1) the pronounced sentence length, in the case of an executed, determinate sentence;

(2) the maximum possible sentence pronounced, in the case of an indeterminate sentence;

(3) the portion of the sentence that was not suspended, in the case of a partially suspended sentence of imprisonment or other incarceration; or

(4) the period of imprisonment or other incarceration required to be served as a condition of probation, in the case of a sentence to probation.

Subd. 6. **Ineligible convictions.** (a) A prior non-Minnesota conviction must not be included in the criminal history score if the sentence imposed did not include a period of probation, imprisonment, or a fine that exceeded \$300.

(b) Except as provided in subdivision 8, paragraph (c), a prior non-Minnesota conviction for an offense committed by a person who was then under the age of 18 years cannot be included in the criminal history score.

Subd. 7. Eligibility as misdemeanor or gross misdemeanor convictions. (a) A prior non-Minnesota conviction described in paragraph (b) or (c) is an eligible misdemeanor or gross misdemeanor conviction for purposes of guideline 2.32, subd. 2.

(b) The sentence imposed for the non-Minnesota conviction included a period of probation, a period of imprisonment, a fine that exceeded \$300, or any combination of those penalties, but did not include a period of probation that exceeded one year, a period of imprisonment that exceeded 90 days, or a fine that exceeded \$1,000; and the conviction was for an offense involving any of the following elements:

(1) driving under the influence or refusing to submit to a lawfully required test of the person's breath, blood, or urine following a stop for a suspected DWI offense;

(2) the infliction of physical harm or a threat to inflict such harm;

(3) violation of a protective order issued by a court; or

(4) sexual contact, the observation or recording of a person's intimate parts or the clothing covering the immediate area of the intimate parts in a manner that intrudes on or interferes with the privacy of the person, display of the person's intimate parts in a public place or where others are present, or any other open or gross lewdness or lascivious behavior.

(c) The sentence imposed for the non-Minnesota conviction included a period of probation that exceeded one year, a period of imprisonment that exceeded 90 days, a fine that exceeded \$1,000, or any combination of those penalties, but did not include a period of probation that exceeded two years, a period of imprisonment that exceeded 365 days, or a fine that exceeded \$3,000; and the conviction was for:

(1) a non-traffic offense;

(2) driving under the influence or refusing to submit to a lawfully required test of the person's breath, blood, or urine following a stop for a suspected DWI offense; or

(3) reckless driving.

Subd. 8. Eligibility as prior felony convictions. (a) A prior non-Minnesota conviction is an eligible prior felony conviction for purposes of guideline 2.31, subd. 1, if the sentence imposed for the non-Minnesota conviction included a period of probation that exceeded two years, a period of imprisonment that exceeded 365 days, a fine that exceeded \$3,000, or any combination of these penalties.

(b) The felony point value for a conviction described in paragraph (a) is governed by subdivision 9.

(c) When a conviction described in paragraph (a) was for an offense committed by a person who was then under the age of 18 years, it may be included in the criminal history score only if the factfinder determines the person would have been certified to adult court if the person

had committed the conduct underlying the offense in Minnesota and Minnesota law had governed the certification process.

Subd. 9. **Felony point value.** (a) For purposes of paragraph (c), clauses (1) to (3), a prior non-Minnesota offense is a sex offense if its elements constitute “rape,” “fondling,” “incest,” or “statutory rape,” as defined in Code of Federal Regulations, title 34, part 668, subpart D, appendix A, as amended.

(b) If the current offense is not on the sex offense grid, the felony point value for an eligible prior non-Minnesota conviction described in subdivision 8 is:

- (1) two points if the sentence imposed was at least 95 months;
- (2) 1-1/2 points if the sentence imposed was at least 33 months, but fewer than 95 months;
- (3) one point if the sentence imposed was at least 19 months, but fewer than 33 months; or
- (4) 1/2 point if a sentence of at least 19 months was not imposed.

(c) If the current offense is on the sex offense grid, the felony point value for an eligible prior non-Minnesota conviction described in subdivision 8 is:

(1) three points if the conviction was for a sex offense and the sentence imposed was at least 151 months;

(2) two points if the conviction was for a sex offense and the sentence imposed was at least 95 months, but fewer than 151 months;

(3) two points if the conviction was not for a sex offense and the sentence imposed was at least 95 months;

(4) 1-1/2 points if the sentence imposed was at least 33 months, but fewer than 95 months;

(5) one point if the sentence imposed was at least 19 months, but fewer than 33 months; or

(6) 1/2 point if a sentence of at least 19 months was not imposed.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.B.5; restructured 2027.

Restructuring note: This is a complete rewrite of 2.B.5. Currently, the focus of whether and how to include non-Minnesota offenses in the criminal history score is on the elements of the offense. This draft shifts that focus instead to the sentence imposed. The only elements-based questions pertain to the functional definitions of “targeted misdemeanor” (subd. 5(b)), whether the gross misdemeanors fit in the proper Minnesota categories (subd. 5(c)), and whether the non-Minnesota offense is a “sex offense”—and that last question is material only when the current offense is on the sex offense grid and the prior non-Minnesota offense received a pronounced sentence of 151 months or more. (This draft employs a national definition of “sex offense”—from the FBI’s offense definitions and employed nationally in college-campus safety programs—for that purpose.) In defining sentence length—to become the primary driver of whether and how the non-Minnesota prior will be included in criminal history—this draft borrows from section 4A1.2(b), and associated application note 2, of the U.S. Sentencing Guidelines manual. Ben devised a series of gates—petty misdemeanor, targeted misdemeanor, non-traffic and DWI gross misdemeanor, all stated in generic, non-Minnesota-specific ways—

through which the non-Minnesota offense must pass. Offenses whose sentences would have exceeded Minnesota's gross misdemeanor limits are counted as felonies in the criminal history score. Once through the felony gate, the point value is again based on the length of the prison sentence pronounced. Ben designed the cutoff values to approximately correspond to durations found on the sentencing grids—a difficult task given that the three grids are grouped together but have different sentence lengths. There's also an entirely separate test for stay-of-imposition equivalents (subd. 2), based on Nate's understanding of how such programs operate in other states.

PRESUMPTIVE SENTENCE

2.40 FINDING THE PRESUMPTIVE SENTENCE.

The presumptive sentence for a felony conviction is found in the appropriate cell on the applicable grid located at the intersection of the criminal history score (horizontal axis) and the severity level (vertical axis). The current conviction offense determines the severity level. The criminal history score is computed according to guidelines 2.30 to 2.36.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.1; restructured 2027.

2.41 PRESUMPTIVE DISPOSITION.

(a) Each cell in the Sentencing Guidelines grids is either shaded or not shaded. Shading indicates whether the presumptive disposition is a stayed or executed sentence.

(b) If the appropriate cell on the applicable grid is not shaded, the presumptive disposition is commitment and the sentence should be executed.

(c) If the appropriate cell on the applicable grid is shaded, the presumptive disposition is a stayed sentence and the sentence should be stayed unless a policy in guidelines 2.50 to 2.55 applies. Chapter 4 governs conditions of stayed sentences.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.1.a; restructured 2027.

2.42 PRESUMPTIVE DURATION.

Subdivision 1. **Display of presumptive sentence and range.** Each cell on the grids provides a fixed presumptive sentence duration. As required by Minn. Stat. § 244.09, each cell also provides a presumptive range of time for that sentence. The court may sentence within that range without the sentence being a durational departure.

Subd. 4. **Sentence of one year and one day.** If a cell, or other Guidelines policy, provides a fixed sentence duration of 12 months, a sentence duration of one year and one day is permissible without departure.

Subd. 5. **Modifications.** The presumptive duration may be modified as described in guidelines 2.60 to 2.66.

Subd. 6. **Statutory maximum sentence.** A sentence must not exceed the statutory maximum sentence for the conviction offense. If the appropriate cell on the applicable grid indicates a sentence that would exceed the statutory maximum, the statutory maximum must be used as the presumptive sentence.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.1.b & c; restructured 2027.

2.43 ATTEMPT OR CONSPIRACY TO COMMIT FIRST-DEGREE MURDER.

Subdivision 1. **Presumptive sentences.** For an attempt or conspiracy to commit either first-degree murder under Minn. Stat. § 609.185 or first-degree murder of an unborn child under Minn. Stat. § 609.2661, the presumptive disposition is commitment. The presumptive durations are as follows:

CONVICTION OFFENSE	CRIMINAL HISTORY SCORE							Custody status
	0	1	2	3	4	5	6 or more	
<i>Attempt or conspiracy to commit murder 1st degree</i>	180 153–216	190 162–228	200 170–240	210 179–240*	220 187–240*	230 196–240*	240 204–240*	+10

Subd. 4. **Notes.** In this grid, an asterisk indicates that the statutory maximum penalty limits the upper end of the range. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. See guideline 2.61 for an explanation of the custody status column.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.G.12; restructured 2027.

MODIFYING THE PRESUMPTIVE DISPOSITION

2.50 MODIFYING A PRESUMPTIVE DISPOSITION FROM A STAY TO COMMITMENT.

(a) **Dispositional modifiers.** Notwithstanding guideline 2.41 (presumptive disposition), when a policy in guideline 2.51 or 2.52 applies to the current offense, the presumptive disposition is commitment.

(b) **Dispositional departure.** Granting a stay of imposition or stay of execution to a sentence modified under guideline 2.51 or 2.52 is a dispositional departure.

(c) **Presumptive duration not altered.** A modification to the presumptive disposition under guidelines 2.50 to 2.55 does not alter the presumptive duration established in guidelines 2.42 and 2.60 to 2.66.

History: Adopted 2027.

Restructuring note: This subchapter brings together in one place all statutes or policies that modify the presumptive disposition. The sole focus of this subchapter is on disposition; statutes or policies that modify the presumptive duration are dealt with in the next subchapter. If a dispositional policy implicates duration or consecutive sentencing, a cross-reference is provided.

2.51 STATUTES THAT MODIFY THE PRESUMPTIVE DISPOSITION.

Subdivision 1. **General rule.** (a) When a statute requires imprisonment for one year or more, the presumptive disposition is commitment, regardless of whether the statute provides a process for waiver of the imprisonment requirement. A stay of imposition or stay of execution pursuant to such a waiver process is a dispositional departure.

(b) Statutes that require imprisonment for one year or more may also modify the presumptive duration (see guideline 2.63, mandatory minimum durations).

(c) This guideline lists statutes that require imprisonment for one year or more. If such a statute applies to an offense for which guideline 2.41 already presumes commitment, however, the statute is not listed because its requirement does not modify the presumptive disposition.

Subd. 2. **Specific statutes.** Statutes that modify the presumptive disposition include, but are not limited to, the following:

(1) **Second-degree controlled substance crime as a subsequent controlled substance conviction.** If Minn. Stat. § 152.022, subd. 3(b), applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(2) **Third sequential violent felony.** If Minn. Stat. § 609.1095, subd. 3, applies, the presumptive disposition is commitment.

(3) **Certain offenses involving firearms, other dangerous weapons, or ammunition.** If Minn. Stat. § 609.11, subd. 4 or 5, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(4) **Assaults against secure treatment facility personnel.** If Minn. Stat. § 609.2231, subd. 3a(d), applies, the presumptive disposition is commitment.

(5) **Assaults committed while confined.** If Minn. Stat. § 609.2232(a), (b)(1), (b)(2), or (b)(3) applies, the presumptive disposition for the assault is commitment. Guideline 2.72 or 2.73 (presumptively or permissively consecutive sentences) may also apply.

(6) **Crimes committed for the benefit of a gang.** If Minn. Stat. § 609.229, subd. 4, applies, the presumptive disposition is commitment. Guideline 2.65 (other policies that add to the presumptive duration) also applies.

(7) **Repeat or egregious sex offenses.** If Minn. Stat. § 609.3455, subd. 3, 4, or 10, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) may also apply.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.3, 2.C.3.b, c(2), d, & e, 2.E.1, 2.E.2, 2.E.2.b & d, 2.F.1.b, & 2.G.9.a; restructured 2027.

Restructuring note: *If a presumptive disposition is commitment because of a statute, not a Guidelines policy, this guideline does not attempt to restate the requirements of the statute. Instead, it captures the essence of the statute in a headnote and relies on the text of the statute for the substance of the requirement.*

2.52 GUIDELINES POLICIES THAT MODIFY THE PRESUMPTIVE DISPOSITION.

Subdivision 1. **Repeat first-degree DWI.** (a) If the current conviction is for first-degree driving while impaired (DWI) and a court stayed or imposed a felony sentence for a felony DWI, criminal vehicular homicide, or criminal vehicular operation before commission of the current offense, the presumptive disposition is commitment.

(b) A prior felony DWI or criminal vehicular homicide or operation conviction qualifies even if it has decayed for criminal history purposes as set forth in guideline 2.31.

(c) As used in this subdivision, criminal vehicular homicide and criminal vehicular operation include the offenses listed in Minn. Stat. § 169A.24, subd. 1(3).

Subd. 2. **Repeat burglary of an occupied dwelling.** (a) If the current conviction offense is burglary of an occupied dwelling (Minn. Stat. § 609.582, subd. 1(a)) and a court stayed or imposed a felony sentence for a felony burglary before commission of the current offense, the presumptive disposition is commitment.

(b) A prior burglary conviction qualifies even if it has decayed for criminal history purposes as set forth in guideline 2.31.

Subd. 3. **Escape.** If the current conviction offense is escape from an executed sentence, the presumptive disposition is commitment. Guideline 2.72 (presumptively consecutive sentences) also applies.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.3.b, d, & e, & 2.F.1.b; restructured 2027.

2.55 PERMISSIVE COMMITMENT FOR CERTAIN CONSECUTIVE OFFENSES.

It is not a dispositional departure to execute a sentence, regardless of whether the appropriate cell on the applicable grid indicates that the sentence should be stayed, if the court imposes the sentence consecutively to an executed sentence for a different offense pursuant to guideline 2.73, subd. 6.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F.2.a(2); restructured 2027.

Restructuring note: This guideline cross-references a unique dispositional policy from 2.F.2.a(2), which is more fully discussed in the restructuring note for guideline 2.73. “Permissive commitment” is a new term, but that seems to be what we have here.

MODIFYING THE PRESUMPTIVE DURATION

2.60 MODIFYING THE PRESUMPTIVE DURATION IN GENERAL.

(a) **Durational modifiers.** When a policy in guidelines 2.61 to 2.66 applies to the current offense, the presumptive duration established in guideline 2.42 must be modified accordingly.

(b) **Order of application.** If more than one of the policies in guidelines 2.61 to 2.66 apply to the current offense, they must be applied in the order in which they are displayed in the Guidelines.

(c) **Durational departure.** Ordering a prison sentence that is not within the presumptive duration as established in guidelines 2.42 and 2.60 to 2.66 is a durational departure.

(d) **Presumptive disposition not altered.** A modification to the presumptive duration under guidelines 2.60 to 2.66 does not alter the presumptive disposition established in guidelines 2.41 and 2.50 to 2.55.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.G.1; restructured 2027.

Restructuring note: This guideline introduces the subchapter on durational modifiers. Critically, it introduces an order of operations (entirely new). This accomplishes two things. First,

it avoids repeating concepts (like, “or the mandatory minimum, whichever is longer”), which improves brevity and readability. Second, it ensures uniform duration calculation for cases where multiple modifiers may apply. This particular order of operations was chosen because it is believed to be the way the Electronic Worksheet System calculates sentences now.

2.61 CUSTODY STATUS AT THE TIME OF THE OFFENSE.

Subdivision 1. **Definitions.** (a) As used in this guideline, the following terms have the meanings given.

(b) “Custody status” means a qualifying status that:

- (1) followed entry of a guilty plea, guilty verdict, or conviction for a qualifying offense; and
- (2) was in effect at any time when the person being sentenced committed the current offense.

(c) “Qualifying status” means any of the following:

- (1) probation;
- (2) parole;
- (3) supervised release;
- (4) conditional release following release from an executed prison sentence (see conditional release terms listed in guideline 5.20);
- (5) release pending sentencing;
- (6) confinement in a jail, workhouse, or prison pending or after sentencing; or
- (7) escape from confinement following an executed sentence.

(d) “Qualifying offense” means:

- (1) a felony offense that is:
 - (i) assigned a severity level of 3 or greater on the standard grid;
 - (ii) assigned a severity level of D3 or greater on the drug offense grid;
 - (iii) listed in guideline 7.20 (offenses on the sex offense grid); or
 - (iv) an equivalent non-Minnesota felony offense; or
- (2) first-degree murder, including first-degree murder of an unborn child, whether completed, an attempt, a conspiracy, or an equivalent non-Minnesota felony offense.

(e) “Sex offense” means:

- (1) a felony offense listed in guideline 7.20 other than failure to register as a predatory offender, Minn. Stat. § 243.166; or
- (2) an equivalent non-Minnesota felony offense.

Subd. 2. **Durational increase.** The presumptive duration of the current sentence must be increased when the person being sentenced was under a custody status for a qualifying offense at the time the person committed the current offense. The increase is shown in the custody status column at the end of the grid row for the severity level of the current offense.

Subd. 3. **Special durational increase for sex offenses with sex-offense custody status.** Notwithstanding subdivision 2, the presumptive duration of the current offense must be increased by double the amount shown in the custody status column at the end of the grid row for the severity level of the current offense if:

(1) the current offense is a sex offense; and

(2) the person being sentenced was, at the time of the current offense, under a custody status for a felony sex offense.

Subd. 4. **Exceptions.** (a) This guideline does not apply to:

(1) commitment for treatment or examination under Minn. R. Crim. P. 20; or

(2) custody ordered by a juvenile court for other than an EJJ conviction.

(c) A prior felony conviction that resulted in a non-felony sentence (misdemeanor or gross misdemeanor) is not a qualifying offense or a sex offense within the meaning of this guideline.

(d) This guideline does not apply to a presumptively or permissively consecutive sentence pursuant to guideline 2.72 or 2.73.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.2; restructured 2027.

2.62 POLICIES THAT REDUCE THE PRESUMPTIVE DURATION BY HALF.

Subdivision 1. **In general.** (a) Except as provided in paragraph (d), when the current offense is any of the following, the presumptive duration must be modified to be half the presumptive duration applicable to the underlying offense:

(1) an attempt to commit the underlying offense, in violation of Minn. Stat. § 609.17;

(2) a conspiracy to commit the underlying offense, in violation of Minn. Stat. § 609.175;

(3) soliciting a mentally impaired person to commit the underlying offense, in violation of Minn. Stat. § 609.493, subd. 2(b);

(4) soliciting or conspiring with a minor to commit the underlying offense, in violation of Minn. Stat. § 609.494, subd. 2(b); or

(5) assuming responsibility for the underlying offense, in violation of Minn. Stat. § 609.495, subd. 4.

(c) **Applicability to certain sex offenses.** Paragraph (a) applies to an attempt or conspiracy to commit sex trafficking or criminal sexual conduct, notwithstanding Minn. Stat. §§ 609.322, subd. 1(c), 609.342, subd. 2(b), and 609.343, subd. 2(b). These provisions are statutorily created presumptive sentences, not mandatory minimums.

(d) **Exceptions.** Paragraph (a) does not apply to:

- (1) a conspiracy to commit a controlled substance offense under Minn. Stat. § 152.096; or
- (2) the presumptive duration for an attempt or conspiracy to commit first-degree murder established by guideline 2.43.

Subd. 2. **Calculation.** If the application of this guideline produces a presumptive sentence involving a half month, the presumptive sentence, in months, will be expressed as a decimal whose fractional part is 0.5.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.E.1, 2.G.2 to 6, 2.G.12, & Comment 2.G.01; restructured 2027.

Restructuring note: While significantly streamlined, this guideline now assumes these halftime modifiers cannot work in conjunction with each other—which, in practice, seems quite likely.

2.63 MANDATORY MINIMUM DURATIONS.

Subdivision 1. **General rule.** (a) The presumptive duration must be increased, as necessary, to the length of any applicable statutorily specified minimum duration. A pronounced sentence shorter than an applicable mandatory minimum is a mitigated durational departure.

(b) Paragraph (a) applies regardless of whether the mandatory minimum statute:

- (1) requires that the minimum prison sentence be executed; or
- (2) provides a process for waiver of the mandatory minimum.

(c) A mandatory minimum may also modify the presumptive disposition; see guideline 2.51.

Subd. 2. **Specific statutes.** The following list of mandatory minimums, which may not be exhaustive, omits statutes that will not increase a presumptive grid duration by more than one day:

(1) **Certain first-degree drug offenses.** The lower range displayed on the drug offense grid must be excluded from the presumptive duration, and a pronounced sentence shorter than the presumptive fixed sentence is a mitigated durational departure, when the current offense is:

(i) first-degree controlled substance crime and the penalty statute is Minn. Stat. § 152.021, subd. 3(c) (related to sale or possession of at least 100 grams or 500 dosage units of certain controlled substances); or

(ii) aggravated first-degree controlled substance crime, pursuant to Minn. Stat. § 152.021, subd. 3(d).

(2) **Subsequent controlled substance conviction.** When the current offense is a “subsequent controlled substance conviction,” as defined in Minn. Stat. § 152.01, subd. 16a, the minimum presumptive duration is:

(i) 48 months when the current offense is first-degree controlled substance crime, pursuant to Minn. Stat. § 152.021, subd. 3(b); or

(ii) 36 months when the current offense is second-degree controlled substance crime, pursuant to Minn. Stat. § 152.022, subd. 3(b). Guideline 2.51 also applies.

(3) **First-degree DWI.** When the current offense is first-degree driving while impaired, the minimum presumptive duration is 36 months, pursuant to Minn. Stat. § 169A.276. The court must not stay imposition or adjudication of the sentence, but may stay execution. Guideline 5.20 (conditional release terms) also applies.

(4) **Second- or third-degree murder after a heinous crime conviction.** When there is a previous “heinous crime” conviction, as defined in Minn. Stat. §§ 609.106 and 609.107, the presumptive duration is:

- (i) 480 months when the current offense is second-degree murder; or
- (ii) 300 months when the current offense is third-degree murder.

