

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. 135). Conversely, to find the origins of a particular guideline in this draft, refer to the "history" section at the end of the guideline.

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MINNESOTA SENTENCING GUIDELINES ~~AND COMMENTARY~~

CHAPTER 1

~~[1] PURPOSE; APPLICABILITY; AND DEFINITIONS~~

1.10 ~~[1.A] STATEMENT OF 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 Sentencing Guidelines shall embody the following 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 ~~shall be public safety, including. Public safety includes~~ consideration of the long-term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5. ~~Public safety is furthered by~~ 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, ~~it 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 ~~or~~, 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 the felonies covered by them. [1.B.13] Presumptive Sentence. “Presumptive sentences” are those sentences provided on the Sentencing Guidelines. They are presumptive because they are presumed to be appropriate~~ for all typical cases sharing criminal history and offense severity characteristics. ~~[1.A.7] Therefore, departures from the presumptive sentences established in the Sentencing Guidelines should may be made only when the court can identify and articulate substantial and compelling circumstances can be identified and articulated 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. **[2] Applicability in general.** (a) The Sentencing Guidelines apply to all adult sentences for convictions of felonies presumptive sentence for any offender convicted of a felony committed on or after May 1, 1980.

(b) ~~, is determined by~~ The Sentencing Guidelines in effect on the date ~~of 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 ~~under one of the following statutes, or as otherwise~~ permitted by statute, the date of the earliest offense ~~should must~~ be used as the date of the conviction offense.

Statute Number	Offense Title
349.2127, subds. 2 and 6	Gambling Regulations
609.322, subd. 1c	Sex Trafficking
609.52, subd. 3(5)	Theft
609.527, subd. 7	Identity Theft
609.535, subd. 2a(b)	Issuance of Dishonored Checks
609.551, subd. 3	Rustling and Livestock Theft
609.595	Criminal Damage to Property
609.631, subd. 4	Check Forgery
609.632, subd. 5	Counterfeiting Currency
609.763, subd. 3	Lawful Gambling Fraud
609.821, subd. 3	Financial Transaction Card Fraud
609.86, subd. 3(2)	Commercial Bribery
609.893, subd. 3	Telecommunications Fraud
609.895, subd. 3	Counterfeited Intellectual Property

Subd. 2. [3.D] Applicability to juveniles. (a) The Guidelines apply when determining: the appropriate sentence for a juvenile certified as an adult under Minn. Stat. § 260B.125; ~~or~~.

(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 ~~for a juvenile convicted as an extended jurisdiction juvenile~~ under Minn. Stat. § 260B.130, subd. 4(a)(2).

Subd. 3. [2.E.4] Mandatory Life sentences. (a) The Sentencing Guidelines do not apply to a mandatory life imprisonment sentences for first-degree murder and for sex offenses subject to sentence under Minn. Stat. § 609.106, 609.185, 609.2661, or 609.3455, subdivision 2, are not governed by the Guidelines 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 [3.G] MODIFICATIONS EFFECTIVE DATE OF POLICY CHANGES.

Subdivision 1. **Policy modifications; effective date.** (a) Except as provided in paragraph (b), modifications to sections 1 through 8 chapters 1 to 7 of the Minnesota Sentencing Guidelines, and associated commentary and appendices, apply to offenders whose offenses with a date of offense is 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 of Existing Policy; effective date.** Modifications-Changes and clarifications to commentary and appendices relating to existing Guidelines policy apply to offenders 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 **[1.B] DEFINITIONS.**

Subdivision 1. **Applicability.** As used in these Sentencing Guidelines ~~(or “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” ~~occurs when the offender is sentenced~~ is the act of sentencing someone to the custody of the Commissioner of Corrections.

Subd. 5. **Concurrent sentence.** ~~When the court orders sentences to be~~ “Concurrent,” the court is ordering sentence means that multiple sentences must be served at the same time.

Subd. 6. **Consecutive sentence.** ~~When the court orders sentences to be~~ “Consecutive,” the court is ordering sentence means that multiple sentences must be served one after the other in the manner described in section 2.F 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.** ~~The “Criminal history score” is comprised of means the total number of points assigned to a person based on the~~ criminal history factors detailed in ~~section 2-B-guidelines~~ 2.30 to 2.36. The horizontal axis on the applicable grid represents the ~~offender’s~~ 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.** ~~A “Departure” is means a pronounced sentence other than that the presumptive sentence recommended in the appropriate cell on the applicable Grid chapter 2; including a stayed or imposed gross misdemeanor or misdemeanor sentence. 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. **[1.B.6] Departure report.** ~~A “Departure report” is a 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 sentencing court when the court pronounces a sentence that is a departure from the presumptive sentence. Under Minn. R. Crim. P. 27.03, subd. 4(c), the form must be completed and submitted to the Sentencing Guidelines Commission within 15 days after sentencing.~~

Subd. 12. **[1.B.5.a] Dispositional departure.** ~~A “Dispositional departure” occurs when the court orders means a disposition other than that ordered by the court that is different from the disposition recommended in the Guidelines chapter 2. A dispositional departure includes:~~

(1) ~~Aggravated Dispositional Departure.~~ an “aggravated dispositional departure”, which occurs when ~~the Guidelines chapter 2 recommends~~ a stayed sentence but the court pronounces an executed prison sentence; and

(2) ~~Mitigated Dispositional Departure.~~ a “mitigated dispositional departure”, which occurs when ~~the Guidelines chapter 2 recommends~~ a an executed prison sentence but the court stays the sentence.

Subd. 13. **Durational departure.** ~~A “Durational departure” occurs when means a sentence ordered by the court orders a sentence with a prison duration other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid that is not within the presumptive duration recommended in chapter 2. A durational departure includes:~~

(1) **Aggravated Durational Departure.** an “aggravated durational departure”, which occurs when the court pronounces a prison duration that ~~is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid is longer than the presumptive duration;~~ and

(2) **Mitigated Durational Departure.** a “mitigated durational departure”, which occurs when the court pronounces a prison sentence that is ~~more than 15 percent lower than the fixed shorter than the presumptive duration displayed in the appropriate cell on the applicable Grid,~~ 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. **[1.B.7] Executed sentence.** ~~An~~ “Executed sentence” ~~is~~ means the total period of time for which ~~an inmate is committed a court commits a person~~ to the custody of the Commissioner of Corrections (~~i.e., sends the person sent to prison~~). Under Minn. Stat. § 244.101, ~~the 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: a minimum term of imprisonment and a maximum period of supervised release.~~

(1) ~~a minimum~~ **Term of Imprisonment.** ~~For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the “term of imprisonment” (incarceration) is equal to two-thirds of the executed sentence.; and~~

(2) ~~a maximum~~ **Supervised Release Term.** ~~For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the “supervised release term” is a period of mandatory community supervision, which is served following the end of the term of imprisonment, and is 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).** ~~An~~ “Extended jurisdiction juvenile” ~~is~~ 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 ~~twenty-first~~ 21st birthday.

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

[1.B.10] Hernandize. ~~“Hernandize” (or “Hernandizing”) is the unofficial term for the process described in section 2.B.1.e of counting criminal history when multiple offenses are sentenced on the same day before the same court.~~

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” is~~ means a term of incarceration ~~of up to one year required to be served in a local facility, and may be pronounced by the court. 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.** ~~The “Mandatory minimum” is a minimum executed sentence duration means the shortest length of imprisonment specified in statute for offenders that the court must impose on a person convicted of certain a specified felony offenses.~~

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 sentences” are those sentences means the sentence provided on the Sentencing Guidelines and recommended by chapter 2. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics. 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) **Presumptive Disposition.** The “a presumptive disposition”, which is the recommendation for either a presumptive commitment or a presumptively stayed sentence; and~~

~~(1) **Presumptive Commitment.** A “presumptive commitment” is a recommended disposition of imprisonment for cases contained in cells outside of the shaded area on the Grids.~~

~~(2) **Presumptive Stayed Sentence.** A “presumptive stayed sentence” is a recommendation for a stayed sentence for cases contained in the cells within the shaded area on the Grids.~~

~~(2) **Presumptive Duration.** The “a presumptive duration” is, which consists of the recommended presumptive fixed sentence length, in months, and a presumptive range found in the appropriate cell on the applicable Grid.~~

~~(b) 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.-~~

~~c. **Presumptive Range.** The “presumptive range” is provided for each presumptive fixed duration. Pursuant to Minn. Stat. § 244.09, subd. 5(2), the range is 15 percent lower and 20 percent higher than the fixed duration displayed in each cell on the Grids.——~~

~~d. **Lower Range.** The “lower range” is that portion of the presumptive range that is shorter than the fixed presumptive duration.~~

Subd. 23. **Sentence modifier.** ~~A “Sentence modifier” is means~~ a statute or Guidelines policy that aids in defining the punishment for the underlying offense. A sentence modifier can affect either ~~or both~~ the presumptive duration ~~and or~~ the presumptive disposition ~~of the presumptive sentence, or both~~. See ~~section 2-G 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 grids; grid.** ~~The “Sentencing Guidelines grids” (or “grids”) means any of the tables that~~ display presumptive sentences for felony offenses according to the severity level of the offense (vertical axis) and ~~offender’s~~ criminal history score of the person being sentenced (horizontal axis). The grids include:

(1) ~~[1.B.15.c] Standard Grid.~~ the “standard grid,” guideline 3.10, which displays the presumptive sentences for felony offenses ~~not on the Sex Offender Grid or Drug Offender Grid.~~ listed in guideline 7.10;

(2) ~~[1.B.15.a] Sex Offender Grid.~~ the “sex Offender 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, ~~and related offenses as shown on the Sex Offender Grid. as listed in guideline 7.20;~~

(3) ~~Drug Offender Grid.~~ the “drug Offender offense grid,” guideline 3.30, which displays the presumptive sentences for controlled substance crime, ~~failure to affix stamp, and related offenses, as shown on the Drug Offender Grid. 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.—

~~[1.B.16] Sentencing Worksheet.~~ The “Sentencing Worksheet” (or “Worksheet”) is a form completed by probation at the direction of the court under Minn. Stat. § 609.115, subd. 2a. The Worksheet reflects the severity of the current conviction offense, applicable history as calculated under Sentencing Guidelines policies, and the presumptive sentence as reflected in the appropriate cell of the applicable Grid. A separate Worksheet should be completed for all felony level offenses receiving a stayed or imposed sentence, or a stay of imposition. This includes offenses that receive a life sentence and felony convictions for which the court imposes a gross misdemeanor or misdemeanor sentence.

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

(1) ~~Felony offenses, other than sex and drug offenses, are arranged offenses listed in guideline 7.10 are assigned severity levels 11 (high) to 1 (low) on the standard grid into eleven levels of severity, ranging from high (Severity Level 11) to low (Severity Level 1);~~

(2) ~~Sex offenses are arranged offenses listed in guideline 7.20 are assigned severity levels A (high) to I (low) on the sex Offender offense grid into nine severity levels, ranging from high (Severity Level A) to low (Severity Level I); and~~

(3) ~~Drug offenses are arranged offenses listed in guideline 7.30 are assigned severity levels D9 (high) to D1 (low) on the drug Offender offense grid into nine levels of severity, ranging from high (Severity Level D9) to low (Severity Level D1). Offenses listed within each severity level are deemed equally serious.~~

(b) 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.** ~~The “Statutory maximum” is means~~ the maximum sentence duration provided for ~~the 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 ~~by either a stay of imposition or a stay of execution. There are two steps in sentencing: the imposition of a sentence and the execution of the sentence imposed. The imposition of sentence consists of pronouncing the sentence to be served in prison (for example, three years imprisonment). The execution of an imposed sentence consists of transferring the felon to the custody of the Commissioner of Corrections to serve the prison sentence. in either of the following ways:~~

(1) **Stay of Imposition.** A “stay of imposition” occurs when the court accepts and records a finding or plea of guilty, but, ~~rather than does not~~ impose (or pronounce) a prison sentence, ~~the court stays imposition of the sentence.~~ If the ~~offender 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 ~~section 2.B guideline~~ 2.31.

(2) **Stay of Execution.** A “stay of execution” occurs when the court accepts and records a finding or plea of guilty, and ~~imposes (or pronounces)~~ a prison sentence ~~is pronounced, but is not executed, rather than execute the sentence and send the person to prison, the court stays execution of the imposed sentence.~~ If the ~~offender person~~ successfully completes the stay, the case is discharged, but the ~~offender person~~ continues to have a record of a felony conviction, which is included in criminal history under ~~section 2.B 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

[2] DETERMINING THE PRESUMPTIVE SENTENCES

2.10 PRESUMPTIVE SENTENCE IN GENERAL.

[2] 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. ~~The Grids represent the two dimensions most important in sentencing decisions.~~

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

[2.A] OFFENSE SEVERITY

2.20 DETERMINING OFFENSE SEVERITY.

Subdivision 1. **[2.A.1] General rule.** The applicable offense severity level is ~~determined by the level assigned to~~ the conviction offense, not the charging offense. The severity level for each felony offense is found in ~~section 5.A, Offense Severity Reference Table guidelines 7.10 to 7.30~~ (severity levels by grid) and restated in guideline 7.50 (all offenses by statutory citation).

Subd. 2. **[2.A.3] First-Degree Murder. Life sentences.** ~~A severity level has not been assigned to first-degree murder. Offenses for which because by law 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. 3, and 2.43.~~

Subd. 3. **[2.A.4] Unranked offenses.** (a) ~~Some~~ ~~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 ~~the court sentences 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 ~~other offenders~~ others sentenced for the same unranked offense; and

(4) the severity level assigned to ~~other offenders~~ others engaged in similar conduct. ~~———— If an offense is omitted from the Offense Severity Reference Table, the offense is considered unranked.~~

Subd. 4. **[2.A.5] Attempts, conspiracies, and Other Sentence Modifiers** ~~similar statutes.~~ (a) ~~When the~~ The severity level for a current offense that includes a sentence modifier, such as attempt or conspiracy, ~~the severity level is found by determining is~~ the severity level ~~for of~~ the underlying offense. ~~Determining~~ The presumptive sentence duration for these offenses ~~is described in section 2.6 must be adjusted pursuant to guidelines 2.62 to 2.65.~~

(b) ~~[5.B] 609.2241~~ The severity level for knowing transfer of a communicable disease under Minn. Stat. § 609.2241 is the severity level of the underlying offense... See section 2.A.5 to determine the presumptive sentence.

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) ~~[Comment 2.A.05]~~ For Theft of a Motor Vehicle to be ranked at Severity Level 4, the offender must be convicted under the general theft statute, Minn. Stat. § 609.52, subd. 2(a)(1), and the offense must involve theft of a motor vehicle. It is the Commission's intent that any conviction involving the permanent theft of a motor vehicle be ranked at Severity Level 4, regardless of the value of the motor vehicle. 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. ~~[2.A.2]~~ **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 listed on the Offense Severity Reference Table. 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 ~~[2.B]~~ CRIMINAL HISTORY SCORE.

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

- (1) prior felonies; and
- (2) prior misdemeanors and gross misdemeanors. —

~~This section details the requirements for calculating the criminal history points in each of these areas. This section also details the requirements for calculating criminal history points for convictions from jurisdictions other than Minnesota and convictions for enhanced felonies.~~

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

2.31 ~~[2.B.1]~~ POINTS FROM PRIOR FELONIES.

Subdivision 1. **Eligible prior felonies.** (a) ~~[2.B.1]~~ Assign a particular weight, as set forth in paragraphs a and b, to ~~Except as provided in subdivision 2, each extended jurisdiction juvenile (EJJ) conviction and each felony conviction, provided that is eligible for inclusion in the criminal history score if, before the current sentencing,~~ a felony sentence was stayed or imposed ~~before the current sentencing or a stay of imposition of sentence was given before the current sentencing 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) ~~[2.B.1.g] Prior Offenses with No conviction.~~ Assign no weight to an ~~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) ~~[2.B.1.h] Non-felony sentence.~~ When a ~~A~~ prior felony conviction ~~where the imposed sentence was within the limits provided by law for a resulted in a non-felony misdemeanor or gross misdemeanor under Minn. Stat. § 609.13, subd. 1(1), sentence (misdemeanor or gross misdemeanor), the conviction is not a prior felony conviction for the purpose of this guideline, but must be counted in the criminal history score as an eligible a prior~~ misdemeanor or gross misdemeanor conviction ~~as indicated in section 2.B.3 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) ~~[2.B.1.c] Felony Decayed offenses Factor.~~ In computing the criminal history score, A prior felony ~~sentence or stay of imposition following a felony conviction must not be used 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) ~~[2.B.1.d] Assigning Felony Weights—~~**Previous court appearances resulting in multiple sentences.** ~~Following are exceptions to including prior felonies in criminal history when~~When multiple felony sentences were imposed in a previous court appearance, the following limitations apply:

(1) **Multiple sentences for a single course of conduct / Multiple Sentences.** ~~When~~If multiple sentences for a single course of conduct were imposed under Minn. Stats. §§ 152.137, 609.585, or 609.251, ~~include in criminal history only the weight from~~ 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 / Multiple Victims.** ~~When~~If multiple ~~offenses arising sentences arose~~ from a single course of conduct involving multiple victims ~~were sentenced, include in criminal history only the weights from~~ 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) ~~[2.B.1]~~The ~~A prior felony conviction's point value is based on the prior felony's severity level ranking in effect at the time the current offense was committed determines the weight assigned to the prior offense. Guidelines 2.35 and 2.36 govern the treatment of changed and non-Minnesota offenses.~~ **[2.B.1.f] Prior Offense with Attempt, Conspiracy, or Other Sentence Modifier.** ~~When~~The severity level of a prior offense felony that included a sentence modifier, such as attempt, or conspiracy, ~~or other sentence modifier as described in section 2.6, is the severity level of the prior conviction must be given the same felony weight as a completed offense underlying offense.~~

(c) ~~[2.B.1.a] Current Offense on Standard Grid or Drug Offender Grid.~~ If the current offense is not on the sex ~~Offender offense~~ grid, determine the weight felony point value assigned to each eligible prior felony sentence conviction according to its severity level, as follows: _____

Current Offense on Standard Grid or Drug Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, D1 – D2	½
	3 – 5, D3 – D5	1
	6 – 8, D6 – D7	1½
	9 – 11, D8 – D9	2
	Murder 1st Degree	2
	A	2
	B – E	1½
	F – G	1
	H	½
	I	½ (for first offense); 1 (for subsequent offenses)

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

(d) ~~[2.B.1.b] Current Offense on Sex Offender Grid.~~ If the current offense is on the sex Offender-offense grid, determine the weight-felony point value assigned to each eligible prior felony sentence-conviction according to its severity level, as follows:—

Current Offense on Sex Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, D1 – D2	½
	3 – 5, D3 – D5	1
	6 – 8, D6 – D7	1 ½
	9 – 11, D8 – D9	2
	Murder 1st Degree	2
	A	3
	B – C	2
	D – E	1 ½
	F – H	1
	I	½ (for first offense); 1 (for subsequent offenses)

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. **[2.B.1.e] Assigning Felony Weights – Current 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, include it is included in the criminal history on of the next offense to be sentenced (also known as “Hernandizing”) except as follows:

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

(2) **Multiple victims in a single course of conduct – Multiple Victims.** When multiple current convictions arise out of a single course of conduct in which there were multiple victims, weights are given only to 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. [2.B.1.i] Total Felony Points.** The felony point total total number of felony points in the criminal history score is the sum of the felony weights point values of all

eligible felony convictions. If ~~the~~this ~~sum-of-the-weights~~ results in a partial point, the ~~point value~~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 ~~[2.B.3]~~ **POINT FROM PRIOR GROSS MISDEMEANORS AND MISDEMEANORS.**

Subdivision 1. ~~Gross misdemeanor and misdemeanor point calculation.~~ ~~Prior gross misdemeanor and misdemeanor convictions count as units comprising criminal history points. Four units equal one criminal history point; give no partial point for fewer than four units. Determine units as specified in this section.~~ **[2.B.3.f] Maximum Assignment of Points.** ~~An offender cannot receive more than one point for prior misdemeanor or gross misdemeanor convictions. 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. ~~[2.B.3.a] General Assignment of Units. Eligible prior misdemeanor or gross misdemeanor convictions.~~ ~~Except as provided in subdivision 3, Assign the offender one unit for each prior conviction of any of the following offenses provided the offender received is an eligible misdemeanor or gross misdemeanor conviction if, before the current sentencing, a stayed or imposed sentence or stay of imposition for the conviction before the current sentencing 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 ~~resulting in where the imposed sentence was within the limits provided by law for~~ a misdemeanor or gross misdemeanor ~~sentence 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) **[2.B.3.e] Decay Factor.** ~~a prior misdemeanor or gross misdemeanor sentence or stay of imposition following a misdemeanor or gross misdemeanor conviction must not be used in computing the criminal history score conviction~~ if seven years have elapsed between the date of the initial sentence following the prior conviction and the date of the current offense:

However, misdemeanor sentences that result from the successful completion of a stay of imposition for a felony conviction are subject to the felony decay factor in section 2.B.1.c.;

(2) ~~[2.B.3.b] Gross Misdemeanors Sentenced as Misdemeanors.~~ A ~~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) ~~must not be used to compute units;~~

(3) ~~[2.B.3.g] Enhanced Felonies.~~ ~~When if~~ the current offense is a felony solely because ~~the offender has previous of one or more prior~~ convictions for misdemeanor and gross misdemeanor offenses, ~~do not assign units for the any~~ prior misdemeanor or gross misdemeanor ~~conviction(s) conviction~~ upon which the enhancement is based.; ~~and~~

(4) ~~[2.B.3.h] Prior Misdemeanor or Gross Misdemeanor Driving While Impaired (DWI) Committed by Juvenile Offenders.~~ Assign no units under this section if the offender was 16 or 17 years old when the prior ~~a conviction for a~~ misdemeanor or gross misdemeanor ~~DWI driving while impaired (DWI) was committed, and the DWI was while age 16 or 17 and~~ processed in adult court under Minn. Stat. § 260B.225, subsd. 3 and 8.

(b) [2.B.3.c] Limitation; multiple sentences for a single course of conduct – Multiple Sentences. ~~When if~~ multiple sentences for a single course of conduct were imposed under Minn. Stat. §§ ~~§~~ 152.137, 609.585, or 609.251, ~~the offender must not be assigned more than one unit no more than one of the offenses may contribute to the criminal history score pursuant to~~ subdivision 1.

