

## **Areas of Interest in Reranking or Making Legislative Recommendations**

**August 13, 2025**

An important component of the Comprehensive Review is addressing the reranking of offenses. Due to the compressed timeframe, it was not possible to undertake a complete reranking of all offenses. Instead, the Steering Committee identified three groupings of offenses for the Commission to focus on. These groupings included CVH, CVO, DWI and Fleeing Peace Officer; Registration of Predatory Offenders and Ineligible Person Possessing Firearms; and Assaults, Domestic Assaults and Violations, and Aggravated Robbery. Between March and July of 2025, Commissioners were asked to complete ranking forms for each of the Offense Groups. The results of the ranking forms were presented at Commission meetings and discussion followed. MSGC Staff then identified those offenses that appeared to have interest in reranking either due to a majority of Commissioners indicating this on the reranking forms or due to discussion. This document includes those identified offenses as well as recommendations for legislative changes. There is a summary table (Table 8) of all of the identified offense rerankings on page 11.

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## Section 1: CVH, CVO & Fleeing Peace Officer Offenses

See the [Offense Group 1 - Felony Motor Vehicle Operation](#) packet to review sentencing information about each offense within this offense group and the [Offense Group 1 Results](#) PowerPoint to see Commissioner responses regarding a reranking decision.

**Table 1. CVH and CVO Identified Rerankings**

| Offense                    | Identified Change | Current SL | Identified SL |
|----------------------------|-------------------|------------|---------------|
| <b>Uprank</b>              |                   |            |               |
| CVH-While Impaired & Prior | Uprank            | SL 8+ mod  | SL 9          |
| CVO-GBH-Gross Negligence   | Uprank            | SL 5       | SL 6          |
| CVO-GBH-While Impaired     | Uprank            | SL 5       | SL 6          |

**Table 2. CVO and Fleeing Peace Officer Identified Legislative Recommendations**

| <b>Stat max</b>             |                   |         |                       |
|-----------------------------|-------------------|---------|-----------------------|
| Offense                     | Identified Change | Current | Identified            |
| CVO-GBH-Gross Negligence    | Increase          | 5 years | 7 years               |
| CVO-GBH-While Impaired      | Increase          | 5 years | 7 years               |
| Fleeing Peace Officer – GBH | Increase          | 7 years | Needs more discussion |
| Fleeing Peace Officer – SBH | Increase          | 5 years | Needs more discussion |
| Fleeing Peace Officer       | Increase          | 3 years | Needs more discussion |

| <b>Other</b>                 |  |
|------------------------------|--|
| Offense                      | Identified Change  |
| CVO-GBH-While Impaired       | Recommend that conditional release terms and collateral consequences that exist for DWI be applied to CVO and CVH offenses, particularly CVO – GBH – While Impaired. |
| Fleeing Peace Officer – SL 1 | Recommendation to create penalties for offenses that do not result in harm but create a public safety risk. Penalties can be specific to the level of danger caused. |

| <b>New offense</b>                                   |   |
|--|---|
| Offense  | Identified Change   |
| CVO – GBH – While Impaired w/ Prior DWI, CVH, or CVO | Create a new CVO – GBH offense to account for instances in which the offense was committed while intoxicated and by a person with a prior DWI, CVH or CVO conviction. This new offense would have a higher stat max than the existing CVO – GBH – While Impaired offense. |

**Figure 1. CVH – Gross Negligence before and after Reranking**

| Change | Severity Level | Criminal History Score |              |               |                |                |                |                            |
|--------|----------------|------------------------|--------------|---------------|----------------|----------------|----------------|----------------------------|
|        |                | 0                      | 1            | 2             | 3              | 4              | 5              | 6 +                        |
| New    | 9              | 86<br>74-103           | 98<br>84-117 | 110<br>94-132 | 122<br>104-146 | 134<br>114-160 | 146<br>125-175 | 158<br>135-189             |
| Old    | 8              | 48<br>41-57            | 58<br>50-69  | 68<br>58-81   | 78<br>67-93    | 88<br>75-105   | 98<br>84-117   | 108<br>92-129              |
|        | 7              | 36                     | 42           | 48            | 54<br>46-64    | 60<br>51-72    | 66<br>57-79    | 72<br>62-84 <sup>1,2</sup> |