(5) **Certain offenses involving firearms, other dangerous weapons, or ammunition.** When the current offense is listed in Minn. Stat. § 609.11, subd. 9, and Minn. Stat. § 609.11, subd. 4 or 5, applies, the minimum presumptive duration is 12 months and one day, 36 months, or 60 months, depending on the applicable provision. Guideline 2.51 also applies.

(6) **First-degree assault against an official.** When the current offense is a first-degree assault against a peace officer, prosecuting attorney, judge, or correctional employee, the minimum presumptive duration is 300, 180, or 120 months, depending on the applicable provision of Minn. Stat. § 609.221, subd. 5.

(7) **Repeat sex offenses.** When Minn. Stat. § 609.3455, subd. 10, applies to the current offense, the minimum presumptive duration is 36 months. Guideline 2.51 also applies.

Subd. 3. **Controlled substance offenses involving a dangerous weapon.** When the current offense is a first- or second-degree controlled substance crime involving the possession of a firearm or use of another dangerous weapon as described in Minn. Stat. § 609.11, subd. 4 or 5, the minimum presumptive duration, as required by Minn. Stat. § 609.11, subd. 5a, is:

(1) the sum of the minimum presumptive durations described in subdivision 2, clauses (1)(ii) and (5), when the current offense is an aggravated first-degree controlled substance crime under Minn. Stat. § 152.021, subd. 2b(2); or

(2) the sum of the minimum presumptive durations described in subdivision 2, clauses (2) and (5), when the current offense is a subsequent controlled substance conviction. If a mandatory minimum described in subdivision 2, clause (1), applies and is longer than the mandatory minimum described in this clause, this clause does not apply.

Subd. 4. **Certain repeat or egregious sex offenses.** When Minn. Stat. § 609.3455, subd. 3 or 4, requires a life sentence for the current offense, the court must specify a minimum term of imprisonment that must be served before possible consideration for release, pursuant to Minn. Stat. § 609.3455, subd. 5. The minimum term of imprisonment must be based on the presumptive sentence that would apply under this chapter if the life sentence were not mandatory. Guidelines 2.51 and 5.20 also apply.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.C.3.a & c, 2.E.1, 2.E.2.a to c & e, & Appendix 1; restructured 2027.

2.64 POLICIES THAT INCREASE THE PRESUMPTIVE DURATION BY A PERCENTAGE.

Subdivision 1. **In general.** When the current offense is any of the following, the presumptive duration applicable to the underlying offense must be modified to increase by the specified percentage:

(1) **Felony assault motivated by bias.** For a first-, second-, or third-degree assault for which the maximum penalty has been increased under Minn. Stat. § 609.2233, the presumptive duration applicable to the underlying assault must be increased by 25 percent.

(2) **Criminal sexual predatory conduct.** For a “predatory crime,” as defined in Minn. Stat. § 609.341, subd. 22, for which the maximum penalty has been increased under Minn. Stat. § 609.3453, the presumptive duration applicable to the underlying predatory crime must be increased by:

(i) 25 percent; or

(ii) 50 percent, if the violation was committed by a person with a “previous sex offense conviction,” as defined in Minn. Stat. § 609.3455, subd. 1.

(3) **Crime committed in furtherance of terrorism.** For a crime committed to further terrorism under Minn. Stat. § 609.714, the presumptive duration applicable to the underlying offense must be increased by 50 percent.

Subd. 2. **Rounding rule.** The policies in this guideline increase the presumptive duration applicable to the underlying offense by a percentage. If, after the increase or increases required by this guideline, the resulting duration is not a whole number of months, the presumptive duration must be:

(1) rounded down to the nearest whole number of months, if the fractional part is less than one-half month;

(2) rounded up to the nearest whole number of months, if the fractional part is more than one-half month; or

(3) expressed, in months, as a decimal whose fractional part is 0.5, if the fractional part is equal to one-half month.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.G.7, 8, & 10; restructured 2027.

Restructuring note: *The rounding rule is new. It avoids fractional months smaller than one-half month, which is possible with the percentages contained in this guideline, and is believed to be consistent with current practice.*

2.65 OTHER POLICIES THAT ADD TO THE PRESUMPTIVE DURATION.

Subdivision 1. **Crime committed for the benefit of a gang.** (a) For a crime for which the maximum penalty has been increased under Minn. Stat. § 609.229, subd. 3(a), the presumptive duration applicable to the underlying offense must be increased as described in this subdivision. Guideline 2.51 (statutes that modify the presumptive disposition) also applies.

(b) If the offense does not involve a victim or if the victim was age 18 or older, the presumptive duration must be increased by:

(1) 12 months, if the underlying crime was completed; or

(2) six months, if the underlying crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

(c) If the offense involves a victim under age 18, the presumptive duration must be increased by:

(1) 24 months, if the underlying crime was completed; or

(2) 12 months, if the underlying crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 2. **Crime committed while impersonating a peace officer.** For a crime committed while falsely impersonating a peace officer under Minn. Stat. § 609.4751, subd. 4(a)(3), the presumptive duration applicable to the underlying crime must be increased by:

(1) 12 months, if the underlying offense was completed; or

(2) six months, if the underlying offense was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 3. **Second or subsequent severe violent offense.** (a) As used in this subdivision, the following terms have the meanings given:

(1) “Prior severe violent offense conviction” means a conviction of a severe violent offense that was adjudicated before the commission of the current offense, except that neither of the following is a prior severe violent offense conviction:

(i) an offense excluded from criminal history score computation under guideline 2.31, subd. 2(e) (decayed offenses); or

(ii) a conviction that resulted in a non-felony sentence (see guideline 2.31, subd. 2(c)) that was imposed before the current offense date.

(2) “Second or subsequent severe violent offense” means that the person being sentenced for the current offense had been adjudicated guilty of one or more prior severe violent offense convictions.

(3) “Severe violent offense” means an offense listed in guideline 7.80 (severe violent offenses). The term includes an attempt, a conspiracy, or an equivalent non-Minnesota felony offense. A current offense listed in guideline 1.20, subd. 4 (life sentences), is not a severe violent offense.

(c) Except as provided in paragraph (c), if the current offense is a second or subsequent severe violent offense, the presumptive duration must be increased as follows:

(1) by 12 months, if the person has one prior severe violent offense conviction;

(2) by 18 months, if the person has two prior severe violent offense convictions; or

(3) by 24 months, if the person has three or more prior severe violent offense convictions.

(d) If the current severe violent offense is an attempted offense under Minn. Stat. § 609.17 or a conspiracy to commit an offense under Minn. Stat. § 609.175, the increase to the presumptive duration must be one-half the number of months provided in paragraph (b).

(e) This subdivision does not apply to a consecutive sentence under guideline 2.72 or 2.73.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.G.9.b, 13, & 14; restructured 2027.

2.66 FINAL CALCULATION OF PRESUMPTIVE DURATIONS.

Subdivision 1. **Durational constraints.** (a) The presumptive duration must not be less than 12 months.

(b) The presumptive duration must not exceed the statutory maximum penalty.

Subd. 2. **Durational conformity.** If the presumptive fixed duration violates subdivision 1 after application of other relevant guidelines, the presumptive fixed duration must be modified to the extent necessary to conform to subdivision 1.

Subd. 3. **Presumptive range calculation.** (a) The lower end of the presumptive range is the longest of the following three durations, rounded up, if necessary, to the nearest whole month:

(1) 15 percent below the presumptive fixed duration;

(2) 12 months; and

(3) any mandatory minimum duration that applies (see guideline 2.63).

(b) The upper end of the presumptive range is the shorter of the following two durations, rounded down, if necessary, to the nearest whole month:

(1) 20 percent above the presumptive fixed duration; and

(2) the statutory maximum penalty.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.G.1; restructured 2027.

Restructuring note: This guideline is the final quality-control step in duration calculation. Subdivision 3 is a new rule, replacing the current, simpler rule for range modification (to apply any durational change to the ranges as well). For many durational modifiers (see guidelines 2.62 and 2.65), the current rule shrinks the range to be smaller than the 15 percent down, 20 percent up statutory requirement. While more complex, the new rule keeps the ranges in conformity with the law.

CONCURRENT AND CONSECUTIVE SENTENCES

2.70 CONCURRENT SENTENCES PRESUMPTIVE; EXCEPTIONS.

Concurrent sentences are presumptive for both convictions of multiple current offenses and when there is a prior felony sentence that has not expired or been discharged unless:

(1) consecutive sentencing is presumptive under guideline 2.72; or

(2) consecutive sentencing is permissive under guideline 2.73.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F; restructured 2027.

2.71 CONSECUTIVE SENTENCES; GENERAL REQUIREMENTS.

Subdivision 1. **In general.** Guidelines 2.70 to 2.75 set forth the criteria for imposing consecutive sentences. Imposition of a consecutive sentence in any situation not described in these guidelines is a departure.

Subd. 4. **Order of sentences.** When imposing consecutive sentences, the court must sentence the offenses in the order in which they occurred.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F; restructured 2027.

2.72 PRESUMPTIVELY CONSECUTIVE SENTENCES.

Subdivision 1. **Criteria.** Consecutive sentences are presumptive (required under the Guidelines) only in the situations specified in subdivision 2 or 6. The presumptive duration of a presumptively consecutive sentence is determined by subdivision 7.

Subd. 2. **General requirements.** (a) Sentences are presumptively consecutive when the presumptive disposition of the current offense is commitment and, at the time of the current offense, the person:

(1) was serving an executed term of state imprisonment, disciplinary confinement, or reimprisonment, in which case the sentence for the current offense is presumptively consecutive to that sentence;

(2) was on escape status from an executed term of state imprisonment, disciplinary confinement, or reimprisonment, in which case the sentence for the current offense is presumptively consecutive to that sentence; or

(3) was incarcerated at a local correctional facility, the current offense is an assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy, and there is an executed sentence associated with the person's incarceration to which the court can consecutively sentence the current offense. In this case, the sentence for the current offense is presumptively consecutive to the executed sentence associated with the person's incarceration.

(b) The presumptive disposition of the current offense is commitment if:

(1) calculation of the person's criminal history score under guidelines 2.30 to 2.36 and application of the criteria in guidelines 2.41 and 2.50 to 2.52 establish a presumptive disposition of commitment;

(2) the current offense is an escape from an executed sentence (see guideline 2.52, subd. 3); or

(3) the current offense is a felony assault committed by an inmate serving an executed term of imprisonment (see guideline 2.51, subd. 2(5)).

Subd. 3. **Exception when concurrent sentence is longer.** If a sentence is presumptively consecutive under subdivision 2 but the total time to serve in prison would be longer if a

concurrent sentence were imposed, a concurrent sentence, rather than a consecutive sentence, is presumptive. Otherwise, a concurrent sentence is a departure.

Subd. 4. **Consecutive sentences for multiple offenses.** When the court pronounces sentences for multiple offenses, each new offense with a presumptively consecutive sentence will be sentenced at a criminal history score of 1. The new offenses will run concurrently to each other, but consecutively to the prior offense. Permissively consecutive sentencing under guideline 2.73 is not a departure if it would result in a longer sentence than the sentence resulting from the application of this subdivision.

Subd. 5. **Departure factor.** If there is evidence that the person being sentenced has provided substantial and material assistance in the detection or prosecution of crime, the court may depart from the presumptively consecutive sentence and impose a concurrent sentence.

Subd. 6. **First-degree driving while impaired.** (a) Pursuant to Minn. Stat. § 169A.28, subd. 1, the court must impose a consecutive sentence for first-degree driving while impaired (DWI) when:

(1) the person has a prior unexpired misdemeanor, gross misdemeanor, or felony DWI sentence; and

(2) the disposition for the current offense will be probation, and not commitment.

(b) If the court pronounces a consecutive sentence, the presumptive duration is based on a criminal history score of 1. Any pronounced probationary jail time should be served consecutively to any remaining time to be served on the prior DWI offense.

Subd. 7. **Calculating presumptive duration.** For each felony offense sentenced consecutively to one or more other felony offenses under this guideline, the presumptive duration is the duration in the appropriate cell on the applicable grid at a criminal history score of 1, or the mandatory minimum for the offense (see guideline 2.63), whichever is longer. A consecutive sentence at any other duration is a departure.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F.1; restructured 2027.

Restructuring note: *The additional requirement that the imprisonment, etc., be “state” imprisonment, etc., is intended to be a clarification, not a change. The newly added requirement in subd. 2(a)(3)—that there is “an executed sentence associated with the person’s incarceration to which the court can consecutively sentence the current offense”—is intended to get at the gist of Minn. Stat. § 609.2232(b), clauses (1) & (2). The statement of what the current offense may be sentenced to was previously implied, but it should be made explicit.*

2.73 PERMISSIVELY CONSECUTIVE SENTENCES.

Subdivision 1. **Criteria; calculating presumptive disposition.** (a) Consecutive sentences are permissive (may be given without departure) only in the situations specified in this guideline. The presumptive duration of a permissively consecutive sentence is determined by subdivision 7.

(b) To determine whether an offense’s presumptive disposition is commitment under subdivision 2, 3, or 4, the court must apply the person’s criminal history score under guidelines 2.30 to 2.36 to the criteria in guidelines 2.41 and 2.50 to 2.52. In the case of a prior offense, the

court must apply the applicable provisions of the Minnesota Sentencing Guidelines in effect when the prior offense was committed.

Subd. 2. **Current and prior listed felonies; presumptive commitment required.** The current offense may be sentenced consecutively to a prior felony sentence that has not expired or been discharged if:

- (1) both the current offense and the prior offense are listed in guideline 7.90 (permissively consecutive offenses);
- (2) the presumptive disposition for the current offense is commitment; and
- (3) the presumptive disposition for the prior offense was also commitment.

Subd. 3. **Multiple current convictions for listed felonies; presumptive commitment required.** (a) Except as provided in paragraph (b), multiple current felony convictions for crimes listed in guideline 7.90 may be sentenced consecutively to each other if the presumptive disposition for each is commitment.

(b) Paragraph (a) does not apply when:

- (1) the multiple current felony convictions involve one victim and a single course of conduct; and
- (2) the court is giving an aggravated durational departure on any of the current conviction offenses.

Subd. 4. **Felony conviction after escape; non-executed sentence; presumptive commitment required.** When a person in custody for a non-executed felony sentence escapes from custody and commits the current offense before return to custody, and if the presumptive disposition for the current offense is commitment, the current offense may be sentenced consecutively to the sentence for the escape or for the offense for which the person was confined.

Subd. 5. **Consecutive stayed sentence; departure.** If the court pronounces a consecutive stayed sentence under subdivision 2, 3, or 4, the stayed sentence is a mitigated dispositional departure, but the consecutive nature of the sentence is not a departure. The consecutive stayed sentence begins when the person being sentenced completes the term of imprisonment and is placed on supervised release.

Subd. 6. **Other offenses; presumptive commitment not required.** (a) A consecutive sentence is permissive in any circumstance described in this subdivision. If such a sentence is consecutive to an executed sentence, it is not a dispositional departure to execute the consecutive sentence.

(b) **Felony escape.** For felony escape from lawful custody, as described in Minn. Stat. § 609.485, not involving escape from an executed term of state imprisonment, disciplinary confinement, or reimprisonment (see guideline 2.72, subd. 2(a)(2)), the escape may be sentenced consecutively to the sentence for which the person was confined.

(c) **Felony conviction after escape; executed sentence.** A conviction for a new felony crime committed while on felony escape from lawful custody, as described in Minn. Stat. § 609.485,

from an executed felony sentence, may be sentenced consecutively to the sentence for the escape.

(d) **Felony assault in a local jail or workhouse.** Unless the conviction is already presumptively consecutive under guideline 2.72, subd. 2(a)(3), a conviction for felony assault committed while in a local jail or workhouse may be sentenced consecutively to any other executed prison sentence if the presumptive disposition for the other offense was commitment under guidelines 2.41 and 2.50 to 2.52.

(e) **Fleeing a police officer; criminal sexual conduct.** As punishment for two crimes committed as part of the same conduct, the court may, pursuant to Minn. Stat. § 609.035, subds. 5 and 6, sentence the later crime consecutively to the earlier crime if one of the crimes is:

(1) fleeing a peace officer in a motor vehicle, as described in Minn. Stat. § 609.487; or

(2) first- through fourth-degree criminal sexual conduct, as described in Minn. Stat. §§ 609.342 to 609.345, with force or violence.

Subd. 7. **Calculating presumptive duration.** For each felony offense sentenced consecutively to one or more other felony offenses under this guideline, the presumptive duration is the duration in the appropriate cell on the applicable grid at a criminal history score of 0, or the mandatory minimum duration for the offense (see guideline 2.63), whichever is longer. A consecutive sentence at any other duration is a departure.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F.2 & Comment 2.F.205; restructured 2027.

Restructuring note: The existing language of 2.F.2.a(1)(i) (subd. 2 as restructured) is confusing: It explicitly permits the sentence of an offense on the permissive-consecutive list to run consecutively to a non-Minnesota felony offense equivalent to an offense on the permissive-consecutive list, but also requires the presumptive disposition of both offenses to be commitment. How can a non-Minnesota felony offense have a presumptive-commitment disposition under the Sentencing Guidelines? Rather than resolve this confusion, this draft simply applies the newly defined term “equivalent non-Minnesota felony offense” to the list of permissively consecutive offenses (guideline 7.90), thus dramatically simplifying subd. 2. Note that “equivalent non-Minnesota felony offense” does use a different felony test than the one now found in 2.F.2. Because Comment 2.F.205 appears to contain policy not reflected in the Guidelines, subd. 3(b) promotes the comment (as Nate and Ben understand it) to the Guidelines. Subd. 6(a) is a new interpretation of confusing language in 2.F.2.a(2): “Consecutive sentences for the following offenses are always permissive and there is no dispositional departure if the sentences are executed”—a unique “permissive commitment” policy. On its face, this provision could be interpreted as permitting the execution of both sentences, but subd. 6(a)’s interpretation limits “permissive commitment” to an offense described in subd. 6 that is sentenced consecutively to an executed sentence. This interpretation is consistent with the Commission’s 2004 intent: “to explain that in some situations it is not a dispositional departure to execute a sentence for an offense for which consecutive sentencing is permissive when it is going to be sentenced consecutive to another executed sentence.” Because this policy modifies the presumptive disposition, it is also mentioned in the subchapter on that topic, in guideline 2.55.

2.74 MODIFYING CONSECUTIVE SENTENCES.

Subdivision 1. **Modifying presumptive disposition.** Guidelines 2.50 to 2.55 (policies that modify the presumptive disposition) apply to consecutive sentences established by guidelines 2.72 and 2.73.

Subd. 2. **Modifying presumptive duration.** Except as provided in subdivision 3, the presumptive durations established by guidelines 2.72 and 2.73 are subject to modification by the policies contained within guidelines 2.60 to 2.66.

Subd. 3. **Exceptions.** The following policies do not modify presumptive durations established by guidelines 2.72 and 2.73:

- (1) guideline 2.61 (custody status at the time of the offense); and
- (2) guideline 2.65, subd. 3 (second or subsequent severe violent offense).

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F.3; restructured 2027.

Restructuring note: Guideline 2.74 replaces 2.F.3's narrow statement about how one modifier interacts with presumptively or permissively consecutive sentences—which, by its narrowness, raises more questions than it answers—with a comprehensive statement of how all modifiers interact with presumptively or permissively consecutive sentences. No new policy is intended.

2.75 ADMINISTRATION OF CONSECUTIVE SENTENCES.

Subdivision 1. **Jail credit.** Guideline 5.10 establishes policies for applying jail credit when sentencing consecutively.

Subd. 2. **Supervised release calculation.** (a) If a court orders execution of two or more consecutive sentences at the same time, the Commissioner of Corrections must aggregate the sentence durations into a single fixed sentence. The aggregate term of imprisonment must be served before the aggregate supervised release period.

(b) If a court orders execution of a sentence that must be served consecutively to a sentence that was executed at an earlier time or by a different court, and the person being sentenced has not yet been placed on supervised release for the earlier executed sentence, the Commissioner of Corrections must aggregate both terms of imprisonment into a single, fixed term of imprisonment. The person will serve the longer of the two supervised release terms.

(c) If a court orders execution of a sentence that must be served consecutively to a sentence executed at an earlier time, and the consecutive sentence begins after the supervised release date for the earlier sentence, any remaining supervised release term from the earlier sentence is tolled while the person serves the consecutive term of imprisonment. The person will serve what remains of the previously tolled supervised release term or the supervised release term for the consecutive sentence, whichever is longer.

Subd. 3. **Pre-Guidelines cases.** If a court imposes a sentence that must be served consecutively to an offense committed before May 1, 1980, the consecutive sentence begins after completion of any incarceration arising from the prior sentence.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.F & 2.F.4; restructured 2027.

CHAPTER 3

SENTENCING GUIDELINES GRIDS

3.10 STANDARD GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.10. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may include local confinement. See guideline 2.61 for an explanation of the custody status column.

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>Murder 2nd degree (intentional)</i>	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480*	426 363-480*	+20
<i>Murder 2nd degree (unintentional)</i>	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288	+15
<i>Murder 3rd degree (drugs); Carjacking 1st degree</i>	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189	+12
<i>Agg. robbery 1st degree; Assault 1st degree</i>	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129	+10
<i>DWI 1st degree; Assault 2nd degree (weapon & SBH)</i>	7	36 31-43	42 36-50	48 41-57	54 46-64	60 51-72	66 57-79	72 62-86	+6
<i>Ineligibly possess firearm; Assault 2nd deg. (weapon)</i>	6	21 18-25	27 23-32	33 29-39	39 34-46	45 39-54	51 44-61	57 49-68	+6
<i>Assault 3rd degree (SBH); Burglary 2nd deg. (dwelling)</i>	5	18 16-21	23 20-27	28 24-33	33 29-39	38 33-45	43 37-51	48 41-57	+5
<i>Felony domestic assault; Violate no-contact order</i>	4	12 12-14	15 13-18	18 16-21	21 18-25	24 21-28	27 23-32	30 26-36	+3
<i>Assault 4th degree; Vehicle use without consent</i>	3	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	21 18-25	23 20-27	+2
<i>Theft of \$5,000 or less; Check forgery (\$251-\$2,500)</i>	2	12 12-14	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	21 18-25	+2
<i>Fleeing a peace officer in a motor vehicle</i>	1	12 12-14	12 12-14	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	+2

Subd. 2. **Note.** In the standard grid, an asterisk indicates that the upper end of the range is limited by the statutory maximum penalty.