(c) [2.B.3.d] Limitation; multiple victims in a single course of conduct – Multiple Victims. ~~When if~~ multiple offenses ~~were sentenced~~ arising from a single course of conduct involving multiple victims ~~were sentenced, assign only no more than the two most severe of the offenses units in may contribute to the~~ criminal history ~~score pursuant to~~ subdivision 1.

Subd. 4. **[2.B.7.a] ... 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 [2.B.7] DETERMINING OFFENSE LEVELS FOR PRIOR MINNESOTA OFFENSES THAT HAVE CHANGED.

Subdivision 1. **a. Classification of Prior Offense.** ~~The classification of a prior offense as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony is determined by current Minnesota offense definitions (see Minn. Stat. § 609.02, subsd. 2-4a) and sentencing policies. 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.—

~~b. **Monetary Threshold.** When a monetary threshold determines the offense classification, the monetary threshold in effect when the prior offense was committed, not the current threshold, determines the offense classification in calculating the criminal history score.—~~

~~**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.~~

~~(b) 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 [2.B.5] PRIOR NON-MINNESOTA CONVICTIONS FROM JURISDICTIONS OTHER THAN MINNESOTA.

Subdivision 1. **In general.** The state has the burden of proving the facts ~~at sentencing~~ necessary to justify consideration of ~~an out-of-state conviction a non-Minnesota offense~~ in the criminal history score, ~~and~~. 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. ~~The court should consider, but is not limited to, the factors in paragraphs b through e, below. Sections 2.B.1 through 2.B.7 govern the use of these convictions.~~

~~b. How to Count. Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The section in which to count the non-Minnesota offense in criminal history depends on: whether the offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; and the sentence imposed.—~~

~~An offense may be counted as a felony only if it would both be defined as a felony in Minnesota, and the offender received a sentence of 366 days or more, which includes the equivalent of a stay of imposition. The offense definitions in effect when the current Minnesota offense was committed govern the designation of non-Minnesota convictions as felonies, gross misdemeanors, or misdemeanors.—~~

~~c. Assigning Felony Weights. Section 2.B.1 governs the weight of a prior felony conviction from a jurisdiction other than Minnesota, and must be based on the severity level of the equivalent Minnesota felony offense.—~~

~~d. Federal Offenses; No Minnesota Equivalent. Federal felony offenses that received a sentence that in Minnesota would be a felony-level sentence, but for which no comparable Minnesota offense exists, must receive a weight of one in computing the criminal history score.—~~

~~e. Juvenile Offenses from other Jurisdictions. Minnesota law governs the inclusion in the criminal history score of a prior felony offense from a jurisdiction other than Minnesota committed by an offender who was under 18 years old. The prior can be included only if the~~

~~factfinder determines that it is an offense for which the offender would have been certified to adult court if it had occurred in Minnesota.~~

Subd. 2. 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.

(b) 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. 3. Sentence-based offense classification. (a) Subdivisions 4 to 7 do not apply to a prior non-Minnesota conviction that is eligible for consideration in the criminal history score under subdivision 2.

(b) If subdivision 2 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 4 to 6.

(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. 4. 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 6, 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. 5. 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. 6. 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 7.

(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. 7. 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 6 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 6 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.

[2.C] PRESUMPTIVE SENTENCE

2.40 [2.C.1] 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 ~~offender’s~~ criminal history score is computed according to section 2.B guidelines 2.30 to 2.36 ~~above~~.

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

2.41 [2.C.1.a] 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) ~~For cases contained in cells outside of the~~ If the appropriate cell on the applicable grid is not shaded ~~areas, the presumptive disposition is commitment and~~ the sentence should be executed.

(c) ~~For cases contained in cells within the~~ If the appropriate cell on the applicable grid is shaded ~~areas, the presumptive disposition is a stayed sentence and the~~ sentence should be stayed unless ~~the conviction offense carries a mandatory minimum sentence. Section 3.A 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 [2.C.1.b] 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. 2. 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. ~~Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitments. The Guidelines provide both a fixed~~

~~presumptive duration and a range of time for that sentence except as provided in section 2.C.3.c(1).~~

Subd. 3. Modifications. ~~The presumptive duration may be modified as described in guidelines 2.60 to 2.66.~~

Subd. 4. [2.C.1.c] Presumptive Sentence Durations that Exceed the Statutory maximum sentence. ~~If the presumptive sentence duration in the appropriate cell on the applicable Grid exceeds~~ 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 is the presumptive sentence. See Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Table in Appendix 3.~~

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

2.43 [2.G.12] ATTEMPT OR CONSPIRACY ~~TO COMMIT TO COMMIT~~ FIRST-DEGREE MURDER.

Subdivision 1. **Presumptive sentences.** ~~When an offender is sentenced~~ For an attempt or conspiracy to commit either first-degree murder ~~in the first degree~~ under Minn. Stat. § 609.185 or first-degree murder of an unborn child ~~in the first degree~~ 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 ^{1*}	220 187– 240 ^{1*}	230 196– 240 ^{1*}	240 204– 240 ^{1*}	+10

Subd. 2. 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.~~

~~¹ Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and the maximum sentence is not more than the statutory maximum. See section 2.C.1.~~

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

[2.E] MANDATORY SENTENCES 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. **[2.E.1] In-General rule.** When an offender is convicted of an offense with a statutory mandatory minimum sentence of one year and one day or more, the presumptive disposition is commitment even if the presumptive sentence would ordinarily fall within the shaded area on the applicable Grid. ... See Mandatory and Presumptive Sentences Reference Table in Appendix 1. (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. **[2.E.2] Specific Statutory Provisions statutes.** The following mandatory minimum provisions should be imposed as indicated. Statutes that modify the presumptive disposition include, but are not limited to, the following:

(1) **[2.C.3] Finding the Presumptive Sentence for Certain Offenses. [2.C.3.c] Controlled Substance Offenses. [2.C.3.c(2)] Second-degree controlled substance crime as a subsequent controlled substance convictions.** If the current conviction offense is for a controlled substance crime in the first or second degree and is a “subsequent controlled substance conviction” as defined in Minn. Stat. § 152.01, subd. 16a, the presumptive disposition is commitment. Such a conviction triggers the presumptive commitment unless more than ten years have elapsed since discharge from sentence. If Minn. Stat. § 152.022, subd. 3(b), applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(2) **[2.E.2.d] Dangerous and Repeat Felony Offenders Third sequential violent felony.** When an offender is sentenced under If Minn. Stat. § 609.1095, subd. 3, applies, the presumptive disposition is commitment. The court must impose and execute the presumptive duration unless a longer mandatory minimum sentence is otherwise required by law or the court imposes a longer aggravated durational departure.

(3) **[2.E.2.b] Dangerous Weapon or Firearm Certain offenses involving firearms, other dangerous weapons, or ammunition.** Minn. Stat. § 609.11 establishes the mandatory sentence

~~for offenses committed with a dangerous weapon or firearm, or for possession of a firearm by an ineligible felon. (1) Finding the Mandatory Sentence. Regardless of whether an offender would otherwise receive a presumptive stayed sentence under the Guidelines, the presumptive disposition for an offense subject to a mandatory sentence under Minn. Stat. § 609.11 is always commitment. ... See Dangerous Weapons — Minn. Stat. § 609.11 Table in Appendix 2. (2) Departure. Minn. Stat. § 609.11, subd. 8 provides that the court, on its own motion or on the prosecutor's motion, may sentence without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing under subdivision 8 is a departure as follows: (i) Dispositional Departure. A stay of execution or stay of imposition is a dispositional departure. If Minn. Stat. § 609.11, subd. 4 or 5, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.~~

~~(4) **[2.C.3.e] Assaults against secure treatment facility personnel.** Offenses Committed While Confined Under State or Local Authority. The presumptive disposition for escape from an executed sentence, felony assault committed by an inmate serving an executed term of imprisonment, assault on secure treatment facility personnel, or assault against a county sheriff or sheriff's deputy in a local correctional facility under the conditions described in Minn. Stat. § 609.2232(b)(1), (b)(2), or (b)(3), is commitment. Pursuant to section 2.F.1, it is presumptive for escape from an executed term of imprisonment and for felony assault committed by an inmate serving an executed term of imprisonment to be sentenced consecutively to the offense for which the inmate was confined. The presumptive duration is determined by the presumptive sentencing consecutive policy (see section 2.F.1, Presumptive Consecutive Sentences). If Minn. Stat. § 609.2231, subd. 3a(d), applies, the presumptive disposition is commitment.~~

~~(5) **[2.C.3.e & 2.F.1.b] Assaults committed while confined.** The presumptive disposition for ... felony assault committed by an inmate serving an executed term of imprisonment ... or assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy in a local correctional facility is always commitment. 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) **[2.G.9.a] Offense Crimes committed for the benefit of a gang.** When an offender is sentenced for an offense committed for the benefit of a gang under Minn. Stat. § 609.229, subd. 3(a): a. Pursuant to If Minn. Stat. § 609.229, subd. 4, applies, the presumptive disposition is always commitment; and, 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. ~~[2.C.3.d] Driving While Impaired (DWI) Offenses Repeat first-degree DWI.~~ (a) If the current conviction is for ~~felony first-degree driving while impaired (DWI) and if, prior to the 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 offender had a previous conviction (as conviction is defined in Minn. Stat. § 609.02 subd. 5) for a felony DWI or for a criminal vehicular homicide or operation as defined in Minn. Stat. § 169A.24, subd. 1(3),~~ the presumptive disposition is commitment.

(b) ~~A prior felony DWI or criminal vehicular homicide or operation conviction s trigger the presumptive commitment even if they have qualifies even if it has~~ decayed for criminal history purposes as set forth in ~~section 2.B.1.e 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. ~~[2.C.3.b] 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 ~~there was a previous conviction for a felony burglary before the current offense occurred, 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 s trigger the presumptive commitment qualifies~~ even if ~~they have it has~~ decayed for criminal history purposes as set forth in ~~section 2.B.1.e guideline~~ 2.31. ~~The presumptive duration for a burglary conviction falling under this section is the fixed duration indicated in the appropriate cell on the Grid.~~

Subd. 3. ~~[2.C.3.e & 2.F.1.b] Escape.~~ ~~For 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.**

~~[2.F.2.a(2)] Other Offenses.~~ Consecutive sentences for the following offenses are always permissive and there is no ~~It is not a~~ dispositional departure ~~if the sentences are executed 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.

~~[2.G] CONVICTIONS FOR ATTEMPTS, CONSPIRACIES, AND OTHER SENTENCE MODIFIERS~~
MODIFYING THE PRESUMPTIVE DURATION

2.60 MODIFYING THE PRESUMPTIVE DURATION IN GENERAL.

(a) ~~**[2.G.1] In General.** Sentence modifiers are statutes or policies that aid in defining the punishment for the underlying offense. Modifiers can affect either or both the duration and the disposition of the presumptive sentence. **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 ~~[2.C.2]~~ CUSTODY STATUS AT THE TIME OF THE OFFENSE.

Subdivision 1. **Definitions.** (a) As used in this ~~section (2.C.2)~~ 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; ~~and 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) ~~a felony offense~~ assigned a severity level of D3 or greater on the drug Offender offense grid; ~~or~~

(iii) ~~a felony offense on the Sex Offender Grid, or listed in guideline 7.20~~ (offenses on the sex offense grid); ~~or~~

(iv) an equivalent non-Minnesota felony offense; or

(2) ~~murder in the first degree, including~~ first-degree murder, including first-degree murder of an unborn child, whether completed, an attempt, ~~or a conspiracy,~~ or a ~~an equivalent non-Minnesota~~ felony offense equivalent, within the meaning of section 2.B.5, to an offense described in clause (i).

(e) “Sex offense” means:

(1) a felony offense ~~on the Sex Offender Grid listed in guideline 7.20~~ other than failure to register as a predatory offender, Minn. Stat. § 243.166; or

(2) ~~a~~ an equivalent non-Minnesota felony offense ~~equivalent, with the meaning of section 2.B.5, to an offense described in clause (i).~~

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

Subd. 3. **Special durational increase for sex offenses with sex-offense custody status.** Notwithstanding ~~paragraph b 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, ~~then the presumptive duration is increased by double the amount shown in the custody status column of the Sex Offender Grid pertaining to the Grid row for the current offense.—~~

~~Ranges; Statutory Maximum. Any change to the presumptive fixed sentence under paragraph b or c must also be applied to the upper and lower ends of the range found in the appropriate~~

cell on the applicable Grid. Neither the presumptive fixed sentence nor a range may exceed the statutory maximum sentence for the current offense.

Subd. 4. **Exceptions.** (a) This ~~section (2.C.2) guideline~~ does not apply to ~~either of the following forms of custody status:~~

- (1) commitment for treatment or examination under Minn. R. Crim. P. 20; or
- (2) ~~juvenile custody status ordered by a juvenile court for~~ other than ~~for~~ an EJJ conviction.

(b) 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 ~~section (2.C.2) guideline~~.

(c) This ~~section (2.C.2) guideline~~ does not apply to a presumptively or permissively consecutive sentence pursuant to ~~section 2.F 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. ~~[2.G.2] Attempt or Conspiracy. In general.~~ (a) Except as provided in paragraph **(c)**, ~~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) ~~For an attempted to commit the underlying offense, under in violation of~~ Minn. Stat. § 609.17;

(2) ~~or for a conspiracy to commit an the underlying offense, under in violation of~~ Minn. Stat. § 609.175, ~~the presumptive duration is one half of that found in the appropriate cell on the applicable Grid for the underlying offense. When the underlying offense has a mandatory minimum sentence of a year or more, the presumptive duration is the mandatory minimum sentence in statute or one half the duration found in the appropriate cell on the applicable Grid, whichever is longer. [2.E.1] When an offender is sentenced for an attempted offense under Minn. Stat. § 609.17 or conspiracy to commit an offense under Minn. Stat. § 609.175, and the underlying offense has a mandatory minimum sentence of a year and a day or more, the presumptive duration is the mandatory minimum sentence in statute or one half the duration found in the appropriate cell on the applicable Grid, whichever is longer;~~

(3) ~~[2.G.3] Solicitation of Juveniles or Mentally Impaired Persons.~~ When an offender is sentenced for soliciting a juvenile under Minn. Stat. § 609.494, subd. 2(b), or for soliciting a mentally impaired person ~~under to commit the underlying offense, in violation of~~ Minn. Stat. § 609.493, subd. 2(b), ~~the presumptive duration is one half of that found in the appropriate cell on the applicable Grid for the underlying offense;~~

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

(5) ~~[2.G.6] Taking Responsibility for Criminal Acts.~~ When an offender is sentenced for taking ~~assuming~~ responsibility for ~~criminal acts under the underlying offense, in violation of~~ Minn. Stat. § 609.495, subd. 4, ~~the presumptive duration is one half of that found in the appropriate cell on the applicable Grid for the underlying offense.~~

(b) [2.G.5] Attempt or Conspiracy to Commit Certain Sex Trafficking and Criminal Sexual Conduct Offenses. The Commission regards the following provisions as **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. ~~For an attempt or conspiracy to commit an offense to which one of these presumptive sentences applies, the presumptive duration is one half of that found in the appropriate cell on the Sex Offender Grid for the underlying offense or any mandatory minimum, whichever is longer: a. Minn. Stat. § 609.322, subd. 1(c)(1) (applicable to sex trafficking offenses ranked at severity level B); b. Minn. Stat. § 609.322, subd. 1(c)(2) (applicable to Aggravated Sex Trafficking 1st Degree); c. Minn. Stat. § 609.342, subd. 2(b) (applicable to Criminal Sexual Conduct 1st Degree); and d. Minn. Stat. § 609.343, subd. 2(c) (applicable to Criminal Sexual Conduct 2nd Degree offenses ranked at severity level B).~~

(c) Exceptions. Paragraph (a) does not apply to:

(1) **[2.G.4] Conspiracy to Commit a Controlled Substance Offense.** The modifying statute for a conspiracy to commit a controlled substance offense under Minn. Stat. § 152.096 ~~does not affect the presumptive sentence for the underlying offense; or~~

(2) **[2.G.12] the presumptive duration for an attempt or conspiracy to commit first-degree murder established by guideline 2.43.**

Subd. 2. **[Comment 2.G.01] Calculation.** If the ~~presumptive sentence is an odd number, division by two application of this guideline produces a presumptive sentence involving a half month. For example, 41 months divided by two equals 20.5 months. In that case, 20.5 months is the presumptive sentence length, 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. **[2.E.1] ...** ~~The presumptive duration of the prison sentence is the mandatory minimum sentence in statute or the duration provided in the appropriate cell on the applicable Grid, whichever is longer. 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) ~~[2.C.3.c(1)]~~ **Certain first-degree drug offenses.** ~~If 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 conviction-offense is for:~~

(i) ~~first-degree~~ controlled substance crime ~~in the first degree~~ 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 if~~

(ii) ~~the current conviction is for~~ aggravated ~~first-degree~~ controlled substance crime ~~in the first degree~~, then the lower range, although displayed on the Drug Offender Grid, is excluded from what would otherwise be the presumptive range for that offense, pursuant to Minn. Stat. § 152.021, subd. 3(d).

(2) ~~[2.C.3.c(2)]~~ **Subsequent controlled substance convictions.** ~~If When the current conviction offense is for a controlled substance crime in the first or second degree and is a “subsequent controlled substance conviction,” as defined in Minn. Stat. § 152.01, subd. 16a, the ... presumptive duration for a controlled substance conviction falling under this section is the duration indicated in the appropriate cell on the Drug Offender Grid, or the mandatory minimum, whichever is longer. 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) ~~[2.E.2.e]~~ **Felony Driving While Impaired (DWI) First-degree DWI.** ~~When the court sentences an offender for When the current offense is first-degree felony driving while impaired, under the minimum presumptive duration is 36 months, pursuant to Minn. Stat. § 169A.276, it must impose a sentence of at least 36 months. The court cannot must not stay imposition or adjudication of the sentence, but may stay execution. Guideline 5.20 (conditional release terms) also applies.~~

(4) ~~[2.E.2.a]~~ **Second- and 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, Mandatory Penalty for Certain Murderers, determines the presumptive sentence for an offender sentenced under that statute 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) ~~[2.E.2.b]~~ **Dangerous Weapon or Firearm Certain offenses involving firearms, other dangerous weapons, or ammunition.** ~~Minn. Stat. § 609.11 establishes the mandatory sentence for offenses committed with a dangerous weapon or firearm, or for possession of a firearm by an ineligible felon. (1) Finding the Mandatory Sentence. ... The mandatory duration is~~

established in the statute. See Dangerous Weapons—Minn. Stat. § 609.11 Table in Appendix 2. (2) Departure. Minn. Stat. § 609.11, subd. 8 provides that the court, on its own motion or on the prosecutor's motion, may sentence without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing under subdivision 8 is a departure as follows: ... (ii) Durational Departure. A sentence other than the mandatory minimum or the presumptive duration or applicable range in the appropriate cell on the applicable Grid, whichever is longer, is a durational departure. 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) **[Appendix 1] 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) **[2.C.3.a(2)] Presumptive Executed Prison Sentences of at least 36 Months.** Except when a life sentence applies, if the current conviction offense is criminal sexual conduct in the first, second, third, or fourth degree (Minn. Stat. §§ 609.342 to 345) or criminal sexual predatory conduct (609.3453) within 15 years of a previous sex offense conviction, under Minn. Stat. § 609.3455, subd. 10, the presumptive disposition is commitment. The presumptive duration is at least 36 months, or the fixed duration indicated in the appropriate cell on the Grid, whichever is longer. 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. **[2.E.2.c] Controlled substance offenses involving a dangerous weapon.** Pursuant to 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, some drug offenses committed with a dangerous weapon may be subject to one of the following two provisions: is:

(1) **Certain Aggravated First-Degree Offenses.** If an offender is sentenced for aggravated controlled substance crime in the first degree under Minn. Stat. § 152.021, subd. 2b(2), and is also subject to Minn. Stat. § 609.11, subd. 5a, the presumptive duration is the mandatory minimum sentence described in section 2.C.3.c(1) added to the mandatory minimum sentence for the dangerous weapon involvement found in Minn. Stat. § 609.11, subd. 4 or 5. 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) **Subsequent Controlled Substance Offenses.** If an offender is sentenced for a subsequent controlled substance offense and is subject to Minn. Stat. § 609.11, subd. 5a, the presumptive duration is the longer of either: (i) the mandatory minimum sentence for the subsequent controlled substance offense added to the mandatory minimum sentence for the dangerous weapon involvement; or (ii) the presumptive duration for the subsequent controlled substance offense provided in the appropriate cell on the Drug Offender Grid and limited, if applicable, by section 2.C.3.c(1). 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. ~~[2.C.3.a(1)]~~ **Certain repeat or egregious sex offenses.** Under Minn. Stat. § 609.3455, certain sex offenders are subject to mandatory life sentences and certain repeat sex offenders are subject to presumptive executed prison sentences of at least 36 months. ~~(1) **Mandatory Life Sentences.** The Sentencing Guidelines presumptive sentence does not apply to offenders subject to mandatory life without the possibility of release under subdivision 2 of that statute. For offenders subject to life with the possibility of release under subdivisions 3 and 4 of that statute~~ 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, ~~based on the Sentencing Guidelines presumptive sentence as determined in section 2.C, or any applicable mandatory minimum sentence not contained in Minn. Stat. § 609.3455, that must be served before the offender may be considered for release 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) ~~[2.G.10]~~ **Felony assault motivated by bias.** When an offender is sentenced for a crime ~~For a first-, second-, or third-degree assault~~ for which the maximum penalty has been increased under Minn. Stat. § 609.2233, the presumptive duration ~~found in the appropriate cell on the applicable Grid for the underlying offense must be applicable to the underlying assault must be~~ increased by ~~twenty-five~~25 percent.