**Figure 2. CVO – GBH – Gross Negligence before and after Reranking**

| Change | Severity Level | Criminal History Score |    |    |             |             |             |             |
|--------|----------------|------------------------|----|----|-------------|-------------|-------------|-------------|
|        |                | 0                      | 1  | 2  | 3           | 4           | 5           | 6 +         |
| New    | 6              | 21                     | 27 | 33 | 39<br>34-46 | 45<br>39-54 | 51<br>44-61 | 57<br>49-68 |
| Old    | 5              | 18                     | 23 | 28 | 33<br>29-39 | 38<br>33-45 | 43<br>37-51 | 48<br>41-57 |
|        | 4              | 12                     | 15 | 18 | 21          | 24<br>21-28 | 27<br>23-32 | 30<br>26-36 |

**Figure 3. CVO – GBH – While Impaired before and after Reranking**

| Change | Severity Level | Criminal History Score |    |    |             |             |             |             |
|--------|----------------|------------------------|----|----|-------------|-------------|-------------|-------------|
|        |                | 0                      | 1  | 2  | 3           | 4           | 5           | 6 +         |
| New    | 6              | 21                     | 27 | 33 | 39<br>34-46 | 45<br>39-54 | 51<br>44-61 | 57<br>49-68 |
| Old    | 5              | 18                     | 23 | 28 | 33<br>29-39 | 38<br>33-45 | 43<br>37-51 | 48<br>41-57 |
|        | 4              | 12                     | 15 | 18 | 21          | 24<br>21-28 | 27<br>23-32 | 30<br>26-36 |

Figure 4. Displaying the Changes to CVH and CVO Rankings on the Standard Grid

| SEVERITY LEVEL OF<br>CONVICTION OFFENSE                            |           | CRIMINAL HISTORY SCORE |                |                |                |                |                |                |
|--|-----------|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
|  |           | 0                      | 1              | 2              | 3              | 4              | 5              | 6 or<br>more   |
|  | <b>11</b> | 306<br>261-367         | 326<br>278-391 | 346<br>295-415 | 366<br>312-439 | 386<br>329-463 | 406<br>346-480 | 426<br>363-480 |
|  | <b>10</b> | 150<br>128-180         | 165<br>141-198 | 180<br>153-216 | 195<br>166-234 | 210<br>179-252 | 225<br>192-270 | 240<br>204-288 |
| <b>CVH – While Impaired &amp; Prior</b>                            | <b>9</b>  | 86<br>74-103           | 98<br>84-117   | 110<br>94-132  | 122<br>104-146 | 134<br>114-160 | 146<br>125-175 | 158<br>135-189 |
| <b>CVH – All Other Forms</b>                                       | <b>8</b>  | 48<br>41-57            | 58<br>50-69    | 68<br>58-81    | 78<br>67-93    | 88<br>75-105   | 98<br>84-117   | 108<br>92-129  |
| <b>Felony DWI</b>  | <b>7</b>  | 36                     | 42             | 48             | 54<br>46-64    | 60<br>51-72    | 66<br>57-79    | 72<br>62-84    |
| <b>CVO – GBH – Gross Negligence<br/>CVO – GBH – While Impaired</b> | <b>6</b>  | 21                     | 27             | 33             | 39<br>34-46    | 45<br>39-54    | 51<br>44-61    | 57<br>49-68    |
| <b>CVO – GBH – All Other Forms</b>                                 | <b>5</b>  | 18                     | 23             | 28             | 33<br>29-39    | 38<br>33-45    | 43<br>37-51    | 48<br>41-57    |
|  | <b>4</b>  | 12                     | 15             | 18             | 21             | 24<br>21-28    | 27<br>23-32    | 30<br>26-36    |
| <b>CVO – SBH – All Forms</b>                                       | <b>3</b>  | 12                     | 13             | 15             | 17             | 19<br>17-22    | 21<br>18-25    | 23<br>20-27    |
|  | <b>2</b>  | 12                     | 12             | 13             | 15             | 17             | 19             | 21<br>18-25    |
|  | <b>1</b>  | 12                     | 12             | 12             | 13             | 15             | 17             | 19<br>17-22    |

## Section 2: Assault Offenses

See the [Offense Group 3 - Assault, Protective-Order Violations, and Agg. Robbery](#) packet to review sentencing information about each offense within this offense group and the [Offense Group 3 Results](#) PowerPoint to see Commissioner responses regarding a reranking decision.

