

Commissioner Ford moves to amend the Minnesota Sentencing Guidelines to add the following new § 2.A.6:

6. Drug Offense Characteristics. When the current offense is Controlled Substance Crime 1st Degree[, Manufacture Any Amount of Methamphetamine,] or Controlled Substance Crime 2nd Degree, as defined in [subdivisions 1 and 2 of] Minn. Stat. §§ 152.021 or 152.022, the severity level for the offense is increased by one severity level above that found in section 5A, Offense Severity Reference Table, if one or more of the following drug offense characteristics is alleged and proven to be present, provided that the drug offense characteristic is not also an element of the current offense. When a drug offense characteristic is used to increase an offense's severity level in this manner, that drug offense characteristic may not also be used as an aggravating factor under section 2.D. for the sentencing of that offense, unless another drug offense characteristic, not used as an offense element or aggravating factor, was also alleged and proven to be present.
- a. The defendant, or an accomplice, knowingly possessed a firearm or other dangerous weapon, as defined in Minn. Stat. § 609.02, subd. 6, during the commission of the offense.
 - b. The defendant has a prior conviction for a violent crime, as defined in Minn. Stat. § 609.1095, subd. 1(d), other than a violation of a provision under chap. 152, including an attempt or conspiracy, or was convicted of a similar offense by the United States or another state;
 - c. The offense was committed for the benefit of a criminal gang as described in Minn. Stat. § 609.229;
 - d. The offense involved separate acts of sale or possession of a controlled substance in three or more counties.
 - e. The offense involved the transfer of controlled substances across a state or international border and into Minnesota.
 - f. The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to sell or transfer.
 - g. The circumstances of the offense reveal the defendant to have occupied a high position in the drug distribution hierarchy.
 - h. The defendant used a position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships.
 - i. The offense involved the sale of a controlled substance to a minor or vulnerable adult.
 - j. The defendant, or an accomplice, manufactured, possessed, or sold a controlled substance in a school zone; park zone; public housing zone; federal, state, or local correctional facility; or drug treatment facility.
 - k. The defendant or an accomplice possessed equipment, drug paraphernalia, documents, or monies evidencing that the offense involved the cultivation, manufacture, distribution, or possession of controlled substances in quantities substantially larger than the minimum threshold amount for the underlying offense.