(2) ~~[2.G.8]~~ **Criminal sexual predatory conduct.** When an offender is sentenced for criminal sexual predatory conduct ~~under~~ 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 ~~found in the appropriate cell on the applicable Grid for applicable to the underlying offense predatory crime~~ must be increased by:

(i) ~~twenty-five~~25 percent; or

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

(3) ~~[2.G.7]~~ **Offense Crime committed in furtherance of terrorism.** When an offender is sentenced for an offense committed in the furtherance of ~~For a crime committed to further terrorism~~ under Minn. Stat. § 609.714, the presumptive duration ~~found in the appropriate cell on the applicable Grid for applicable to~~ the underlying offense must be increased by ~~fifty~~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. **[2.G.9.b] Offense-Crime committed for the benefit of a gang.** (a) ~~When an offender is sentenced for an offense For a crime committed for which the benefit of a gang maximum penalty has been increased under Minn. Stat. § 609.229, subd. 3(a), ... the presumptive duration is determined by locating the duration in the appropriate cell on the applicable Grid defined by the offender's criminal history score and the underlying crime with the highest severity level, or the mandatory minimum for the underlying crime, whichever is longer, and adding; 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 eighteen-age 18 or older, the presumptive duration must be increased by:

- (1) 12 months, if the underlying offense-crime was completed; or
- (2) 6-six months, if the underlying offense-crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175; ~~or.~~

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

- (1) 24 months, if the underlying offense-crime was completed; or
- (2) 12 months, if the underlying offense-crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 2. **[2.G.14] Offense-Crime committed while impersonating a peace officer.** For a crime committed while falsely impersonating a peace officer for which the maximum penalty has been increased under Minn. Stat. § 609.4751, subd. 4(a)(3), the presumptive duration applicable to the underlying crime is-must be increased by:

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

(2) ~~6-six~~ months, if the underlying offense was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 3. **[2.G.13]** **Second or subsequent severe violent offense.** (a) ~~The following definitions apply to this section. As used in this subdivision, the following terms have the meanings given:~~

(1) **[2.G.13.a(3)]** ~~A “Prior severe violent offense conviction” means is an adjudication that qualifies the current offense as a second or subsequent 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. A conviction for:~~

(i) an offense excluded from criminal history score computation under ~~section 2.B.1.e (Felony Decay Factor) guideline 2.31, subd. 2(e) (decayed offenses); or~~ does not qualify as a “prior severe violent offense conviction.”

(ii) a conviction that resulted in a non-felony sentence (see ~~section 2.B.1.h guideline 2.31, subd. 2(c)~~) ~~that does not qualify as a “prior severe violent offense conviction” if the non-felony sentence was imposed before the current offense date.~~

(2) **[2.G.13.a(2)]** ~~“Second or subsequent severe violent offense” means that prior to the commission of current severe violent offense, the offender person being sentenced has for the current offense had been adjudicated guilty of one or more prior severe violent offenses offense convictions.~~

(3) **[2.G.13.a(1)]** ~~A “Severe violent offense” is means an offense listed in section 8, Severe Violent Offense List. “Severe violent offense” guideline 7.80 (severe violent offenses). The term includes an attempt, or a conspiracy, and includes or an equivalent non-Minnesota felony offense from a jurisdiction other than Minnesota, as outlined in section 2.B.5 (Convictions from Jurisdictions other than Minnesota). A current offense is not a “severe violent offense” if section 2.E.4 (Mandatory Life Sentences) applies. A current offense listed in guideline 1.20, subd. 3 (life sentences), is not a severe violent offense.~~

(b) ~~Except as provided in paragraph (c), [2.G.13.b] if the current offense is a second or subsequent severe violent offense, the presumptive fixed sentence for the current offense, as determined in section 2.C, shall increase by the number of months corresponding, in the following table, to the number of prior severe violent offense convictions, provided that 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.~~

(c) ~~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 shall to the presumptive duration must be one-half the number of months stated provided in paragraph (b); and,~~

(d) ~~This section shall subdivision does not apply to a presumptive or permissive consecutive sentence pursuant to section 2.F under guideline 2.72 or 2.73. —~~

~~NUMBER OF PRIOR SEVERE VIOLENT OFFENSE CONVICTIONS — MONTHS~~

1 — 12
2 — 18
3 or more — 24

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

2.66 FINAL CALCULATION OF PRESUMPTIVE DURATIONS.

Subdivision 1. ~~[2.G.1] ... Any change to the presumptive fixed sentence under this section must also be applied to the upper and lower ends of the range found in the appropriate cell on the applicable Grid, except that the presumptive sentence cannot be less than one year, nor can it be less than any applicable mandatory minimum.~~ **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.*

[2.F] CONCURRENT/ AND CONSECUTIVE SENTENCES

2.70 [2.F] CONCURRENT SENTENCES PRESUMPTIVE; EXCEPTIONS.

Generally, when an offender is convicted Concurrent sentences are presumptive for both convictions of multiple current offenses, or and when there is a prior felony sentence that has not expired or been discharged, concurrent sentencing is presumptive 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 ~~[2.F]~~ CONSECUTIVE SENTENCES; GENERAL REQUIREMENTS.

Subdivision 1. ~~This section In general. Guidelines 2.70 to 2.75 sets~~ forth the criteria for imposing consecutive sentences. Imposition of a consecutive sentences in any situation not described in ~~this section these guidelines~~ is a departure.

Subd. 2. Order of sentences. When ~~the court imposes 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 ~~[2.F.1]~~ PRESUMPTIVELY CONSECUTIVE SENTENCES.

Subdivision 1. ~~[2.F.1.a] Criteria for Imposing a Presumptive Consecutive Sentence.~~ (a) Consecutive sentences are presumptive (required under the Guidelines) ~~when: 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. ~~the offender was,~~ **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) an inmate of was incarcerated at a local correctional facility, the current offense was is an assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy, and, prior to the current sentencing, a court had imposed an executed sentence for an offense for which the person being sentenced had been in custody at the time of the assault; 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 ~~for of~~ the current offense(s) is commitment. if:

(1) **Finding the Presumptive Disposition.** ~~The presumptive disposition is determined using the criteria in section 2.C. 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 presumptive disposition for current offense is an escape from an executed sentence (see guideline 2.52, subd. 3); or

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

Subd. 3. **[2.F.1.d] Exception when Presumptive concurrent sentence is longer.** If ~~the criteria in paragraph 2.F.1.a have been met 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 ~~presumptive consecutive~~ 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 ~~section 2.F.2 guideline 2.73~~ is not a departure if it would result in a longer sentence than the sentence resulting from ~~the application of this rule subdivision~~.

Subd. 5. **Departure factor.** If there is evidence that the ~~defendant 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. **Felony First-degree driving while impaired (DWI).** (a) Pursuant to Minn. Stat. § 169A.28, subd. 1 ~~requires a consecutive sentence when the court sentences an offender for a felony DWI and, the court must impose a consecutive sentence for first-degree driving while impaired (DWI) when:~~

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

(2) the disposition for the current offense will be probation; ~~but not when the disposition for the current offense will be, 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. [2.F.1.c] Finding the Presumptive Duration.** For each ~~felony~~ offense sentenced consecutively to ~~another offense(s) one or more other felony offenses~~ under this ~~section 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 ~~[2.F.2]~~ PERMISSIVELY CONSECUTIVE SENTENCES.

Subdivision 1. ~~[2.F.2.a] Criteria for Imposing a Permissive Consecutive Sentence; calculating presumptive disposition.~~ (a) Consecutive sentences are permissive (may be given without departure) only in the situations specified in this ~~section~~ 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. ~~[2.F.2.a(1)] Specific Offenses; Current and prior listed felonies; presumptive commitment required.~~ Consecutive sentences are permissive if the presumptive disposition for the current offense(s) is commitment, as outlined in section 2.C, and paragraph (i), (ii), or (iii) applies. ... ~~[2.F.2.a(1)(i)] Prior Felony Sentence . A~~ The current felony conviction for a crime on the list in section 6 of offenses eligible for permissive consecutive sentences ~~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 felony conviction: is for a crime on the offense are listed in section 6 of offenses eligible for permissive consecutive sentences; or is from a jurisdiction other than Minnesota and would be equivalent to a crime on the list in section 6.~~ 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(s) must was also be commitment as outlined in section 2.C. A non-Minnesota conviction is equivalent to a crime on the list in section 6 if it would both be defined as a felony in Minnesota, and received a sentence that in Minnesota would be a felony level sentence, including the equivalent of a stay of imposition.~~

Subd. 3. ~~Multiple current Felony convictions for listed felonies; presumptive commitment required.~~ (a) ~~If the offender is being sentenced for Except as provided in paragraph (b), multiple current felony convictions for crimes on the listed in guideline 7.90 of offenses eligible for permissive consecutive sentences in section 6, the convictions may be sentenced consecutively to each other if the presumptive disposition for each is commitment.~~

(b) ~~[Comment 2.F.205] Consecutive sentences are permissive for multiple current felony convictions even when the offenses involve one victim and a single course of conduct, but only when the presumptive disposition is commitment. However, consecutive sentencing is not permissive for Paragraph (a) does not apply when:~~

(1) ~~the multiple current felony convictions involving involve one victim and a single course of conduct; and if~~

(2) the court is giving an ~~upward aggravated~~ durational departure on any of the current conviction offenses. ~~The Commission believes that to give both an upward durational departure and a consecutive sentence when the circumstances involve one victim and a single course of conduct can result in disproportional sentencing unless additional aggravating factors exist to justify the consecutive sentence.~~

Subd. 4. **[2.F.2.a(1)(iii)]—Felony conviction after escape; (non-executed sentence); presumptive commitment required.** ~~If the offender—When a person in custody for a non-executed felony sentence escapes from custody and commits and is convicted for a new felony crime while on felony escape from lawful custody—as defined in Minn. Stat. § 609.485—from a non-executed felony sentence, the new felony conviction 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 ~~offender-person~~ was confined.

Subd. 5. **[2.F.2.a(1)]—Consecutive stayed sentence; departure.** If the court pronounces a consecutive stayed sentence under ~~one of these paragraphs 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 ~~offenderperson being sentenced~~ completes the term of imprisonment and is placed on supervised release.

Subd. 6. **[2.F.2.a(2)] Other offenses; presumptive commitment not required.** (a) ~~consecutive sentences for the following offenses are always—A consecutive sentence is permissive in any circumstance described in this subdivision, and there is no~~ If such a sentence is consecutive to an executed sentence, it is not a dispositional departure ~~if the sentences are executed to execute the consecutive sentence.~~

(b) **[2.F.2.a(2)(i)] Felony escape.** ~~If the offender is convicted of—For~~ felony escape from lawful custody—, as ~~defined—described~~ in Minn. Stat. § 609.485—~~and the offender did,~~ not involving escape from an executed term of state imprisonment, disciplinary confinement, or reimprisonment (see ~~section 2.F.1.a(1)(ii) guideline~~ 2.72, subd. 2(a)(2)), the escape may be sentenced consecutively to the sentence for which the ~~offender-person~~ was confined.

(c) **[2.F.2.a(2)(ii)] Felony conviction after escape; —(executed sentence).** ~~If the offender committed and is convicted—A conviction~~ for a new felony crime committed while on felony escape from lawful custody—, as ~~defined—described~~ in Minn. Stat. § 609.485—, from an executed felony sentence, ~~the new felony~~ may be sentenced consecutively to the sentence for the escape.

(d) **[2.F.2.a(2)(iv)] Felony assault in a local jail or workhouse.** ~~If the offender is convicted of felony assault committed while in a local jail or workhouse, and—Unless~~ the conviction is ~~not~~ already presumptively consecutive ~~as described in section 2.F.1.a(1)(iii), the—under guideline~~ 2.72, subd. 2(a)(3), a conviction for felony assault ~~conviction 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 ~~as outlined in section 2.C under guidelines 2.41 and 2.50 to~~ 2.52.

(e) **[2.F.2.a(2)(iii)] Fleeing a police officer; criminal sexual conduct.** As punishment for two crimes committed as part of the same conduct, the court may ~~impose consecutive sentences as permitted under, pursuant to~~ Minn. Stat. § 609.035, subs. 5 and 6 ~~if both of the following occur: the offender is convicted of either of the following offenses, 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 ~~defined—described~~ in Minn. Stat. § 609.487;
or

(2) ~~first- through fourth-degree criminal sexual conduct in the First through Fourth Degrees with force or violence, as defined described in Minn. Stat. §§ 609.342 through to 609.345, with force or violence; and (b) the court imposes punishment for any other crime committed by the defendant as part of the same conduct.~~

Subd. 7. ~~Calculating presumptive duration. [2.F.2.b] Finding the Presumptive Duration.~~ For each felony offense sentenced consecutively to ~~another one or more other felony offense(s) offenses under this guideline, the court must use 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, to determine the presumptive duration.~~ 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. ~~[2.F.3] Crime Committed for the Benefit of a Gang.~~ When the court imposes a presumptive or permissive consecutive sentence for a crime committed for the benefit of a gang under Minn. Stat. § 609.229, subd. 3, the presumptive duration includes additional months as outlined in section 2.G. **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. **[2.F] Supervised release calculation.** (a) If a court orders execution of two or more consecutive sentences ~~are consecutively executed~~ at the same time ~~and by the same court~~, 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 ~~is executed that must be served~~ consecutively to ~~an earlier executed a~~ sentence ~~(that was~~ executed at an earlier time or by a different court), and the ~~offender 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 ~~offender person~~ will serve the longer of the two supervised release terms.

(c) If a court orders execution of a sentence ~~is executed that must be served~~ consecutively to ~~an earlier executed 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 ~~executed~~ sentence is tolled while the ~~offender person~~ serves the consecutive term of imprisonment. The ~~offender 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. **[2.F.4] Pre-Guidelines cases.** If a court imposes a sentence ~~is imposed 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.

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CHAPTER 3

SENTENCING GUIDELINES GRIDS

3.10 [4.A] SENTENCING GUIDELINES 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 ~~discretionary presumptive~~ range, within which ~~a the~~ court may sentence without the sentence being ~~deemed~~ a departure. ~~The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Offenders with~~ Stayed felony sentences may ~~be subject to 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	
Murder 2nd degree (intentional)	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346- 480 ^{1*}	426 363- 480 ^{1*}	+20
Murder 2nd degree (unintentional)	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288	+15
Murder 3rd degree (drugs); Carjacking 1st degree	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189	+12
Agg. robbery 1st degree; Assault 1st degree	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129	+10
DWI 1st degree; Assault 2nd degree (weapon & SBH)	7	36 31-43	42 36-50	48 41-57	54 46-64	60 51-72	66 57-79	72 62-84 ^{1*} 286	+6
Ineligibly possess firearm; Assault 2nd deg. (weapon)	6	21 18-25	27 23-32	33 29-39	39 34-46	45 39-54	51 44-61	57 49-68	+6
Assault 3rd degree (SBH); Burglary 2nd deg. (dwelling)	5	18 16-21	23 20-27	28 24-33	33 29-39	38 33-45	43 37-51	48 41-57	+5
Felony domestic assault; Violate no-contact order	4	12 12-14	15 13-18	18 16-21	21 18-25	24 21-28	27 23-32	30 26-36	+3
Assault 4th degree; Vehicle use without consent	3	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	21 18-25	23 20-27	+2
Theft of \$5,000 or less; Check forgery (\$251-\$2,500)	2	12 12-14	12 12-14	13 12-15	15 13-18	17 15-20	19 17-22	21 18-25	+2
Fleeing a peace officer <i>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



~~Presumptive commitment to state imprisonment. First degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See section 2.E, for policies regarding those sentences controlled by law.~~



~~Presumptive stayed sentence; at the discretion of the court, up to 364 days of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.~~

¹ Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and the maximum sentence is not more than the statutory maximum. See section 2.C.1.

² For Severity Level 7 offenses other than Felony DWI, the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

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

~~Examples of Executed Sentences (Length in Months) Broken Down by: ———
Term of Imprisonment and Supervised Release Term~~

~~Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.~~

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

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

3.20 ~~[4.B]~~ SEX OFFENDER 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 ~~discretionary-presumptive~~ range, within which ~~a~~the court may sentence without the sentence being ~~deemed~~ a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. ~~Offenders with~~ Stayed felony sentences may ~~be subject to 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) ~~1-12¹~~ 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).

☐ ~~Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See section 2.E, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.~~

☐ ~~Presumptive stayed sentence; at the discretion of the court, up to 364 days of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. See sections 2.C and 2.E.~~

(b) ²Superscript number 2 indicates that, because sex trafficking is not subject to a ~~144-or 90-month~~ minimum statutory presumptive sentence ~~so of 90 or 144 months~~, the standard range of ~~15%-15 percent~~ lower and ~~20%-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) ³ ~~Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and the maximum sentence is not more than the statutory maximum. See section 2.C.1. 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.

Examples of Executed Sentences (Length in Months) Broken Down by: — Term of Imprisonment and Supervised Release Term

~~Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.~~

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

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

3.30 ~~[4.C]~~ DRUG OFFENDER 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 ~~denotes~~ denote the presumptive range, within which ~~a the~~ court may sentence without the sentence being ~~deemed~~ a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. ~~Offenders with~~ Stayed felony sentences may be ~~subjected to 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 section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d) guideline 2.63, subd. 2(1).



Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to 364 days of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

Subd. 3. **Examples of Executed Sentences (Length in Months) Broken Down by: Term of Imprisonment and Supervised Release Term**

Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison. **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	57	38	19
13	8 $\frac{2}{3}$ - 2/3	4 $\frac{1}{3}$ - 1/3	58	38 $\frac{2}{3}$ - 2/3	19 $\frac{1}{3}$ - 1/3
15	10	5	65	43 $\frac{1}{3}$ - 1/3	21 $\frac{2}{3}$ - 2/3
17	11 $\frac{1}{3}$ - 1/3	5 $\frac{2}{3}$ - 2/3	68	45 $\frac{1}{3}$ - 1/3	22 $\frac{2}{3}$ - 2/3
18	12	6	75	50	25
19	12 $\frac{2}{3}$ - 2/3	6 $\frac{1}{3}$ - 1/3	78	52	26
21	14	7	85	56 $\frac{2}{3}$ - 2/3	28 $\frac{1}{3}$ - 1/3
23	15 $\frac{1}{3}$ - 1/3	7 $\frac{2}{3}$ - 2/3	86	57 $\frac{1}{3}$ - 1/3	28 $\frac{2}{3}$ - 2/3
24	16	8	88	58 $\frac{2}{3}$ - 2/3	29 $\frac{1}{3}$ - 1/3
27	18	9	95	63 $\frac{1}{3}$ - 1/3	31 $\frac{2}{3}$ - 2/3
28	18 $\frac{2}{3}$ - 2/3	9 $\frac{1}{3}$ - 1/3	98	65 $\frac{1}{3}$ - 1/3	32 $\frac{2}{3}$ - 2/3
30	20	10	105	70	35
33	22	11	108	72	36
38	25 $\frac{1}{3}$ - 1/3	12 $\frac{2}{3}$ - 2/3	110	73 $\frac{1}{3}$ - 1/3	36 $\frac{2}{3}$ - 2/3
39	26	13	115	76 $\frac{2}{3}$ - 2/3	38 $\frac{1}{3}$ - 1/3
43	28 $\frac{2}{3}$ - 2/3	14 $\frac{1}{3}$ - 1/3	122	81 $\frac{1}{3}$ - 1/3	40 $\frac{2}{3}$ - 2/3
45	30	15	125	83 $\frac{1}{3}$ - 1/3	41 $\frac{2}{3}$ - 2/3
48	32	16	134	89 $\frac{1}{3}$ - 1/3	44 $\frac{2}{3}$ - 2/3
51	34	17	146	97 $\frac{1}{3}$ - 1/3	48 $\frac{2}{3}$ - 2/3

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
158	105 1/3 <u>1/3</u>	52 2/3 <u>2/3</u>			

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

CHAPTER 4

~~[3.A]~~ ESTABLISHING CONDITIONS OF STAYED SENTENCES

4.10 ~~[3.A.1]~~ 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 ~~section 3.A.2 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 ~~offenders who are those~~ convicted of lower severity offenses and who have low criminal history scores. The Commission further recommends that ~~convicted felon~~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 ~~[3.A.2]~~ OTHER CONDITIONS OF STAYED SENTENCES.

Subdivision 1. **Penal objectives.** (a) While the Commission has ~~otherwise~~ 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 offender characteristics 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 ~~offender~~ 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 ~~offenders~~ 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 ~~standardizes~~ standardize the financial impact of the sanction among ~~offenders~~ 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 ~~[3.B]~~ REVOCATION OF STAYED SENTENCES.

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

(1) ~~The offender is convicted of~~ there has been a conviction for a new felony for which the Guidelines recommend prison; or

(2) ~~The offender continues to violate conditions of~~ 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 ~~an offender's~~ a stayed sentence should not be undertaken lightly.

(b) Great restraint should be exercised in imprisoning ~~offenders~~ those who were originally convicted of low severity level offenses or who have short prior criminal histories. For these ~~offenders~~ 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 ~~offenders~~those who were convicted of a more severe offense or who had a longer criminal history.

(d) For both groups~~—of offenders~~, 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

~~[3]~~ RELATED POLICIES

5.10 ~~[3.C]~~ 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 ~~offender is~~ 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 ~~should~~ must be applied ~~in the following manner: 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 ~~is sentenced~~ consecutively to a prior offense for which the ~~offender-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 ~~is revoked~~ and committing the ~~offender-person is~~ committed, ~~the court must order~~ jail credit ~~must reflect 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 ~~[2.E.3]~~ CONDITIONAL RELEASE TERMS.

Several Minnesota statutes provide for mandatory conditional release terms that must be served ~~by certain offenders once they are released upon release~~ from prison. The court must pronounce the following statutory conditional release term when sentencing ~~for the following offenses-an applicable offense~~:

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

(2) ~~Predatory offense registration violation committed by certain offenders.~~ Minn. Stat. § 243.166, subd. 5a. ~~(ten-year conditional release for failure to register as a predatory offender at risk level III);~~

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

(4) ~~First through fourth degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct.~~ 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) ~~Use of minors in sexual performance or child sexual abuse material.~~ Minn. Stat. § 617.246, subd. 7. (five-year conditional release for use of minors in sexual performance or child sexual abuse material); and

(7) ~~Child sexual abuse material.~~ 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 [3.E] PRESENTENCE MENTAL OR PHYSICAL EXAMINATIONS FOR SEX OFFENDERS~~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 ~~the offender~~ a person being sentenced as a supplement to the presentence investigation required by Minn. Stat. § 609.115 when the person is convicted:

(1) ~~an offender has been convicted~~ 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) ~~an offender is convicted under of an attempt, as described in~~ Minn. Stat. § 609.17, ~~of an attempt~~ to commit an act ~~proscribed 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 [3.F] MILITARY VETERANS.

Subdivision 1. Under Minn. Stat. § 609.115, subd. 10, ~~when a defendant is convicted of a crime~~, the court must inquire whether ~~the defendant~~ 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 ~~if the defendant is a United States military service member or veteran~~.

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

CHAPTER 6

~~[2.D]~~ DEPARTURES FROM THE GUIDELINES

6.10 ~~[2.D.1]~~ DEPARTURES IN GENERAL.