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the standard grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12	8	4	78	52	26
13	8-2/3	4-1/3	86	57-1/3	28-2/3
15	10	5	88	58-2/3	29-1/3
17	11-1/3	5-2/3	98	65-1/3	32-2/3
18	12	6	108	72	36
19	12-2/3	6-1/3	110	73-1/3	36-2/3
21	14	7	122	81-1/3	40-2/3
23	15-1/3	7-2/3	134	89-1/3	44-2/3
24	16	8	146	97-1/3	48-2/3
27	18	9	150	100	50
28	18-2/3	9-1/3	158	105-1/3	52-2/3
30	20	10	165	110	55
33	22	11	180	120	60
36	24	12	190	126-2/3	63-1/3
38	25-1/3	12-2/3	195	130	65
39	26	13	200	133-1/3	66-2/3
42	28	14	210	140	70
43	28-2/3	14-1/3	220	146-2/3	73-1/3
45	30	15	225	150	75
48	32	16	230	153-1/3	76-2/3
51	34	17	240	160	80
54	36	18	306	204	102
57	38	19	326	217-1/3	108-2/3
58	38-2/3	19-1/3	346	230-2/3	115-1/3
60	40	20	366	244	122
66	44	22	386	257-1/3	128-2/3
68	45-1/3	22-2/3	406	270-2/3	135-1/3
72	48	24	426	284	142

History: 2026 Minn. Sentencing Guidelines & Commentary 4.A; restructured 2027.

3.20 SEX OFFENSE GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.20. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may include local confinement. See guideline 2.61 for an explanation of the custody status column.

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 ³	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 ³	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 ³	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

Subd. 2. **Notes.** The following notes apply to the sex offense grid:

(a) Superscript number 1 indicates that the duration is subject to a one year and one day mandatory minimum penalty under Minn. Stat. § 243.166, subd. 5(b).

(b) Superscript number 2 indicates that, because sex trafficking is not subject to a minimum statutory presumptive sentence of 90 or 144 months, the standard range of 15 percent lower and 20 percent higher than the fixed duration applies. For severity level A, criminal history scores 0, 1, and 2, the ranges are 123–172, 133–187, and 143–201, respectively. For severity level B, criminal history score 0, the range is 77–108.

(c) Superscript number 3 indicates that the upper end of the range is limited by the statutory maximum penalty. For severity level H, however, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum penalty at criminal history scores above 4.

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the sex offense grid.

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

History: 2026 Minn. Sentencing Guidelines & Commentary 4.B; restructured 2027.

3.30 DRUG OFFENSE GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.30. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may include local confinement. See guideline 2.61 for an explanation of the custody status column.

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>Aggravated controlled substance crime 1st deg.</i>	D9	86 74*-103	98 84*-117	110 94*-132	122 104*-146	134 114*-160	146 125*-175	158 135*-189	+12
<i>Controlled substance crime 1st degree</i>	D8	65 56*-78	75 64*-90	85 73*-102	95 81*-114	105 90*-126	115 98*-138	125 107*-150	+10
<i>Controlled substance crime 2nd degree</i>	D7	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129	+10
<i>Controlled substance crime 3rd degree</i>	D6	21 18-25	27 23-32	33 29-39	39 34-46	45 39-54	51 44-61	57 49-68	+6
<i>Possess meth precursors with intent to manufacture</i>	D5	18 16-21	23 20-27	28 24-33	33 29-39	38 33-45	43 37-51	48 41-57	+5
<i>Controlled substance crime 4th degree</i>	D4	12 12-14	15 13-18	18 16-21	21 18-25	24 21-28	27 23-32	30 26-36	+3
<i>Meth/fentanyl crimes involving children</i>	D3	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	21 18-25	23 20-27	+2
<i>Controlled substance crime 5th degree</i>	D2	12 12-14	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	21 18-25	+2
<i>Sale of simulated controlled substance</i>	D1	12 12-14	12 12-14	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	+2

Subd. 2. **Note.** In the drug offense grid, an asterisk indicates that the lower range may not apply. See guideline 2.63, subd. 2(1).

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the drug offense grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12	8	4	58	38-2/3	19-1/3
13	8-2/3	4-1/3	65	43-1/3	21-2/3
15	10	5	68	45-1/3	22-2/3
17	11-1/3	5-2/3	75	50	25
18	12	6	78	52	26
19	12-2/3	6-1/3	85	56-2/3	28-1/3
21	14	7	86	57-1/3	28-2/3
23	15-1/3	7-2/3	88	58-2/3	29-1/3
24	16	8	95	63-1/3	31-2/3
27	18	9	98	65-1/3	32-2/3
28	18-2/3	9-1/3	105	70	35
30	20	10	108	72	36
33	22	11	110	73-1/3	36-2/3
38	25-1/3	12-2/3	115	76-2/3	38-1/3
39	26	13	122	81-1/3	40-2/3
43	28-2/3	14-1/3	125	83-1/3	41-2/3
45	30	15	134	89-1/3	44-2/3
48	32	16	146	97-1/3	48-2/3
51	34	17	158	105-1/3	52-2/3
57	38	19			

History: 2026 Minn. Sentencing Guidelines & Commentary 4.C; restructured 2027.

CHAPTER 4

STAYED SENTENCES

4.10 METHOD OF GRANTING STAYED SENTENCES.

Subdivision 1. **In general.** When the court orders a stayed sentence, the court may pronounce a stay of execution or a stay of imposition. The court must pronounce the length of the stay, which may exceed the duration of the presumptive prison sentence but not the maximum length of stay established in Minn. Stat. § 609.135, subd. 2. The court may establish appropriate conditions subject to the considerations in guideline 4.20.

Subd. 2. **Stay of execution.** When ordering a stay of execution, the court must pronounce the prison sentence duration, but its execution is stayed. The presumptive duration is shown in the appropriate cell.

Subd. 3. **Stay of imposition.** (a) When ordering a stay of imposition, the court must not pronounce a prison sentence duration, and the imposition of the sentence is stayed.

(b) The Commission recommends that stays of imposition be used for those convicted of lower severity offenses and who have low criminal history scores. The Commission further recommends that those convicted of felonies be given one stay of imposition, although for very low severity offenses, a second stay of imposition may be appropriate.

History: 2026 Minn. Sentencing Guidelines & Commentary 3.A.1; restructured 2027.

4.20 CONDITIONS OF STAYED SENTENCES.

Subdivision 1. **Penal objectives.** (a) While the Commission has chosen not to develop specific guidelines for the conditions of stayed sentences, it recognizes that there are several penal objectives to be considered in establishing conditions of stayed sentences, including:

- (1) deterrence;
- (2) public condemnation of criminal conduct;
- (3) public safety;
- (4) rehabilitation;
- (5) restitution;
- (6) retribution; and
- (7) risk reduction.

(b) The Commission also recognizes that the relative importance of these objectives may vary with the characteristics of both the offense and the person being sentenced, and that multiple objectives may be present in any given sentence. The Commission urges courts to utilize the least restrictive conditions of stayed sentences that are consistent with the objectives of the sanction.

Subd. 2. **Principles.** The Commission further urges courts to consider the following principles in establishing the conditions of stayed sentences:

(1) **Retribution.** If retribution is an important objective of the stayed sentence, the severity of the retributive sanction should be proportional to the severity of the offense and the prior criminal record of the person being sentenced. A period of confinement in a local jail or correctional facility may be appropriate.

(2) **Rehabilitation.** If rehabilitation is an important objective of the stayed sentence, the court should make full use of available local programs and resources. The absence of a rehabilitative resource, in general, should not be a basis for enhancing the retributive objective in sentencing and, in particular, should not be the basis for more extensive use of incarceration than is justified on other grounds.

(3) **Restitution.** The Commission urges courts to make expanded use of restitution and community work orders as conditions of a stayed sentence, especially for those with short criminal histories who are convicted of property crimes, although the use of these conditions in other cases may be appropriate.

(4) **Supervision.** Supervised probation should be a primary condition of stayed sentences.

(5) **Fines.** If fines are imposed, the Commission urges the expanded use of day fines, which standardize the financial impact of the sanction among those with different income levels.

(6) **Work release and community-based programs.** The Commission has chosen not to establish specific guidelines relating to work release programs in local facilities or community-based residential and nonresidential programs.

History: 2026 Minn. Sentencing Guidelines & Commentary 3.A.2; restructured 2027.

4.30 REVOCATION OF STAYED SENTENCES.

Subdivision 1. The Commission views revocation of a stayed sentence and commitment to be justified when:

(1) there has been a conviction for a new felony for which the Guidelines recommend prison; or

(2) there have been continued violations of conditions of the stay despite the court's use of expanded and more onerous conditions.

Subd. 2. (a) The decision to revoke a stayed sentence should not be undertaken lightly.

(b) Great restraint should be exercised in imprisoning those originally convicted of low severity level offenses or who have short prior criminal histories. For these people, the Commission urges continuance of the stay and use of more restrictive and onerous conditions, such as periods of local confinement.

(c) Less judicial tolerance is urged for those who were convicted of a more severe offense or who had a longer criminal history.

(d) For both groups, however, the court should not reflexively order imprisonment for non-criminal violations of probationary conditions.

History: 2026 Minn. Sentencing Guidelines & Commentary 3.B; restructured 2027.

Restructuring note: Ben Johnson notes that, unlike the other chapters, this chapter contains no policies related to applying the Guidelines. Instead, he views this chapter as primarily a short discussion of the philosophy of punishment, and suggests that the Commission may want to consider removing this chapter from the Guidelines. It could make sense to expand on this chapter and create a separate publication. Counterpoint: The Commission has an optional mandate in Minn. Stat. § 244.09, subd. 5, to create nonimprisonment guidelines (the paragraph beginning “The Sentencing Guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper”). This chapter represents the Commission’s limited implementation of that mandate to date, and serves as a placeholder for any future implementation of that mandate. Ben also notes the odd similarities and differences between guideline 4.20, subd. 1(a), and subd. 2. Finally, Ben questions whether guideline 4.30 adds much given the many appellate cases discussing the revocation of stayed sentences and application of the Austin factors.

CHAPTER 5

RELATED POLICIES

5.10 JAIL CREDIT.

Subdivision 1. **In general.** In order to promote the goals of the Sentencing Guidelines, it is important to ensure that jail credit is consistently applied. The court must assure that the record accurately reflects all time spent in custody, including examinations under Minn. R. Crim. P. 20 or 27.03, subd. 1(B), for the offense or behavioral incident for which the person is being sentenced. Minnesota statutes, rules of criminal procedure, relevant court decisions, and these Guidelines determine how jail credit is applied.

Subd. 2. **Applying jail credit.** (a) To uphold the proportionality of sentencing, jail credit must be applied as described in this subdivision.

(b) The Commissioner of Corrections must deduct jail credit from the sentence imposed by subtracting the time from the specified minimum term of imprisonment. If there is any remaining time, it must be subtracted from the specified maximum period of supervised release.

(c) To avoid double credit when applying jail credit to consecutive sentences, the court must apply the jail credit to the first sentence only.

(d) To avoid creating a concurrent sentence when sentencing a current offense consecutively to a prior offense for which the person being sentenced is already serving time in a prison or jail, the court must not apply jail credit from the prior offense to the current offense.

(e) When revoking a stayed sentence and committing the person, the court must order jail credit that reflects time spent in confinement as a condition of the stayed sentence.

(f) Jail credit must be awarded at the rate of one day for each day served for time spent in confinement under Huber Law (Minn. Stat. § 631.425).

History: 2026 Minn. Sentencing Guidelines & Commentary 3.C; restructured 2027.

5.20 CONDITIONAL RELEASE TERMS.

Several Minnesota statutes provide for mandatory conditional release terms that must be served upon release from prison. The court must pronounce the following statutory conditional release term when sentencing an applicable offense:

(1) Minn. Stat. § 169A.276, subd. 1(d) (five-year conditional release for first-degree driving while impaired);

(2) Minn. Stat. § 243.166, subd. 5a (ten-year conditional release for failure to register as a predatory offender at risk level III);

(3) Minn. Stat. § 609.2231, subd. 3a(e) (five-year conditional release for fourth-degree assault against secure treatment facility personnel);

(4) Minn. Stat. § 609.3455, subds. 6 and 8 (ten-year conditional release for first- through fourth-degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct);

(5) Minn. Stat. § 609.3455, subds. 7 and 8 (lifetime conditional release after life sentences for certain repeat and egregious sex offenses);

(6) Minn. Stat. § 617.246, subd. 7 (five-year conditional release for use of minors in sexual performance or child sexual abuse material); and

(7) Minn. Stat. § 617.247, subd. 9 (five-year conditional release for child sexual abuse material offenses).

History: 2026 Minn. Sentencing Guidelines & Commentary 2.E.3; restructured 2027.

5.30 PRESENTENCE MENTAL OR PHYSICAL EXAMINATIONS FOR SEX OFFENSES.

The Commission recommends that, under Minn. R. Crim. P. 27.03, subd. 1(B)(1)(b), the court order a physical or mental examination of a person being sentenced as a supplement to the presentence investigation required by Minn. Stat. § 609.115 when the person is convicted:

(1) under Minn. Stat. § 609.342 (first-degree criminal sexual conduct), 609.343 (second-degree criminal sexual conduct), 609.344 (third-degree criminal sexual conduct), 609.345 (fourth-degree criminal sexual conduct), or 609.365 (incest); or

(2) of an attempt, as described in Minn. Stat. § 609.17, to commit an act prohibited by Minn. Stat. § 609.342 (first-degree criminal sexual conduct) or 609.344 (third-degree criminal sexual conduct).

History: 2026 Minn. Sentencing Guidelines & Commentary 3.E; restructured 2027.

5.40 MILITARY VETERANS.

Subdivision 1. Under Minn. Stat. § 609.115, subd. 10, the court must inquire whether a person convicted of a crime is currently serving in or is a veteran of the armed forces of the United States, and if so, may take further action as permitted by that provision.

Subd. 2. Minn. Stat. § 609.1056 provides deferred judgment procedures for United States military service members or veterans in connection with certain criminal offenses related to service-related disorders.

History: 2026 Minn. Sentencing Guidelines & Commentary 3.F; restructured 2027.

CHAPTER 6

DEPARTURES FROM THE GUIDELINES

6.10 DEPARTURES IN GENERAL.

Subdivision 1. **Departures from the presumptive sentence.** (a) The sentences provided in chapter 2 are presumed to be appropriate for the crimes to which they apply. The court must pronounce a sentence of the applicable disposition and within the applicable prison range unless there exist identifiable, substantial, and compelling circumstances to support a departure.

(b) The court may depart from the presumptive disposition or duration provided in the Guidelines, and stay or impose a sentence that it deems to be more appropriate than the presumptive sentence. A departure is not controlled by the Guidelines, but rather, is an exercise of judicial discretion constrained by statute or case law.

(c) Departures with respect to disposition and duration are separate decisions, each requiring written departure reasons. A court may depart from the presumptive disposition without departing from the presumptive duration, and vice versa.

(d) When imposing a sentence that is an aggravated departure, the court should pronounce a sentence proportional to the severity of the crime for which the sentence is imposed and the criminal history of the person being sentenced, and take into consideration the purposes and underlying principles of the Guidelines (guideline 1.10).

Subd. 2. **Sentences within misdemeanor or gross misdemeanor limits.** (a) A pronounced sentence for a felony conviction that is shorter than the appropriate prison range on the applicable grid, as determined by chapter 2, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a mitigated durational departure.

(b) Under Minn. Stat. § 609.13, if a court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross misdemeanor or misdemeanor. The sentence is a mitigated durational departure because it is below the presumptive range, which cannot be below 12 months.

(c) If the prosecutor amends the charge to a gross misdemeanor or misdemeanor offense prior to conviction, a gross misdemeanor or misdemeanor sentence will not be a departure because the sentence will be consistent with the level of the charge. When the prosecutor amends the charge, the prosecutor must amend it to an existing gross misdemeanor or misdemeanor offense.

Subd. 3. **Departure reasons; report.** (a) Because departures are by definition exceptions to the Guidelines, the departure factors in this chapter are advisory, except as otherwise established by case law.

(b) In exercising the discretion to depart from a presumptive sentence, the court must disclose in writing or on the record the particular substantial and compelling circumstances that make the departure more appropriate than the presumptive sentence. The reasons must

be stated in the sentencing order or recorded in the departure report and filed with the Commission.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.D.1 & Comment 2.D.105; restructured 2027.

6.20 SPECIAL PROCEDURAL CIRCUMSTANCES.

(a) **Stay of execution; EJJ prosecution.** A stay of execution of an adult criminal sentence in an extended jurisdiction juvenile (EJJ) prosecution under Minn. Stat. § 260B.130, subd. 4(a)(2), is not a mitigated dispositional departure.

(b) **Demand for execution.** A sentence executed pursuant to the person's right to demand execution is not an aggravated dispositional departure.

(c) **Revoked stay of adjudication.** When a felony stay of adjudication is vacated and conviction is entered, the Guidelines must then be applied. To the extent that the sentence pronounced immediately following a revocation of a stay of adjudication is contrary to the Guidelines presumptive sentence, as determined by chapter 2, that sentence is a departure.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.D.1.e & f; restructured 2027.

Restructuring note: Paragraph (a) is entirely new. It must be true, because § 260B.130 requires, in some cases, both that the offense be a presumptive commitment (subd. 1(2)) and that execution of the adult sentence be stayed (subd. 4(a)(2)). Much like the requirement to fulfill the defendant's peremptory right to demand execution, it cannot be a departure to obey the EJJ statute.

6.30 FACTORS THAT SHOULD NOT BE USED AS REASONS FOR DEPARTURE.

The following should not be used as a reason for departure:

- (1) race;
- (2) sex;
- (3) an employment factor, including:
 - (i) occupation;
 - (ii) employment history;
 - (iii) employment at time of the offense or sentencing; or
 - (iv) impact of the sentence on profession or occupation;
- (4) a social factor, including:
 - (i) educational attainment;
 - (ii) living arrangements at time of the offense or sentencing;
 - (iii) length of residence; or
 - (iv) marital status; or

(5) the exercise of a constitutional right during the adjudication process.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.D.2; restructured 2027.

6.40 FACTORS THAT MAY BE USED AS REASONS FOR MITIGATED DEPARTURE.

Subdivision 1. **Mitigating factors.** The following is a nonexclusive list of mitigating factors that may be used as reasons for departure:

- (1) The victim was an aggressor in the incident.
- (2) The person being sentenced played a minor or passive role in the crime or participated under circumstances of coercion or duress.
- (3) The person being sentenced, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicating drugs or alcohol does not fall within the purview of this factor.
- (4) Other substantial grounds exist that tend to excuse or mitigate the culpability of the person being sentenced, although not amounting to a defense.
- (5) The court is ordering an alternative placement under Minn. Stat. § 609.1055 for a person with a serious and persistent mental illness.
- (6) The person being sentenced is particularly amenable to probation. This factor may, but need not, be supported by the fact that the person is particularly amenable to a relevant program of individualized treatment in a probationary setting.
- (7) In the case of a conviction for a controlled substance offense, the person being sentenced is found by the district court to be particularly amenable to probation based on adequate evidence that the person has a substance use disorder and has been accepted by, and can respond to, a treatment program in accordance with Minn. Stat. § 152.152.
- (8) The person being sentenced is a qualifying United States military service member or veteran and the court determines that the person meets the criteria for particular amenability to probation found in Minn. Stat. § 609.1056, subd. 4.
- (9) The person being sentenced has no prior criminal conviction or stay of adjudication. A criminal history score of zero is not sufficient to qualify for this factor. This departure factor is not available if the current offense is ranked at severity level 10 or 11 on the standard grid or is ranked on the sex offense grid.
- (10) The presumptive sentence is a commitment but not a mandatory minimum sentence, and either of the following is true:
 - (i) the current conviction offense is at severity level 1 or severity level 2 and all prior felony sentences were received during fewer than three separate court appearances; or
 - (ii) the current conviction offense is at severity level 3 or severity level 4 and all prior felony sentences were received during one court appearance.

Subd. 2. **Providing substantial and material assistance.** Guideline 2.72, subd. 5, contains a special mitigating factor applicable to certain consecutive-sentence departures.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.D.3.a; restructured 2027.

Restructuring note: Comment 2.D.304 promises to change “chemically dependent” to more current language related to “substance use disorder” when the latter term becomes prevalent in Minnesota Statutes. This has now happened—there are 256 appearances of “substance use disorder*” in the 2025 statutes, vs. 83 appearances of “chemical* dependen*”—so subd. 1(7) fulfills the comment’s promise. Subd. 2 is a new cross-reference to a standalone departure factor.

6.50 FACTORS THAT MAY BE USED AS REASONS FOR AGGRAVATED DEPARTURE.

Subdivision 1. **Aggravating factors.** The following is a nonexclusive list of aggravating factors that may be used as reasons for departure:

(1) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity, and the person being sentenced knew or should have known of this vulnerability.

(2) The victim was treated with particular cruelty for which the individual being sentenced should be held responsible.

(3) The offense was committed in a place where the victim had an expectation of privacy.

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

(5) The person being sentenced intentionally deceived a minor victim into believing the person was also a minor in order to facilitate the commission of the offense as described in Minn. Stat. § 609.099.

(6) The person being sentenced used another’s identity without authorization to commit a crime. This aggravating factor may not be used when use of another’s identity is an element of the offense.

(7) The person being sentenced intentionally selected the victim or the property against which the offense was committed, in whole or in substantial part, because of the victim’s, the property owner’s, or another’s actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03, or because of the victim’s actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03.

(8) The person being sentenced committed, for hire, a crime against the person.