**Table 3. Assault Identified Rerankings**

| Offense                             | Identified Change | Current SL | Identified SL |
|-------------------------------------|-------------------|------------|---------------|
| <b>Uprank</b>                       |                   |            |               |
| Assault 2-SBH – Dng Wpn             | Uprank            | SL 6       | SL 7          |
| Assault 3-SBH                       | Uprank            | SL 4       | SL 5          |
| Assault 4-Peace Officer             | Uprank            | SL 1       | SL 3          |
| Assault 4-Firefighter/EMS           | Uprank            | SL 1       | SL 3          |
| Assault 4-Corr/Prosec/Judge/Prob    | Uprank            | SL 1       | SL 3          |
| Assault 4-Secure Treatment Facility | Uprank            | SL 1       | SL 3          |
| Assault 4-Bias                      | Uprank            | SL 1       | SL 3          |
| Domestic Assault Strangulation      | Uprank            | SL 4       | SL 5          |
| <b>Downrank</b>                     |                   |            |               |
| Assault 1-GBH                       | Downrank          | SL 9       | SL 8          |

**Table 4. Assault Identified Legislative Recommendations**

| Stat max                            |                   |         |            |
|-------------------------------------|-------------------|---------|------------|
| Offense                             | Identified Change | Current | Identified |
| Assault 4-Peace Officer             | Increase          | 3 years | None given |
| Assault 4-Firefighter/EMS           | Increase          | 2 years | None given |
| Assault 4-Corr/Prosec/Judge/Prob    | Increase          | 2 years | None given |
| Assault 4-Secure Treatment Facility | Increase          | 2 years | None given |
| Assault 4-Bias                      | Increase          | 1 year  | None given |

| Mandatory minimums           |  |
|------------------------------|--|
| Offense                      | Identified Change  |
| Assault 2 – Dangerous Weapon | Recommendation to reserve the mandatory minimum for firearm offenses and or second or subsequent offenses. |

| Other                  |   |
|------------------------|---|
| Offense                | Identified Change   |
| All Assault 4 offenses | Recommend that the Legislature define demonstrable bodily harm in accordance with case law. |

| New offense                              |  |
|--|--|
| Offense                                  | Identified Change  |
| Assault 1 – Intentionally inflicting GBH | Create a new Assault 1 – GBH offense for offenses committed with intent to cause great bodily harm. This new offense would be ranked higher than Assault 1 – GBH without intent. |

**Figure 5. Assault 1 – GBH before and after Reranking**

| Change | Severity Level | Criminal History Score |                |                |                |                |                |                |
|--------|----------------|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
|        |                | 0                      | 1              | 2              | 3              | 4              | 5              | 6 +            |
|        | 10             | 150<br>128-180         | 165<br>141-198 | 180<br>153-216 | 195<br>166-234 | 210<br>179-252 | 225<br>192-270 | 240<br>204-288 |
| Old    | 9              | 86<br>74-103           | 98<br>84-117   | 110<br>94-132  | 122<br>104-146 | 134<br>114-160 | 146<br>125-175 | 158<br>135-189 |
| New    | 8              | 48<br>41-57            | 58<br>50-69    | 68<br>58-81    | 78<br>67-93    | 88<br>75-105   | 98<br>84-117   | 108<br>92-129  |

**Figure 6. Assault 2 – Dangerous Weapon & SBH before and after Reranking**

| Change | Severity Level | Criminal History Score |    |    |             |             |             |             |
|--------|----------------|------------------------|----|----|-------------|-------------|-------------|-------------|
|        |                | 0                      | 1  | 2  | 3           | 4           | 5           | 6 +         |
| New    | 7              | 36                     | 42 | 48 | 54<br>46-64 | 60<br>51-72 | 66<br>57-79 | 72<br>62-84 |
| Old    | 6              | 21                     | 27 | 33 | 39<br>34-46 | 45<br>39-54 | 51<br>44-61 | 57<br>49-68 |
|        | 5              | 18                     | 23 | 28 | 33<br>29-39 | 38<br>33-45 | 43<br>37-51 | 48<br>41-57 |