Subdivision 1. Departures from the presumptive sentence. (a) The sentences provided in ~~the Grids~~ 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 ~~is deemed it deems~~ to be more appropriate than the presumptive sentence. ~~A pronounced sentence for a felony conviction that is outside the appropriate prison range on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a departure from the Guidelines.~~ A departure is not controlled by the Guidelines, but rather, is an exercise of judicial discretion constrained by statute or case law.

(c) ~~Disposition and Duration.~~ 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~~ vice versa.

(d) ~~Aggravated Departure.~~ When imposing a sentence that is an aggravated departure, ~~it is recommended that~~ the court should pronounce a sentence proportional to the severity of the crime for which the sentence is imposed and the ~~offender's~~ 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) ~~[Comment 2.D.105]~~ 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) ~~In contrast,~~ 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. **~~[2.D.1.d]~~ Departure reasons; report.** (a) Because departures are by definition exceptions to the Guidelines, the departure factors in this ~~section~~chapter are advisory, except as otherwise established by case law.

(b) **~~[2.D.1.c] Departure Report.~~** 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) **~~[2.D.1.f] Offender's Demand for execution.~~** A sentence ~~that is~~ executed pursuant to ~~an offender's the person's~~ right to demand execution is not an aggravated dispositional departure.

(c) **~~[2.D.1.e] 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 ~~[2.D.2]~~ FACTORS THAT SHOULD NOT BE USED AS REASONS FOR DEPARTURE.

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

(1) race;

(2) sex;

(3) an employment ~~factors~~ factor, including:

(i) occupation ~~or impact of sentence on profession or occupation~~;

(ii) employment history;

(iii) employment at time of the offense; ~~employment at time of sentencing. or sentencing;~~
or

(iv) impact of the sentence on profession or occupation;

(4) a social factors factor, including:

(i) educational attainment;

(ii) living arrangements at time of the offense or sentencing;

(iii) length of residence; or

(iv) marital ~~status~~; status; or

(5) the ~~defendant's~~ exercise of a constitutional ~~rights~~ right during the adjudication process.

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

6.40 [2.D.3] 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) ~~[2.D.3.a] Mitigating Factors.~~ The victim was an aggressor in the incident.

(2) The ~~offender person being sentenced~~ played a minor or passive role in the crime or participated under circumstances of coercion or duress.

(3) The ~~offender person being sentenced~~, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of ~~intoxicants (intoxicating drugs or alcohol)~~ does not fall within the purview of this factor.

(4) ~~[2.D.3.a(5)]~~ Other substantial grounds exist that tend to excuse or mitigate the ~~offender's~~ culpability of the person being sentenced, although not amounting to a defense.

(5) ~~[2.D.3.a(6)]~~ The court is ordering an alternative placement under Minn. Stat. § 609.1055 for ~~an offender a person~~ with a serious and persistent mental illness.

(6) ~~[2.D.3.a(7)]~~ The ~~offender person being sentenced~~ is particularly amenable to probation. This factor may, but need not, be supported by the fact that the ~~offender person~~ is particularly amenable to a relevant program of individualized treatment in a probationary setting.

(7) ~~[2.D.3.a(8)]~~ In the case of a conviction for a controlled substance offense ~~conviction~~, the ~~offender person being sentenced~~ is found by the district court to be particularly amenable to probation based on adequate evidence that the ~~offender is chemically dependent 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) ~~[2.D.3.a(9)] In the case of The person being sentenced is~~ a qualifying United States military service member or veteran, ~~the offender is found by and the district court to meet determines that the person meets~~ the criteria for particular amenability to probation found in Minn. Stat. § 609.1056, subd. 4.

(9) ~~[2.D.3.a(10)]~~ 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 ~~Offender offense~~ grid.

(10) ~~[2.D.3.a(4)]~~ The ~~offender's~~ presumptive sentence is a commitment but not a mandatory minimum sentence, and either of the following ~~exist is true~~:

(i) the current conviction offense is at severity level 1 or severity level 2 and ~~the offender received all of his or her~~ 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 ~~the offender received all of his or her~~ 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. ~~[2.D.3.b]~~ **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 ~~offender-person being sentenced~~ knew or should have known of this vulnerability.

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

(3) ~~[2.D.3.b(15)]~~ The offense was committed in a ~~location in which place where~~ the victim had an expectation of privacy.

(4) ~~[2.D.3.b(13)]~~ The offense was committed in the presence of a child.

(5) ~~[2.D.3.b(14)]~~ ~~An adult offender~~ The person being sentenced intentionally deceived a minor victim into believing the ~~offender-person~~ was also a minor in order to facilitate the commission of the offense as described in Minn. Stat. § 609.099.

(6) ~~[2.D.3.b(12)]~~ The ~~offender-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) ~~[2.D.3.b(11)]~~ The ~~offender-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) ~~[2.D.3.b(6)]~~ The ~~offender person being sentenced~~ committed, for hire, a crime against the person.

(9) ~~[2.D.3.b(10)]~~ The ~~offender person being sentenced~~ committed the crime as part of a group of three or more ~~offenders individuals~~ who all actively participated in the crime.

(10) ~~[2.D.3.b(3)]~~ The ~~current conviction is for offense was~~ a criminal sexual conduct ~~offense, offense~~ or an offense in which the victim was otherwise injured, and the ~~offender 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) ~~[2.D.3.b(7)]~~ The ~~offender person~~ is being sentenced ~~as an “engrained offender”~~ under Minn. Stat. § 609.3455, subd. 3a ~~(mandatory sentence for certain engrained offenders)~~.

(12) ~~[2.D.3.b(8)]~~ The ~~offender person~~ is being sentenced ~~as a “dangerous offender who commits a third violent crime”~~ under Minn. Stat. § 609.1095, subd. 2 ~~(increased sentence for dangerous offender’s third sequential violent crime)~~.

(13) ~~[2.D.3.b(9)]~~ The ~~offender person~~ is being sentenced ~~as a “career offender”~~ under Minn. Stat. § 609.1095, subd. 4 ~~(increased sentence for sixth sequential felony)~~.

(14) ~~[2.D.3.b(4)]~~ The offense was a major economic offense. ~~For this purpose, an economic offense is, identified as~~ 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. ~~The presence of A major economic offense is an economic offense in which~~ two or more of the ~~following~~ circumstances listed below ~~is an aggravating factor with respect to the offense 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 ~~defendant used his or her~~ ~~offense involved the use of~~ position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships~~;~~ ~~or~~.

(v) The ~~defendant 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) ~~[2.D.3.b(5)]~~ The offense was a major controlled substance offense, ~~identified as an offense or series of offenses related to trafficking in controlled substances under circumstances more onerous than the usual offense. The presence of. A major controlled substance offense is a controlled substance offense in which~~ two or more of the ~~following~~ circumstances listed below ~~is an aggravating factor with respect to the offense 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 ~~offender 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 ~~offender 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 ~~offender 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, ~~or~~ occurred over a lengthy period of time, or involved a broad geographic area of disbursement_;

(vii) The ~~offender person being sentenced~~ used ~~his or her~~ position or status to facilitate the commission of the offense, including ~~positions a position~~ of trust, ~~confidence confidence~~, or fiduciary ~~relationship relationships~~ (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 ~~offender person being sentenced~~ has a “prior conviction” for a “~~violent crime of violence~~,” as defined in Minn. Stat. § 609.1095, subd. 1(~~d~~), other than a violation of ~~or an attempt or conspiracy to violate~~ a provision ~~under of~~ Minn. Stat. chapter 152, ~~including attempt or conspiracy~~, or ~~was convicted of~~ a similar ~~offense by law of~~ the United States or another state_;

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

(xi) The ~~defendant, or an accomplice, manufactured, possessed or sold 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. **[Comment 2.D.308]** ~~The aggravating factor involving bias motivation under section 2.D.3.b(11) cannot be used when sentencing an offender for a crime with an increased statutory maximum penalty under Minn. Stat. § 609.2233 (felony assault motivated by bias), or for a crime that was elevated to a felony offense because of bias motivation (e.g., Minn. Stat. §§ 609.2231, subd. 4 (fourth-degree assault); 609.595, subd. 1a(a) (criminal damage to property); 609.749, subd. 3(a)(1) (harassment)). The Commission intends that a penalty for a bias-motivated offense be subject to enhancement only once. **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 ~~[5.A]~~ **OFFENSE SEVERITY REFERENCE TABLE LEVELS OF OFFENSES ON THE STANDARD GRID.**

Subdivision 1. (a) ~~Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law. 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: _____~~

Severity Level	Offense Title	Statute Number
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11

Adulteration ~~resulting in death~~, Minn. Stat. § 609.687, subd. 3(1).

Assault ~~1st in the first degree (Great Bodily Harm Upon upon an official by dangerous weapon or deadly force)~~ ~~resulting in great bodily harm~~, Minn. Stat. § 609.221, subd. 4.

Murder ~~2nd Degree (Intentional Murder; Unintentional Drive-By Shootings) 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 ~~2nd in the second degree, intentional~~, Minn. Stat. § 609.2662(1).

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

10

Assault ~~1st in the first degree (upon an official resulting in great bodily harm Upon Official)~~, 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 ~~2nd Degree (Unintentional Murder) in the second degree, unintentional, while committing or attempting a felony~~, Minn. Stat. § 609.19, subd. 2(1).

Murder ~~3rd Degree in the third degree while evincing a depraved mind~~, Minn. Stat. § 609.195(a).

Murder of an unborn child ~~2nd in the second degree, unintentional~~, Minn. Stat. § 609.2662(2).

Murder of an unborn child ~~3rd in the third degree~~, Minn. Stat. § 609.2663.

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

9
Assault 1st in the first degree (upon an official by deadly force Against Official), Minn. Stat. § 609.221, subd. 2.
Carjacking 1st in the first degree, Minn. Stat. § 609.247, subd. 2.
<u>Causing the</u> death of an unborn child in the commission of <u>a</u> 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 <u>a</u> vulnerable adult (resulting in death), Minn. Stat. § 609.2325, subd. 3(1).
Criminal vehicular homicide (after a qualified prior Conviction) <u>driving offense</u> , Minn. Stat. § 609.2112, subd. 1(b).
Criminal vehicular operation (after a qualified prior driving offense resulting in death to an unborn child, and Qualified Prior Conviction), Minn. Stat. § 609.2114, subd. 1(b).
Engage or Hire <u>Engaging</u> a minor to Engage 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.
<u>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).</u>
Manslaughter 1st Degree in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.20(1), (2) & (5).
<u>Manslaughter of an unborn child in the first degree by violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.2664(2).</u>
Manslaughter of an unborn child 1st in the first degree, <u>intentional but in the heat of passion</u> , Minn. Stat. § 609.2664(1) & (2).
Murder 3rd Degree in the third degree resulting from a controlled substance, Minn. Stat. § 609.195(b).
<u>Witness</u> tampering with Witness , aggravated 1st first -degree, Minn. Stat. § 609.498, subd. 1b.

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

8
Aggravated robbery 1st in the first degree, Minn. Stat. § 609.245, subd. 1.
Arson 1st in the first degree, Minn. Stat. § 609.561.
Assault 1st in the first degree <u>resulting in</u> (great bodily harm), Minn. Stat. § 609.221, subd. 1.
Assault of an unborn child 1st in the first degree, Minn. Stat. § 609.267.

Burglary 1st in the first degree (w/ with a weapon or assault), Minn. Stat. § 609.582, subd. 1(b) or (c).
<u>Causing</u> great bodily harm Caused by <u>the</u> 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 <u>a</u> 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 <u>a</u> 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 with Violence from from a felony offense <u>by violence or threat</u> , Minn. Stat. § 609.485, subd. 4 (a)(1) & (b).
Identity theft (8-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 released in a safe place or Victim Under 16), Minn. Stat. § 609.25, subd. 2(2)(i) or (iii).
<u>Kidnapping of a child under age 16, Minn. Stat. § 609.25, subd. 2(2)(iii).</u>
Labor trafficking (Minor Victim) 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 <u>a</u> child (resulting in great bodily harm), Minn. Stat. § 609.377, subd. 6.
Manslaughter 1st Degree in the first degree, intentional but under duress, Minn. Stat. § 609.20(3) or (4).
<u>Manslaughter in the first degree resulting from a controlled substance, Minn. Stat. § 609.20(4).</u>
<u>Manslaughter in the second degree by child neglect or endangerment, Minn. Stat. § 609.205(5).</u>
Manslaughter 2nd Degree—in the second degree by culpable negligence, Minn. Stat. § 609.205(1) or (5).
Manslaughter of an unborn child 1st in the first degree, <u>intentional but under duress</u> , Minn. Stat. § 609.2664(3).
Manslaughter of an unborn child 2nd in the second degree <u>by culpable negligence</u> , Minn. Stat. § 609.2665(1).

8

- 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 ~~1st in the first~~ degree, Minn. Stat. § 609.71, subd. 1.
- Wildfire arson ~~(Damage-damaging over 100 dwellings, Burns- or \$250,000 in crops, or burning 1,500 acres or more, or Crops in Excess of \$250,000)~~, Minn. Stat. § 609.5641, subd. 1a(c).

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

7

- Assault ~~2nd in the second~~ degree ~~(by dangerous weapon; resulting in substantial bodily harm)~~, Minn. Stat. § 609.222, subd. 2.
- Carjacking ~~2nd in the second~~ degree, Minn. Stat. § 609.247, subd. 3.
- ~~Felony~~ Driving while impaired ~~1st 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 ~~(Over \$35,000)~~, Minn. Stat. § 609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3).
- Wildfire arson ~~(Damage-damaging over five dwellings, Burns- or \$100,000 in crops, or burning 500 acres or more, or Crops in Excess of \$100,000)~~, Minn. Stat. § 609.5641, subd. 1a(b).

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

6

- Aggravated robbery ~~2nd in the second~~ degree, Minn. Stat. § 609.245, subd. 2.
- Assault ~~2nd in the second~~ degree ~~(by dangerous weapon)~~, Minn. Stat. § 609.222, subd. 1.
- Burglary ~~1st in the first~~ degree ~~(of an occupied dwelling)~~, Minn. Stat. § 609.582, subd. 1(a).
- Carjacking ~~3rd in the third~~ degree, Minn. Stat. § 609.247, subd. 4.
- Catalytic converter crime ~~(Over-involving more than 70 converters)~~, Minn. Stat. § 325E.21, subd. 6(b)(5).
- Criminal vehicular operation ~~(by gross negligence resulting in great bodily harm; Gross-Negligence or While Impaired)~~, Minn. Stat. § 609.2113, subd. 1(1), (2), (3), (4), (5) & (6).

6

Criminal vehicular operation ~~(by gross negligence resulting in~~ injury to an unborn child; ~~Gross Negligence or While Impaired)~~, Minn. Stat. § 609.2114, subd. 2(1), ~~(2), (3), (4), (5) & (6)~~.

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 ~~(Safe Release/No Great Bodily Harm)~~, Minn. Stat. § 609.25, subd. 2(1).

Labor trafficking, Minn. Stat. § 609.282, subd. 2.

Medical assistance fraud ~~(of over \$100,000 but not over \$1,000,000)~~, Minn. Stat. § 609.467, subd. 2(b).

Offering Counterfeit Currency ~~(over \$35,000) in counterfeit currency~~, Minn. Stat. § 609.632, subds. 3 & 4(b)(1).

Certain Persons Not to Have Firearms-Possessing a firearm or ammunition after a crime of violence, Minn. Stat. § 624.713, subd. 2(b), ~~or 609.165, subd. 1b, or 624.713, subd. 2(b)~~.

Price Fixing/Collusive Bidding 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), ~~(4), (15), (16), & (19)(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 ~~2nd in the second~~ degree, Minn. Stat. § 609.562.

Assault 3rd in the third degree (resulting in substantial bodily harm) , Minn. Stat. § 609.223, subd. 1.
Assault of an unborn child 2nd in the second degree, Minn. Stat. § 609.2671.
Burglary 2nd 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 (Great Bodily Harm; 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 (Injury to an Unborn Child; 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 <u>a</u> vulnerable adult (resulting in substantial bodily harm) , Minn. Stat. § 609.233, subd. 3(2).
Disrupting an emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means) <u>call center system</u> , Minn. Stat. § 609.78, subd. 2b(2).
Domestic assault by strangulation, Minn. Stat. § 609.2247.
Engage or Hire <u>Engaging</u> a minor to Engage age 14 or 15, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(b).
<u>Explosive component, unlawful possession of</u> , Minn. Stat. § 299F.79.
<u>Explosives, illegal transfer of</u> , Minn. Stat. § 299F.82, subd. 1.
<u>Explosives,</u> negligent discharge of Explosive , Minn. Stat. § 299F.83.
Possession or Use (Unauthorized) of Explosives, <u>unpermitted possession of</u> , Minn. Stat. § 299F.79; 299F.80, subd. 1; 299F.82, 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 (3rd as a third or subsequent Violations) <u>offense</u> , Minn. Stat. § 609.749, subd. 4(b).
Impersonating a peace officer as <u>a</u> second violation, Minn. Stat. § 609.4751, subd. 3(a).
Interference <u>Interfering</u> with emergency communications, Minn. Stat. § 609.776.
<u>Manslaughter in the second degree by a loose animal known to be dangerous</u> , Minn. Stat. § 609.205(4).
Manslaughter 2nd Degree — Hunting Accident <u>in the second degree by negligent hunting</u> , Minn. Stat. § 609.205(2), (3), or (4).

5

<u>Manslaughter in the second degree by setting a dangerous device, Minn. Stat. § 609.205(3).</u>
Manslaughter of an unborn child <u>2nd in the second degree other than by culpable negligence</u> , Minn. Stat. § 609.2665(2), (3), or (4).
Perjury <u>in a felony trial or an explosives permit application</u> , Minn. Stat. § 609.48, subd. 4(1).
Price fixing <u>/Collusive Bidding, market allocation, or bid suppression</u> , 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 <u>of over \$5,000</u> from a vulnerable adult (Over \$5,000) , Minn. Stat. § 609.52, subd. 3a(b)(3).
Transferring Firearm to to an ineligible person <u>(Aggravated)a firearm later used in a crime of violence</u> , Minn. Stat. § 624.7141, subd. 2.
Wildfire arson (resulting in demonstrable bodily harm) , Minn. Stat. § 609.5641, subd. 1a(d).
<u>Witness</u> tampering with Witness in the first degree, Minn. Stat. § 609.498, subd. 1a.

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

4

Adulteration <u>resulting in bodily harm</u> , Minn. Stat. § 609.687, subd. 3(2).
Assault <u>3rd in the third degree (Child Abuse) against a minor</u> , Minn. Stat. § 609.223, subd. 2 or 3.
Assault <u>5th in the fifth degree (3rd or Subsequent Violation)</u> , Minn. Stat. § 609.224, subd. 4.
Bribery, Minn. Stat. § 609.42; 90.41; 609.86.
<u>Bribery, Advancing Money, and Treating Bribing a voter</u> , Minn. Stat. § 211B.13.
<u>Bring Bringing a</u> dangerous weapon into <u>County a</u> jail, Minn. Stat. § 641.165, subd. 2(b).
<u>Bring Bringing</u> contraband into a state Prison <u>correctional facility or hospital</u> , Minn. Stat. § 243.55.
Burglary <u>2nd in the second degree (Pharmacy/Tool) of a pharmacy or while possessing a tool</u> , Minn. Stat. § 609.582, subd. 2(a)(3) or (4).
Burglary <u>3rd in the third degree (Nonresidential) by entry of a building without consent</u> , Minn. Stat. § 609.582, subd. 3(a).
<u>Causing</u> injury of to an unborn child in <u>the</u> commission of <u>a</u> crime, Minn. Stat. § 609.268, subd. 2.
<u>Commercial bribery, Minn. Stat. § 609.86.</u>
Criminal abuse of <u>a</u> 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).
<u>Grossly</u> negligent fires (resulting in great bodily harm), Minn. Stat. § 609.576, subd. 1(1).
Harassment (, aggravated Violations) , Minn. Stat. § 609.749, subd. 3.
Harassment (2nd Violation) <u>as a second offense</u> , Minn. Stat. § 609.749, subd. 4(a).
Impersonating a peace officer with a vehicle or while exercising authority, Minn. Stat. § 609.4751, subd. 2.
Interference <u>Interfering</u> with a Dead Body or Scene of Death <u>death scene or body</u> , Minn. Stat. § 609.502, subd. 1(1).
<u>Making an</u> emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When call with no emergency Exists) <u>as a third or subsequent offense</u> , Minn. Stat. § 609.78, subd. 2b(1).
Malicious punishment of <u>a</u> child (2nd as a second or subsequent Violation) <u>offense</u> , Minn. Stat. § 609.377, subd. 3.
Malicious punishment of <u>a</u> child (resulting in substantial bodily harm), Minn. Stat. § 609.377, subd. 5.
Malicious punishment of <u>a</u> child (Bodily Harm) <u>under age 4</u> , 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).
<u>Possessing a dangerous</u> weapon, <u>ammunition, or explosives</u> in <u>a</u> courthouse or Certain State Buildings complex or Capitol Area building , Minn. Stat. § 609.66, subd. 1g.
<u>Possessing a</u> dangerous Weapons <u>weapon</u> on school property, Minn. Stat. § 609.66, subd. 1d(a).
Publishing personal information of <u>a</u> judicial official (resulting in bodily harm), Minn. Stat. § 609.476, subd. 3.
<u>Receipt of stolen property by a</u> precious metal and or scrap metal Dealers, Receiving Stolen Goods (2nd dealer as a second or subsequent Violations) <u>offense</u> , Minn. Stat. § 609.526.
Receiving <u>a</u> stolen Property <u>(firearm)</u> , Minn. Stat. §§ 609.53 & 609.52, subd. 3(1).
Sports bookmaking, Minn. Stat. § 609.76, subd. 2.
Theft from <u>the</u> person <u>of another</u> , Minn. Stat. § 609.52.
Theft <u>of \$5,000 or less</u> from a vulnerable adult (\$5,000 or Less) , Minn. Stat. § 609.52, subds. 3(3) & 3a(b)(3).