(9) The person being sentenced committed the crime as part of a group of three or more individuals who all actively participated in the crime.

(10) The offense was a criminal sexual conduct offense or an offense in which the victim was otherwise injured, and the person being sentenced has a prior felony conviction for a criminal sexual conduct offense or an offense in which the victim was otherwise injured.

(11) The person is being sentenced under Minn. Stat. § 609.3455, subd. 3a (mandatory sentence for certain engrained offenders).

(12) The person is being sentenced under Minn. Stat. § 609.1095, subd. 2 (increased sentence for dangerous offender's third sequential violent crime).

(13) The person is being sentenced under Minn. Stat. § 609.1095, subd. 4 (increased sentence for sixth sequential felony).

(14) The offense was a major economic offense. For this purpose, an economic offense is an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. A major economic offense is an economic offense in which two or more of the following circumstances were present:

(i) The offense involved multiple victims or multiple incidents per victim.

(ii) The offense involved an attempted or actual monetary loss substantially greater than the usual offense or substantially greater than the minimum loss specified in the statutes.

(iii) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time.

(iv) The offense involved the use of position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships.

(v) The person being sentenced has been involved in other conduct similar to the current offense as evidenced by the findings of civil or administrative law proceedings or the imposition of professional sanctions.

(15) The offense was a major controlled substance offense. A major controlled substance offense is a controlled substance offense in which two or more of the following circumstances were present:

(i) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to sell or transfer.

(ii) The person being sentenced or an accomplice possessed equipment, drug paraphernalia, or monies evidencing the offense was committed as part of wholesale trafficking of a controlled substance.

(iii) The offense involved the manufacture of controlled substances for use by other parties.

(iv) The person being sentenced or an accomplice knowingly possessed a firearm or other dangerous weapon, as defined by Minn. Stat. § 609.02, during the commission of the offense.

(v) The circumstances of the offense reveal the person being sentenced to have occupied a high position in the drug distribution hierarchy.

(vi) The offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement.

(vii) The person being sentenced used position or status to facilitate the commission of the offense, including a position of trust, confidence, or fiduciary relationship (e.g., pharmacist, physician, or other medical professional).

(viii) The offense involved separate acts of sale or possession of a controlled substance in three or more counties.

(ix) The person being sentenced has a “prior conviction” for a “violent crime,” as defined in Minn. Stat. § 609.1095, subd. 1, other than a violation of or an attempt or conspiracy to violate a provision of Minn. Stat. chapter 152 or a similar law of the United States or another state.

(x) The offense involved the sale of a controlled substance to a minor or vulnerable adult.

(xi) The offense involved the manufacture, possession, or sale of a controlled substance in a school zone, park zone, public housing zone, federal, state, or local correctional facility, or drug treatment facility.

Subd. 2. **Limitations.** Except as provided in subdivision 1, clauses (11) to (13), an aggravating factor may not be used as a reason for departure if the factor is based on:

(1) a fact that constitutes a necessary element of the current offense or of a sentencing enhancement; or

(2) conduct that could have formed, or did form, the basis of a separate offense.

History: 2026 Minn. Sentencing Guidelines & Commentary 2.D.3.b & Comment 2.D.308; restructured 2027.

Restructuring note: The deletion of the “more onerous than usual” language in subd. 1(15) is new. It is intended to make explicit the arguably ambiguous relationship in 2.D.3.b(5) between the more-onerous-than-usual requirement and the eleven enumerated circumstances that follow. The phrase “in which two or more of the following circumstances were present” approximately mirrors appellate language stating that “the presence of two or more of [the enumerated circumstances] render a major controlled substance offense ‘more onerous than the usual offense.’” *State v. Vogel*, 385 N.W.2d 35, 37 (Minn. Ct. App. 1986). Subd. 2 is new. It is intended to universalize the double-counting limitation in Comment 2.D.308, now restricted to bias offenses, and to codify case law. Clause (1) incorporates the element-of-the-offense rule from *State v. Jones*, 745 N.W.2d 176 (Minn. 2008) and *State v. Dettman*, 719 N.W.2d 921 (Minn. 2006), requiring courts to evaluate the underlying facts proving a factor to ensure that components already accounted for by the legislature to determine offense severity are not punished twice. Clause (2) codifies the offense-of-conviction rule derived from *State v. Simon*, 520 N.W.2d 393 (Minn. 1994) and *State v. Jackson*, 749 N.W.2d 353 (Minn. 2008), barring departures based on conduct that could have or did form another offense to prevent the subversion of due process for separate crimes.

CHAPTER 7

OFFENSE LISTS

7.10 SEVERITY LEVELS OF OFFENSES ON THE STANDARD GRID.

Subdivision 1. (a) The offenses listed in this guideline are the offenses on the standard grid shown in guideline 3.10 and are ranked at the severity levels given.

(b) The offenses listed in guideline 7.60 (theft offenses) are also ranked on the standard grid and are incorporated by reference.

Subd. 2. The following offenses are ranked at severity level 11:

11	
	Adulteration resulting in death, Minn. Stat. § 609.687, subd. 3(1).
	Assault in the first degree upon an official by dangerous weapon or deadly force resulting in great bodily harm, Minn. Stat. § 609.221, subd. 4.
	Murder in the second degree, intentional, Minn. Stat. § 609.19, subd. 1(1).
	Murder in the second degree, unintentional, while committing or attempting a drive-by shooting, Minn. Stat. § 609.19, subd. 1(2).
	Murder of an unborn child in the second degree, intentional, Minn. Stat. § 609.2662(1).

Subd. 3. The following offenses are ranked at severity level 10:

10	
	Assault in the first degree upon an official resulting in great bodily harm, Minn. Stat. § 609.221, subd. 3.
	Fleeing a peace officer resulting in death, Minn. Stat. § 609.487, subd. 4(a).
	Murder in the second degree, unintentional, while committing an assault contrary to a protective order, Minn. Stat. § 609.19, subd. 2(2).
	Murder in the second degree, unintentional, while committing or attempting a felony, Minn. Stat. § 609.19, subd. 2(1).
	Murder in the third degree while evincing a depraved mind, Minn. Stat. § 609.195(a).
	Murder of an unborn child in the second degree, unintentional, Minn. Stat. § 609.2662(2).
	Murder of an unborn child in the third degree, Minn. Stat. § 609.2663.

Subd. 4. The following offenses are ranked at severity level 9:

9	
	Assault in the first degree upon an official by deadly force, Minn. Stat. § 609.221, subd. 2.
	Carjacking in the first degree, Minn. Stat. § 609.247, subd. 2.

9

Causing the death of an unborn child in the commission of a crime, Minn. Stat. § 609.268, subd. 1.
Coercion by private sexual image threat resulting in death, Minn. Stat. § 609.27, subd. 2(c).
Criminal abuse of a vulnerable adult resulting in death, Minn. Stat. § 609.2325, subd. 3(1).
Criminal vehicular homicide after a qualified prior driving offense, Minn. Stat. § 609.2112, subd. 1(b).
Criminal vehicular operation after a qualified prior driving offense resulting in death to an unborn child, Minn. Stat. § 609.2114, subd. 1(b).
Engaging a minor under age 14, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(a).
Kidnapping resulting in great bodily harm, Minn. Stat. § 609.25, subd. 2(2)(ii).
Labor trafficking resulting in death, Minn. Stat. § 609.282, subd. 1.
Manslaughter in the first degree by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.20(2) or (5).
Manslaughter in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.20(1).
Manslaughter of an unborn child in the first degree by violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.2664(2).
Manslaughter of an unborn child in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.2664(1).
Murder in the third degree resulting from a controlled substance, Minn. Stat. § 609.195(b).
Witness tampering, aggravated first-degree, Minn. Stat. § 609.498, subd. 1b.

Subd. 5. The following offenses are ranked at severity level 8:

8

Aggravated robbery in the first degree, Minn. Stat. § 609.245, subd. 1.
Arson in the first degree, Minn. Stat. § 609.561.
Assault in the first degree resulting in great bodily harm, Minn. Stat. § 609.221, subd. 1.
Assault of an unborn child in the first degree, Minn. Stat. § 609.267.
Burglary in the first degree with a weapon or assault, Minn. Stat. § 609.582, subd. 1(b) or (c).
Causing great bodily harm by the distribution of drugs, Minn. Stat. § 609.228.
Child torture, Minn. Stat. § 609.3775.
Coercion by private sexual image threat resulting in great bodily harm, Minn. Stat. § 609.27, subd. 2(b).

Criminal abuse of a vulnerable adult resulting in great bodily harm, Minn. Stat. § 609.2325, subd. 3(2).
Criminal vehicular homicide, Minn. Stat. § 609.2112, subd. 1(a).
Criminal vehicular operation resulting in death to an unborn child, Minn. Stat. § 609.2114, subd. 1(a).
Deprivation of a vulnerable adult resulting in great bodily harm, Minn. Stat. § 609.233, subd. 3(1).
Drive-by shooting toward a person or occupied motor vehicle or building, Minn. Stat. § 609.66, subd. 1e(a)(2) or (3).
Escape from a felony offense by violence or threat, Minn. Stat. § 609.485, subd. 4(a)(1) & (b).
Identity theft involving eight or more direct victims or loss of over \$35,000, Minn. Stat. § 609.527, subd. 3(5).
Identity theft related to child sexual abuse material, Minn. Stat. § 609.527, subd. 3(6).
Kidnapping not involving release in a safe place, Minn. Stat. § 609.25, subd. 2(2)(i).
Kidnapping of a child under age 16, Minn. Stat. § 609.25, subd. 2(2)(iii).
Labor trafficking of a minor, Minn. Stat. § 609.282, subd. 1a(1).
Labor trafficking resulting in great bodily harm, Minn. Stat. § 609.282, subd. 1a(3).
Malicious punishment of a child resulting in great bodily harm, Minn. Stat. § 609.377, subd. 6.
Manslaughter in the first degree, intentional but under duress, Minn. Stat. § 609.20(3).
Manslaughter in the first degree resulting from a controlled substance, Minn. Stat. § 609.20(4).
Manslaughter in the second degree by child neglect or endangerment, Minn. Stat. § 609.205(5).
Manslaughter in the second degree by culpable negligence, Minn. Stat. § 609.205(1).
Manslaughter of an unborn child in the first degree, intentional but under duress, Minn. Stat. § 609.2664(3).
Manslaughter of an unborn child in the second degree by culpable negligence, Minn. Stat. § 609.2665(1).
Medical assistance fraud of over \$1,000,000, Minn. Stat. § 609.467, subd. 2(c).
Placing a fictitious emergency call resulting in great bodily harm or death, Minn. Stat. § 609.78, subd. 2a(1).
Possession of a machine gun, trigger activator, or conversion kit, Minn. Stat. § 609.67, subd. 2(a).
Riot in the first degree, Minn. Stat. § 609.71, subd. 1.
Wildfire arson damaging over 100 dwellings or \$250,000 in crops, or burning 1,500 acres or more, Minn. Stat. § 609.5641, subd. 1a(c).

Subd. 6. The following offenses are ranked at severity level 7:

7
Assault in the second degree by dangerous weapon resulting in substantial bodily harm, Minn. Stat. § 609.222, subd. 2.
Carjacking in the second degree, Minn. Stat. § 609.247, subd. 3.
Driving while impaired in the first degree, Minn. Stat. § 169A.24.
Financial exploitation of a vulnerable adult of over \$35,000, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
Labor trafficking over an extended period of time, Minn. Stat. § 609.282, subd. 1a(2).
Theft of over \$35,000 from a vulnerable adult, Minn. Stat. § 609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3).
Wildfire arson damaging over five dwellings or \$100,000 in crops, or burning 500 acres or more, Minn. Stat. § 609.5641, subd. 1a(b).

Subd. 7. The following offenses are ranked at severity level 6:

6
Aggravated robbery in the second degree, Minn. Stat. § 609.245, subd. 2.
Assault in the second degree by dangerous weapon, Minn. Stat. § 609.222, subd. 1.
Burglary in the first degree of an occupied dwelling, Minn. Stat. § 609.582, subd. 1(a).
Carjacking in the third degree, Minn. Stat. § 609.247, subd. 4.
Catalytic converter crime involving more than 70 converters, Minn. Stat. § 325E.21, subd. 6(b)(5).
Criminal vehicular operation by gross negligence resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(1).
Criminal vehicular operation by gross negligence resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(1).
Criminal vehicular operation while impaired resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(2) to (6).
Criminal vehicular operation while impaired resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(2) to (6).
Discharge of a firearm at or in an occupied transit vehicle or facility, Minn. Stat. § 609.855, subd. 5.
Diversion of corporate property of over \$35,000, Minn. Stat. § 609.52, subds. 2(a)(15) or (16) & 3(1).
Explosive device or incendiary device crime, Minn. Stat. § 609.668, subd. 6.
Fleeing a peace officer resulting in great bodily harm, Minn. Stat. § 609.487, subd. 4(b).
Impersonating a peace officer with a firearm, Minn. Stat. § 609.4751, subd. 3(b).
Kidnapping, Minn. Stat. § 609.25, subd. 2(1).
Labor trafficking, Minn. Stat. § 609.282, subd. 2.

6

Medical assistance fraud of over \$100,000 but not over \$1,000,000, Minn. Stat. § 609.467, subd. 2(b).
Offering over \$35,000 in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(1).
Possessing a firearm or ammunition after a crime of violence, Minn. Stat. § 609.165, subd. 1b, or 624.713, subd. 2(b).
Public contract bid rigging, Minn. Stat. § 325D.53, subd. 1(2)(a).
Theft of over \$35,000 by check, Minn. Stat. § 609.52, subds. 2(a)(3)(i) & 3(1).
Theft of over \$35,000 by deception, Minn. Stat. § 609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1).
Theft of over \$35,000 by swindle, Minn. Stat. § 609.52, subds. 2(a)(4) & 3(1).
Unauthorized human services remunerations of over \$35,000, Minn. Stat. § 609.542, subd. 4(1).
Wage theft of over \$35,000, Minn. Stat. § 609.52, subds. 2(a)(19) & 3(1).

Subd. 8. The following offenses are ranked at severity level 5:

5

Arson in the second degree, Minn. Stat. § 609.562.
Assault in the third degree resulting in substantial bodily harm, Minn. Stat. § 609.223, subd. 1.
Assault of an unborn child in the second degree, Minn. Stat. § 609.2671.
Burglary in the second degree of a dwelling, bank, government building, religious establishment, historic property, or school, Minn. Stat. § 609.582, subd. 2(a)(1), (a)(2), or (b).
Check forgery of over \$35,000, Minn. Stat. § 609.631, subd. 4(1).
Child neglect or endangerment, Minn. Stat. § 609.378.
Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(7) or (8).
Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(7) or (8).
Deprivation of a vulnerable adult resulting in substantial bodily harm, Minn. Stat. § 609.233, subd. 3(2).
Disrupting an emergency call center system, Minn. Stat. § 609.78, subd. 2b(2).
Domestic assault by strangulation, Minn. Stat. § 609.2247.
Engaging a minor age 14 or 15, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(b).
Explosive component, unlawful possession of, Minn. Stat. § 299F.79.
Explosives, illegal transfer of, Minn. Stat. § 299F.82, subd. 1.
Explosives, negligent discharge of, Minn. Stat. § 299F.83.

5

Explosives, unpermitted possession of, Minn. Stat. § 299F.80, subd. 1.
Financial exploitation of a vulnerable adult of over \$5,000, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
Financial transaction card fraud of over \$35,000, Minn. Stat. § 609.821, subd. 3(a)(1)(i).
Harassment as a third or subsequent offense, Minn. Stat. § 609.749, subd. 4(b).
Impersonating a peace officer as a second violation, Minn. Stat. § 609.4751, subd. 3(a).
Interfering with emergency communications, Minn. Stat. § 609.776.
Manslaughter in the second degree by a loose animal known to be dangerous, Minn. Stat. § 609.205(4).
Manslaughter in the second degree by negligent hunting, Minn. Stat. § 609.205(2).
Manslaughter in the second degree by setting a dangerous device, Minn. Stat. § 609.205(3).
Manslaughter of an unborn child in the second degree other than by culpable negligence, Minn. Stat. § 609.2665(2), (3), or (4).
Perjury in a felony trial or an explosives permit application, Minn. Stat. § 609.48, subd. 4(1).
Price fixing, market allocation, or bid suppression, Minn. Stat. § 325D.53, subd. 1(1) or (2)(b) or (c).
Simple robbery, Minn. Stat. § 609.24.
Stalking, Minn. Stat. § 609.749, subd. 5.
Theft of over \$5,000 from a vulnerable adult, Minn. Stat. § 609.52, subd. 3a(b)(3).
Transferring to an ineligible person a firearm later used in a crime of violence, Minn. Stat. § 624.7141, subd. 2.
Wildfire arson resulting in demonstrable bodily harm, Minn. Stat. § 609.5641, subd. 1a(d).
Witness tampering in the first degree, Minn. Stat. § 609.498, subd. 1a.

Subd. 9. The following offenses are ranked at severity level 4:

4

Adulteration resulting in bodily harm, Minn. Stat. § 609.687, subd. 3(2).
Assault in the third degree against a minor, Minn. Stat. § 609.223, subd. 2 or 3.
Assault in the fifth degree, Minn. Stat. § 609.224, subd. 4.
Bribery, Minn. Stat. § 609.42.
Bribing a voter, Minn. Stat. § 211B.13.
Bringing a dangerous weapon into a jail, Minn. Stat. § 641.165, subd. 2(b).
Bringing contraband into a state correctional facility or hospital, Minn. Stat. § 243.55.
Burglary in the second degree of a pharmacy or while possessing a tool, Minn. Stat. § 609.582, subd. 2(a)(3) or (4).

Burglary in the third degree by entry of a building without consent, Minn. Stat. § 609.582, subd. 3(a).
Causing injury to an unborn child in the commission of a crime, Minn. Stat. § 609.268, subd. 2.
Commercial bribery, Minn. Stat. § 609.86.
Criminal abuse of a vulnerable adult resulting in substantial bodily harm, Minn. Stat. § 609.2325, subd. 3(3).
Domestic assault, Minn. Stat. § 609.2242, subd. 4.
False imprisonment of a child resulting in substantial bodily harm, Minn. Stat. § 609.255, subd. 3(c).
Financial exploitation of a vulnerable adult of \$5,000 or less, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
Fleeing a peace officer resulting in substantial bodily harm, Minn. Stat. § 609.487, subd. 4(c).
Grossly negligent fire resulting in great bodily harm, Minn. Stat. § 609.576, subd. 1(1).
Harassment, aggravated, Minn. Stat. § 609.749, subd. 3.
Harassment as a second offense, Minn. Stat. § 609.749, subd. 4(a).
Impersonating a peace officer with a vehicle or while exercising authority, Minn. Stat. § 609.4751, subd. 2.
Interfering with a death scene or body, Minn. Stat. § 609.502, subd. 1(1).
Making an emergency call with no emergency as a third or subsequent offense, Minn. Stat. § 609.78, subd. 2b(1).
Malicious punishment of a child as a second or subsequent offense, Minn. Stat. § 609.377, subd. 3.
Malicious punishment of a child resulting in substantial bodily harm, Minn. Stat. § 609.377, subd. 5.
Malicious punishment of a child under age 4, Minn. Stat. § 609.377, subd. 4.
Organized retail theft of over \$5,000, Minn. Stat. § 609.522, subd. 3(1).
Perjury, Minn. Stat. § 609.48, subd. 4(2).
Possessing a dangerous weapon, ammunition, or explosives in a courthouse complex or Capitol Area building, Minn. Stat. § 609.66, subd. 1g.
Possessing a dangerous weapon on school property, Minn. Stat. § 609.66, subd. 1d(a).
Publishing personal information of a judicial official resulting in bodily harm, Minn. Stat. § 609.476, subd. 3.
Receipt of stolen property by a precious metal or scrap metal dealer as a second or subsequent offense, Minn. Stat. § 609.526.
Receiving a stolen firearm, Minn. Stat. §§ 609.53 & 609.52, subd. 3(1).
Sports bookmaking, Minn. Stat. § 609.76, subd. 2.

4

Theft from the person of another, Minn. Stat. § 609.52.
Theft of \$5,000 or less from a vulnerable adult, Minn. Stat. § 609.52, subds. 3(3) & 3a(b)(3).
Theft of a firearm, Minn. Stat. § 609.52, subd. 3(1).
Theft of a motor vehicle, Minn. Stat. § 609.52, subd. 2(a)(1).
Theft of a Schedule I or II controlled substance, Minn. Stat. § 609.52, subd. 3(2).
Theft of an incendiary device, Minn. Stat. § 609.52, subd. 3(2).
Threatening violence, Minn. Stat. § 609.713, subd. 1.
Timber scaler or state appraiser misconduct, Minn. Stat. § 90.41.
Use of drugs to injure or facilitate crime, Minn. Stat. § 609.235.
Violation of a domestic abuse no contact order, Minn. Stat. § 629.75, subd. 2(d).
Violation of a financial exploitation protective order, Minn. Stat. § 609.2334, subd. 13(c).
Violation of a harassment restraining order, Minn. Stat. § 609.748, subd. 6(d).
Violation of an order for protection, Minn. Stat. § 518B.01, subd. 14(d).
Violation of securities or commercial laws resulting in a loss of over \$2,500, Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3.

Subd. 10. The following offenses are ranked at severity level 3:

3

Acting as a patron of prostitution as a second or subsequent offense, Minn. Stat. § 609.324, subd. 2(b).
Aggravated deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(2).
Arson in the third degree, Minn. Stat. § 609.563.
Assault in the fourth degree, Minn. Stat. § 609.2231, subd. 1(c), 2(b), 3, or 3a.
Assault in the fourth degree motivated by bias, Minn. Stat. § 609.2231, subd. 4(b).
Burglary in the third degree by shoplifting contrary to a trespass notice, Minn. Stat. § 609.582, subd. 3(b).
Catalytic converter crime involving 11 to 70 converters, Minn. Stat. § 325E.21, subd. 6(b)(4).
Check forgery of over \$2,500, Minn. Stat. § 609.631, subd. 4(2).
Coercion by threatening bodily harm, Minn. Stat. § 609.27, subd. 1(1).
Coercion resulting in a gain or loss of \$2,500 or more, Minn. Stat. § 609.27, subd. 2(a)(3).
Committing a gross misdemeanor while impersonating a peace officer, Minn. Stat. § 609.4751, subd. 4(a)(2).
Computer damage of over \$2,500, Minn. Stat. § 609.88.

