

MEMORANDUM

To: The Commission
From: Nate Reitz, Executive Director
Date: October 6, 2026
Subject: **Errata to the October 2026 Draft of the Restructured Sentencing Guidelines**

Due to a paragraph numbering glitch, the October draft of the restructured Sentencing Guidelines contains several erroneous section numbers and cross-references. This memorandum corrects those errors. It also adds four corrections to the offense table in guideline 7.50.

In the tables that follow, corrections are organized according to the new, restructured Guidelines, and page numbers are given for both the clean and the marked up versions (“clean / markup”).

Corrected versions of the October draft of the restructured Guidelines (both clean (4D) and marked up (4E)) are now included in your meeting materials. The corrected errors are indicated by blue highlighting. I apologize for the addition to your workload this creates.

Section numbers that skip

In 13 places, a section number skips ahead. For example, subdivision 1 is followed by subdivision 4. Only the numbers are wrong. The wording of each section is correct. Each section should be renumbered so it follows the one before it.

Why this happened: Microsoft Word fills in these numbers automatically. While the draft was being prepared, some numbers had to be set by hand so they would start at the correct letter. Because Word then reused those starting points later, some numbers start too high.

Guideline	Context	Printed as	Should be	Pages (clean / markup)
1.20	“Applicability to juveniles” and “Life sentences”	Subd. 3 and Subd. 4	Subd. 2 and Subd. 3	6 / 6–7

Guideline	Context	Printed as	Should be	Pages (clean / markup)
1.50, subd. 22 (Presumptive sentence)	Paragraph beginning “Pursuant to Minn. Stat. § 244.09”	(c)	(b)	10 / 11
1.50, subd. 25 (Severity level)	Paragraph beginning “The vertical axis”	(c)	(b)	11 / 12
2.32, subd. 3 (Exceptions and limitations)	“Limitation; multiple sentences” and “Limitation; multiple victims”	(c) and (d)	(b) and (c)	18 / 21
2.35, subd. 4 (Classification)	Paragraph beginning “If the classifications are not identical”	(c)	(b)	19 / 22
2.36	The six subdivisions after Subdivision 1, from “Non-Minnesota equivalents to stays of imposition” through “Felony point value”	Subd. 4 to Subd. 9	Subd. 2 to Subd. 7	19–22 / 24–26
2.36, subd. 4 (Non-Minnesota equivalents to stays of imposition)	Paragraph beginning “Notwithstanding paragraph (a)”	(c)	(b)	20 / 24
2.42	“Sentence of one year and one day,” “Modifications,” and “Statutory maximum sentence”	Subd. 4, 5, and 6	Subd. 2, 3, and 4	23 / 27–28
2.43	“Notes”	Subd. 4	Subd. 2	24 / 28
2.61, subd. 4 (Exceptions)	The two paragraphs after paragraph (a)	(c) and (d)	(b) and (c)	28 / 34

Guideline	Context	Printed as	Should be	Pages (clean / markup)
2.62, subd. 1 (In general)	“Applicability to certain sex offenses” and “Exceptions”	(c) and (d)	(b) and (c)	28 / 35
2.65, subd. 3 (Second or subsequent severe violent offense)	The three paragraphs after paragraph (a)	(c), (d), and (e)	(b), (c), and (d)	32–33 / 40
2.71	“Order of sentences”	Subd. 4	Subd. 2	34 / 42

Cross-references that need new numbers

These cross-references point to the right provision but use its skipped number. Once the guidelines above are renumbered, they need the new numbers.

Guideline	Now reads	Should read	Pages (clean / markup)
2.20, Subd. 2 (Life sentences)	“see guidelines 1.20, subd. 4, and 2.43”	“see guidelines 1.20, subd. 3, and 2.43”	13 / 14
2.36, Subd. 5 (Sentence-based offense classification), paragraph (a)	“Subdivisions 6 to 9 do not apply” and “under subdivision 4”	“Subdivisions 4 to 7 do not apply” and “under subdivision 2”	20 / 24
2.36, Subd. 5 (Sentence-based offense classification), paragraph (b)	“If subdivision 4 does not apply” and “as determined by subdivisions 6 to 8”	“If subdivision 2 does not apply” and “as determined by subdivisions 4 to 6”	20 / 24

Guideline	Now reads	Should read	Pages (clean / markup)
2.36, subd. 6 (Ineligible convictions), paragraph (b)	“Except as provided in subdivision 8, paragraph (c)”	“Except as provided in subdivision 6, paragraph (c)”	21 / 25
2.36, subd. 8 (Eligibility as prior felony convictions), paragraph (b)	“is governed by subdivision 9”	“is governed by subdivision 7”	21 / 25
2.36, subd. 9 (Felony point value), paragraphs (b) and (c)	“described in subdivision 8” (in both paragraphs)	“described in subdivision 6” (in both paragraphs)	22 / 26
2.62, subd. 1 (In general), paragraph (a)	“Except as provided in paragraph (d)”	“Except as provided in paragraph (c)”	28 / 34
2.65, subd. 3 (Second or subsequent severe violent offense), paragraph (a), definition of “severe violent offense”	“guideline 1.20, subd. 4 (life sentences)”	“guideline 1.20, subd. 3 (life sentences)”	32 / 40
7.50, paragraph (b)	“see guideline 2.42, subd. 6”	“see guideline 2.42, subd. 4”	79 / 95

Two references in guideline 2.65, subd. 3, need no change. They read “paragraph (c)” and “paragraph (b),” which do not match the printed letters now. Once that subdivision's paragraphs are relettered, both will match.

Corrections to guideline 7.50

Guideline 7.50 lists offenses in statute order. Two offenses—failure to appear in court and possessing a firearm or ammunition after a crime of violence—can be charged under either of two different chapters. Because the October draft lists each offense only once, a reader looking up the second statute number would not find the offense. Each offense should be listed under both statutes, consistent with the 2026 Guidelines 5.B.

Change	Row as it should read (citation · offense · severity level)	Pages (clean / markup)
In the failure-to-appear row, delete “, or 609.49” from the citation	588.20, subd. 1 · Failure to appear in court · 1	82 / 99
Add a row just before the row for 609.493	609.49 · Failure to appear in court · 1	91 / 111
In the row for possessing a firearm after a crime of violence, delete “, or 624.713, subd. 2(b)” from the citation	609.165, subd. 1b · Possessing a firearm or ammunition after a crime of violence · 6	82 / 99
Add a row just before the row for 624.7131, subd. 11	624.713, subd. 2(b) · Possessing a firearm or ammunition after a crime of violence · 6	100–101 / 124