4

Theft of <u>a</u> firearm, Minn. Stat. § 609.52, subd. 3(1).
Theft of <u>a</u> motor vehicle, Minn. Stat. § 609.52, subd. 2(a)(1).
Theft of <u>a Schedule I or II</u> controlled substances <u>substance</u> , Minn. Stat. § 609.52, subd. 3(2).
Theft of <u>an</u> incendiary device, Minn. Stat. § 609.52, subd. 3(2).
Threats of Threatening violence (Terror/Evacuation) , 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 <u>a</u> harassment restraining order, Minn. Stat. § 609.748, subd. 6(d).
Violation of an order for protection, Minn. Stat. § 518B.01, subd. 14(d).
Security Violations (Over \$2,500) <u>Violation of securities or commercial laws resulting in a loss of over \$2,500</u> , Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3(a) or (b).

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

3

Patrons Acting as a patron of prostitution (2nd as a second or subsequent Violation) <u>offense</u> , Minn. Stat. § 609.324, subd. 2(b).
Depriving Another Aggravated deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(2).
Arson 3rd in the third degree, Minn. Stat. § 609.563.
Assault 4th in the fourth degree, Minn. Stat. § 609.2231, subd. 1(c), 2(b), 3, or 3a, & 4(b).
Assault in the fourth degree motivated by bias, Minn. Stat. § 609.2231, subd. 4(b).
Bringing Stolen Goods into State (Over \$5,000), Minn. Stat. § 609.525.
Burglary 3rd in the third degree (by shoplifting contrary to a trespass notice, 2nd or Subsequent) , Minn. Stat. § 609.582, subd. 3(b).
Catalytic converter crime (11-70 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 (Threat by threatening bodily harm), Minn. Stat. § 609.27, subd. 1(1).
Coercion (Prop. Value resulting in a gain or loss of \$2,500 or more) , Minn. Stat. § 609.27, subd. 1(2), (3), (4), (5), & (6) <u>2(a)(3).</u>
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 (~~Risk Bodily Harm, to a~~ public safety ~~Motor 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.

~~Damages; Illegal Molestation of Human Remains; Burials; Cemeteries 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 (~~Over \$2,500~~), Minn. Stat. § 609.54(2).

~~Engage or Hire Engaging~~ a minor ~~to Engage age 16 or 17, or a person believed to be so,~~ in prostitution, Minn. Stat. § 609.324, subd. 1(c).

Escape from ~~Civil Commitment, Sexually Dangerous Persons~~ a felony offense, Minn. Stat. § 609.485, subd. 4(a)(1).

Escape from ~~Civil 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 (~~Restraint~~), 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. ~~2(1)(2)(5)(6)(7)(8)~~ 3(a)(1)(ii).

Gambling taxes evasion, Minn. Stat. § 297E.13, subd. 1 to 4.

Identity theft (~~4-7 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, ~~subd. 1 or 2~~.

Intentional release of a harmful substance, Minn. Stat. § 624.732, subd. 2.

~~Rustling and~~ 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, ~~Firefighting, or Ambulance Service Personnel Crew or a first responder~~, Minn. Stat. § 609.50, subd. 2(1).

~~Dangerous Trespass, Obstructing or tampering with a railroad Tracks track to injure or derail~~, Minn. Stat. § 609.85, subd. 1.

Offering ~~over \$5,000 but not over \$35,000 in~~ counterfeit currency ~~(\$5,001-\$35,000)~~, Minn. Stat. § 609.632, subds. 3 & 4(b)(2).

Organized retail theft ~~(\$1,001-\$5,000, or \$501-\$1,000 and Prior Convictions) 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 ~~Devicesdevice~~, 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 ~~Compounds; compound, or an~~ electronic incapacitation ~~Devicesdevice~~, Minn. Stat. § 624.731, subd. 8(a).

~~Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (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 ~~Stolen Goods (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 ~~(3rd as a third or subsequent Violation)offense~~, Minn. Stat. § 609.746, subd. 1(j).

Tampering with ~~a~~ fire alarm system ~~(Results in resulting in bodily harm)~~, Minn. Stat. § 609.686, subd. 2.

Tax evasion ~~Laws~~, Minn. Stat. § 289A.63.

Telecommunications ~~and Information Services; Obtaining Services by fraud (of over \$2,500)~~, Minn. Stat. § 609.893, subd. 1.

Theft crimes of over \$5,000: see guideline 7.60 (theft offenses ~~s~~-list).

Theft of ~~a~~ public ~~Records record~~, Minn. Stat. § 609.52.

Theft of ~~a~~ ~~Schedule III, IV, or V~~ controlled ~~Substances substance~~, Minn. Stat. § 609.52, subd. 3(3)(b).

Theft of ~~a~~ trade secret, Minn. Stat. § 609.52, subd. 2(a)(8).

~~Hinder Logging (Tree spiking resulting in great bodily harm)~~, Minn. Stat. § 609.591, subd. 3(1).

3

Unauthorized human services remunerations ~~(of over \$5,000)~~, Minn. Stat. § 609.542, subd. 4(2).

~~Certain Persons Not to Have Firearms~~ 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.

~~Security Violations (\$2,500 or Less)~~ 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(a) ~~or (b)~~.

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

2

Aggravated forgery ~~(Misc. Non-Check)~~, Minn. Stat. § 609.625, 609.635, or 609.64.

~~Counterfeited 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.

~~Bringing Stolen Goods into State (\$1,001-\$5,000), Minn. Stat. § 609.525.~~

~~Bringing Stolen Goods into State (\$501-\$1,000, w/Previous Conviction), Minn. Stat. § 609.525.~~

Catalytic converter crime ~~(3-10 involving three to ten converters)~~, Minn. Stat. § 325E.21, subd. 6(b)(3).

Cellular counterfeiting ~~1st in the first~~ degree, Minn. Stat. § 609.894, subd. 4.

Check forgery ~~(\$251—of over \$250 but not over \$2,500)~~, Minn. Stat. § 609.631, subd. 4(3)(a).

Coercion ~~(Prop. Value \$301—resulting in a gain or loss of over \$300 but less than \$2,500)~~, Minn. Stat. § 609.27, subs. 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 ~~(Service to Public, Over \$1,000, Over \$500 and Subsequent)~~ 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) ~~(2) & (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 ~~Public Funds (\$2,500 or less)~~ of public funds, Minn. Stat. § 609.54(1).

Duty-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. 2(1)(2)(5)(6)(7)(8) <u>3(a)(1)(iii) or (iv)</u> .
Furnishing a dangerous weapon, <u>recklessly</u> , Minn. Stat. § 609.66, subd. 1c.
Furnishing <u>a</u> firearm, <u>airgun, ammunition, or explosive</u> to <u>a</u> minor <u>without parental consent</u> , Minn. Stat. § 609.66, subd. 1b.
Theft (\$1,000 or Less; Gross misdemeanor or misdemeanor theft creating a risk of harm) , Minn. Stat. § 609.52, subd. 3a(a)(1).
<u>Gross misdemeanor theft from a vulnerable adult</u> , Minn. Stat. § 609.52, subds. 3(4) & 3a(b)(2).
<u>Grossly</u> negligent Fires (Damage fire damaging \$2,500 or more) , Minn. Stat. § 609.576, subd. 1(3)(iii).
Identity theft (2-3 involving two or three direct victims or \$501-loss of over \$500 but not over \$2,500-Loss), Minn. Stat. § 609.527, subd. 3(3).
Impersonating a peace officer, Minn. Stat. § 609.4751, subd. 1.
<u>Issuing a</u> dishonored check (of over \$500), Minn. Stat. § 609.535, subd. 2a(a)(1).
Accidents (Death)-Leaving the scene of a fatal collision caused by another driver , Minn. Stat. § 169.09, subd. 14(a)(1).
Rustling and Livestock theft (of over \$300 but not over \$2,500 or Less), Minn. Stat. § 609.551.
Mail theft, Minn. Stat. § 609.529.
Threats of Violence (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).
Failure to <u>Negligent</u> control <u>of</u> a regulated animal, resulting in great bodily harm or death, Minn. Stat. § 346.155, subd. 10(e).
Offering Counterfeit Currency (\$5,000 or less) <u>in counterfeit currency</u> , Minn. Stat. § 609.632, subds. 3 & 4(b)(3).
Possession or sale of <u>a</u> stolen or counterfeit check <u>involving two or three victims or a loss of over \$500 but not over \$2,500</u> , Minn. Stat. § 609.528, subd. 3(3).
Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (Receipt of less than \$1,000) <u>in stolen property by a precious metal or scrap metal dealer</u> , Minn. Stat. § 609.526, subd. 2(2).
Receiving Stolen Goods (\$5,000 or less) <u>in stolen property</u> , Minn. Stat. § 609.53.
Residential mortgage fraud, Minn. Stat. § 609.822.
Riot 2nd in the second degree, Minn. Stat. § 609.71, subd. 2.
<u>Sale or possession of a</u> firearm suppressor, Minn. Stat. § 609.66, subd. 1a(a)(1).
Telecommunications and Information Services; Facilitation of Telecommunications fraud, <u>facilitating</u> , Minn. Stat. § 609.893, subd. 2.
Telecommunications and Information Services; Obtaining Services by fraud (of \$2,500 or less), Minn. Stat. § 609.893, subd. 1.

2

Theft crimes of \$5,000 or less: see guideline 7.60 (theft offenses s-list).
Theft (looting) 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 Computer 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 Regulations laws , Minn. Stat. § 349.2127, subd. 1 to 6, or 349.22, subd. 4.
Violation of precious metal dealers, regulatory provisions 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 or Harming a police horse <u>resulting in demonstrable bodily harm to the horse</u> , Minn. Stat. § 609.597, subd. 3(3).
False Bill of lading <u>fraud</u> , Minn. Stat. § 228.45, 47, 49, 50, 51 chapter 228.
<u>Carrying a</u> pistol without a permit (Subsequent Violations), Minn. Stat. § 624.714, subd. 1a.
<u>Carrying a semiautomatic</u> assault weapon in Public if under <u>age</u> 21, Minn. Stat. § 624.7181, subd. 2.
Cellular counterfeiting 2nd in the <u>second</u> degree, Minn. Stat. § 609.894, subd. 3.
Check forgery (of \$250 or less), Minn. Stat. § 609.631, subd. 4(3)(b).
<u>Committing a crime with a</u> bullet-resistant vest During Commission of Crime , Minn. Stat. § 609.486.
<u>Committing a gross misdemeanor</u> prostitution crimes (Gross Misdemeanor Level) <u>Committed in a school or park</u> Zones zone , Minn. Stat. §§ 609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2).
Criminal damage to property Motivated by Bias in the second degree , Minn. Stat. § 609.595, subd. 1a, (a) .
Criminal use of <u>Real cinema</u> property (Movie Pirating) <u>for recording</u> , Minn. Stat. § 609.896.

1

Depriving another <u>Deprivation</u> of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(1).
Discharge of <u>a</u> firearm at <u>or in an</u> unoccupied transit vehicle / or facility, Minn. Stat. § 609.855, subd. 5.
Discharge of <u>a</u> firearm (in a municipality, reckless) , Minn. Stat. § 609.66, subd. 1a(a)(3) & (b)(2).
<u>Distributing toxic alcohol as a beverage</u> , Minn. Stat. § 340A.701, subd. 1(3).
Fraudulent Drivers' Licenses and <u>Driver's license or</u> identification Cards card fraud , Minn. Stat. § 609.652.
Escape from Civil Commitment <u>after a finding of not guilty by reason of mental illness or deficiency</u> , Minn. Stat. § 609.485, subd. 4(a)(2).
Escape from civil commitment <u>as mentally ill and dangerous</u> , Minn. Stat. § 609.485, subd. 4(a)(4).
Failure to appear in court, Minn. Stat. § 609.49 or 588.20, subd. 1, <u>or 609.49</u> .
Duty Failure to render aid <u>(to a shooting victim suffering</u> substantial bodily harm), Minn. Stat. § 609.662, subd. 2(b)(2).
False Statement to Obtain <u>application for a</u> firearm transferee permit, Minn. Stat. § 624.7131, subd. 11.
False certification by <u>a</u> notary public, Minn. Stat. § 609.65(1).
Financial transaction card fraud <u>trafficking</u> , Minn. Stat. § 609.821, subd. 2(3) or (4).
Fleeing a peace officer, Minn. Stat. § 609.487, subd. 3.
Forgery, Minn. Stat. § 609.63.
<u>Fuel</u> tax on Petroleum and Other Fuels (Willful evasion), Minn. Stat. § 296A.23, subd. 2.
<u>Furnishing alcohol to a minor resulting in death or great bodily harm</u> , Minn. Stat. § 340A.701, subd. 1(4).
Crime <u>Gross misdemeanor</u> committed for <u>the</u> benefit of <u>a</u> gang, Minn. Stat. § 609.229, subd. 3(c).
Counterfeited Intellectual property <u>counterfeiting</u> , Minn. Stat. § 609.895, subd. 3(b).
Interference with <u>a</u> transit operator, Minn. Stat. § 609.855, subd. 2(c)(1).
Interference with privacy (2nd against a minor victim or as a second or subsequent <u>Violations or Minor Victim</u>) offense , Minn. Stat. § 609.746, subd. 1(g).
Accidents (Great Bodily Harm) <u>Leaving the scene of a collision resulting in great bodily harm and caused by another driver</u> , Minn. Stat. § 169.09, subd. 14(a)(2).
Leaving <u>the</u> state to evade establishment of paternity, Minn. Stat. § 609.31.
Liquor taxation (Criminal Penalties) <u>evasion</u> , Minn. Stat. § 297G.19, subd. 3, 4(c), or 5(c).
Threats of Violence (Menacingly displaying a replica firearm) <u>or BB gun</u> , Minn. Stat. § 609.713, subd. 3(a).
Altering Livestock Certificate <u>Misuse or alteration of a brand</u> , Minn. Stat. § 35.824.

1

Nonsupport of <u>a</u> spouse or child, Minn. Stat. § 609.375, subd. 2a.
Organized retail theft (<u>\$501–\$1,000, or \$500 or Less and Prior Convictions</u>) of \$1,000 or less , Minn. Stat. § 609.522, subd. 3(3).
False declaration <u>Perjury in a public assistance application</u> , Minn. Stat. § 256.984.
<u>Placing a</u> fictitious emergency call (for a response to the home of an official) , Minn. Stat. § 609.78, subd. 2c.
Remove or Alter <u>Removal or alteration of a firearm's</u> serial number on Firearm , Minn. Stat. § 609.667.
<u>Sale of unauthorized</u> cable Communication Systems Interference <u>connection device</u> , Minn. Stat. § 609.80, subd. 2.
Fraudulent statements <u>Securities valuation or commercial transit fraud</u> , Minn. Stat. § 609.645.
<u>State</u> Lottery fraud <u>of less than \$35,000</u> , 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 <u>of \$1,000 or less</u> from <u>an</u> abandoned or vacant building (<u>\$1,000 or Less</u>) , Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
Fraudulent Instrument or Entry for Procuring a Certificate of Title <u>fraud, land certificate of</u> , Minn. Stat. § 508.80.
False Information – Certificate of Title <u>Application fraud, motor vehicle</u> , Minn. Stat. § 168A.30, subd. 1.
Certification for Title on fraud , watercraft, Minn. Stat. § 86B.865, subd. 1.
Unlawfully <u>manufacturing or trafficking alcoholic beverages</u> Acts Involving Liquor , Minn. Stat. § 340A.701, <u>subd. 1(1) or (2)</u> .
<u>Violation of health</u> insurance regulations laws , Minn. Stat. § 62A.41.
<u>Violation of</u> money transmitter regulations transmission laws , Minn. Stat. § 53B.66.
<u>Violation of</u> prize Notices and Solicitations disclosure and award requirements , Minn. Stat. § 325F.755, <u>subd. 7</u> .
<u>Voting</u> Violations 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. ~~[5.A]~~ 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 1st in the first degree, Minn. Stat. § 609.342.
Aggravated Sex trafficking 1st, aggravated first- degree, Minn. Stat. § 609.322, subd. 1(a) & (b).

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

B
<u>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).</u>
Criminal sexual conduct 2nd in the second degree <u>by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice,</u> Minn. Stat. § 609.343, subd. 1(a) to (e) or 1a(a) to (d) (h) or (i).
Aggravated Sex trafficking 2nd, aggravated second- degree, Minn. Stat. § 609.322, subs. 1a & 1(b).
Sex trafficking 1st 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 3rd in the third degree <u>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,</u> Minn. Stat. § 609.344, subd. 1(a) to (d) or 1a(c), (d), (g) , (h), or (i).
<u>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).</u>
Dissemination of child sexual abuse material (as a second or subsequent offense, by <u>a</u> predatory offender, or <u>involving a</u> child under <u>age 14</u>), Minn. Stat. § 617.247, subd. 3(b).
Sex trafficking 2nd 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 <u>a</u> predatory offender, or <u>involving a</u> child under <u>age 14</u>), 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 ~~2nd 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, subds. 1a(b) & 2(1).

Criminal sexual conduct ~~3rd 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~~(a)~~(e) or (f) ~~or subd. 1a(b) with ref. to subd. 2(1)~~.

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 ~~4th 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), ~~(g)~~, (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 ~~4th 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~~(a)(b)~~(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 ~~5th in the fifth~~ degree (~~2nd as a second~~ or subsequent ~~Violation~~)offense, Minn. Stat. § 609.3451, subd. 3(b).

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

G

Criminal sexual conduct ~~3rd in the third~~ degree (~~Actor between 24 mos. and 36 mos. by sexual penetration of a minor age 14 or 15 by a person more than 24 months, but not more than 36 months, older than Complainant~~), 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 ~~and 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 ~~5th 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. ~~[5.A]~~ 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

~~Aggravated~~ Controlled substance crime ~~1st-Degree, aggravated first-degree~~, Minn. Stat. § 152.021, subd. 2b.

Importing ~~a~~ controlled substances ~~Across State Borders into Minnesota~~, Minn. Stat. § 152.0261.

~~Manufacture Any Amount of Manufacturing~~ methamphetamine, Minn. Stat. § 152.021, subd. 2a.

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

D8

Controlled substance crime ~~1st~~ 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 ~~2nd~~ in the second degree, Minn. Stat. § 152.022.

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

D6

Controlled substance crime ~~3rd~~ 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 ~~4th~~ 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).

D3

Theft or misuse of anhydrous ammonia ~~(Tamper/Theft/Transport)~~, Minn. Stat. § 152.136.

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

D2

Cannabis cultivation ~~1st in the first~~ degree, Minn. Stat. § 152.0265, subd. 1.

Cannabis possession ~~1st in the first~~ degree, Minn. Stat. § 152.0263, subd. 1.

Cannabis sale ~~1st in the first~~ degree, Minn. Stat. § 152.0264, subd. 1.

Controlled substance crime ~~5th in the fifth~~ degree, Minn. Stat. § 152.025, subd. 4(b).

~~Sale of~~ Synthetic cannabinoids sale, Minn. Stat. § 152.027, subd. 6(c).

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

D1

~~Sale of a~~ Simulated controlled substance sale, Minn. Stat. § 152.097.

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

7.40 UNRANKED OFFENSES.

[5.A] 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

Abortion, Minn. Stat. § 617.20; 617.22; 145.412 [all repealed, 2023]
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 <u>an</u> engrossed bill, Minn. Stat. § 3.191.
Animal fighting, Minn. Stat. § 343.31, subd. 1(a).
Assaulting or Harming a police horse <u>resulting in more than demonstrable harm to the horse</u> , Minn. Stat. § 609.597, subd. 3(1) or (2).
Bigamy, Minn. Stat. § 609.355.
Gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)-Cheating at gambling , Minn. Stat. § 609.76, subd. 3 to 7.
Cigarette <u>and tobacco</u> tax and Regulation Violations <u>fraud</u> , Minn. Stat. § 297F.20.
Concealing criminal proceeds; Engaging in Business , Minn. Stat. § 609.496 or 609.497.
Corrupting <u>Corruptly influencing a</u> legislator, Minn. Stat. § 609.425.
Counterfeiting of currency (Manufacturing or Printing/Means for False Reproduction) , Minn. Stat. § 609.632, subd. 1 or 2 with subd. 4(a) .
Computer Criminal use of encryption, Minn. Stat. § 609.8912.
Damage to property of critical public service facilities, utilities, and or pipelines, Minn. Stat. § 609.594.
Unlawful Conduct with Destroying or removing documents in Furtherance of to further labor or sex trafficking, Minn. Stat. § 609.283.
Distributing or exhibiting an obscene Materials; Distribution work , Minn. Stat. § 617.241, subd. 4.
Insurance Fraud — Employment of Employing runners <u>in connection with motor vehicle insurance</u> , Minn. Stat. § 609.612.
Escape with Violence from from a gross misdemeanor or misdemeanor offense <u>by violence or threat</u> , Minn. Stat. § 609.485, subd subd. 4(a)(3) & (b).
Failure to report danger to <u>a</u> child's health <u>resulting in</u> (death) , Minn. Stat. § 260E.08(c).
Falsely Impersonating Another <u>False impersonation in a marriage or judicial proceeding</u> , Minn. Stat. § 609.83.
Female genital mutilation, Minn. Stat. § 609.2245.
<u>Filing a</u> fraudulent or improper financing Statements statement, Minn. Stat. § 609.7475.
<u>Harming a</u> service animal Providing Service , Minn. Stat. § 343.21, subd. 9(f) or (h).