Computer theft of over \$2,500, Minn. Stat. § 609.89.
Criminal damage to property in the first degree to a public safety vehicle or causing a risk of harm, Minn. Stat. § 609.595, subd. 1(1) or (2).
Criminal vehicular operation resulting in substantial bodily harm, Minn. Stat. § 609.2113, subd. 2.
Damage or theft to energy transmission or telecommunications equipment, Minn. Stat. § 609.593.
Damaging or disturbing human burial grounds or remains, Minn. Stat. § 307.08, subd. 2(a).
Dangerous smoking, Minn. Stat. § 609.576, subd. 2.
Disarming a peace officer, Minn. Stat. § 609.504.
Drive-by shooting toward an unoccupied motor vehicle or building, Minn. Stat. § 609.66, subd. 1e(a)(1).
Embezzlement of over \$2,500 of public funds, Minn. Stat. § 609.54(2).
Engaging a minor age 16 or 17, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(c).
Escape from a felony offense, Minn. Stat. § 609.485, subd. 4(a)(1).
Escape from custody or supervision under the Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities, Minn. Stat. § 609.485, subd. 4(a)(5).
Escape from electronic monitoring, Minn. Stat. § 609.485, subd. 4(f).
Exhibiting a false traffic signal, Minn. Stat. § 609.851, subd. 2.
False imprisonment, Minn. Stat. § 609.255, subd. 2.
False imprisonment of a child resulting in demonstrable bodily harm, Minn. Stat. § 609.255, subd. 3(b).
Financial transaction card fraud of over \$2,500, Minn. Stat. § 609.821, subd. 3(a)(1)(ii).
Gambling tax evasion, Minn. Stat. § 297E.13, subd. 1 to 4.
Identity theft involving four to seven direct victims or loss of over \$2,500, Minn. Stat. § 609.527, subd. 3(4).
Insurance tax evasion, Minn. Stat. § 297I.90.
Intentional release of a harmful substance, Minn. Stat. § 624.732, subd. 2.
Livestock theft of over \$2,500, Minn. Stat. § 609.551.
Motor vehicle use without consent, Minn. Stat. § 609.52, subd. 2(a)(17).
Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts, Minn. Stat. § 617.262, subd. 3(b).
Nonconsensual dissemination of private sexual images, Minn. Stat. § 617.261, subd. 2(b).
Obstructing legal process, arrest, or a first responder, Minn. Stat. § 609.50, subd. 2(1).

Obstructing or tampering with a railroad track to injure or derail, Minn. Stat. § 609.85, subd. 1.
Offering over \$5,000 but not over \$35,000 in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(2).
Organized retail theft of \$5,000 or less, Minn. Stat. § 609.522, subd. 3(2).
Placing a fictitious emergency call resulting in substantial bodily harm, Minn. Stat. § 609.78, subd. 2a(2).
Possession of a code-grabbing device, Minn. Stat. § 609.586, subd. 2.
Possession of a short-barreled shotgun, Minn. Stat. § 609.67, subd. 2(b).
Possession of burglary or theft tools, Minn. Stat. § 609.59.
Possession of shoplifting gear, Minn. Stat. § 609.521.
Possession or sale of a stolen or counterfeit check involving four or more victims or a loss of over \$2,500, Minn. Stat. § 609.528, subd. 3(4).
Prohibited possession, use, or sale of tear gas, a tear gas compound, or an electronic incapacitation device, Minn. Stat. § 624.731, subd. 8(a).
Receipt of \$1,000 or more in stolen property by a precious metal or scrap metal dealer, Minn. Stat. § 609.526, subd. 2(1).
Receiving over \$5,000 in stolen property, Minn. Stat. § 609.53.
Sale of human remains, Minn. Stat. § 609.84.
Sale or possession of a firearm suppressor in a public housing, school, or park zone, Minn. Stat. § 609.66, subd. 1a(a)(1) & (b)(1).
Surreptitious photography under or around clothing as a third or subsequent offense, Minn. Stat. § 609.746, subd. 1(j).
Tampering with a fire alarm system resulting in bodily harm, Minn. Stat. § 609.686, subd. 2.
Tax evasion, Minn. Stat. § 289A.63.
Telecommunications fraud of over \$2,500, Minn. Stat. § 609.893, subd. 1.
Theft crimes of over \$5,000: see guideline 7.60 (theft offenses).
Theft of a public record, Minn. Stat. § 609.52.
Theft of a Schedule III, IV, or V controlled substance, Minn. Stat. § 609.52, subd. 3(3)(b).
Theft of a trade secret, Minn. Stat. § 609.52, subd. 2(a)(8).
Tree spiking resulting in great bodily harm, Minn. Stat. § 609.591, subd. 3(1).
Unauthorized human services remunerations of over \$5,000, Minn. Stat. § 609.542, subd. 4(2).
Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor, Minn. Stat. § 624.713, subd. 2(a).
Unauthorized presence in a hazardous military area, Minn. Stat. § 609.396, subd. 2.

3

Violation of securities or commercial laws resulting in a loss of \$2,500 or less, Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3.

Subd. 11. The following offenses are ranked at severity level 2:

2

Aggravated forgery, Minn. Stat. § 609.625, 609.635, or 609.64.

Aggravated intellectual property counterfeiting, Minn. Stat. § 609.895, subd. 3(a).

Bribery of a participant or official in a contest, Minn. Stat. § 609.825, subd. 2.

Catalytic converter crime involving three to ten converters, Minn. Stat. § 325E.21, subd. 6(b)(3).

Cellular counterfeiting in the first degree, Minn. Stat. § 609.894, subd. 4.

Check forgery of over \$250 but not over \$2,500, Minn. Stat. § 609.631, subd. 4(3)(a).

Coercion resulting in a gain or loss of over \$300 but less than \$2,500, Minn. Stat. § 609.27, subsd. 1(2) to (6) & 2(a)(2).

Computer damage of \$2,500 or less, Minn. Stat. § 609.88.

Computer theft of \$2,500 or less, Minn. Stat. § 609.89.

Criminal damage to property in the first degree to a common carrier, of over \$1,000, or of over \$500 as a second or subsequent offense, Minn. Stat. § 609.595, subd. 1(3), (4), or (5).

Discharge of a firearm in a public housing, school, or park zone, reckless, Minn. Stat. § 609.66, subd. 1a(a)(3) & (b)(1).

Discharge of a firearm under dangerous circumstances, intentional, Minn. Stat. § 609.66, subd. 1a(a)(2).

Electronic use of false pretense to obtain identity, Minn. Stat. § 609.527, subd. 5a.

Embezzlement of \$2,500 or less of public funds, Minn. Stat. § 609.54(1).

Failure to render aid to a shooting victim suffering death or great bodily harm, Minn. Stat. § 609.662, subd. 2(b)(1).

Financial transaction card fraud of \$2,500 or less, Minn. Stat. § 609.821, subd. 3(a)(1)(iii) or (iv).

Furnishing a dangerous weapon, recklessly, Minn. Stat. § 609.66, subd. 1c.

Furnishing a firearm, airgun, ammunition, or explosive to a minor without parental consent, Minn. Stat. § 609.66, subd. 1b.

Gross misdemeanor or misdemeanor theft creating a risk of harm, Minn. Stat. § 609.52, subd. 3a(a)(1).

Gross misdemeanor theft from a vulnerable adult, Minn. Stat. § 609.52, subsd. 3(4) & 3a(b)(2).

Grossly negligent fire damaging \$2,500 or more, Minn. Stat. § 609.576, subd. 1(3)(iii).

Identity theft involving two or three direct victims or loss of over \$500 but not over \$2,500, Minn. Stat. § 609.527, subd. 3(3).

Impersonating a peace officer, Minn. Stat. § 609.4751, subd. 1.
Issuing a dishonored check of over \$500, Minn. Stat. § 609.535, subd. 2a(a)(1).
Leaving the scene of a fatal collision caused by another driver, Minn. Stat. § 169.09, subd. 14(a)(1).
Livestock theft of over \$300 but not over \$2,500, Minn. Stat. § 609.551.
Mail theft, Minn. Stat. § 609.529.
Making a bomb threat, Minn. Stat. § 609.713, subd. 2.
Medical assistance fraud of \$100,000 or less, Minn. Stat. § 609.467, subd. 2(a).
Negligent control of a regulated animal resulting in great bodily harm or death, Minn. Stat. § 346.155, subd. 10(e).
Offering \$5,000 or less in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(3).
Possession or sale of a stolen or counterfeit check involving two or three victims or a loss of over \$500 but not over \$2,500, Minn. Stat. § 609.528, subd. 3(3).
Receipt of less than \$1,000 in stolen property by a precious metal or scrap metal dealer, Minn. Stat. § 609.526, subd. 2(2).
Receiving \$5,000 or less in stolen property, Minn. Stat. § 609.53.
Residential mortgage fraud, Minn. Stat. § 609.822.
Riot in the second degree, Minn. Stat. § 609.71, subd. 2.
Sale or possession of a firearm suppressor, Minn. Stat. § 609.66, subd. 1a(a)(1).
Telecommunications fraud, facilitating, Minn. Stat. § 609.893, subd. 2.
Telecommunications fraud of \$2,500 or less, Minn. Stat. § 609.893, subd. 1.
Theft crimes of \$5,000 or less: see guideline 7.60 (theft offenses).
Theft of \$1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle, Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
Transferring a firearm to an ineligible person, Minn. Stat. § 624.7141, subd. 1.
Transferring a pistol or semiautomatic assault weapon to a minor, Minn. Stat. § 624.7132, subd. 15(b).
Unauthorized access to an electronic fund transfer terminal, Minn. Stat. § 609.891, subd. 2(c).
Unauthorized human services remunerations of \$5,000 or less, Minn. Stat. § 609.542, subd. 4(3).
Unlawful possession or use of a scanning device or reencoder, Minn. Stat. § 609.527, subd. 5b.
Violation of charitable gambling laws, Minn. Stat. § 349.2127, subd. 1 to 6, or 349.22, subd. 4.
Violation of precious metal dealer laws, Minn. Stat. § 325F.743.
Wildfire arson, Minn. Stat. § 609.5641, subd. 1a(a).

Subd. 12. The following offenses are ranked at severity level 1:

1
Aiding an offender to avoid arrest, Minn. Stat. § 609.495, subd. 1.
Assaulting a police horse resulting in demonstrable bodily harm to the horse, Minn. Stat. § 609.597, subd. 3(3).
Bill of lading fraud, Minn. Stat. chapter 228.
Carrying a pistol without a permit, Minn. Stat. § 624.714, subd. 1a.
Carrying a semiautomatic assault weapon under age 21, Minn. Stat. § 624.7181, subd. 2.
Cellular counterfeiting in the second degree, Minn. Stat. § 609.894, subd. 3.
Check forgery of \$250 or less, Minn. Stat. § 609.631, subd. 4(3)(b).
Committing a crime with a bullet-resistant vest, Minn. Stat. § 609.486.
Committing a gross misdemeanor prostitution crime in a school or park zone, Minn. Stat. §§ 609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2).
Criminal damage to property in the second degree, Minn. Stat. § 609.595, subd. 1a.
Criminal use of cinema property for recording, Minn. Stat. § 609.896.
Deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(1).
Discharge of a firearm at or in an unoccupied transit vehicle or facility, Minn. Stat. § 609.855, subd. 5.
Discharge of a firearm in a municipality, reckless, Minn. Stat. § 609.66, subd. 1a(a)(3) & (b)(2).
Distributing toxic alcohol as a beverage, Minn. Stat. § 340A.701, subd. 1(3).
Driver's license or identification card fraud, Minn. Stat. § 609.652.
Escape after a finding of not guilty by reason of mental illness or deficiency, Minn. Stat. § 609.485, subd. 4(a)(2).
Escape from civil commitment as mentally ill and dangerous, Minn. Stat. § 609.485, subd. 4(a)(4).
Failure to appear in court, Minn. Stat. § 588.20, subd. 1, or 609.49.
Failure to render aid to a shooting victim suffering substantial bodily harm, Minn. Stat. § 609.662, subd. 2(b)(2).
False application for a firearm transferee permit, Minn. Stat. § 624.7131, subd. 11.
False certification by a notary public, Minn. Stat. § 609.65(1).
Financial transaction card trafficking, Minn. Stat. § 609.821, subd. 2(3) or (4).
Fleeing a peace officer, Minn. Stat. § 609.487, subd. 3.
Forgery, Minn. Stat. § 609.63.
Fuel tax evasion, Minn. Stat. § 296A.23, subd. 2.
Furnishing alcohol to a minor resulting in death or great bodily harm, Minn. Stat. § 340A.701, subd. 1(4).

1

Gross misdemeanor committed for the benefit of a gang, Minn. Stat. § 609.229, subd. 3(c).
Intellectual property counterfeiting, Minn. Stat. § 609.895, subd. 3(b).
Interference with a transit operator, Minn. Stat. § 609.855, subd. 2(c)(1).
Interference with privacy against a minor victim or as a second or subsequent offense, Minn. Stat. § 609.746, subd. 1(g).
Leaving the scene of a collision resulting in great bodily harm and caused by another driver, Minn. Stat. § 169.09, subd. 14(a)(2).
Leaving the state to evade establishment of paternity, Minn. Stat. § 609.31.
Liquor tax evasion, Minn. Stat. § 297G.19, subd. 3, 4(c), or 5(c).
Menacingly displaying a replica firearm or BB gun, Minn. Stat. § 609.713, subd. 3(a).
Misuse or alteration of a brand, Minn. Stat. § 35.824.
Nonsupport of a spouse or child, Minn. Stat. § 609.375, subd. 2a.
Organized retail theft of \$1,000 or less, Minn. Stat. § 609.522, subd. 3(3).
Perjury in a public assistance application, Minn. Stat. § 256.984.
Placing a fictitious emergency call for a response to the home of an official, Minn. Stat. § 609.78, subd. 2c.
Removal or alteration of a firearm's serial number, Minn. Stat. § 609.667.
Sale of unauthorized cable connection device, Minn. Stat. § 609.80, subd. 2.
Securities valuation or commercial transit fraud, Minn. Stat. § 609.645.
State Lottery fraud of less than \$35,000, Minn. Stat. § 609.651, subds. 1 & 4(a).
Tampering with a fire alarm system creating the potential for bodily harm, Minn. Stat. § 609.686, subd. 2.
Theft of \$1,000 or less from an abandoned or vacant building, Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
Title fraud, land certificate of, Minn. Stat. § 508.80.
Title fraud, motor vehicle, Minn. Stat. § 168A.30, subd. 1.
Title fraud, watercraft, Minn. Stat. § 86B.865, subd. 1.
Unlawfully manufacturing or trafficking alcoholic beverages, Minn. Stat. § 340A.701, subd. 1(1) or (2).
Violation of health insurance laws, Minn. Stat. § 62A.41.
Violation of money transmission laws, Minn. Stat. § 53B.66.
Violation of prize disclosure and award requirements, Minn. Stat. § 325F.755.
Violation of voting laws, Minn. Stat. chapter 201, 203B, or 204C.

History: 2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.

Restructuring note: The 2026 Guidelines rank "Theft (Looting)" at severity level 2 (citing to Minn. Stat. § 609.52 generally), and "Theft from Abandoned or Vacant Building (\$1,000 or Less)"

at severity level 1 (citing to § 609.52, subd. 3(3)(d)(iii)). That clause provides a felony penalty for theft of \$1,000 or less if “the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle” This draft infers a link between the two entries, and that the intent of “looting,” an undefined term, is to cover the aspects of subd. 3(3)(d)(iii) that do not include abandoned or vacant buildings; namely, burning buildings or areas of destruction caused by civil disaster, riot, bombing, or nearby battle. There is another puzzle linked to another 3(3)(d) clause that this draft does **not** address: the severity level 4 entry, “theft from person,” with a simple “609.52” statutory entry. This appears to be related to subd. 3(3)(d)(i), which covers “property ... taken from the person of another or from a corpse, or grave or coffin containing a corpse” Are corpses, and the graves and coffins containing them, considered to be covered by “theft from person”? Or are such thefts, if below \$1,000, unranked? This draft does not resolve the question. It does, however, take the mild editorial step of changing “theft from person” to “theft from the person of another.”

7.20 SEVERITY LEVELS OF OFFENSES ON THE SEX OFFENSE GRID.

Subdivision 1. The offenses listed in this guideline are the offenses on the sex offense grid shown in guideline 3.20 and are ranked at the severity levels given.

Subd. 2. The following offenses are ranked at severity level A:

A
Criminal sexual conduct in the first degree, Minn. Stat. § 609.342.
Sex trafficking, aggravated first-degree, Minn. Stat. § 609.322, subd. 1(a) & (b).

Subd. 3. The following offenses are ranked at severity level B:

B
Criminal sexual conduct in the second degree by sexual contact of a minor under age 16 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.343, subd. 1a(h).
Criminal sexual conduct in the second degree by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice, Minn. Stat. § 609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i).
Sex trafficking, aggravated second-degree, Minn. Stat. § 609.322, subds. 1a & 1(b).
Sex trafficking in the first degree, Minn. Stat. § 609.322, subd. 1(a).

Subd. 4. The following offenses are ranked at severity level C:

C
Criminal sexual conduct in the third degree by sexual penetration by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless, Minn. Stat. § 609.344, subd. 1(a) to (d) or 1a(c), (d), (h), or (i).
Criminal sexual conduct in the third degree by sexual penetration of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.344, subd. 1a(g).
Dissemination of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14, Minn. Stat. § 617.247, subd. 3(b).
Sex trafficking in the second degree, Minn. Stat. § 609.322, subd. 1a.
Sexual extortion by sexual penetration, Minn. Stat. § 609.3458, subd. 1(b).
Use of minors in sexual performance or child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14, Minn. Stat. § 617.246, subd. 2(b), 3(b), or 4(b).

Subd. 5. The following offenses are ranked at severity level D:

D
Criminal sexual conduct in the second degree by sexual contact of a minor under age 14, or of a minor under age 16 by a person in authority or with a significant relationship, Minn. Stat. § 609.343, subd. 1a(e), (f), or (g).
Criminal sexual conduct in the third degree by sexual penetration of a minor age 14 or 15 by a person more than 36 months older, Minn. Stat. § 609.344, subs. 1a(b) & 2(1).
Criminal sexual conduct in the third degree by sexual penetration of a minor age 16 or 17 by a person in authority or with a significant relationship, Minn. Stat. § 609.344, subd. 1a(e) or (f).
Criminal sexual conduct in the third degree by sexual penetration of a minor under age 14 by a minor no more than 36 months older, Minn. Stat. § 609.344, subd. 1a(a).
Use of minors in sexual performance or child sexual abuse material, Minn. Stat. § 617.246, subd. 2(a), 3(a), or 4(a).

Subd. 6. The following offenses are ranked at severity level E:

E
Criminal sexual conduct in the fourth degree by sexual contact by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless, Minn. Stat. § 609.345, subd. 1(a) to (d) or 1a(c), (d), (h), or (i).
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.345, subd. 1a(g).
Dissemination of child sexual abuse material, Minn. Stat. § 617.247, subd. 3(a).
Possession of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14, Minn. Stat. § 617.247, subd. 4(b).
Sexual extortion by sexual contact, Minn. Stat. § 609.3458, subd. 1(a).

Subd. 7. The following offenses are ranked at severity level F:

F
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older, Minn. Stat. § 609.345, subd. 1a(b).
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 16 or 17 by a person in authority or with a significant relationship, Minn. Stat. § 609.345, subd. 1a(e) or (f).
Criminal sexual conduct in the fourth degree by sexual contact of a minor under age 14 by a minor no more than 36 months older, Minn. Stat. § 609.345, subd. 1a(a).

F

Criminal sexual conduct in the fifth degree as a second or subsequent offense, Minn. Stat. § 609.3451, subd. 3(b).

Subd. 8. The following offenses are ranked at severity level G:

G

Criminal sexual conduct in the third degree by sexual penetration of a minor age 14 or 15 by a person more than 24 months, but not more than 36 months, older, Minn. Stat. § 609.344, subds. 1a(b) & 2(2).

Indecent exposure, Minn. Stat. § 617.23, subd. 3.

Possession of child sexual abuse material, Minn. Stat. § 617.247, subd. 4(a).

Sexual solicitation of a child, Minn. Stat. § 609.352, subd. 2.

Sexual solicitation of a child by grooming, Minn. Stat. § 609.352, subd. 2c.

Sexual solicitation of a child, electronic, Minn. Stat. § 609.352, subd. 2a.

Sexual solicitation of a minor while in a position of authority, Minn. Stat. § 609.352, subd. 2d.

Sexual solicitation of a student, Minn. Stat. § 609.352, subd. 2e.

Using a surreptitious observation device against a minor victim with sexual intent, Minn. Stat. § 609.746, subd. 1(h).

Subd. 9. The following offense is ranked at severity level H:

H

Criminal sexual conduct in the fifth degree by nonconsensual sexual penetration, Minn. Stat. § 609.3451, subd. 3(a).

Subd. 10. The following offense is ranked at severity level I:

I

Failure to register as a predatory offender, Minn. Stat. § 243.166, subd. 5(b) or (c).

History: 2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.

7.30 SEVERITY LEVELS OF OFFENSES ON THE DRUG OFFENSE GRID.

Subdivision 1. The offenses listed in this guideline are the offenses on the drug offense grid shown in guideline 3.30 and are ranked at the severity levels given.

Subd. 2. The following offenses are ranked at severity level D9:

D9
Controlled substance crime, aggravated first-degree, Minn. Stat. § 152.021, subd. 2b.
Importing a controlled substance into Minnesota, Minn. Stat. § 152.0261.
Manufacturing methamphetamine, Minn. Stat. § 152.021, subd. 2a.