**Figure 7. Assault 3 – SBH before and after Reranking**

| Change | Severity Level | Criminal History Score |    |    |             |             |             |             |
|--------|----------------|------------------------|----|----|-------------|-------------|-------------|-------------|
|        |                | 0                      | 1  | 2  | 3           | 4           | 5           | 6 +         |
| New    | 5              | 18                     | 23 | 28 | 33<br>29-39 | 38<br>33-45 | 43<br>37-51 | 48<br>41-57 |
| Old    | 4              | 12                     | 15 | 18 | 21          | 24<br>21-28 | 27<br>23-32 | 30<br>26-36 |
|        | 3              | 12                     | 13 | 15 | 17          | 19<br>17-22 | 21<br>18-25 | 23<br>20-27 |

**Figure 8. Assault 4 – All Offenses before and after Reranking**

| Change | Severity Level | Criminal History Score |    |    |    |             |             |             |
|--------|----------------|------------------------|----|----|----|-------------|-------------|-------------|
|        |                | 0                      | 1  | 2  | 3  | 4           | 5           | 6 +         |
| New    | 3              | 12                     | 13 | 15 | 17 | 19<br>17-22 | 21<br>18-25 | 23<br>20-27 |
|        | 2              | 12                     | 12 | 13 | 15 | 17          | 19          | 21<br>18-25 |
| Old    | 1              | 12                     | 12 | 12 | 13 | 15          | 17          | 19<br>17-22 |

**Figure 9. Domestic Assault Strangulation before and after Reranking**

| Change | Severity Level | Criminal History Score |    |    |             |             |             |             |
|--------|----------------|------------------------|----|----|-------------|-------------|-------------|-------------|
|        |                | 0                      | 1  | 2  | 3           | 4           | 5           | 6 +         |
| New    | 5              | 18                     | 23 | 28 | 33<br>29-39 | 38<br>33-45 | 43<br>37-51 | 48<br>41-57 |
| Old    | 4              | 12                     | 15 | 18 | 21          | 24<br>21-28 | 27<br>23-32 | 30<br>26-36 |
|        | 3              | 12                     | 13 | 15 | 17          | 19<br>17-22 | 21<br>18-25 | 23<br>20-27 |



Figure 10. Displaying the Changes to Assault Offenses on the Standard Grid

| SEVERITY LEVEL OF<br>CONVICTION OFFENSE   |           | CRIMINAL HISTORY SCORE |                |                |                |                |                |                |
|---|-----------|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
|   |           | 0                      | 1              | 2              | 3              | 4              | 5              | 6 or<br>more   |
|   | <b>11</b> | 306<br>261-367         | 326<br>278-391 | 346<br>295-415 | 366<br>312-439 | 386<br>329-463 | 406<br>346-480 | 426<br>363-480 |
|   | <b>10</b> | 150<br>128-180         | 165<br>141-198 | 180<br>153-216 | 195<br>166-234 | 210<br>179-252 | 225<br>192-270 | 240<br>204-288 |
|   | <b>9</b>  | 86<br>74-103           | 98<br>84-117   | 110<br>94-132  | 122<br>104-146 | 134<br>114-160 | 146<br>125-175 | 158<br>135-189 |
| <b>Assault 1 - GBH</b>  | <b>8</b>  | 48<br>41-57            | 58<br>50-69    | 68<br>58-81    | 78<br>67-93    | 88<br>75-105   | 98<br>84-117   | 108<br>92-129  |
| <b>Assault 2 - SBH – Dng Wpn</b>  | <b>7</b>  | 36                     | 42             | 48             | 54<br>46-64    | 60<br>51-72    | 66<br>57-79    | 72<br>62-84    |
| <b>Assault 2 - SBH</b>  | <b>6</b>  | 21                     | 27             | 33             | 39<br>34-46    | 45<br>39-54    | 51<br>44-61    | 57<br>49-68    |
| <b>Assault 3 – SBH<br/>Domestic Assault Strangulation</b>   | <b>5</b>  | 18                     | 23             | 28             | 33<br>29-39    | 38<br>33-45    | 43<br>37-51    | 48<br>41-57    |
| <b>Assault 3 – Pattern Child Abuse<br/>Assault 3 – Victim Under 4<br/>Assault 5<br/>Domestic Assault<br/>Protective Order Violations –<br/>All Offenses</b> | <b>4</b>  | 12                     | 15             | 18             | 21             | 24<br>21-28    | 27<br>23-32    | 30<br>26-36    |
| <b>Assault 4 – All Offenses</b>   | <b>3</b>  | 12                     | 13             | 15             | 17             | 19<br>17-22    | 21<br>18-25    | 23<br>20-27    |
|   | <b>2</b>  | 12                     | 12             | 13             | 15             | 17             | 19             | 21<br>18-25    |
|   | <b>1</b>  | 12                     | 12             | 12             | 13             | 15             | 17             | 19<br>17-22    |