Unranked

Incest, Minn. Stat. § 609.365.
Issuing a receipt for goods One Does not Have <u>warehoused</u> , Minn. Stat. § 227.50.
Issuing a Second an unmarked duplicate negotiable warehouse receipt Without "Duplicate" on it , Minn. Stat. § 227.52.
Killing or <u>substantially</u> harming a public safety dog, Minn. Stat. § 609.596, subd. 1.
Lawful gambling fraud, Minn. Stat. § 609.763.
Forced Execution of a Declaration <u>Living will fraud resulting in bodily harm</u> , Minn. Stat. § 145B.105.
<u>Manufacturing, possessing, or threatening to use a</u> real and or simulated Weapons <u>weapon</u> of mass destruction, Minn. Stat. § 609.712.
Motor vehicle excise tax <u>evasion</u> , Minn. Stat. § 297B.10.
Obstructing <u>state</u> military forces <u>in wartime</u> , Minn. Stat. § 609.395.
Prediction market— advertising, Minn. Stat. § 609.7615, subd. 3.
Prediction market— <u>Operating operation</u> or <u>Facilitating facilitation</u> , Minn. Stat. § 609.7615, subd. 2.
Racketeering, Criminal Penalties (RICO) , Minn. Stat. § 609.904.
Refusal to assist <u>the state auditor</u> , Minn. Stat. § 6.53.
<u>Residing in Minnesota in violation of the</u> interstate <u>supervision</u> compact violation , Minn. Stat. § 243.161.
<u>State Lottery computer access, unauthorized</u> , Minn. Stat. § 609.651, subd. 2.
<u>State Lottery, filing a false statement with the</u> , Minn. Stat. § 609.651, subd. 3.
State Lottery fraud <u>of \$35,000 or more</u> , Minn. Stat. § 609.651, subds. 1 & 4(b), or subd. 2 or 3.
Torture or cruelty to <u>a</u> pet or companion animal, Minn. Stat. § 343.21, subd. 9(c), (d), (g), or (i).
Treason, Minn. Stat. § 609.385.
<u>Treason</u> , misprision of treason , Minn. Stat. § 609.39.
Unauthorized computer access (causing a grave risk or <u>as a second or</u> subsequent <u>offense</u>), Minn. Stat. § 609.891, subd. 2(a) or (b).
Collusive Bidding/Price Fixing <u>Unlawful group boycott</u> , Minn. Stat. § 325D.53, subd. 1(3), 2, or 3.
Unlawful transfers or sales <u>of a</u> recordings, Minn. Stat. § 325E.201.
Police Radios During Commission of <u>Use or possession of a police radio in a</u> crime, Minn. Stat. § 609.856.
<u>Use or possession of</u> metal—penetrating bullets <u>in a crime</u> , Minn. Stat. § 624.7191.
Using deep fake technology to influence an election (2nd or Subsequent Violation), Minn. Stat. § 609.771, subd. 3(a)(1).
<u>Violation of</u> corporate political contribution violations <u>laws</u> , Minn. Stat. § 211B.15.

Unranked

Hazardous Wastes <u>Violation of environmental laws</u> , Minn. Stat. § 609.671.
<u>Violation of</u> horse racing – Prohibited Act <u>laws</u> , Minn. Stat. § 240.25.
Sale <u>Violation</u> of membership camping Contracts <u>laws</u> , Minn. Stat. §§ 82A.13 & 82A.25.
<u>Violation of</u> pipeline safety <u>laws</u> , Minn. Stat. chapter 299).
<u>Violation of the</u> Midwest Interstate Low-Level Radioactive Waste Compact; Enforcement of Compact and Laws , Minn. Stat. § 116C.835.
Wire Communication Violations <u>Violation of the Privacy of Communications Act</u> , Minn. Stat. § 626A.02, subd. 4, 626A.03, subd. 1 (b)(ii) , or 626A.26, subd. 2(1)(ii).
<u>Violation of the</u> Subdivided Land Fraud <u>Sales Practices Act</u> , Minn. Stat. § 83.43.
Warning <u>the</u> subject of <u>an</u> investigation, Minn. Stat. § 609.4971.
Warning <u>the</u> subject of surveillance or search, Minn. Stat. § 609.4975.

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

7.50 ~~[5.B]~~ SEVERITY LEVEL ALL OFFENSES BY STATUTORY CITATION.

(a) ~~Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law. 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. 4, to determine the presumptive duration.~~

Statute Number Minn. Stat. Section	Offense Title	Severity Level
3.191	Altering <u>an</u> engrossed bill	Unranked
6.53	Refusal to assist <u>the state auditor</u>	Unranked
35.824	Altering Livestock Certificate <u>Misuse or alteration of a brand</u>	1
53B.66	Violation of money Transmitter Regulation <u>transmission laws</u>	1
62A.41	Violation of health insurance Regulations <u>laws</u>	1
80A.68 or , 80B.10, subd. 1, or 80C.16, subd. 3(a)(b)	Violation of securities Violation (or commercial laws resulting in a loss of over \$2,500)	4
80A.68 or , 80B.10, subd. 1, or 80C.16, subd. 3(a)(b)	Violation of securities Violation (or commercial laws resulting in a loss of \$2,500 or less)	3
82A.13 & 82A.25	Sale <u>Violation</u> of membership camping Contracts <u>laws</u>	Unranked
83.43	Violation of the Subdivided Land Fraud <u>Sales Practices Act</u>	Unranked
86B.865, subd. 1	Certification for <u>Watercraft</u> title on Watercraft <u>fraud</u>	1
90.41, subd. 1	Bribery (Timber scaler or state appraiser and Scaler) <u>misconduct</u>	4
116C.835	Violation of the Midwest Interstate Low-Level Radioactive Waste Compact; Enforcement of Compact and Laws	Unranked
145.412	Abortion	Unranked
145B.105	Forced Execution of a Declaration <u>Living will fraud resulting in bodily harm</u>	Unranked
152.021, subd. 1 or 2	<u>First-degree</u> controlled substance crime 1st-Degree	D8

Statute Number Minn. Stat. Section	Offense Title	Severity Level
152.021, subd. 2a	Manufacture Any Amount of Manufacturing methamphetamine	D9
152.021, subd. 2b	Aggravated <u>first-degree</u> controlled substance crime 1st Degree	D9
152.022	<u>Second-degree</u> controlled substance crime 2nd Degree * See section 2.C. and Appendix 1 to determine the presumptive disposition.	D7 [*] D7; see <u>guideline 2.51</u>
152.023	<u>Third-degree</u> controlled substance crime 3rd Degree	D6
152.024	<u>Fourth-degree</u> controlled substance crime 4th Degree	D4
152.025, subd. 4(b)	<u>Fifth-degree</u> controlled substance crime 5th Degree	D2
152.0261	Importing <u>a</u> controlled Substances Across State Borders substance into Minnesota	D9
152.0262	Possession of substances with intent to manufacture methamphetamine	D5
152.0263, subd. 1	<u>First-degree</u> cannabis possession 1st Degree	D2
152.0264, subd. 1	<u>First-degree</u> cannabis sale 1st Degree	D2
152.0265, subd. 1	<u>First-degree</u> cannabis cultivation 1st Degree	D2
152.027, subd. 6(c)	Sale of Synthetic Cannabinoids cannabinoid sale	D2
152.097	Sale of Simulated controlled substance <u>sale</u>	D1
152.136	<u>Theft or misuse of</u> anhydrous ammonia (Tamper/Theft/Transport)	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	False Information – Certificate of Motor vehicle title Application <u>fraud</u>	1
169.09, subd. 14(a)(1)	Accidents (Death) Leaving the scene of a fatal collision caused by another driver	2
169.09, subd. 14(a)(2)	Accidents (Leaving the scene of a collision resulting in great bodily harm) and caused by another driver	1
169A.24	Felony <u>First-degree</u> driving while impaired 1st Degree * See section 2.C. and Appendix 1 to determine the presumptive disposition.	7 [*] 7; see <u>guideline 2.51</u>

Statute Number Minn. Stat. Section	Offense Title	Severity Level
176.178	Workers Workers' compensation fraud (of over \$5,000)	3
176.178	Workers Workers' compensation fraud (of \$5,000 or less)	2
chapter 201, 203B, or 204C	Violation of voting Violations laws	1
211B.13	Bribery, Advancing Money, and Treating Prohibited Bribing a voter	4
211B.15	Violation of corporate political contribution Violations laws	Unranked
227.50	Issuing a receipt for goods One Does not Have warehoused	Unranked
227.52	Issuing a 2nd an unmarked duplicate negotiable warehouse receipt without "Duplicate" on it	Unranked
228.45, 47, 49, 50, 51 chapter 228	False Bill of lading fraud	1
240.25	Violation of horse racing (Prohibited Act)laws	Unranked
243.161	Residing in Minnesota in violation of the interstate supervision compact Violation	Unranked
243.166, subd. 5(b) or (c)	Registration of Failure to register as a predatory Offenders; Registration of Predatory Offenders (2nd or Subsequent Violations) offender	1
243.55	Bringing contraband into a state Prison correctional facility or hospital	4
256.98	Welfare Fraud (Wrongfully obtaining over \$5,000) in public assistance	3
256.98	Welfare Fraud (Wrongfully obtaining \$5,000 or less) in public assistance	2
256.984	False Declaration Perjury in a public assistance application	1
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, subd. 3(a)	Family and medical benefit fraud (of over \$5,000)	3
268B.185, subd. 3(b)	Family and medical benefit fraud (of \$5,000 or less)	2
289A.63	Tax evasion Laws	3

Statute Number Minn. Stat. Section	Offense Title	Severity Level
296A.23, subd. 2	Fuel tax on Petroleum and Other Fuels (Willful evasion)	1
297B.10	Motor vehicle excise tax <u>evasion</u>	Unranked
297E.13, subd. 1 to 4	Gambling Taxes <u>tax evasion</u>	3
297F.20	Cigarette <u>and tobacco</u> tax and Regulation Violations <u>fraud</u>	Unranked
297G.19, subd. 3, 4(c), or 5(c)	Liquor Taxation (Criminal Penalties) <u>tax evasion</u>	1
297I.90, subd. 1 & 2	Insurance tax <u>evasion</u>	3
299F.79	Intent to Manufacture Explosives <u>Unlawful possession of an explosive component</u>	5
299F.80, subd. 1	<u>Unpermitted</u> possession of explosives Without Permit	5
299F.82, subd. 1	<u>Illegal</u> transfer of explosives	5
299F.83	Negligent discharge of Explosive <u>explosives</u>	5
chapter 299]	<u>Violation of</u> pipeline safety <u>laws</u>	Unranked
307.08, subd. 2(a)	Damages; Illegal Molestation of <u>Damaging or disturbing human Remains; Burials; Cemeteries</u> <u>burial grounds or remains</u>	3
325D.53, subd. 1(1) or (2)(b) or (c)	Price Fixing/Collusive Bidding <u>fixing, market allocation, or bid suppression</u>	5
325D.53, subd. 1(2)(a)	Price-Fixing/Collusive Bidding <u>Public contract bid rigging</u>	6
325D.53, subd. 1(3), 2, or 3	Price-Fixing/Collusive Bidding <u>Unlawful group boycott</u>	Unranked
325E.201	Unlawful Transfers or Sales of Recording <u>transfer or sale of a recording</u>	Unranked
325E.21, subd. 6(b)(3)	Catalytic converter crime (3-10 <u>involving three to ten</u> converters)	2
325E.21, subd. 6(b)(4)	Catalytic converter crime (11-70 <u>involving 11 to 70</u> converters)	3
325E.21, subd. 6(b)(5)	Catalytic converter crime (Over <u>involving more than 70</u> converters)	6
325F.743	<u>Violation of</u> precious metal Dealers, Regulatory Provisions <u>dealer laws</u>	2
325F.755, subd. 7	<u>Violation of</u> prize Notices and Solicitations <u>disclosure and award requirements</u>	1
340A.701, <u>subd. 1(1) or (2)</u>	Unlawful Acts Involving Liquor <u>Unlawfully manufacturing or trafficking alcoholic beverages</u>	1

Statute Number Minn. Stat. Section	Offense Title	Severity Level
<u>340A.701, subd. 1(3)</u>	<u>Distributing toxic alcohol as a beverage</u>	<u>1</u>
<u>340A.701, subd. 1(4)</u>	<u>Furnishing alcohol to a minor resulting in death or great bodily harm</u>	<u>1</u>
343.21, subd. 9(c), (d), (g), or (i)	Torture or cruelty to <u>a</u> pet or companion animal	Unranked
343.21, subd. 9(f) or (h)	<u>Harming a</u> service animal Providing Service	Unranked
343.31, subd. 1(a)	Animal fighting	Unranked
346.155, <u>subd. 10(e)</u>	Failure to <u>Negligent</u> control <u>of</u> a regulated animal (resulting in great bodily harm or death)	2
349.2127, subd. 1 to 6, or 349.22, subd. 4	<u>Violation of charitable</u> gambling Regulations <u>laws</u>	2
393.07, subd. 10	Federal Food Stamp Program (Wrongfully obtaining over \$5,000) <u>in supplemental nutrition assistance</u>	3
393.07, subd. 10	Federal Food Stamp Program (Wrongfully obtaining \$5,000 or less) <u>in supplemental nutrition assistance</u>	2
471.392	False declaration of <u>a</u> claim (of over \$5,000) <u>against a local government</u>	3
471.392	False declaration of <u>a</u> claim (of \$5,000 or less) <u>against a local government</u>	2
508.80	Fraudulent Instrument or Entry for Procuring a <u>Land</u> certificate of title <u>fraud</u>	1
514.02, subd. 1(b)	Non-payment for <u>Nonpayment of over \$5,000 in real estate</u> improvement (Over \$5,000; Proceeds of Payments; Acts Constituting Theft) <u>funds to those who contributed to the improvement</u>	3
514.02, subd. 1(b)	Non-payment for Improvement (Nonpayment of \$5,000 or less Proceeds of Payments; Acts Constituting Theft) <u>in real estate improvement funds to those who contributed to the improvement</u>	2
518B.01, subd. 14(d)	Violation of an order for protection	4
588.20, subd. <u>1</u>	Failure to appear in court	1
609.165, subd. <u>1b</u>	Certain Persons Not to Have Firearms <u>Possessing a firearm</u> or ammunition <u>after a crime of violence</u>	6
609.19, subd. 1 <u>(1)</u>	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By Shootings) <u>second-degree murder</u>	11

Statute Number Minn. Stat. Section	Offense Title	Severity Level
<u>609.19, subd. 1(2)</u>	<u>Unintentional second-degree murder while committing or attempting a drive-by shooting</u>	<u>11</u>
609.19, subd. 2(1)	<u>Unintentional second-degree murder 2nd-Degree (Unintentional Murder)while committing or attempting a felony</u>	10
<u>609.19, subd. 2(2)</u>	<u>Unintentional second-degree murder while committing an assault contrary to a protective order</u>	<u>10</u>
609.195(a)	<u>Third-degree murder 3rd-Degreewhile evincing a depraved mind</u>	10
609.195(b)	<u>Third-degree murder 3rd-Degreeresulting from a controlled substance</u>	9
609.20(1), (2) & (5)	<u>Intentional first-degree manslaughter 1st-Degreein the heat of passion</u>	9
<u>609.20(2) or (5)</u>	<u>First-degree manslaughter by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor</u>	<u>9</u>
609.20(3) & (4)	<u>Intentional first-degree manslaughter 1st Degreeunder duress</u>	8
<u>609.20(4)</u>	<u>First-degree manslaughter resulting from a controlled substance</u>	<u>8</u>
609.205(1) & (5)	<u>Second-degree manslaughter 2nd-Degreeby culpable negligence</u>	8
609.205(2), (3) & (4)	<u>Second-degree manslaughter 2nd-Degreeby negligent hunting-Accident</u>	5
<u>609.205(3)</u>	<u>Second-degree manslaughter by setting a dangerous device</u>	<u>5</u>
<u>609.205(4)</u>	<u>Second-degree manslaughter by a loose animal known to be dangerous</u>	<u>5</u>
<u>609.205(5)</u>	<u>Second-degree manslaughter by child neglect or endangerment</u>	<u>8</u>
609.2112, subd. 1(a)	Criminal vehicular homicide	8
609.2112, subd. 1(b)	Criminal vehicular homicide (after a qualified prior Conviction)driving offense ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	9**9; may exceed statutory max.

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.2113, subd. 1(1), (2), (3), (4), (5) & (6)	Criminal vehicular operation (Great Bodily Harm; by gross negligence or While Impaired) <u>resulting in great bodily harm</u> ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	6**6 ; may exceed statutory max.
<u>609.2113, subd. 1(2) to (6)</u>	<u>Criminal vehicular operation while impaired resulting in great bodily harm</u>	<u>6</u>
609.2113, subd. 1(7) or (8)	Criminal vehicular operation (Great Bodily Harm; involving leaving the scene or defective maintenance) <u>and resulting in great bodily harm</u>	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, and Qualified Prior Conviction) <u>child</u> ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	9**9 ; may exceed statutory max.
609.2114, subd. 2(1), (2), (3), (4), (5) & (6)	Criminal vehicular operation (by gross negligence resulting in injury to an unborn Child; Gross Negligence or While Impaired) <u>child</u> ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	6**6 ; may exceed statutory max.
<u>609.2114, subd. 2(2) to (6)</u>	<u>Criminal vehicular operation while impaired resulting in injury to an unborn child</u>	<u>6</u>
609.2114, subd. 2(7) or (8)	Criminal vehicular operation (Injury to an Unborn Child; involving leaving the scene or defective maintenance) <u>and resulting in injury to an unborn child</u>	5
609.215	Aiding suicide	Unranked
609.221, subd. 1	<u>First-degree</u> assault 1st Degree (resulting in great bodily harm)	8
609.221, subd. 2	<u>First-degree</u> assault 1st Degree (upon an official by deadly force Against Official)	9

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.221, subd. 3	First-degree assault 1st Degree (upon an official resulting in great bodily harm Upon Official)	10
609.221, subd. 4	First-degree assault 1st Degree (Great Bodily Harm Upon upon an official by dangerous weapon or deadly force) resulting in great bodily harm ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	11**11; may exceed statutory max.
609.222, subd. 1	Second-degree assault 2nd Degree (by dangerous weapon)	6
609.222, subd. 2	Second-degree assault 2nd Degree (by dangerous Weapon, weapon resulting in substantial bodily harm)	7
609.223, subd. 1	Third-degree assault 3rd Degree (resulting in substantial bodily harm) *** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.	5***5; guideline 2.51 may apply
609.223, subd. 2 or 3	Assault 3rd Degree (Bodily Harm, Pattern of Child Abuse); Third-degree assault 3rd Degree (Bodily Harm, Victim under 4) against a minor	4
609.2231, subd. 1 (c) , 2 (b) , 3, or 3a	Assault 4th Degree (Peace Officer); Fourth-degree assault 4th Degree (Firefighters and Medical Personnel); Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer); Assault 4th Degree (Secure Treatment Facility Personnel) ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum. *** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.	3**,***3; may exceed statutory max.; guideline 2.51 may apply

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.2231, subd. 4(b)	Fourth-degree assault 4th-Degree motivated by bias ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	3**3; may exceed statutory max.
609.2233	Felony assault motivated by bias 2 See section 2.G.10 to determine the presumptive sentence.	See Note ² <u>guideline 2.64</u>
609.224, subd. 4	Fifth-degree assault 5th-Degree (3rd or Subsequent Violation)	4
609.2241	Knowing transfer of <u>a</u> communicable disease 3 See section 2.A.5 to determine the presumptive sentence.	See Note ³ <u>guideline 2.20</u>
609.2242, subd. 4	Domestic assault	4
609.2245	Female genital mutilation	Unranked
609.2247	Domestic assault by strangulation ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	5**5; may exceed statutory max.
609.228	Causing great bodily harm Caused byby the distribution of drugs	8
609.229, subd. 3(a)	Crime committed for <u>the</u> benefit of <u>a</u> gang 4 See section 2.G.9 to determine the presumptive sentence.	See Note ⁴ <u>guideline 2.65</u>
609.229, subd. 3(c)	Crime <u>Gross misdemeanor</u> committed for <u>the</u> benefit of <u>a</u> gang	1
609.2325, subd. 3(1)	Criminal abuse of <u>a</u> vulnerable adult (resulting in death)	9
609.2325, subd. 3(2)	Criminal abuse of <u>a</u> vulnerable adult (resulting in great bodily harm)	8
609.2325, subd. 3(3)	Criminal abuse of <u>a</u> vulnerable adult (resulting in substantial bodily harm)	4
609.233, subd. 3(1)	Deprivation of <u>a</u> vulnerable adult (resulting in great bodily harm)	8
609.233, subd. 3(2)	Deprivation of <u>a</u> vulnerable adult (resulting in substantial bodily harm)	5
609.2334, subd. 13(c)	Violation of a financial exploitation protective order	4

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of <u>a</u> vulnerable adult (of over \$35,000)	7
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of <u>a</u> vulnerable adult (of over \$5,000)	5
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of <u>a</u> 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	<u>First-degree</u> aggravated robbery 1st-Degree	8
609.245, subd. 2	<u>Second-degree</u> aggravated robbery 2nd-Degree	6
609.247, subd. 2	<u>First-degree</u> carjacking 1st-Degree	9
609.247, subd. 3	<u>Second-degree</u> carjacking 2nd-Degree	7
609.247, subd. 4	<u>Third-degree</u> carjacking 3rd-Degree	6
609.25, subd. 2(1)	Kidnapping (Safe Release/No Great Bodily Harm)	6
609.25, subd. 2(2)(i)	Kidnapping (not Released <u>involving release in a safe place)</u>	8
609.25, subd. 2(2)(ii)	Kidnapping (resulting in great bodily harm)	9
609.25, subd. 2(2)(iii)	Kidnapping (Victim of a child under 16) <u>age 16</u>	8
609.255, subd. 2	False imprisonment (Restraint)	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
609.26, subd. 6(a)(1)	Depriving Another of Cust. <u>Deprivation of custodial or parental rights</u>	1
609.26, subd. 6(a)(2)	Depriving Another of Cust. <u>Aggravated deprivation of custodial or parental rights</u>	3
609.2662(1)	<u>Intentional second-degree</u> murder of an unborn child 2nd-Degree	11
609.2662(2)	<u>Unintentional second-degree</u> murder of an unborn child 2nd-Degree	10
609.2663	<u>Third-degree</u> murder of an unborn child 3rd Degree	10
609.2664(1) & (2)	<u>Intentional first-degree</u> manslaughter of an unborn child 1st-Degree <u>in the heat of passion</u>	9
<u>609.2664(2)</u>	<u>First-degree manslaughter of an unborn child by violent misdemeanor or gross misdemeanor</u>	<u>9</u>

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.2664(3)	<u>Intentional first-degree</u> manslaughter of an unborn child 1st Degree <u>under duress</u>	8
609.2665(1)	<u>Second-degree</u> manslaughter of an unborn child 2nd Degree <u>by culpable negligence</u>	8
609.2665(2), (3), or (4)	<u>Second-degree</u> manslaughter of an unborn child 2nd Degree <u>other than by culpable negligence</u>	5
609.267	<u>First-degree</u> assault of an unborn child 1st Degree	8
609.2671	<u>Second-degree</u> assault of an unborn child 2nd Degree	5
609.268, subd. 1	<u>Causing the</u> death of an unborn child in Comm. of the commission of a crime	9
609.268, subd. 2	<u>Causing injury o</u> fto an unborn child in Comm. the commission of a crime	4
609.27, subd. 1(1)	Coercion (Threat by threatening bodily harm)	3
609.27, subd. subds. 1(2), (3), (4), (5), to (6) & (6)2(a)(2)	Coercion (Prop. Value \$301-\$2,500) <u>resulting in a gain or loss of over \$300 but less than \$2,500</u>	2
609.27, subd. 1(2), 2(a)(3), (4), (5), & (6)	Coercion (Prop. Value) <u>resulting in a gain or loss of \$2,500 or more</u>	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-Victim)	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
609.283	Unlawful Conduct with <u>Destroying or removing</u> documents in Furtherance o fto further labor or sex trafficking	Unranked
609.31	Leaving <u>the</u> state to evade <u>establishment of</u> paternity	1
609.322, subd. 1(a)	<u>First-degree</u> sex trafficking 1st Degree ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	<u>B**B; may exceed statutory max.</u>