Subd. 3. The following offense is ranked at severity level D8:

D8
Controlled substance crime in the first degree, Minn. Stat. § 152.021, subd. 1 or 2.

Subd. 4. The following offense is ranked at severity level D7:

D7
Controlled substance crime in the second degree, Minn. Stat. § 152.022.

Subd. 5. The following offense is ranked at severity level D6:

D6
Controlled substance crime in the third degree, Minn. Stat. § 152.023.

Subd. 6. The following offense is ranked at severity level D5:

D5
Possession of substances with intent to manufacture methamphetamine, Minn. Stat. § 152.0262.

Subd. 7. The following offense is ranked at severity level D4:

D4
Controlled substance crime in the fourth degree, Minn. Stat. § 152.024.

Subd. 8. The following offenses are ranked at severity level D3:

D3
Exposing a child or vulnerable adult to methamphetamine or related chemicals, Minn. Stat. § 152.137, subd. 2(a) or (b).
Exposing a child to fentanyl, Minn. Stat. § 152.137, subd. 2(c).
Theft or misuse of anhydrous ammonia, Minn. Stat. § 152.136.

Subd. 9. The following offenses are ranked at severity level D2:

D2	
	Cannabis cultivation in the first degree, Minn. Stat. § 152.0265, subd. 1.
	Cannabis possession in the first degree, Minn. Stat. § 152.0263, subd. 1.
	Cannabis sale in the first degree, Minn. Stat. § 152.0264, subd. 1.
	Controlled substance crime in the fifth degree, Minn. Stat. § 152.025, subd. 4(b).
	Synthetic cannabinoid sale, Minn. Stat. § 152.027, subd. 6(c).

Subd. 10. The following offense is ranked at severity level D1:

D1	
	Simulated controlled substance sale, Minn. Stat. § 152.097.

History: 2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.

7.40 UNRANKED OFFENSES.

The offenses listed in this guideline are not ranked by severity level. Guideline 2.20, subd. 3, governs the sentencing of unranked offenses. The following offenses are designated as unranked:

Unranked
Accomplice after the fact, Minn. Stat. § 609.495, subd. 3.
Adulteration, Minn. Stat. § 609.687, subd. 3(3).
Aiding suicide, Minn. Stat. § 609.215.
Altering an engrossed bill, Minn. Stat. § 3.191.
Animal fighting, Minn. Stat. § 343.31, subd. 1(a).
Assaulting a police horse resulting in more than demonstrable harm to the horse, Minn. Stat. § 609.597, subd. 3(1) or (2).
Bigamy, Minn. Stat. § 609.355.
Cheating at gambling, Minn. Stat. § 609.76, subd. 3 to 7.
Cigarette and tobacco tax fraud, Minn. Stat. § 297F.20.
Concealing criminal proceeds, Minn. Stat. § 609.496 or 609.497.
Corruptly influencing a legislator, Minn. Stat. § 609.425.
Counterfeiting of currency, Minn. Stat. § 609.632, subd. 1 or 2.
Criminal use of encryption, Minn. Stat. § 609.8912.
Damage to property of critical public service facilities, utilities, or pipelines, Minn. Stat. § 609.594.
Destroying or removing documents to further labor or sex trafficking, Minn. Stat. § 609.283.
Distributing or exhibiting an obscene work, Minn. Stat. § 617.241, subd. 4.
Employing runners in connection with motor vehicle insurance, Minn. Stat. § 609.612.
Escape from a gross misdemeanor or misdemeanor offense by violence or threat, Minn. Stat. § 609.485, subd. 4(a)(3) & (b).
Failure to report danger to a child's health resulting in death, Minn. Stat. § 260E.08(c).
False impersonation in a marriage or judicial proceeding, Minn. Stat. § 609.83.
Female genital mutilation, Minn. Stat. § 609.2245.
Filing a fraudulent or improper financing statement, Minn. Stat. § 609.7475.
Harming a service animal, Minn. Stat. § 343.21, subd. 9(f) or (h).
Incest, Minn. Stat. § 609.365.
Issuing a receipt for goods not warehoused, Minn. Stat. § 227.50.
Issuing an unmarked duplicate negotiable warehouse receipt, Minn. Stat. § 227.52.
Killing or substantially harming a public safety dog, Minn. Stat. § 609.596, subd. 1.
Lawful gambling fraud, Minn. Stat. § 609.763.

Unranked

Living will fraud resulting in bodily harm, Minn. Stat. § 145B.105.
Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction, Minn. Stat. § 609.712.
Motor vehicle excise tax evasion, Minn. Stat. § 297B.10.
Obstructing state military forces in wartime, Minn. Stat. § 609.395.
Prediction market advertising, Minn. Stat. § 609.7615, subd. 3.
Prediction market operation or facilitation, Minn. Stat. § 609.7615, subd. 2.
Racketeering, Minn. Stat. § 609.904.
Refusal to assist the state auditor, Minn. Stat. § 6.53.
Residing in Minnesota in violation of the interstate supervision compact, Minn. Stat. § 243.161.
State Lottery computer access, unauthorized, Minn. Stat. § 609.651, subd. 2.
State Lottery, filing a false statement with the, Minn. Stat. § 609.651, subd. 3.
State Lottery fraud of \$35,000 or more, Minn. Stat. § 609.651, subs. 1 & 4(b).
Torture or cruelty to a pet or companion animal, Minn. Stat. § 343.21, subd. 9(c), (d), (g), or (i).
Treason, Minn. Stat. § 609.385.
Treason, misprision of, Minn. Stat. § 609.39.
Unauthorized computer access causing a grave risk or as a second or subsequent offense, Minn. Stat. § 609.891, subd. 2(a) or (b).
Unlawful group boycott, Minn. Stat. § 325D.53, subd. 1(3), 2, or 3.
Unlawful transfer or sale of a recording, Minn. Stat. § 325E.201.
Use or possession of a police radio in a crime, Minn. Stat. § 609.856.
Use or possession of metal-penetrating bullets in a crime, Minn. Stat. § 624.7191.
Using deep fake technology to influence an election, Minn. Stat. § 609.771, subd. 3(a)(1).
Violation of corporate political contribution laws, Minn. Stat. § 211B.15.
Violation of environmental laws, Minn. Stat. § 609.671.
Violation of horse racing laws, Minn. Stat. § 240.25.
Violation of membership camping laws, Minn. Stat. §§ 82A.13 & 82A.25.
Violation of pipeline safety laws, Minn. Stat. chapter 299].
Violation of the Midwest Interstate Low-Level Radioactive Waste Compact, Minn. Stat. § 116C.835.
Violation of the Privacy of Communications Act, Minn. Stat. § 626A.02, subd. 4, 626A.03, subd. 1, or 626A.26, subd. 2(1)(ii).
Violation of the Subdivided Land Sales Practices Act, Minn. Stat. § 83.43.
Warning the subject of an investigation, Minn. Stat. § 609.4971.

Unranked
Warning the subject of surveillance or search, Minn. Stat. § 609.4975.

History: 2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.

7.50 ALL OFFENSES BY STATUTORY CITATION.

(a) This guideline lists, in order of Minnesota statutory citation, all offenses listed in guidelines 7.10 to 7.40, the theft offenses listed in guideline 7.60, and certain statutes whose sentences depend on an underlying offense. Each offense's severity ranking, or an indication that the offense is designated as unranked, is also displayed.

(b) For some offenses, applicable notes follow the ranking. "May exceed statutory max." means that, at some criminal history scores, the appropriate cell on the applicable grid may display a duration that exceeds the offense's statutory maximum penalty; see guideline 2.42, subd. 6, to determine the presumptive duration.

Minn. Stat. Section	Offense Title	Severity Level
3.191	Altering an engrossed bill	Unranked
6.53	Refusal to assist the state auditor	Unranked
35.824	Misuse or alteration of a brand	1
53B.66	Violation of money transmission laws	1
62A.41	Violation of health insurance laws	1
80A.68, 80B.10, subd. 1, or 80C.16, subd. 3	Violation of securities or commercial laws resulting in a loss of over \$2,500	4
80A.68, 80B.10, subd. 1, or 80C.16, subd. 3	Violation of securities or commercial laws resulting in a loss of \$2,500 or less	3
82A.13 & 82A.25	Violation of membership camping laws	Unranked
83.43	Violation of the Subdivided Land Sales Practices Act	Unranked
86B.865, subd. 1	Watercraft title fraud	1
90.41	Timber scaler or state appraiser misconduct	4
116C.835	Violation of the Midwest Interstate Low-Level Radioactive Waste Compact	Unranked
145B.105	Living will fraud resulting in bodily harm	Unranked
152.021, subd. 1 or 2	First-degree controlled substance crime	D8
152.021, subd. 2a	Manufacturing methamphetamine	D9
152.021, subd. 2b	Aggravated first-degree controlled substance crime	D9
152.022	Second-degree controlled substance crime	D7; see guideline 2.51
152.023	Third-degree controlled substance crime	D6
152.024	Fourth-degree controlled substance crime	D4
152.025, subd. 4(b)	Fifth-degree controlled substance crime	D2
152.0261	Importing a controlled substance into Minnesota	D9
152.0262	Possession of substances with intent to manufacture methamphetamine	D5

Minn. Stat. Section	Offense Title	Severity Level
152.0263, subd. 1	First-degree cannabis possession	D2
152.0264, subd. 1	First-degree cannabis sale	D2
152.0265, subd. 1	First-degree cannabis cultivation	D2
152.027, subd. 6(c)	Synthetic cannabinoid sale	D2
152.097	Simulated controlled substance sale	D1
152.136	Theft or misuse of anhydrous ammonia	D3
152.137, subd. 2(a) or (b)	Exposing a child or vulnerable adult to methamphetamine or related chemicals	D3
152.137, subd. 2(c)	Exposing a child to fentanyl	D3
168A.30, subd. 1	Motor vehicle title fraud	1
169.09, subd. 14(a)(1)	Leaving the scene of a fatal collision caused by another driver	2
169.09, subd. 14(a)(2)	Leaving the scene of a collision resulting in great bodily harm and caused by another driver	1
169A.24	First-degree driving while impaired	7; see guideline 2.51
176.178	Workers' compensation fraud of over \$5,000	3
176.178	Workers' compensation fraud of \$5,000 or less	2
chapter 201, 203B, or 204C	Violation of voting laws	1
211B.13	Bribing a voter	4
211B.15	Violation of corporate political contribution laws	Unranked
227.50	Issuing a receipt for goods not warehoused	Unranked
227.52	Issuing an unmarked duplicate negotiable warehouse receipt	Unranked
chapter 228	Bill of lading fraud	1
240.25	Violation of horse racing laws	Unranked
243.161	Residing in Minnesota in violation of the interstate supervision compact	Unranked
243.166, subd. 5(b) or (c)	Failure to register as a predatory offender	I
243.55	Bringing contraband into a state correctional facility or hospital	4
256.98	Wrongfully obtaining over \$5,000 in public assistance	3
256.98	Wrongfully obtaining \$5,000 or less in public assistance	2
256.984	Perjury in a public assistance application	1

Minn. Stat. Section	Offense Title	Severity Level
260E.08(c)	Failure to report danger to a child's health resulting in death	Unranked
268.182	Unemployment benefit fraud of over \$5,000	3
268.182	Unemployment benefit fraud of \$5,000 or less	2
268B.185	Family and medical benefit fraud of over \$5,000	3
268B.185	Family and medical benefit fraud of \$5,000 or less	2
289A.63	Tax evasion	3
296A.23, subd. 2	Fuel tax evasion	1
297B.10	Motor vehicle excise tax evasion	Unranked
297E.13, subd. 1 to 4	Gambling tax evasion	3
297F.20	Cigarette and tobacco tax fraud	Unranked
297G.19, subd. 3, 4(c), or 5(c)	Liquor tax evasion	1
297I.90	Insurance tax evasion	3
299F.79	Unlawful possession of an explosive component	5
299F.80, subd. 1	Unpermitted possession of explosives	5
299F.82, subd. 1	Illegal transfer of explosives	5
299F.83	Negligent discharge of explosives	5
chapter 299J	Violation of pipeline safety laws	Unranked
307.08, subd. 2(a)	Damaging or disturbing human burial grounds or remains	3
325D.53, subd. 1(1) or (2)(b) or (c)	Price fixing, market allocation, or bid suppression	5
325D.53, subd. 1(2)(a)	Public contract bid rigging	6
325D.53, subd. 1(3), 2, or 3	Unlawful group boycott	Unranked
325E.201	Unlawful transfer or sale of a recording	Unranked
325E.21, subd. 6(b)(3)	Catalytic converter crime involving three to ten converters	2
325E.21, subd. 6(b)(4)	Catalytic converter crime involving 11 to 70 converters	3
325E.21, subd. 6(b)(5)	Catalytic converter crime involving more than 70 converters	6
325F.743	Violation of precious metal dealer laws	2
325F.755	Violation of prize disclosure and award requirements	1
340A.701, subd. 1(1) or (2)	Unlawfully manufacturing or trafficking alcoholic beverages	1

Minn. Stat. Section	Offense Title	Severity Level
340A.701, subd. 1(3)	Distributing toxic alcohol as a beverage	1
340A.701, subd. 1(4)	Furnishing alcohol to a minor resulting in death or great bodily harm	1
343.21, subd. 9(c), (d), (g), or (i)	Torture or cruelty to a pet or companion animal	Unranked
343.21, subd. 9(f) or (h)	Harming a service animal	Unranked
343.31, subd. 1(a)	Animal fighting	Unranked
346.155, subd. 10(e)	Negligent control of a regulated animal resulting in great bodily harm or death	2
349.2127, subd. 1 to 6, or 349.22, subd. 4	Violation of charitable gambling laws	2
393.07, subd. 10	Wrongfully obtaining over \$5,000 in supplemental nutrition assistance	3
393.07, subd. 10	Wrongfully obtaining \$5,000 or less in supplemental nutrition assistance	2
471.392	False declaration of a claim of over \$5,000 against a local government	3
471.392	False declaration of a claim of \$5,000 or less against a local government	2
508.80	Land certificate of title fraud	1
514.02, subd. 1(b)	Nonpayment of over \$5,000 in real estate improvement funds to those who contributed to the improvement	3
514.02, subd. 1(b)	Nonpayment of \$5,000 or less in real estate improvement funds to those who contributed to the improvement	2
518B.01, subd. 14(d)	Violation of an order for protection	4
588.20, subd. 1, or 609.49	Failure to appear in court	1
609.165, subd. 1b, or 624.713, subd. 2(b)	Possessing a firearm or ammunition after a crime of violence	6
609.19, subd. 1(1)	Intentional second-degree murder	11
609.19, subd. 1(2)	Unintentional second-degree murder while committing or attempting a drive-by shooting	11
609.19, subd. 2(1)	Unintentional second-degree murder while committing or attempting a felony	10
609.19, subd. 2(2)	Unintentional second-degree murder while committing an assault contrary to a protective order	10

Minn. Stat. Section	Offense Title	Severity Level
609.195(a)	Third-degree murder while evincing a depraved mind	10
609.195(b)	Third-degree murder resulting from a controlled substance	9
609.20(1)	Intentional first-degree manslaughter in the heat of passion	9
609.20(2) or (5)	First-degree manslaughter by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor	9
609.20(3)	Intentional first-degree manslaughter under duress	8
609.20(4)	First-degree manslaughter resulting from a controlled substance	8
609.205(1)	Second-degree manslaughter by culpable negligence	8
609.205(2)	Second-degree manslaughter by negligent hunting	5
609.205(3)	Second-degree manslaughter by setting a dangerous device	5
609.205(4)	Second-degree manslaughter by a loose animal known to be dangerous	5
609.205(5)	Second-degree manslaughter by child neglect or endangerment	8
609.2112, subd. 1(a)	Criminal vehicular homicide	8
609.2112, subd. 1(b)	Criminal vehicular homicide after a qualified prior driving offense	9; may exceed statutory max.
609.2113, subd. 1(1)	Criminal vehicular operation by gross negligence resulting in great bodily harm	6; may exceed statutory max.
609.2113, subd. 1(2) to (6)	Criminal vehicular operation while impaired resulting in great bodily harm	6
609.2113, subd. 1(7) or (8)	Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in great bodily harm	5
609.2113, subd. 2	Criminal vehicular operation resulting in substantial bodily harm	3
609.2114, subd. 1(a)	Criminal vehicular operation resulting in death to an unborn child	8
609.2114, subd. 1(b)	Criminal vehicular operation after a qualified prior driving offense resulting in death to an unborn child	9; may exceed statutory max.

Minn. Stat. Section	Offense Title	Severity Level
609.2114, subd. 2(1)	Criminal vehicular operation by gross negligence resulting in injury to an unborn child	6; may exceed statutory max.
609.2114, subd. 2(2) to (6)	Criminal vehicular operation while impaired resulting in injury to an unborn child	6
609.2114, subd. 2(7) or (8)	Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in injury to an unborn child	5
609.215	Aiding suicide	Unranked
609.221, subd. 1	First-degree assault resulting in great bodily harm	8
609.221, subd. 2	First-degree assault upon an official by deadly force	9
609.221, subd. 3	First-degree assault upon an official resulting in great bodily harm	10
609.221, subd. 4	First-degree assault upon an official by dangerous weapon or deadly force resulting in great bodily harm	11; may exceed statutory max.
609.222, subd. 1	Second-degree assault by dangerous weapon	6
609.222, subd. 2	Second-degree assault by dangerous weapon resulting in substantial bodily harm	7
609.223, subd. 1	Third-degree assault resulting in substantial bodily harm	5; guideline 2.51 may apply
609.223, subd. 2 or 3	Third-degree assault against a minor	4
609.2231, subd. 1(c), 2(b), 3, or 3a	Fourth-degree assault	3; may exceed statutory max.; guideline 2.51 may apply
609.2231, subd. 4(b)	Fourth-degree assault motivated by bias	3; may exceed statutory max.
609.2233	Felony assault motivated by bias	See guideline 2.64
609.224, subd. 4	Fifth-degree assault	4
609.2241	Knowing transfer of a communicable disease	See guideline 2.20
609.2242, subd. 4	Domestic assault	4
609.2245	Female genital mutilation	Unranked
609.2247	Domestic assault by strangulation	5; may exceed statutory max.
609.228	Causing great bodily harm by the distribution of drugs	8

Minn. Stat. Section	Offense Title	Severity Level
609.229, subd. 3(a)	Crime committed for the benefit of a gang	See guideline 2.65
609.229, subd. 3(c)	Gross misdemeanor committed for the benefit of a gang	1
609.2325, subd. 3(1)	Criminal abuse of a vulnerable adult resulting in death	9
609.2325, subd. 3(2)	Criminal abuse of a vulnerable adult resulting in great bodily harm	8
609.2325, subd. 3(3)	Criminal abuse of a vulnerable adult resulting in substantial bodily harm	4
609.233, subd. 3(1)	Deprivation of a vulnerable adult resulting in great bodily harm	8
609.233, subd. 3(2)	Deprivation of a vulnerable adult resulting in substantial bodily harm	5
609.2334, subd. 13(c)	Violation of a financial exploitation protective order	4
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult of over \$35,000	7
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult of over \$5,000	5
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult of \$5,000 or less	4
609.235	Use of drugs to injure or facilitate crime	4
609.24	Simple robbery	5
609.245, subd. 1	First-degree aggravated robbery	8
609.245, subd. 2	Second-degree aggravated robbery	6
609.247, subd. 2	First-degree carjacking	9
609.247, subd. 3	Second-degree carjacking	7
609.247, subd. 4	Third-degree carjacking	6
609.25, subd. 2(1)	Kidnapping	6
609.25, subd. 2(2)(i)	Kidnapping not involving release in a safe place	8
609.25, subd. 2(2)(ii)	Kidnapping resulting in great bodily harm	9
609.25, subd. 2(2)(iii)	Kidnapping of a child under age 16	8
609.255, subd. 2	False imprisonment	3
609.255, subd. 3(b)	False imprisonment of a child resulting in demonstrable bodily harm	3
609.255, subd. 3(c)	False imprisonment of a child resulting in substantial bodily harm	4

Minn. Stat. Section	Offense Title	Severity Level
609.26, subd. 6(a)(1)	Deprivation of custodial or parental rights	1
609.26, subd. 6(a)(2)	Aggravated deprivation of custodial or parental rights	3
609.2662(1)	Intentional second-degree murder of an unborn child	11
609.2662(2)	Unintentional second-degree murder of an unborn child	10
609.2663	Third-degree murder of an unborn child	10
609.2664(1)	Intentional first-degree manslaughter of an unborn child in the heat of passion	9
609.2664(2)	First-degree manslaughter of an unborn child by violent misdemeanor or gross misdemeanor	9
609.2664(3)	Intentional first-degree manslaughter of an unborn child under duress	8
609.2665(1)	Second-degree manslaughter of an unborn child by culpable negligence	8
609.2665(2), (3), or (4)	Second-degree manslaughter of an unborn child other than by culpable negligence	5
609.267	First-degree assault of an unborn child	8
609.2671	Second-degree assault of an unborn child	5
609.268, subd. 1	Causing the death of an unborn child in the commission of a crime	9
609.268, subd. 2	Causing injury to an unborn child in the commission of a crime	4
609.27, subd. 1(1)	Coercion by threatening bodily harm	3
609.27, subds. 1(2) to (6) & 2(a)(2)	Coercion resulting in a gain or loss of over \$300 but less than \$2,500	2
609.27, subd. 2(a)(3)	Coercion resulting in a gain or loss of \$2,500 or more	3
609.27, subd. 2(b)	Coercion by private sexual image threat resulting in great bodily harm	8
609.27, subd. 2(c)	Coercion by private sexual image threat resulting in death	9
609.282, subd. 1	Labor trafficking resulting in death	9
609.282, subd. 1a(1)	Labor trafficking of a minor	8
609.282, subd. 1a(2)	Labor trafficking over an extended period of time	7
609.282, subd. 1a(3)	Labor trafficking resulting in great bodily harm	8
609.282, subd. 2	Labor trafficking	6