## Section 3: Failure to Register as a Predatory Offender

See the [Offense Group 2 - Status Offenses](#) packet to review sentencing information about Failure to Register as a Predatory Offender offenses and the [Offense Group 2 Results](#) PowerPoint to see Commissioner responses regarding a reranking decision.

It is the recommendation of the staff that, if Failure to Register as a Predatory Offender offenses are removed from the Sex Offender Grid and added to the Standard Grid, Violation of Predatory Offender Registration Requirements (Minn. Stat. § 243.166, subd. 5(b)) be ranked at SL 2 and that Violation of Predatory Offender Registration Requirements as a Second or Subsequent Offense (Minn. Stat. § 243.166, subd. 5(c)) be ranked at SL 4.

**Table 5. Failure to Register as Predatory Offender Identified Reranking**

| Offense   | Identified Change     | Current SL | Identified SL |
|---|-----------------------|------------|---------------|
| Failure to Register – 1 <sup>st</sup>               | Move to Standard Grid | SL I       | SL 2          |
| Failure to Register – 2 <sup>nd</sup> or Subsequent | Move to Standard Grid | SL I       | SL 4          |

**Table 6. Failure to Register as a Predatory Offender Identified Legislative Recommendations**

| Mandatory minimums  |   |
|---------------------|---|
| Offense             | Identified Change   |
| Failure to Register | Recommendation to remove the mandatory minimum or reserve it for specific behaviors such as for second or subsequent offenses, avoiding/lying to police, etc. |

## Section 4: Felon in Possession of Firearm or Ammunition

See the [Offense Group 2 - Status Offenses](#) packet to review sentencing information about Felon in Possession of a Firearm or Ammunition and the [Offense Group 2 Results](#) PowerPoint to see Commissioner responses regarding a reranking decision.

**Table 7. Felon in Possession of Firearm or Ammunition Identified Legislative Recommendations**

| Mandatory minimums  |   |
|---------------------|---|
| Offense             | Identified Change   |
| Felon in Possession | Recommendation to remove the mandatory minimum or reserve it for specific offense conditions. Examples include excluding ammunition cases, excluding GTZ cases, differentiating between ammunition vs firearms, loaded vs unloaded, and first vs subsequent offenses. |

## Summary

**Table 8. Summary of Identified Rerankings – All Offenses**

| Offense   | Identified Change     | Current SL | Identified SL |
|---|-----------------------|------------|---------------|
| <b>Uprank</b>                                       |                       |            |               |
| CVH–While Impaired & Prior                          | Uprank                | SL 8+ mod  | SL 9          |
| CVO-GBH-Gross Negligence                            | Uprank                | SL 5       | SL 6          |
| CVO-GBH-While Impaired                              | Uprank                | SL 5       | SL 6          |
| Assault 2-SBH                                       | Uprank                | SL 6       | SL 7          |
| Assault 3-SBH                                       | Uprank                | SL 4       | SL 5          |
| Assault 4-Peace Officer                             | Uprank                | SL 1       | SL 3          |
| Assault 4-Firefighter/EMS                           | Uprank                | SL 1       | SL 3          |
| Assault 4-Corr/Prosec/Judge/Prob                    | Uprank                | SL 1       | SL 3          |
| Assault 4-Secure Treatment Facility                 | Uprank                | SL 1       | SL 3          |
| Assault 4-Bias                                      | Uprank                | SL 1       | SL 3          |
| Domestic Assault Strangulation                      | Uprank                | SL 4       | SL 5          |
| <b>Downrank</b>                                     |                       |            |               |
| Assault 1-GBH                                       | Downrank              | SL 9       | SL 8          |
| <b>Other</b>  |                       |            |               |
| Failure to Register – 1 <sup>st</sup>               | Move to Standard Grid | SL I       | SL 2          |
| Failure to Register – 2 <sup>nd</sup> or Subsequent | Move to Standard Grid | SL I       | SL 4          |