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking 1st Degree	A
609.322, subd. 1a	Second-degree sex trafficking 2nd Degree	C
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking 2nd Degree	B
609.324, subd. 1(a)	Engage or Hire Engaging a minor to Engage <u>under age 14, or a person believed to be so,</u> in prostitution	9
609.324, subd. 1(b)	Engage or Hire Engaging a minor to Engage <u>age 14 or 15, or a person believed to be so,</u> in prostitution	5
609.324, subd. 1(c)	Engage or Hire Engaging a minor to Engage <u>age 16 or 17, or a person believed to be so,</u> in prostitution	3
609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2)	Committing a gross misdemeanor prostitution Crimes (Gross Misd. Level) Committed in <u>crime in a school or park</u> Zones <u>zone</u>	1
609.324, subd. 2(b)	Patrons Acting as a patron of prostitution (2nd as a second or subsequent Violation) <u>offense</u>	3
609.342	First-degree criminal sexual conduct 1st Degree	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 2nd Degree <u>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</u>	D
609.343, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)1a(h)(i)	Second-degree criminal sexual conduct 2nd Degree <u>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</u> ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	B**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

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.344, subd. 1a(a)	<u>Third-degree</u> criminal sexual conduct 3rd-Degree (By Definition Perpetrator Must be a Juvenile) <u>by sexual penetration of a minor under age 14 by a minor no more than 36 months older</u>	D
609.344, subds. 1a(e)(f) or subd. 1a(b) with ref. to subd. & 2(1)	<u>Third-degree</u> criminal sexual conduct 3rd-Degree <u>by sexual penetration of a minor age 14 or 15 by a person more than 36 months older</u>	D
609.344, subds. 1a(b) & 2(2)	<u>Third-degree</u> criminal sexual conduct 3rd-Degree (Actor between <u>by sexual penetration of a minor age 14 or 15 by a person more than 24 mos. and months, but not more than 36 mos. months, older than Complainant</u>)	G
<u>609.344, subd. 1a(e) or (f)</u>	<u>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</u>	<u>D</u>
609.344, subd. 1(a)(b)(c)(d) & 1a(e)(d) 1a(g)(h)(i)	<u>Third-degree criminal sexual conduct 3rd-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</u> ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	<u>C**C; may exceed statutory max.</u>
<u>609.345, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)</u>	<u>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</u>	<u>E</u>
609.345, subd. 1a(a)	<u>Fourth-degree</u> criminal sexual conduct 4th-Degree (By Definition Perpetrator Must be a Juvenile) <u>by sexual contact of a minor under age 14 by a minor no more than 36 months older</u>	F
609.345, subd. 1a(b)(e)(f)	<u>Fourth-degree</u> criminal sexual conduct 4th-Degree <u>by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older</u>	F
<u>609.345, subd. 1a(e) or (f)</u>	<u>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</u>	<u>F</u>

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.345, subd. 1(a)(b)(c)(d) & 1a(c)(d)1a(g)(h)(i)	Fourth-degree criminal sexual conduct 4th 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	E
609.3451, subd. 3(a)	Fifth-degree criminal sexual conduct 5th-Degree (by nonconsensual sexual penetration)	H
609.3451, subd. 3(b)	Fifth-degree criminal sexual conduct 5th-Degree (2ndas a second or subsequent Violation)offense	F
609.3453	Criminal sexual predatory conduct See section 2.G.8 to determine the presumptive sentence.	See Note ⁶ guideline 2.64
609.3458, subd. 1(a)	Sexual extortion (by sexual contact)	E
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 (2ndas a second or subsequent Violation)offense	4
609.377, subd. 4	Malicious punishment of a child (Bodily Harm)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/Endangerment neglect or endangerment	5
609.385	Treason	Unranked
609.39	Misprision of treason	Unranked
609.395	Obstructing state military forces in wartime	Unranked

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.396, subd. 2	Unauthorized presence in <u>a</u> hazardous military area	3
609.42, subd. 1, all sections	Bribery	4
609.425	Corrupting <u>Corruptly influencing a</u> 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 <u>a</u> false Claims <u>claim of over \$5,000</u> against <u>a</u> government (Over \$5,000)	3
609.455	Permitting <u>a</u> false Claims against Government (<u>claim of \$5,000 or less</u>) <u>against a government</u>	2
609.465	Presenting <u>a</u> false Claims to <u>claim of over \$5,000 to</u> <u>a</u> public officer (Over \$5,000) <u>or body</u>	3
609.465	Presenting <u>a</u> false Claims to <u>claim of \$5,000 or less to a</u> public officer (\$5,000 or Less) <u>or body</u>	2
609.467, subd. 2(a)	Medical assistance fraud (of \$100,000 or less)	2
609.467, subd. 2(b)	Medical assistance fraud (\$100,001–\$1,000,000) <u>of over \$100,000 but not over \$1,000,000</u>	6
609.467, subd. 2(c)	Medical assistance fraud (More Than <u>of over \$1,000,000</u>)	8
609.4751, subd. 1	Impersonating a peace officer ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	2** <u>2; may exceed statutory max.</u>
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 ⁵ See section 2.G.14 to determine the presumptive sentence.	See <u>Note⁵ guideline 2.65</u>
609.476, subd. 3	Publishing personal information of <u>a</u> judicial official (resulting in <u>bodily harm</u>)	4

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.48, subd. 4(1)	Perjury (in a felony trial) <u>or an explosives permit application</u>	5
609.48, subd. 4(2)	Perjury (Other Trial)	4
609.485, subd. 4(a)(1)	Escape from <u>a</u> felony offense ²See section 2.C and Appendix 1 to determine the presumptive disposition for an escape from an executed sentence.	3²3 ; see guideline 2.52
609.485, subd. 4 (a)(1) <u>& (b)</u>	Escape with Violence from <u>from a</u> felony offense <u>by violence or threat</u>	8
609.485, subd. 4(a)(2)	Escape, <u>Escape after a finding of not guilty by reason of mental illness or deficiency</u> *** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.	1***1
609.485, subd. subd. 4(a)(3) <u>& (b)</u>	Escape with Violence from <u>from a</u> gross misdemeanor or misdemeanor offense <u>by violence or threat</u>	Unranked
609.485, subd. 4(a)(4)	Escape from civil commitment <u>as mentally ill and dangerous</u> *** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.	1***1
609.485, subd. 4(a)(5)	Escape from Civil Commitment, 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	<u>Committing a crime with a</u> bullet-resistant vest <u>During Crime</u>	1
609.487, subd. 3	Fleeing <u>a</u> peace officer	1
609.487, subd. 4(a)	Fleeing <u>a</u> peace officer (resulting in death)	10
609.487, subd. 4(b)	Fleeing <u>a</u> peace officer (resulting in great bodily harm)	6
609.487, subd. 4(c)	Fleeing <u>a</u> peace officer (resulting in substantial bodily harm)	4
<u>609.49</u>	<u>Failure to appear in court</u>	<u>1</u>

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.493	Solicitation of mentally impaired persons ⁸ See section 2.G.3 to determine the presumptive sentence.	See Note⁸ <u>guideline</u> 2.62
609.494, subd. 2(b)	Solicitation of juveniles ⁸ See section 2.G.3 to determine the presumptive sentence.	See Note⁸ <u>guideline</u> 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 ⁹ See section 2.G.6 to determine the presumptive sentence.	See Note⁹ <u>guideline</u> 2.62
609.496 or 609.497	Concealing criminal Proceeds; Engaging in Business <u>proceeds</u>	Unranked
609.4971	Warning the subject of an investigation	Unranked
609.4975	Warning the subject of surveillance or search	Unranked
609.498, subd. 1a	Tampering with a <u>First-degree</u> witness 1st Degree <u>tampering</u>	5
609.498, subd. 1b	Tampering with a <u>Aggravated first-degree</u> witness Aggravated 1st Degree <u>tampering</u>	9
609.50, subd. 2(1)	Obstructing legal process, arrest, Firefighting, or Ambulance Service Personnel Crew <u>or a first responder</u>	3
609.502, subd. 1(1)	Interference <u>Interfering</u> with a Dead Body or Scene of Death <u>death scene or body</u>	4
609.504	Disarming a peace officer	3
609.52 ¹⁰	Theft of <u>over \$5,000 in</u> public funds (Over \$5,000) ¹⁰ Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).	3
609.52 ¹⁰	Theft of Public Funds <u>(\$5,000 or less) in public funds</u> ¹⁰ Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).	2
609.52 ¹⁰	Theft from <u>the person of another</u> ¹⁰ Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).	4

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.52 ¹⁰	Theft of <u>a public Recordsrecord</u> ¹⁰ Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).	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 ¹¹ See Comment 2.A.05 for commentary on motor vehicle offense severity levels.	4 ¹¹ 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, subd. subds. 2(a)(3) with subd. (i) & 3(1)	Theft by Check/False Representation (Over \$35,000) <u>of over \$35,000 by check</u>	6
609.52, subd. 2(a)(3)(i)	Theft <u>of over \$5,000</u> by check (\$5,001 – \$35,000)	3
609.52, subd. 2(a)(3)(i)	Theft by Check (of \$5,000 or less) <u>by check</u>	2
<u>609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1)</u>	<u>Theft of over \$35,000 by deception</u>	<u>6</u>
609.52, subd. 2(a)(3) (ii–iv) or 2(a)(3)(ii) to (iv)	Theft by False Representation (\$5,001–\$35,000) <u>of over \$5,000 by deception</u>	3
609.52, subd. 2(a)(3) (ii–iv) or 2(a)(3)(ii) to (iv)	Theft by False Representation (of \$5,000 or less) <u>by deception</u>	2
609.52, subds. 2(a)(4) & 3(1)	Theft by Trick (Over \$35,000) <u>of over \$35,000 by swindle</u>	6
609.52, subd. 2(a)(4)	Theft by Trick (\$5,001–\$35,000) <u>of over \$5,000 by swindle</u>	3
609.52, subd. 2(a)(4)	Theft by Trick (of \$5,000 or less) <u>by swindle</u>	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 <u>of over \$5,000</u> from coin–operated Machine (Over \$5,000) <u>machines</u>	3

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(7)	Theft <u>of \$5,000 or less</u> from coin--operated Machine (of \$5,000 or Less) machines	2
609.52, subd. 2(a)(8)	Theft of <u>a</u> 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 <u>the</u> serial number (of property of over \$5,000)	3
609.52, subd. 2(a)(10) or (11)	Altering <u>the</u> serial number (of property of \$5,000 or less)	2
609.52, subd. 2(a)(12)	Theft of cable TV Services (television service of over \$5,000)	3
609.52, subd. 2(a)(12)	Theft of cable TV Services (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 Telecommunication Services (telecommunications service of over \$5,000)	3
609.52, subd. 2(a)(14)	Theft of Telecommunication Services (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 (\$5,001–\$35,000) of over \$5,000	3
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property (\$5,000, of \$5,000 or less)	2
609.52, subd. 2(a)(17) ¹⁰	Motor vehicle use without consent ¹¹ See Comment 2.A.05 for commentary on motor vehicle offense severity levels. ¹⁰ Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).	³¹¹³ ; see guideline 2.25
609.52, subd. 2(a)(18)	Theft of <u>retail</u> motor fuel from Retailer (of over \$5,000)	3
609.52, subd. 2(a)(18)	Theft of <u>retail</u> motor fuel from Retailer (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 (\$5,001–\$35,000) of over \$5,000	3
609.52, subd. 2(a)(19)	Wage theft (of \$5,000 or less)	2

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3)	Theft <u>of over \$35,000</u> from a vulnerable adult (Over \$35,000)	7
609.52, subd. 3(1)	Theft of <u>a</u> firearm	4
609.52, subd. 3(2)	Theft of <u>a Schedule I or II</u> controlled Substance substance	4
609.52, subd. 3(2)	Theft of <u>an</u> incendiary device	4
609.52, subds. 3(2) & subd. 3a(b)(3)	Theft <u>of over \$5,000</u> from a vulnerable adult (Over \$5,000)	5
609.52, subds. 3(3) & 3a(b)(3)	Theft <u>of \$5,000 or less</u> from a vulnerable adult (\$5,000 or Less)	4
609.52, subd. 3(3)(b)	Theft of <u>a Schedule III, IV, or V</u> controlled Substance substance	3
609.52, all sections¹⁰subd. 3(3)(d)(iii)	Theft (Looting) of \$1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle ¹⁰ Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).	2
609.52, subd. 3(3)(d)(iii)	Theft <u>of \$1,000 or less</u> from an abandoned or vacant building (\$1,000 or Less)	1
609.52, subds. 3(4) & 3a(b)(2)	<u>Gross misdemeanor</u> theft from a vulnerable adult	2
609.52, subd. 3a(a)(1)	Theft (\$1,000, or Less; Gross misdemeanor or misdemeanor theft creating a risk of harm)	2
609.52, subd. 3a(a)(2)	Felony theft (Over \$1,000; creating a risk of harm); Theft (\$501-\$1,000, and Prior Conviction; Risk of Harm) ¹² See Guidelines section 2.A.2 to determine the severity level.	See Note ¹² guidelin e 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 (\$1,001-\$5,000, or \$501-\$1,000 and Prior Convictions)of \$5,000 or less	3
609.522, subd. 3(3)	Organized retail theft (\$501-\$1,000, or \$500of \$1,000 or less and Prior Convictions)	1
609.525	Bringing <u>over \$5,000 in</u> stolen Goods property into the state (Over \$5,000)	3

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.525	Bringing \$5,000 or less in stolen Goods property into State (\$1,001-\$5,000); Bringing Stolen Goods into the state (\$501-\$1,000, w/Previous Conviction)	2
609.526	Receipt of stolen property by a precious metal and/or scrap metal Dealers, Receiving Stolen Goods (2nd dealer as a second or subsequent Violations) offense	4
609.526, subd. 2(1)	Receipt of \$1,000 or more in stolen property by a precious metal and/or scrap metal Dealers, Receiving Stolen Goods (\$1,000 or More) dealer	3
609.526, subd. 2(2)	Receipt of less than \$1,000 in stolen property by a precious metal and/or scrap metal Dealers, Receiving Stolen Goods (Less than \$1,000) dealer	2
609.527, subd. 3(3)	Identity theft (2-3 involving two or three direct victims or \$501-\$2,500 Loss)loss of over \$500 but not over \$2,500	2
609.527, subd. 3(4)	Identity theft (4-7 involving four to seven direct victims or loss of over \$2,500)	3
609.527, subd. 3(5)	Identity theft (8 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 <u>a</u> scanning device or reencoder	2
609.528, subd. 3(3)	Possession or sale of <u>a</u> 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 <u>a</u> 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 <u>over \$5,000 in</u> stolen Goods (Over \$5,000) property	3
609.53	Receiving Stolen Goods (\$5,000 or less) in stolen property	2
609.53 & 609.52, subd. 3(1)	Receiving <u>a</u> stolen Property (firearm)	4
609.535, subd. 2a(a)(1)	<u>Issuing a</u> dishonored check (of over \$500)	2

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.54, all sections (1)	Embezzlement <u>of \$2,500 or less</u> of public funds (\$2,500 or Less)	2
609.54, all sections (2)	Embezzlement <u>of over \$2,500</u> of public funds (Over \$2,500)	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 (remunerations of \$5,000 or less)	2
609.551	Rustling of Livestock (Livestock theft of over \$2,500)	3
609.551	Rustling of Livestock (Livestock theft of over \$300 but not over \$2,500 or Less)	2
609.561	First-degree arson 1st Degree	8
609.562	Second-degree arson 2nd Degree	5
609.563	Third-degree arson 3rd Degree	3
609.5641, subd. 1a(a)	Wildfire arson	2
609.5641, subd. 1a(b)	Wildfire arson (Damaged damaging over five Dwellings, Burns dwellings or \$100,000 in crops, or burning 500 acres or More, or Crops in Excess of \$100,000) <u>more</u>	7
609.5641, subd. 1a(c)	Wildfire arson (Damaged damaging over 100 Dwellings, Burns dwellings or \$250,000 in crops, or burning 1,500 acres or More, or Crops in Excess of \$250,000) <u>more</u>	8
609.5641, subd. 1a(d)	Wildfire arson (resulting in demonstrable bodily harm)	5
609.576, subd. 1(1)	Grossly negligent Fires (fire resulting in great bodily harm)	4
609.576, subd. 1(3)(iii)	Grossly negligent Fires (Damage fire damaging \$2,500 or more)	2
609.576, subd. 2	Dangerous smoking	3
609.582, subd. 1(a)	First-degree burglary 1st Degree (of an occupied dwelling) 13 See section 2.C.3.b and Appendix 1 to determine the presumptive disposition.	6 ¹³⁶ ; guideline 2.52 <u>may apply</u>
609.582, subd. 1(b) or (c)	First-degree burglary 1st Degree (w/Weapon with a <u>weapon</u> or assault)	8

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.582, subd. 2(a)(1), (a)(2), or (b)	Burglary 2nd-Degree (Dwelling/Bank); <u>Second-degree burglary 2nd-Degree (of a dwelling, bank, government building, religious Est., establishment, historic property, or school Building)</u>	5
609.582, subd. 2(a)(3) or (4)	Second-degree burglary 2nd-Degree (Pharmacy/Tool) of a pharmacy or while possessing a tool	4
609.582, subd. 3(a)	Third-degree burglary 3rd-Degree (Nonresidential) by entry of a building without consent	4
609.582, subd. 3(b)	Third-degree burglary 3rd-Degree (by shoplifting contrary to a trespass Notice, 2nd or Subsequent) notice	3
609.586, subd. 2	Possession of Code-Grabbing Devices <u>a code-grabbing device</u>	3
609.59	Possession of burglary <u>or theft</u> tools	3
609.591, subd. 3(1)	Hinder Logging (Tree spiking resulting in great bodily harm)	3
609.593	Damage or theft (to energy transmission or telecommunications) <u>equipment</u>	3
609.594	Damage to property (of critical public service Facilities facilities, utilities, and/or pipelines)	Unranked
609.595, subd. 1(1) or (2)	First-degree criminal damage to property (Risk Bodily Harm, to a public safety Motor Vehicle) vehicle or causing a risk of harm	3
609.595, subd. 1(3), (4), or (5)	First-degree criminal damage to property (Service to Public, to a common carrier, of over \$1,000, or of over \$500 and as a second or subsequent) offense	2
609.595, subd. 1a (a)	Second-degree criminal damage to property (Motivated by Bias) ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	1**1; may exceed statutory max.
609.596, subd. 1	Killing or <u>substantially</u> harming a public safety dog	Unranked
609.597, subd. 3(1) or (2)	Assaulting or Harming a police horse <u>resulting in more than demonstrable harm to the horse</u>	Unranked

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.597, subd. 3(3)	Assaulting or Harming a police horse <u>resulting in demonstrable bodily harm to the horse</u> ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	1**1 ; <u>may exceed statutory max.</u>
609.611	Defrauding Insurer (Insurance fraud of over \$5,000)	3
609.611	Defrauding Insurer (Insurance fraud of \$5,000 or less)	2
609.612	Insurance Fraud (Employment of Employing runners) <u>in connection with motor vehicle insurance</u>	Unranked
609.615	Defeating Security on Realty (Impairing the value of secured real property by over \$5,000)	3
609.615	Defeating Security on Realty (Impairing the value of secured real property by \$5,000 or less)	2
609.62	Defeating <u>a security</u> on Personalty (interest of over \$5,000) <u>on personal property</u>	3
609.62	Defeating <u>a security</u> on Personalty (interest of \$5,000 or less) <u>on personal property</u>	2
609.625, 609.635, or 609.64	Aggravated forgery (Non-Check); Obtaining Signature by False Pretense; Recording, Filing of Forged Instrument	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 (\$251-\$2,500) <u>of over \$250 but not over \$2,500</u>	2
609.631, subd. 4(3)(b)	Check forgery (of \$250 or less)	1
609.632, subd. 1 & 2 with subd. 4(a) or 2	Counterfeiting of currency (Manufacturing or Printing/Means for False Reproduction)	Unranked
609.632, subds. 3 & 4(b)(1)	Offering <u>over \$35,000 in</u> counterfeit currency (Over \$35,000)	6
609.632, subds. 3 & 4(b)(2)	Offering <u>over \$5,000 but not over \$35,000 in</u> counterfeit currency (\$5,001-\$35,000)	3
609.632, subds. 3 & 4(b)(3)	Offering Counterfeit Currency (\$5,000 or less) <u>in counterfeit currency</u>	2
609.645	Fraudulent Statements <u>Securities valuation or commercial transit fraud</u>	1

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.65(1)	False certification by <u>a</u> notary public	1
609.651, subds. 1 & 4(a)	State Lottery fraud <u>of less than \$35,000</u>	1
609.651, subd. <u>subds. 1 with & 4(b) and subd. 2 & 3</u>	State Lottery fraud <u>of \$35,000 or more</u>	Unranked
<u>609.651, subd. 2</u>	<u>Unauthorized State Lottery computer access</u>	<u>Unranked</u>
<u>609.651, subd. 3</u>	<u>Filing a false statement with the State Lottery</u>	<u>Unranked</u>
609.652	Fraudulent Drivers' Licenses and <u>Driver's license or identification</u> Card <u>card fraud</u>	1
609.66, subd. 1a(a)(1)	<u>Sale or possession of a</u> firearm suppressor	2
609.66, subd. 1a(a)(1) & (b)(1)	<u>Sale or possession of a</u> firearm suppressor (in a public housing, School, school, or park zone)	3
609.66, subd. 1a(a)(2)	<u>Intentional</u> discharge of <u>a</u> firearm (Intentional) <u>under dangerous circumstances</u>	2
609.66, subd. 1a(a)(2)(3) & (3)(b)(1)	<u>Reckless</u> discharge of <u>a</u> firearm (in a public housing, School, school, or park zone)	2
609.66, subd. 1a(a)(3) & (b)(2)	<u>Reckless</u> discharge of <u>a</u> firearm (Reckless) <u>in a municipality</u>	1
609.66, subd. 1b	Furnishing Firearm <u>a firearm, airgun, ammunition, or explosive</u> to a minor <u>without parental consent</u>	2
609.66, subd. 1c	<u>Recklessly</u> furnishing a dangerous weapon	2
609.66, subd. 1d(a)	<u>Possessing a</u> dangerous Weapons <u>weapon</u> 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	Weapon in Courthouse/Certain State Buildings <u>Possessing a dangerous weapon, ammunition, or explosives in a courthouse complex or Capitol Area building</u>	4
609.662, subd. 2(b)(1)	Duty <u>Failure</u> to render aid (to a shooting victim suffering death or great bodily harm)	2
609.662, subd. 2(b)(2)	Duty <u>Failure</u> to render aid (to a shooting victim suffering substantial bodily harm) <u>** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.</u>	<u>1**1; may exceed statutory max.</u>

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.667	Remove or Alter Removal or alteration of a firearm's serial number on Firearm	1
609.668, subd. 6	Explosive Devices/Incendiary Devices device or incendiary device crime	6
609.67, subd. 2(a)	<u>Possession of a</u> machine gun, trigger activator, or conversion kit	8
609.67, subd. 2(b)	<u>Possession of a</u> short-barreled shotgun	3
609.671	Hazardous Wastes Violation of environmental laws	Unranked
609.686, subd. 2	Tampering w/with a fire alarm system (Results in resulting in bodily harm)	3
609.686, subd. 2	Tampering w/with a fire alarm system (creating the potential for bodily harm)	1
609.687, subd. 3(1)	Adulteration resulting in death	11
609.687, subd. 3(2)	Adulteration resulting in bodily harm	4
609.687, subd. 3(3)	Adulteration	Unranked
609.71, subd. 1	<u>First-degree</u> riot 1st-Degree	8
609.71, subd. 2	<u>Second-degree</u> riot 2nd-Degree	2
609.712	Real/Simulated Weapons Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction	Unranked
609.713, subd. 1	Threats of Threatening violence (Terror/Evacuation)	4
609.713, subd. 2	Threats of Violence (Making a bomb threat)	2
609.713, subd. 3(a)	Threats of Violence (Menacingly displaying a replica firearm) or BB gun ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	1**1 ; may exceed statutory max.
609.714	Offense in furtherance of terrorism 14 See section 2.G.7 to determine the presumptive sentence.	See Note ¹⁴ guidelin e 2.64
609.746, subd. 1(g)	Interference with privacy (2nd against a minor victim or as a second or subsequent Violation or Minor Victim)offense	1
609.746, subd. 1(h)	<u>Using a</u> surreptitious observation device (against a minor victim and with sexual intent) ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	G**G; may exceed statutory max.