Minn. Stat. Section	Offense Title	Severity Level
609.283	Destroying or removing documents to further labor or sex trafficking	Unranked
609.31	Leaving the state to evade establishment of paternity	1
609.322, subd. 1(a)	First-degree sex trafficking	B; may exceed statutory max.
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking	A
609.322, subd. 1a	Second-degree sex trafficking	C
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking	B
609.324, subd. 1(a)	Engaging a minor under age 14, or a person believed to be so, in prostitution	9
609.324, subd. 1(b)	Engaging a minor age 14 or 15, or a person believed to be so, in prostitution	5
609.324, subd. 1(c)	Engaging a minor age 16 or 17, or a person believed to be so, in prostitution	3
609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2)	Committing a gross misdemeanor prostitution crime in a school or park zone	1
609.324, subd. 2(b)	Acting as a patron of prostitution as a second or subsequent offense	3
609.342	First-degree criminal sexual conduct	A
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	Second-degree criminal sexual conduct by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice	B
609.343, subd. 1a(e), (f), or (g)	Second-degree criminal sexual conduct by sexual contact of a minor under age 14, or of a minor under age 16 by a person in authority or with a significant relationship	D
609.343, subd. 1a(h)	Second-degree criminal sexual conduct by sexual contact of a minor under age 16 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	B; may exceed statutory max.
609.344, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)	Third-degree criminal sexual conduct by sexual penetration by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless	C

Minn. Stat. Section	Offense Title	Severity Level
609.344, subd. 1a(a)	Third-degree criminal sexual conduct by sexual penetration of a minor under age 14 by a minor no more than 36 months older	D
609.344, subds. 1a(b) & 2(1)	Third-degree criminal sexual conduct by sexual penetration of a minor age 14 or 15 by a person more than 36 months older	D
609.344, subds. 1a(b) & 2(2)	Third-degree criminal sexual conduct by sexual penetration of a minor age 14 or 15 by a person more than 24 months, but not more than 36 months, older	G
609.344, subd. 1a(e) or (f)	Third-degree criminal sexual conduct by sexual penetration of a minor age 16 or 17 by a person in authority or with a significant relationship	D
609.344, subd. 1a(g)	Third-degree criminal sexual conduct by sexual penetration of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	C; may exceed statutory max.
609.345, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)	Fourth-degree criminal sexual conduct by sexual contact by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless	E
609.345, subd. 1a(a)	Fourth-degree criminal sexual conduct by sexual contact of a minor under age 14 by a minor no more than 36 months older	F
609.345, subd. 1a(b)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older	F
609.345, subd. 1a(e) or (f)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 16 or 17 by a person in authority or with a significant relationship	F
609.345, subd. 1a(g)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	E
609.3451, subd. 3(a)	Fifth-degree criminal sexual conduct by nonconsensual sexual penetration	H
609.3451, subd. 3(b)	Fifth-degree criminal sexual conduct as a second or subsequent offense	F
609.3453	Criminal sexual predatory conduct	See guideline 2.64
609.3458, subd. 1(a)	Sexual extortion by sexual contact	E

Minn. Stat. Section	Offense Title	Severity Level
609.3458, subd. 1(b)	Sexual extortion by sexual penetration	C
609.352, subd. 2	Sexual solicitation of a child	G
609.352, subd. 2a	Electronic sexual solicitation of a child	G
609.352, subd. 2c	Sexual solicitation of a child by grooming	G
609.352, subd. 2d	Sexual solicitation of a minor while in a position of authority	G
609.352, subd. 2e	Sexual solicitation of a student	G
609.355	Bigamy	Unranked
609.365	Incest	Unranked
609.375, subd. 2a	Nonsupport of a spouse or child	1
609.377, subd. 3	Malicious punishment of a child as a second or subsequent offense	4
609.377, subd. 4	Malicious punishment of a child under age 4	4
609.377, subd. 5	Malicious punishment of a child resulting in substantial bodily harm	4
609.377, subd. 6	Malicious punishment of a child resulting in great bodily harm	8
609.3775	Child torture	8
609.378	Child neglect or endangerment	5
609.385	Treason	Unranked
609.39	Misprision of treason	Unranked
609.395	Obstructing state military forces in wartime	Unranked
609.396, subd. 2	Unauthorized presence in a hazardous military area	3
609.42	Bribery	4
609.425	Corruptly influencing a legislator	Unranked
609.445	Failure to pay over state funds totaling over \$5,000	3
609.445	Failure to pay over state funds totaling \$5,000 or less	2
609.455	Permitting a false claim of over \$5,000 against a government	3
609.455	Permitting a false claim of \$5,000 or less against a government	2
609.465	Presenting a false claim of over \$5,000 to a public officer or body	3
609.465	Presenting a false claim of \$5,000 or less to a public officer or body	2
609.467, subd. 2(a)	Medical assistance fraud of \$100,000 or less	2

Minn. Stat. Section	Offense Title	Severity Level
609.467, subd. 2(b)	Medical assistance fraud of over \$100,000 but not over \$1,000,000	6
609.467, subd. 2(c)	Medical assistance fraud of over \$1,000,000	8
609.4751, subd. 1	Impersonating a peace officer	2; may exceed statutory max.
609.4751, subd. 2	Impersonating a peace officer with a vehicle or while exercising authority	4
609.4751, subd. 3(a)	Impersonating a peace officer as a second violation	5
609.4751, subd. 3(b)	Impersonating a peace officer with a firearm	6
609.4751, subd. 4(a)(2)	Committing a gross misdemeanor while impersonating a peace officer	3
609.4751, subd. 4(a)(3)	Committing a felony while impersonating a peace officer	See guideline 2.65
609.476, subd. 3	Publishing personal information of a judicial official resulting in bodily harm	4
609.48, subd. 4(1)	Perjury in a felony trial or an explosives permit application	5
609.48, subd. 4(2)	Perjury	4
609.485, subd. 4(a)(1)	Escape from a felony offense	3; see guideline 2.52
609.485, subd. 4(a)(1) & (b)	Escape from a felony offense by violence or threat	8
609.485, subd. 4(a)(2)	Escape after a finding of not guilty by reason of mental illness or deficiency	1
609.485, subd. 4(a)(3) & (b)	Escape from a gross misdemeanor or misdemeanor offense by violence or threat	Unranked
609.485, subd. 4(a)(4)	Escape from civil commitment as mentally ill and dangerous	1
609.485, subd. 4(a)(5)	Escape from custody or supervision under the Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities	3
609.485, subd. 4(f)	Escape from electronic monitoring	3
609.486	Committing a crime with a bullet-resistant vest	1
609.487, subd. 3	Fleeing a peace officer	1
609.487, subd. 4(a)	Fleeing a peace officer resulting in death	10
609.487, subd. 4(b)	Fleeing a peace officer resulting in great bodily harm	6

Minn. Stat. Section	Offense Title	Severity Level
609.487, subd. 4(c)	Fleeing a peace officer resulting in substantial bodily harm	4
609.493	Solicitation of mentally impaired persons	See guideline 2.62
609.494, subd. 2(b)	Solicitation of juveniles	See guideline 2.62
609.495, subd. 1	Aiding an offender to avoid arrest	1
609.495, subd. 3	Accomplice after the fact	Unranked
609.495, subd. 4	Taking responsibility for criminal acts	See guideline 2.62
609.496 or 609.497	Concealing criminal proceeds	Unranked
609.4971	Warning the subject of an investigation	Unranked
609.4975	Warning the subject of surveillance or search	Unranked
609.498, subd. 1a	First-degree witness tampering	5
609.498, subd. 1b	Aggravated first-degree witness tampering	9
609.50, subd. 2(1)	Obstructing legal process, arrest, or a first responder	3
609.502, subd. 1(1)	Interfering with a death scene or body	4
609.504	Disarming a peace officer	3
609.52	Theft of over \$5,000 in public funds	3
609.52	Theft of \$5,000 or less in public funds	2
609.52	Theft from the person of another	4
609.52	Theft of a public record	3
609.52, subd. 2(a)(1)	Theft of over \$5,000	3
609.52, subd. 2(a)(1)	Theft of \$5,000 or less	2
609.52, subd. 2(a)(1)	Theft of a motor vehicle	4; see guideline 2.25
609.52, subd. 2(a)(2)	Taking pledged property of over \$5,000	3
609.52, subd. 2(a)(2)	Taking pledged property of \$5,000 or less	2
609.52, subds. 2(a)(3)(i) & 3(1)	Theft of over \$35,000 by check	6
609.52, subd. 2(a)(3)(i)	Theft of over \$5,000 by check	3
609.52, subd. 2(a)(3)(i)	Theft of \$5,000 or less by check	2
609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1)	Theft of over \$35,000 by deception	6

Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(3) or 2(a)(3)(ii) to (iv)	Theft of over \$5,000 by deception	3
609.52, subd. 2(a)(3) or 2(a)(3)(ii) to (iv)	Theft of \$5,000 or less by deception	2
609.52, subds. 2(a)(4) & 3(1)	Theft of over \$35,000 by swindle	6
609.52, subd. 2(a)(4)	Theft of over \$5,000 by swindle	3
609.52, subd. 2(a)(4)	Theft of \$5,000 or less by swindle	2
609.52, subd. 2(a)(5)	Temporary theft of over \$5,000	3
609.52, subd. 2(a)(5)	Temporary theft of \$5,000 or less	2
609.52, subd. 2(a)(6)	Refusing to return lost property of over \$5,000	3
609.52, subd. 2(a)(6)	Refusing to return lost property of \$5,000 or less	2
609.52, subd. 2(a)(7)	Theft of over \$5,000 from coin-operated machines	3
609.52, subd. 2(a)(7)	Theft of \$5,000 or less from coin-operated machines	2
609.52, subd. 2(a)(8)	Theft of a trade secret	3
609.52, subd. 2(a)(9)	Theft of leased property of over \$5,000	3
609.52, subd. 2(a)(9)	Theft of leased property of \$5,000 or less	2
609.52, subd. 2(a)(10) or (11)	Altering the serial number of property of over \$5,000	3
609.52, subd. 2(a)(10) or (11)	Altering the serial number of property of \$5,000 or less	2
609.52, subd. 2(a)(12)	Theft of cable television service of over \$5,000	3
609.52, subd. 2(a)(12)	Theft of cable television service of \$5,000 or less	2
609.52, subd. 2(a)(13)	Theft of services of over \$5,000	3
609.52, subd. 2(a)(13)	Theft of services of \$5,000 or less	2
609.52, subd. 2(a)(14)	Theft of telecommunications service of over \$5,000	3
609.52, subd. 2(a)(14)	Theft of telecommunications service of \$5,000 or less	2
609.52, subds. 2(a)(15) or (16) & 3(1)	Diversion of corporate property of over \$35,000	6
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property of over \$5,000	3
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property of \$5,000 or less	2
609.52, subd. 2(a)(17)	Motor vehicle use without consent	3; see guideline 2.25
609.52, subd. 2(a)(18)	Theft of retail motor fuel of over \$5,000	3

Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(18)	Theft of retail motor fuel of \$5,000 or less	2
609.52, subds. 2(a)(19) & 3(1)	Wage theft of over \$35,000	6
609.52, subd. 2(a)(19)	Wage theft of over \$5,000	3
609.52, subd. 2(a)(19)	Wage theft of \$5,000 or less	2
609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3)	Theft of over \$35,000 from a vulnerable adult	7
609.52, subd. 3(1)	Theft of a firearm	4
609.52, subd. 3(2)	Theft of a Schedule I or II controlled substance	4
609.52, subd. 3(2)	Theft of an incendiary device	4
609.52, subd. 3a(b)(3)	Theft of over \$5,000 from a vulnerable adult	5
609.52, subds. 3(3) & 3a(b)(3)	Theft of \$5,000 or less from a vulnerable adult	4
609.52, subd. 3(3)(b)	Theft of a Schedule III, IV, or V controlled substance	3
609.52, subd. 3(3)(d)(iii)	Theft of \$1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle	2
609.52, subd. 3(3)(d)(iii)	Theft of \$1,000 or less from an abandoned or vacant building	1
609.52, subds. 3(4) & 3a(b)(2)	Gross misdemeanor theft from a vulnerable adult	2
609.52, subd. 3a(a)(1)	Gross misdemeanor or misdemeanor theft creating a risk of harm	2
609.52, subd. 3a(a)(2)	Felony theft creating a risk of harm	See guideline 2.25
609.521	Possession of shoplifting gear	3
609.522, subd. 3(1)	Organized retail theft of over \$5,000	4
609.522, subd. 3(2)	Organized retail theft of \$5,000 or less	3
609.522, subd. 3(3)	Organized retail theft of \$1,000 or less	1
609.525	Bringing over \$5,000 in stolen property into the state	3
609.525	Bringing \$5,000 or less in stolen property into the state	2
609.526	Receipt of stolen property by a precious metal or scrap metal dealer as a second or subsequent offense	4

Minn. Stat. Section	Offense Title	Severity Level
609.526, subd. 2(1)	Receipt of \$1,000 or more in stolen property by a precious metal or scrap metal dealer	3
609.526, subd. 2(2)	Receipt of less than \$1,000 in stolen property by a precious metal or scrap metal dealer	2
609.527, subd. 3(3)	Identity theft involving two or three direct victims or loss of over \$500 but not over \$2,500	2
609.527, subd. 3(4)	Identity theft involving four to seven direct victims or loss of over \$2,500	3
609.527, subd. 3(5)	Identity theft involving eight or more direct victims or loss of over \$35,000	8
609.527, subd. 3(6)	Identity theft related to child sexual abuse material	8
609.527, subd. 5a	Electronic use of false pretense to obtain identity	2
609.527, subd. 5b	Unlawful possession or use of a scanning device or reencoder	2
609.528, subd. 3(3)	Possession or sale of a stolen or counterfeit check involving two or three victims or a loss of over \$500 but not over \$2,500	2
609.528, subd. 3(4)	Possession or sale of a stolen or counterfeit check involving four or more victims or a loss of over \$2,500	3
609.529	Mail theft	2
609.53	Receiving over \$5,000 in stolen property	3
609.53	Receiving \$5,000 or less in stolen property	2
609.53 & 609.52, subd. 3(1)	Receiving a stolen firearm	4
609.535, subd. 2a(a)(1)	Issuing a dishonored check of over \$500	2
609.54(1)	Embezzlement of \$2,500 or less of public funds	2
609.54(2)	Embezzlement of over \$2,500 of public funds	3
609.542, subd. 4(1)	Unauthorized human services remunerations of over \$35,000	6
609.542, subd. 4(2)	Unauthorized human services remunerations of over \$5,000	3
609.542, subd. 4(3)	Unauthorized human services remunerations of \$5,000 or less	2
609.551	Livestock theft of over \$2,500	3
609.551	Livestock theft of over \$300 but not over \$2,500	2
609.561	First-degree arson	8

Minn. Stat. Section	Offense Title	Severity Level
609.562	Second-degree arson	5
609.563	Third-degree arson	3
609.5641, subd. 1a(a)	Wildfire arson	2
609.5641, subd. 1a(b)	Wildfire arson damaging over five dwellings or \$100,000 in crops, or burning 500 acres or more	7
609.5641, subd. 1a(c)	Wildfire arson damaging over 100 dwellings or \$250,000 in crops, or burning 1,500 acres or more	8
609.5641, subd. 1a(d)	Wildfire arson resulting in demonstrable bodily harm	5
609.576, subd. 1(1)	Grossly negligent fire resulting in great bodily harm	4
609.576, subd. 1(3)(iii)	Grossly negligent fire damaging \$2,500 or more	2
609.576, subd. 2	Dangerous smoking	3
609.582, subd. 1(a)	First-degree burglary of an occupied dwelling	6; guideline 2.52 may apply
609.582, subd. 1(b) or (c)	First-degree burglary with a weapon or assault	8
609.582, subd. 2(a)(1), (a)(2), or (b)	Second-degree burglary of a dwelling, bank, government building, religious establishment, historic property, or school	5
609.582, subd. 2(a)(3) or (4)	Second-degree burglary of a pharmacy or while possessing a tool	4
609.582, subd. 3(a)	Third-degree burglary by entry of a building without consent	4
609.582, subd. 3(b)	Third-degree burglary by shoplifting contrary to a trespass notice	3
609.586, subd. 2	Possession of a code-grabbing device	3
609.59	Possession of burglary or theft tools	3
609.591, subd. 3(1)	Tree spiking resulting in great bodily harm	3
609.593	Damage or theft to energy transmission or telecommunications equipment	3
609.594	Damage to property of critical public service facilities, utilities, or pipelines	Unranked
609.595, subd. 1(1) or (2)	First-degree criminal damage to property to a public safety vehicle or causing a risk of harm	3
609.595, subd. 1(3), (4), or (5)	First-degree criminal damage to property to a common carrier, of over \$1,000, or of over \$500 as a second or subsequent offense	2

Minn. Stat. Section	Offense Title	Severity Level
609.595, subd. 1a	Second-degree criminal damage to property	1; may exceed statutory max.
609.596, subd. 1	Killing or substantially harming a public safety dog	Unranked
609.597, subd. 3(1) or (2)	Assaulting a police horse resulting in more than demonstrable harm to the horse	Unranked
609.597, subd. 3(3)	Assaulting a police horse resulting in demonstrable bodily harm to the horse	1; may exceed statutory max.
609.611	Insurance fraud of over \$5,000	3
609.611	Insurance fraud of \$5,000 or less	2
609.612	Employing runners in connection with motor vehicle insurance	Unranked
609.615	Impairing the value of secured real property by over \$5,000	3
609.615	Impairing the value of secured real property by \$5,000 or less	2
609.62	Defeating a security interest of over \$5,000 on personal property	3
609.62	Defeating a security interest of \$5,000 or less on personal property	2
609.625, 609.635, or 609.64	Aggravated forgery	2
609.63	Forgery	1
609.631, subd. 4(1)	Check forgery of over \$35,000	5
609.631, subd. 4(2)	Check forgery of over \$2,500	3
609.631, subd. 4(3)(a)	Check forgery of over \$250 but not over \$2,500	2
609.631, subd. 4(3)(b)	Check forgery of \$250 or less	1
609.632, subd. 1 or 2	Counterfeiting of currency	Unranked
609.632, subds. 3 & 4(b)(1)	Offering over \$35,000 in counterfeit currency	6
609.632, subds. 3 & 4(b)(2)	Offering over \$5,000 but not over \$35,000 in counterfeit currency	3
609.632, subds. 3 & 4(b)(3)	Offering \$5,000 or less in counterfeit currency	2
609.645	Securities valuation or commercial transit fraud	1
609.65(1)	False certification by a notary public	1
609.651, subds. 1 & 4(a)	State Lottery fraud of less than \$35,000	1
609.651, subds. 1 & 4(b)	State Lottery fraud of \$35,000 or more	Unranked

Minn. Stat. Section	Offense Title	Severity Level
609.651, subd. 2	Unauthorized State Lottery computer access	Unranked
609.651, subd. 3	Filing a false statement with the State Lottery	Unranked
609.652	Driver's license or identification card fraud	1
609.66, subd. 1a(a)(1)	Sale or possession of a firearm suppressor	2
609.66, subd. 1a(a)(1) & (b)(1)	Sale or possession of a firearm suppressor in a public housing, school, or park zone	3
609.66, subd. 1a(a)(2)	Intentional discharge of a firearm under dangerous circumstances	2
609.66, subd. 1a(a)(3) & (b)(1)	Reckless discharge of a firearm in a public housing, school, or park zone	2
609.66, subd. 1a(a)(3) & (b)(2)	Reckless discharge of a firearm in a municipality	1
609.66, subd. 1b	Furnishing a firearm, airgun, ammunition, or explosive to a minor without parental consent	2
609.66, subd. 1c	Recklessly furnishing a dangerous weapon	2
609.66, subd. 1d(a)	Possessing a dangerous weapon on school property	4
609.66, subd. 1e(a)(1)	Drive-by shooting toward an unoccupied motor vehicle or building	3
609.66, subd. 1e(a)(2) or (3)	Drive-by shooting toward a person or occupied motor vehicle or building	8
609.66, subd. 1g	Possessing a dangerous weapon, ammunition, or explosives in a courthouse complex or Capitol Area building	4
609.662, subd. 2(b)(1)	Failure to render aid to a shooting victim suffering death or great bodily harm	2
609.662, subd. 2(b)(2)	Failure to render aid to a shooting victim suffering substantial bodily harm	1; may exceed statutory max.
609.667	Removal or alteration of a firearm's serial number	1
609.668, subd. 6	Explosive device or incendiary device crime	6
609.67, subd. 2(a)	Possession of a machine gun, trigger activator, or conversion kit	8
609.67, subd. 2(b)	Possession of a short-barreled shotgun	3
609.671	Violation of environmental laws	Unranked
609.686, subd. 2	Tampering with a fire alarm system resulting in bodily harm	3
609.686, subd. 2	Tampering with a fire alarm system creating the potential for bodily harm	1
609.687, subd. 3(1)	Adulteration resulting in death	11

Minn. Stat. Section	Offense Title	Severity Level
609.687, subd. 3(2)	Adulteration resulting in bodily harm	4
609.687, subd. 3(3)	Adulteration	Unranked
609.71, subd. 1	First-degree riot	8
609.71, subd. 2	Second-degree riot	2
609.712	Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction	Unranked
609.713, subd. 1	Threatening violence	4
609.713, subd. 2	Making a bomb threat	2
609.713, subd. 3(a)	Menacingly displaying a replica firearm or BB gun	1; may exceed statutory max.
609.714	Offense in furtherance of terrorism	See guideline 2.64
609.746, subd. 1(g)	Interference with privacy against a minor victim or as a second or subsequent offense	1
609.746, subd. 1(h)	Using a surreptitious observation device against a minor victim with sexual intent	G; may exceed statutory max.
609.746, subd. 1(j)	Surreptitious photography under or around clothing as a third or subsequent offense	3
609.7475	Filing a fraudulent or improper financing statement	Unranked
609.748, subd. 6(d)	Violation of a harassment restraining order	4
609.749, subd. 3	Aggravated harassment	4
609.749, subd. 4(a)	Harassment as a second offense	4
609.749, subd. 4(b)	Harassment as a third or subsequent offense	5
609.749, subd. 5	Stalking	5
609.76, subd. 2	Sports bookmaking	4
609.76, subd. 3 to 7	Cheating at gambling	Unranked
609.7615, subd. 2	Prediction market operation or facilitation	Unranked
609.7615, subd. 3	Prediction market advertising	Unranked
609.763	Lawful gambling fraud	Unranked
609.771, subd. 3(a)(1)	Using deep fake technology to influence an election	Unranked
609.776	Interfering with emergency communications	5; may exceed statutory max.
609.78, subd. 2a(1)	Placing a fictitious emergency call resulting in great bodily harm or death	8
609.78, subd. 2a(2)	Placing a fictitious emergency call resulting in substantial bodily harm	3

Minn. Stat. Section	Offense Title	Severity Level
609.78, subd. 2b(1)	Making an emergency call with no emergency as a third or subsequent offense	4
609.78, subd. 2b(2)	Disrupting an emergency call center system	5
609.78, subd. 2c	Placing a fictitious emergency call for a response to the home of an official	1; may exceed statutory max.
609.80, subd. 2	Sale of unauthorized cable connection device	1
609.816	Wrongful employment at a child care center involving over \$5,000	3
609.816	Wrongful employment at a child care center involving \$5,000 or less	2
609.82	Fraud in obtaining credit of over \$5,000	3
609.82	Fraud in obtaining credit of \$5,000 or less	2
609.821, subd. 2(3) or (4)	Financial transaction card trafficking	1
609.821, subd. 3(a)(1)(i)	Financial transaction card fraud of over \$35,000	5
609.821, subd. 3(a)(1)(ii)	Financial transaction card fraud of over \$2,500	3
609.821, subd. 3(a)(1)(iii) or (iv)	Financial transaction card fraud of \$2,500 or less	2
609.822	Residential mortgage fraud	2
609.825, subd. 2	Bribery of a participant or official in a contest	2
609.83	False impersonation in a marriage or judicial proceeding	Unranked
609.84	Sale of human remains	3
609.85, subd. 1	Obstructing or tampering with a railroad track to injure or derail	3
609.851, subd. 2	Exhibiting a false traffic signal	3
609.855, subd. 2(c)(1)	Interference with a transit operator	1
609.855, subd. 5	Discharge of a firearm at or in an occupied transit vehicle or facility	6
609.855, subd. 5	Discharge of a firearm at or in an unoccupied transit vehicle or facility	1
609.856	Use or possession of a police radio in a crime	Unranked
609.86	Commercial bribery	4
609.88	Computer damage of over \$2,500	3
609.88	Computer damage of \$2,500 or less	2
609.89	Computer theft of over \$2,500	3

Minn. Stat. Section	Offense Title	Severity Level
609.89	Computer theft of \$2,500 or less	2
609.891, subd. 2(a) or (b)	Unauthorized computer access causing a grave risk or as a second or subsequent offense	Unranked
609.891, subd. 2(c)	Unauthorized access to an electronic fund transfer terminal	2
609.8912	Criminal use of encryption	Unranked
609.893, subd. 1	Telecommunications fraud of over \$2,500	3
609.893, subd. 1	Telecommunications fraud of \$2,500 or less	2
609.893, subd. 2	Facilitating telecommunications fraud	2
609.894, subd. 3	Second-degree cellular counterfeiting	1
609.894, subd. 4	First-degree cellular counterfeiting	2
609.895, subd. 3(a)	Aggravated intellectual property counterfeiting	2
609.895, subd. 3(b)	Intellectual property counterfeiting	1
609.896	Criminal use of cinema property for recording	1
609.904	Racketeering	Unranked
617.23, subd. 3	Indecent exposure	G
617.241, subd. 4	Distributing or exhibiting an obscene work	Unranked
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material	D
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14	C; may exceed statutory max.
617.247, subd. 3(a)	Dissemination of child sexual abuse material	E; may exceed statutory max.
617.247, subd. 3(b)	Dissemination of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14	C; may exceed statutory max.
617.247, subd. 4(a)	Possession of child sexual abuse material	G
617.247, subd. 4(b)	Possession of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14	E
617.261, subd. 2(b)	Nonconsensual dissemination of private sexual images	3
617.262, subd. 3(b)	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts	3
624.713, subd. 2(a)	Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor	3

Minn. Stat. Section	Offense Title	Severity Level
624.7131, subd. 11	False application for a firearm transferee permit	1
624.7132, subd. 15(b)	Transferring a pistol or semiautomatic assault weapon to a minor	2
624.714, subd. 1a	Carrying a pistol without a permit	1
624.7141, subd. 1	Transferring a firearm to an ineligible person	2; may exceed statutory max.
624.7141, subd. 2	Transferring to an ineligible person a firearm later used in a crime of violence	5
624.7181, subd. 2	Carrying a semiautomatic assault weapon under age 21	1
624.7191	Use or possession of metal-penetrating bullets in a crime	Unranked
624.731, subd. 8(a)	Prohibited possession, use, or sale of tear gas, a tear gas compound, or an electronic incapacitation device	3
624.732, subd. 2	Intentional release of a harmful substance	3
626A.02, subd. 4, 626A.03, subd. 1, or 626A.26, subd. 2(1)(ii)	Violation of the Privacy of Communications Act	Unranked
629.75, subd. 2(d)	Violation of a domestic abuse no contact order	4
641.165, subd. 2(b)	Bringing a dangerous weapon into a jail	4

History: 2026 Minn. Sentencing Guidelines & Commentary 5.B; restructured 2027.

7.60 THEFT OFFENSES.

Subdivision 1. (a) This guideline contains the theft offense list cited for the theft crimes (\$5,000 or less and over \$5,000) in guideline 7.10 (severity levels of offenses on the standard grid). The Guidelines treat the property crimes listed in this guideline similarly. The severity level for these offenses is based on the monetary amount of the conviction offense, as cited below.

(b) **Severity level 2.** When the monetary value of the theft crime is \$5,000 or less, the severity level is 2. For many of these offenses, the penalty statute is Minn. Stat. § 609.52, subd. 3(3)(a) or another provision of subd. 3(3).

(c) **Severity level 3.** When the monetary value of the theft crime is over \$5,000, the severity level is 3. For many of these offenses, the penalty statute is Minn. Stat. § 609.52, subd. 3(2).

Subd. 2. See guideline 2.25 for further instructions on the use of this guideline.

Subd. 3. The theft offense list follows.

Minn. Stat. Section	Theft Offense
176.178	Workers' compensation fraud
256.98	Wrongfully obtaining public assistance
268.182	Unemployment benefit fraud
268B.185	Family and medical benefit fraud
393.07, subd. 10	Wrongfully obtaining supplemental nutrition assistance
471.392	False declaration of a claim against a local government
514.02, subd. 1(b)	Nonpayment of real estate improvement funds to those who contributed to the improvement
609.445	Failure to pay over state funds
609.455	Permitting a false claim against a government
609.465	Presenting a false claim to a public officer or body
609.52	Theft of public funds
609.52, subd. 2(a)(1)	Theft
609.52, subd. 2(a)(2)	Taking pledged property
609.52, subd. 2(a)(3)(i)	Theft by check
609.52, subd. 2(a)(3) or 2(a)(3)(ii) to (iv)	Theft by deception
609.52, subd. 2(a)(4)	Theft by swindle
609.52, subd. 2(a)(5)	Temporary theft
609.52, subd. 2(a)(6)	Refusing to return lost property
609.52, subd. 2(a)(7)	Theft from coin-operated machines
609.52, subd. 2(a)(9)	Theft of leased property

Minn. Stat. Section	Theft Offense
609.52, subd. 2(a)(10) or (11)	Altering serial number
609.52, subd. 2(a)(12)	Theft of cable television service
609.52, subd. 2(a)(13)	Theft of services
609.52, subd. 2(a)(14)	Theft of telecommunications service
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property
609.52, subd. 2(a)(18)	Theft of retail motor fuel
609.52, subd. 2(a)(19)	Wage theft
<u>609.525</u>	Bringing stolen property into the state
609.53	Receiving stolen property
609.611	Insurance fraud
609.615	Impairing the value of secured real property
609.62	Defeating a security interest on personal property
609.816	Wrongful employment at a child care center
609.82	Fraud in obtaining credit

History: 2026 Minn. Sentencing Guidelines & Commentary 7; restructured 2027.

Restructuring note: Being ranked like a generic theft offense, relying on § 609.52 for its penalties, and involving stolen property, the crime of bringing stolen property into the state appears to be a theft offense. This draft moves the offense from the offense severity reference table (5.A, now guideline 7.10) to the theft offense list. The other addition, theft of retail motor fuel, is listed in the table of all offenses by statutory citation (5.B, now guideline 7.50), but never formally ranked in the offense severity reference table or this list.

7.80 SEVERE VIOLENT OFFENSES.

Each of the following is a severe violent offense within the meaning of guideline 2.65, subd. 3. For each offense, attempt or conspiracy is included, as is an **equivalent non-Minnesota felony offense**.

Minn. Stat. Section	Severe Violent Offense
609.185	First-degree murder
609.19	Second-degree murder
609.195(a)	Third-degree murder while evincing a depraved mind
609.221	First-degree assault
609.222, subd. 2	Second-degree assault by dangerous weapon resulting in substantial bodily harm
609.245, subd. 1	First-degree aggravated robbery
609.247, subd. 2	First-degree carjacking
609.25, subd. 2(2)(i)	Kidnapping not involving release in a safe place
609.25, subd. 2(2)(ii)	Kidnapping resulting in great bodily harm
609.25, subd. 2(2)(iii)	Kidnapping of a child under age 16
609.2661	First-degree murder of an unborn child
609.2662	Second-degree murder of an unborn child
609.2663	Third-degree murder of an unborn child
609.282, subd. 1	Labor trafficking resulting in death
609.282, subd. 1a(1)	Labor trafficking of a minor
609.282, subd. 1a(3)	Labor trafficking resulting in great bodily harm
609.322, subd. 1(a)	First-degree sex trafficking
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking
609.322, subds. 1a & 1(b)(2) or (3)	Aggravated second-degree sex trafficking resulting in bodily harm or involving more than 180 days of debt bondage or forced services
609.342, subd. 1(a) to (e) or 1a(a) to (d) or (i)	First-degree criminal sexual conduct by sexual penetration using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	Second-degree criminal sexual conduct by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice
609.498, subd. 1b	Aggravated first-degree witness tampering
609.561, subd. 1 or 2	First-degree arson of a dwelling or an occupied building
609.66, subd. 1e(a)(2) or (3)	Drive-by shooting toward a person or occupied motor vehicle or building

History: 2026 Minn. Sentencing Guidelines & Commentary 8; restructured 2027.

7.90 PERMISSIVELY CONSECUTIVE OFFENSES.

Convictions for offenses listed in this guideline, including attempts, conspiracies, and equivalent non-Minnesota felony offenses, are eligible for permissively consecutive sentences under the conditions set forth in guideline 2.73.

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
152.021, subd. 2a	Manufacturing methamphetamine
152.021, subd. 2b(2), & 152.01, subd. 24(8)	Aggravated first-degree controlled substance sale to a minor or vulnerable adult
152.022, subd. 1(5)	Second-degree controlled substance sale to or with a minor
152.023, subd. 1(3)	Third-degree controlled substance sale to a minor
152.023, subd. 1(4)	Third-degree controlled substance sale with a minor
152.024, subd. 1(2)	Fourth-degree controlled substance sale to a minor
152.024, subd. 1(3)	Fourth-degree controlled substance sale with a minor
152.0261, subd. 1a	Using a minor to import a controlled substance into Minnesota
152.137, subd. 2(a) or (b)	Exposing a child or vulnerable adult to methamphetamine or related chemicals
152.137, subd. 2(c)	Exposing a child to fentanyl
169.09, subd. 14(a)(1)	Leaving the scene of a fatal collision caused by another driver
169.09, subd. 14(a)(2)	Leaving the scene of a collision resulting in great bodily harm and caused by another driver
169A.24	First-degree driving while impaired
243.166, subd. 5(b) or (c)	Failure to register as a predatory offender
518B.01, subd. 14(d)	Violation of an order for protection
609.185	First-degree murder
609.19	Second-degree murder
609.195	Third-degree murder
609.20	First-degree manslaughter
609.205	Second-degree manslaughter
609.2112	Criminal vehicular homicide
609.2113, subd. 1	Criminal vehicular operation resulting in great bodily harm
609.2113, subd. 2	Criminal vehicular operation resulting in substantial bodily harm
609.2114, subd. 1	Criminal vehicular operation resulting in death to an unborn child
609.2114, subd. 2	Criminal vehicular operation resulting in injury to an unborn child

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.215	Aiding suicide
609.221	First-degree assault
609.222	Second-degree assault
609.223	Third-degree assault
609.2231	Fourth-degree assault
609.224, subd. 4	Fifth-degree assault
609.2241	Knowing transfer of a communicable disease
609.2242, subd. 4	Domestic assault
609.2245	Female genital mutilation
609.2247	Domestic assault by strangulation
609.228	Causing great bodily harm by the distribution of drugs
609.229, subd. 3	Crime committed for the benefit of a gang
609.2325, subd. 3(1)	Criminal abuse of a vulnerable adult resulting in death
609.2325, subd. 3(2)	Criminal abuse of a vulnerable adult resulting in great bodily harm
609.2325, subd. 3(3)	Criminal abuse of a vulnerable adult resulting in substantial bodily harm
609.233, subd. 3(1)	Deprivation of a vulnerable adult resulting in great bodily harm
609.233, subd. 3(2)	Deprivation of a vulnerable adult resulting in substantial bodily harm
609.235	Use of drugs to injure or facilitate crime
609.24	Simple robbery
609.245, subd. 1	First-degree aggravated robbery
609.245, subd. 2	Second-degree aggravated robbery
609.247	Carjacking
609.25	Kidnapping
609.255	False imprisonment
609.2661	First-degree murder of an unborn child
609.2662	Second-degree murder of an unborn child
609.2663	Third-degree murder of an unborn child
609.2664	First-degree manslaughter of an unborn child
609.2665	Second-degree manslaughter of an unborn child
609.267	First-degree assault of an unborn child
609.2671	Second-degree assault of an unborn child

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.268	Causing injury to or the death of an unborn child in the commission of a crime
609.282	Labor trafficking
609.322, subd. 1(a)	First-degree sex trafficking
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking
609.322, subd. 1a	Second-degree sex trafficking
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking
609.324, subd. 1(a)	Engaging a minor under age 14, or a person believed to be so, in prostitution
609.324, subd. 1(b)	Engaging a minor age 14 or 15, or a person believed to be so, in prostitution
609.324, subd. 1(c)	Engaging a minor age 16 or 17, or a person believed to be so, in prostitution
609.342	First-degree criminal sexual conduct
609.343	Second-degree criminal sexual conduct
609.344	Third-degree criminal sexual conduct
609.345	Fourth-degree criminal sexual conduct
609.3451	Fifth-degree criminal sexual conduct
609.3453	Criminal sexual predatory conduct
609.3458	Sexual extortion
609.352, subd. 2	Sexual solicitation of a child
609.352, subd. 2a	Electronic sexual solicitation of a child
609.352, subd. 2c	Sexual solicitation of a child by grooming
609.352, subd. 2d	Sexual solicitation of a minor while in a position of authority
609.352, subd. 2e	Sexual solicitation of a student
609.365	Incest
609.377	Malicious punishment of a child
609.3775	Child torture
609.378	Child neglect or endangerment
609.476, subd. 3	Publishing personal information of a judicial official resulting in bodily harm
609.485, subd. 4(a)(1) & (b)	Escape from a felony offense by violence or threat
609.485, subd. 4(a)(3) & (b)	Escape from a gross misdemeanor or misdemeanor offense by violence or threat
609.487, subd. 3	Fleeing a peace officer
609.487, subd. 4(a)	Fleeing a peace officer resulting in death

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.487, subd. 4(b)	Fleeing a peace officer resulting in great bodily harm
609.487, subd. 4(c)	Fleeing a peace officer resulting in substantial bodily harm
609.498, subd. 1a	First-degree witness tampering
609.498, subd. 1b	Aggravated first-degree witness tampering
609.502, subd. 1(1)	Interfering with a death scene or body
609.527	Identity theft
609.561	First-degree arson
609.5641, subd. 1a(b)	Wildfire arson damaging over five dwellings or \$100,000 in crops, or burning 500 acres or more
609.5641, subd. 1a(c)	Wildfire arson damaging over 100 dwellings or \$250,000 in crops, or burning 1,500 acres or more
609.5641, subd. 1a(d)	Wildfire arson resulting in demonstrable bodily harm
609.582, subd. 1	First-degree burglary
609.582, subd. 2(a)(1) or (2)	Second-degree burglary of a dwelling or bank
609.591, subd. 3(1)	Tree spiking resulting in great bodily harm
609.594, subd. 2	Damage to property of critical public service facilities, utilities, or pipelines
609.66, subd. 1e	Drive-by shooting
609.662, subd. 2(b)(1)	Failure to render aid to a shooting victim suffering death or great bodily harm
609.662, subd. 2(b)(2)	Failure to render aid to a shooting victim suffering substantial bodily harm
609.671	Violation of environmental laws
609.687, subd. 3(1)	Adulteration resulting in death
609.687, subd. 3(2)	Adulteration resulting in bodily harm
609.71, subd. 1	First-degree riot
609.712	Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction
609.713, subd. 1	Threatening violence
609.713, subd. 2	Making a bomb threat
609.713, subd. 3(a)	Menacingly displaying a replica firearm or BB gun
609.714	Offense in furtherance of terrorism
609.746, subd. 1(h)	Using a surreptitious observation device against a minor victim with sexual intent
609.746, subd. 1(j)	Surreptitious photography under or around clothing as a third or subsequent offense

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.748, subd. 6(d)	Violation of a harassment restraining order
609.749, subd. 3	Aggravated harassment
609.749, subd. 4	Harassment as a second or subsequent offense
609.749, subd. 5	Stalking
609.78, subd. 2a	Placing a fictitious emergency call resulting in substantial bodily harm, great bodily harm, or death
609.78, subd. 2b(2)	Disrupting an emergency call center system
609.855, subd. 2(c)(1)	Interference with a transit operator
609.855, subd. 5	Discharge of a firearm at or in an occupied transit vehicle or facility
617.23, subd. 3	Indecent exposure
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14
617.247, subd. 3(a)	Dissemination of child sexual abuse material
617.247, subd. 3(b)	Dissemination of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14
617.247, subd. 4(a)	Possession of child sexual abuse material
617.247, subd. 4(b)	Possession of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14
617.261, subd. 2(b)	Nonconsensual dissemination of private sexual images
617.262, subd. 3(b)	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts
624.7191	Use or possession of metal-penetrating bullets in a crime
624.732, subd. 2	Intentional release of a harmful substance
629.75, subd. 2(d)	Violation of a domestic abuse no contact order

History: 2026 Minn. Sentencing Guidelines & Commentary 6; restructured 2027.

APPENDICES

APPENDIX 1. 2026 SENTENCING GUIDELINES REFERENCE TABLE

The following table shows how various sections of the 2026 Guidelines correspond to the various guidelines within the restructured 2027 Sentencing Guidelines. The reverse information—the 2026 origin of a current guideline—is found on the history line at the end of each guideline.

2026 Sections	2027 Guidelines
1.A	1.10
1.B	1.50
1.B.13	1.10
2	1.20 & 2.10
2.A.1	2.20
2.A.2	2.25
2.A.3	2.20
2.A.4	2.20
2.A.5	2.20
Comment 2.A.05	2.25
2.B	2.30
2.B.1	2.31
2.B.2	<i>(removed in 2026)</i>
2.B.3	2.32
2.B.4	<i>(removed in 2026)</i>
2.B.5	2.36
2.B.6	<i>(removed in 2026)</i>
2.B.7	2.35
2.B.7.a	2.32
2.C.1	2.40
2.C.1.a	2.41
2.C.1.b & c	2.42
2.C.2	2.61
2.C.3	2.51
2.C.3.a	2.63
2.C.3.b	2.51 & 2.52
2.C.3.c(1)	2.63
2.C.3.c(2)	2.51 & 2.63
2.C.3.d & e	2.51 & 2.52

2026 Sections	2027 Guidelines
2.D.1	6.10
2.D.1.e & f	6.20
Comment 2.D.105	6.10
2.D.2	6.30
2.D.3.a	6.40
2.D.3.b	6.50
Comment 2.D.308	6.50
2.E.1	2.51, 2.62, & 2.63
2.E.2	2.51
2.E.2.a	2.63
2.E.2.b	2.51 & 2.63
2.E.2.c	2.63
2.E.2.d	2.51
2.E.2.e	2.63
2.E.3	5.20
2.E.4	1.20
2.F	2.70, 2.71, & 2.75
2.F.1	2.72
2.F.1.b	2.51, 2.52, & 2.72
2.F.2	2.73
2.F.2.a(2)	2.55 & 2.73
Comment 2.F.205	2.73
2.F.3	2.74
2.F.4	2.75
2.G.1	2.60 & 2.66
Comment 2.G.01	2.62

2026 Sections	2027 Guidelines
2.G.2 to 6	2.62
2.G.7	2.64
2.G.8	2.64
2.G.9.a	2.51
2.G.9.b	2.65
2.G.10	2.64
2.G.11	<i>(removed in 2026)</i>
2.G.12	2.43 & 2.62
2.G.13	2.65
2.G.14	2.65
3.A.1	4.10
3.A.2	4.20
3.B	4.30
3.C	5.10
3.D	1.20
3.E	5.30
3.F	5.40
3.G	1.30
4.A	3.10
4.B	3.20
4.C	3.30
5.A	7.10, 7.20, 7.30, & 7.40
5.B	2.20 & 7.50
6	7.90
7	7.60
8	7.80
Appendix 1 (part)	2.63
NEW	1.40 & 2.50