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.746, subd. 1(j)	Surreptitious photography under or around clothing (3rd as a third or subsequent Violations) <u>offense</u>	3
609.7475	Filing a fraudulent or improper financing Statements <u>statement</u>	Unranked
609.748, subd. 6(d)	Violation of <u>a</u> harassment restraining order	4
609.749, subd. 3(a)(b)	Harassment (Aggravated Violations) <u>harassment</u>	4
609.749, subd. 4(a)	Harassment (2nd Violation) <u>as a second offense</u>	4
609.749, subd. 4(b)	Harassment (3rd as a third or subsequent Violations) <u>offense</u>	5
609.749, subd. 5	Stalking	5
609.76, subd. 2	Sports bookmaking	4
609.76, subd. 3 to 7	Cheating at gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)	Unranked
609.7615, subd. 2	Operating or Facilitating a Prediction Market <u>Prediction market operation or facilitation</u>	Unranked
609.7615, subd. 3	Advertising a Prediction market <u>advertising</u>	Unranked
609.763	Lawful gambling fraud	Unranked
609.771, subd. 3(a)(1)	Using deep fake technology to influence an election (2nd or Subsequent Violation)	Unranked
609.776	Interference <u>Interfering</u> with emergency communications ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	5**5; may exceed <u>statutory max.</u>
609.78, subd. 2a(1)	<u>Placing a</u> fictitious emergency call (resulting in great bodily harm or death)	8
609.78, subd. 2a(2)	<u>Placing a</u> fictitious emergency call (resulting in substantial bodily harm)	3
609.78, subd. 2b(1)	<u>Making an</u> emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When call with no emergency Exists) <u>as a third or subsequent offense</u>	4
609.78, subd. 2b(2)	<u>Disrupting an</u> emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means) <u>call center system</u>	5

Statute Number Minn. Stat. Section	Offense Title	Severity Level
609.78, subd. 2c	<u>Placing a</u> fictitious emergency call (for a response to the home of an official) ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	1**1; may exceed statutory max.
609.80, subd. 2	<u>Sale of unauthorized cable Communication Systems Interference</u> 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 Fraud <u>trafficking</u>	1
609.821, subd. 3(a)(1)(i)	Financial transaction card fraud (of over \$35,000)	5
609.821, subd. 23(a)(1)(2)(5)(6)(7)(8)(i)	Financial transaction card fraud (of over \$2,500)	3
609.821, subd. 23(a)(1)(2)(5)(6)(7)(8)(i ii) or (iv)	Financial transaction card fraud (of \$2,500 or less)	2
609.822	Residential mortgage fraud	2
609.825, subd. 2	Bribery of <u>a</u> participant or official in <u>a</u> contest	2
609.83	Falsely Impersonating Another <u>False impersonation in a marriage or judicial proceeding</u>	Unranked
609.84	Sale of human remains	3
609.85 (1), subd. 1	Dangerous Trespass, <u>Obstructing or tampering with a railroad</u> Track <u>track to injure or derail</u>	3
609.851, subd. 2	<u>Exhibiting a</u> false traffic signal	3
609.855, subd. 2(c)(1)	Interference with <u>a</u> transit operator	1
609.855, subd. 5	Discharge of a firearm at <u>or in an</u> occupied transit Vehicle/Facility <u>vehicle or facility</u>	6
609.855, subd. 5	Discharge of a firearm at <u>or in an</u> unoccupied transit Vehicle/Facility <u>vehicle or facility</u>	1
609.856	Police Radios During Commission of Use or possession of a police radio in a <u>crime</u>	Unranked

Statute Number Minn. Stat. Section	Offense Title	Severity Level
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
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 Computer access (to an electronic fund transfer terminal)	2
609.8912	Computer Criminal use of encryption	Unranked
609.893, subd. 1	Telecommunications and Information Services; Obtaining Services by fraud (of over \$2,500)	3
609.893, subd. 1	Telecommunications and Information Services; Obtaining Services by fraud (of \$2,500 or less)	2
609.893, subd. 2	Telecommunications and Information Services; Facilitation ofFacilitating telecommunications fraud	2
609.894, subd. 3	Second-degree cellular counterfeiting 2nd Degree	1
609.894, subd. 4	First-degree cellular counterfeiting 1st Degree	2
609.895, subd. 3(a)	Counterfeited Aggravated intellectual property counterfeiting	2
609.895, subd. 3(b)	Counterfeited Intellectual property <u>counterfeiting</u>	1
609.896	Criminal use of Real cinema property (Movie Pirating) for recording	1
609.904	Racketeering (RICO)	Unranked
617.20	Abortion	Unranked
617.22	Abortion	Unranked
617.23, subd. 3	Indecent exposure	G
617.241, subd. 4	Distributing or exhibiting an obscene Materials- Distributionwork	Unranked
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material	D

Statute Number Minn. Stat. Section	Offense Title	Severity Level
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material (Subsequent, by a second or subsequent offense, by a predatory offender, or involving a child under 14) age 14 ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	C**C; may exceed statutory max.
617.247, subd. 3(a)	Dissemination of child sexual abuse material ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	E**E; may exceed statutory max.
617.247, subd. 3(b)	Dissemination of child sexual abuse material (Subsequent, by a second or subsequent offense, by a predatory offender, or involving a child under 14) age 14 ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	C**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 (Subsequent, by a second or subsequent offense, by a predatory offender, or involving a child under 14) 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)	Certain Persons Not to Have Firearms Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor	3
624.713, subd. 2(b)	Certain Persons Not to Have Firearms Possessing a firearm or ammunition after a crime of violence	6
624.7131, subd. 11	False Statement to Obtain application for a firearm transferee permit	1
624.7132, subd. 15(b)	Transfer Transferring a pistol to or semiautomatic assault weapon to a minor	2
624.714, subd. 1a	Carrying a pistol without a permit (Subsequent Violations)	1

Statute Number Minn. Stat. Section	Offense Title	Severity Level
624.7141, subd. 1	Transferring <u>a</u> firearm to <u>an</u> ineligible person ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.	2**2; may exceed statutory max.
624.7141, subd. 2	Transferring Firearm to <u>an</u> ineligible person (Aggravated) <u>a firearm later used in a crime of violence</u>	5
624.7181, subd. 2	<u>Carrying a semiautomatic</u> assault weapon in Public (under 21) <u>age 21</u>	1
624.7191	Metal Penetrating <u>Use or possession of metal-penetrating</u> bullets <u>in a crime</u>	Unranked
624.731, subd. 8(a)	<u>Prohibited possession, use, or sale of</u> tear Gas and gas, a <u>tear gas Compounds; compound, or an</u> electronic incapacitation devices <u>device</u>	3
624.732, subd. 2	Intentional release of <u>a</u> harmful substance	3
626A.02, subd. 4; 626A.03, subd. 1(b)(ii); or 626A.26, subd. 2(1)(ii)	Wire <u>Violation of the Privacy of</u> Communications Violations <u>Act</u>	Unranked
629.75, subd. 2(d)	Violation of a domestic abuse no contact order	4
641.165, subd. 2(b)	Bring <u>Bringing a</u> dangerous weapon into County <u>a</u> jail	4

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

7.60 ~~[7]~~ THEFT OFFENSES LIST.

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). It is recommended that The Guidelines treat the following property crimes listed in this guideline be treated similarly. Below is the Theft Offense List cited for the Theft Crimes (\$5,000 or less and over \$5,000) in section 5.A Offense Severity Reference Table. The severity level for these offenses is based on the monetary amount of the conviction offense, as cited below. The monetary amount is contained in the penalty statute as cited below:~~

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

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

<u>Statute Number Minn. Stat. Section</u>	<u>Theft Offense Title</u>
176.178	Workers' compensation fraud
256.98	Wrongfully obtaining <u>public</u> assistance
268.182	Unemployment benefit fraud
268B.185	Family and medical benefit fraud
393.07, subd. 10	Federal Food Stamp Program Wrongfully obtaining supplemental nutrition assistance
471.392	False declaration of <u>a claim against a local government</u>
514.02, subd. 1(b)	Non-payment for Nonpayment of real estate improvement (Proceeds of Payments; Acts Constituting Theft) funds to those who contributed to the improvement
609.445	Failure to pay over state funds
609.455	Permitting <u>a false</u> Claims-claim against <u>a</u> government
609.465	Presenting <u>a false</u> Claims to <u>claim to a</u> 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) <u>or</u> <u>2(a)(3)(ii), (iii), or to</u> (iv)	Theft by False Representation <u>deception</u>
609.52, subd. 2(a)(4)	Theft by Trick <u>swindle</u>

<u>Statute Number Minn. Stat. Section</u>	<u>Theft Offense Title</u>
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
609.52, subd. 2(a)(10) or (11)	Altering serial number
609.52, subd. 2(a)(12)	Theft of cable TV Services <u>television service</u>
609.52, subd. 2(a)(13)	Theft of services
609.52, subd. 2(a)(14)	Theft of telecommunications services
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property
<u>609.52, subd. 2(a)(18)</u>	<u>Theft of retail motor fuel</u>
609.52, subd. 2(a)(19)	Wage theft
<u>609.525</u>	<u>Bringing stolen property into the state</u>
609.53	Receiving stolen property
609.611	Defrauding Insurer <u>Insurance fraud</u>
609.615	Defeating Security on Realty <u>Impairing the value of secured real property</u>
609.62	Defeating <u>a</u> security on <u>Personalty interest on personal property</u>
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 ~~[8]~~ SEVERE VIOLENT OFFENSES LIST.

Each of the following is a “severe violent offense” within the meaning of ~~section 2.6.13 guideline 2.65~~, subd. 3. ~~For each offense~~, attempt or conspiracy is included, as is an equivalent ~~non-Minnesota~~ felony ~~offense from a jurisdiction other than Minnesota~~.

<u>Statute Number Minn. Stat. Section</u>	<u>Severe Violent Offense Title</u>
609.185	<u>First-degree</u> murder 1st Degree
609.19	<u>Second-degree</u> murder 2nd Degree
609.195(a)	<u>Third-degree Murder</u> murder while evincing a depraved mind 3rd Degree (Depraved Mind)
609.221	<u>First-degree</u> assault 1st Degree
609.222, subd. 2	<u>Second-degree</u> assault <u>by dangerous weapon</u> 2nd Degree (Dangerous Weapon, resulting in substantial bodily harm)
609.245, subd. 1	<u>First-degree</u> aggravated robbery 1st Degree
609.247, subd. 2	<u>First-degree</u> carjacking 1st Degree
609.25, subd. 2(2)(i)	Kidnapping (Great Bodily Harm/Not Released <u>not involving release in a safe Place/Victim Under 16)</u> place
<u>609.25, subd. 2(2)(ii)</u>	<u>Kidnapping resulting in great bodily harm</u>
<u>609.25, subd. 2(2)(iii)</u>	<u>Kidnapping of a child under age 16</u>
609.2661	<u>First-degree</u> murder of an unborn child 1st Degree
609.2662	<u>Second-degree</u> murder of an unborn child 2nd Degree
609.2663	<u>Third-degree</u> murder of an unborn child 3rd Degree
609.282, subd. 1	Labor trafficking (resulting in death)
609.282, subd. 1a(1)	Labor trafficking (of a minor Victim)
609.282, subd. 1a(3)	Labor trafficking (resulting in great bodily harm)
609.322, subd. 1(a)	<u>First-degree</u> sex trafficking 1st Degree
609.322, subd. 1(a) & (b)	Aggravated <u>first-degree</u> sex trafficking 1st Degree
609.322, subs. 1a & 1(b)(2) or (3)	Aggravated <u>second-degree</u> sex trafficking 2nd Degree (resulting in bodily Harm/Debt Bondage/Forced 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)	<u>First-degree</u> criminal sexual conduct 1st Degree <u>by sexual penetration using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice</u>
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	<u>Second-degree</u> criminal sexual conduct 2nd Degree <u>by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice</u>
609.498, subd. 1b	Tampering with Witness, Aggravated 1st Degree <u>first-degree witness tampering</u>

<u>Statute Number Minn. Stat. Section</u>	<u>Severe Violent Offense Title</u>
609.561, subd. 1 or 2	<u>First-degree arson</u> 1st Degree <u>of a dwelling or an occupied building</u>
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 ~~[6] PERMISSIVELY CONSECUTIVE OFFENSES ELIGIBLE FOR PERMISSIVE CONSECUTIVE SENTENCES.~~

Convictions for offenses listed in this guideline, including attempted offenses, or conspiracies ~~to commit offenses listed below, and equivalent non-Minnesota felony offenses,~~ are eligible for permissively consecutive sentences ~~as well as convictions for completed offenses. Under section 2.F.2.a(1)(i), it is permissive for a current felony conviction to run consecutively to a prior felony sentence from a jurisdiction other than Minnesota if the non-Minnesota conviction is for a crime that is equivalent to a crime listed below, under the conditions set forth in guideline 2.73.~~

<u>Statute Number Minn. Stat. Section</u>	<u>Offense Title Eligible for Permissively Consecutive Sentencing</u>
152.021, subd. 2a	Manufacture any Amount of <u>Manufacturing</u> methamphetamine
152.021, subd. 2b(2), & 152.01, subd. 24(8)	Aggravated <u>first-degree</u> controlled substance Crime 1st Degree ; sale to a minor or vulnerable adult
152.022, subd. 1 (6) <u>(5)</u>	Sells Cocaine/Narcotic to Minor/Employs <u>Second-degree controlled substance sale to or with a</u> minor
152.023, subd. 1(3)	Sells Sch. I,II,III to <u>Third-degree controlled substance sale to a</u> minor (not Narcotic)
152.023, subd. 1(4)	Sells Sch. I,II,III Employs <u>Third-degree controlled substance sale with a</u> minor (not Narcotic)
152.024, subd. 1(2)	Schedule IV or V to <u>Fourth-degree controlled substance sale to a</u> minor
152.024, subd. 1(3)	Employs <u>Fourth-degree controlled substance sale with a</u> minor to Sell Schedule IV or V
152.0261, subd. 1a	Employing <u>Using</u> a minor to import <u>a</u> controlled Substances <u>substance into Minnesota</u>
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)	Accidents (Death) <u>Leaving the scene of a fatal collision caused by another driver</u>
169.09, subd. 14(a)(2)	Accidents (Leaving the scene of a collision resulting in great bodily harm) <u>and caused by another driver</u>
169A.24	DWI 1st Degree <u>First-degree driving while impaired</u>
243.166, subd. 5(b) or (c)	Registration of <u>Failure to register as a</u> predatory Offenders; Registration of <u>Predatory Offenders (2nd or subsequent)</u> <u>offender</u>
518B.01, subd. 14(d)	Violation of an order for protection
609.185	<u>First-degree</u> murder 1st Degree
609.19	<u>Second-degree</u> murder 2nd Degree

<u>Statute Number Minn. Stat. Section</u>	<u>Offense Title Eligible for Permissively Consecutive Sentencing</u>
609.195	<u>Third-degree</u> murder 3rd-Degree
609.20	<u>First-degree</u> manslaughter 1st-Degree
609.205	<u>Second-degree</u> manslaughter 2nd-Degree
609.2112, subd. 4	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 (Injury <u>resulting in injury</u> to an unborn child)
609.215	Aiding suicide
609.221	<u>First-degree</u> assault 1st-Degree
609.222	<u>Second-degree</u> assault 2nd-Degree
609.223	<u>Third-degree</u> assault 3rd-Degree
609.2231	<u>Fourth-degree</u> assault 4th-Degree
609.224, subd. 4	<u>Fifth-degree</u> assault 5th-Degree (3rd or Subsequent Violation)
609.2241	Knowing transfer of <u>a</u> communicable disease
609.2242, subd. 4	Domestic assault
609.2245	Female genital mutilation
609.2247	Domestic assault by strangulation
609.228	<u>Causing</u> great bodily harm Caused by <u>by the</u> distribution of drugs
609.229, subd. 3	Crime committed for <u>the</u> benefit of <u>a</u> gang
609.2325, subd. 3(1)	Criminal abuse of <u>a</u> vulnerable adult (resulting in death)
609.2325, subd. 3(2)	Criminal abuse of <u>a</u> vulnerable adult (resulting in great bodily harm)
609.2325, subd. 3(3)	Criminal abuse of <u>a</u> vulnerable adult (resulting in substantial bodily harm)
609.233, subd. 3(1)	Deprivation of <u>a</u> vulnerable adult <u>resulting in great bodily harm</u>
<u>609.233, subd. 3(2)</u>	<u>Deprivation of a vulnerable adult resulting in substantial bodily harm</u>
609.235	Use of drugs to injure or facilitate crime
609.24	Simple robbery
609.245, subd. 1	<u>First-degree</u> aggravated robbery 1st-Degree

<u>Statute Number Minn. Stat. Section</u>	<u>Offense Title Eligible for Permissively Consecutive Sentencing</u>
609.245, subd. 2	Second-degree aggravated robbery 2nd Degree
609.247	Carjacking
609.25	Kidnapping
609.255	False imprisonment
609.2661	Consp./At. First-degree murder of <u>an</u> unborn child 1st Degree
609.2662	Second-degree murder of an unborn child 2nd Degree
609.2663	Third-degree murder of an unborn child 3rd Degree
609.2664	First-degree manslaughter of an unborn child 1st Degree
609.2665	Second-degree manslaughter of an unborn child 2nd Degree
609.267	First-degree assault of an unborn child 1st Degree
609.2671	Second-degree assault of an unborn child 2nd Degree
609.268	Death or Injury <u>Causing injury to or the death</u> of an unborn child in Comm. of the commission of a crime
609.282	Labor trafficking
609.322, subd. 1(a)	First-degree sex trafficking 1st Degree
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking 1st Degree
609.322, subd. 1a	Second-degree sex trafficking 2nd Degree
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking 2nd Degree
609.324, subd. 1(a)	Engage or Hire a Minor to Engage in Prostitution <u>Engaging a minor under age 14, or a person believed to be so, in prostitution</u>
609.324, subd. 1(b)	Engage or Hire a Minor to Engage in Prostitution <u>Engaging a minor age 14 or 15, or a person believed to be so, in prostitution</u>
609.324, subd. 1(c)	Engage or Hire a Minor to Engage in Prostitution <u>Engaging a minor age 16 or 17, or a person believed to be so, in prostitution</u>
609.342	First-degree criminal sexual conduct 1st Degree
609.343	Second-degree criminal sexual conduct 2nd Degree
609.344	Third-degree criminal sexual conduct 3rd Degree
609.345	Fourth-degree criminal sexual conduct 4th Degree
609.3451	Fifth-degree criminal sexual conduct 5th Degree
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

<u>Statute Number Minn. Stat. Section</u>	<u>Offense Title Eligible for Permissively Consecutive Sentencing</u>
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 <u>a</u> child
609.3775	Child torture
609.378	Child Neglect/Endangerment <u>neglect or endangerment</u>
609.476, subd. 3	Publishing personal information of <u>a</u> judicial official (resulting in bodily harm)
609.485, subd. <u>subd. 4(a)(1) & 4(b)</u>	Escape with Violence from <u>from a</u> felony offense <u>by violence or threat</u>
609.485, subd. <u>subd. 4(a)(3) & (b)</u>	Escape with <u>from a gross misdemeanor or misdemeanor offense by</u> violence from GM or Misd. Offense <u>or threat</u>
609.487, subd. 3	Fleeing <u>a</u> peace officer
609.487, subd. 4(a)	Fleeing <u>a</u> peace officer (resulting in death)
609.487, subd. 4(b)	Fleeing <u>a</u> peace officer (resulting in great bodily harm)
609.487, subd. 4(c)	Fleeing <u>a</u> peace officer (resulting in substantial bodily harm)
609.498, subd. 1a	Tampering with a <u>First-degree</u> witness in the 1st Degree <u>tampering</u>
609.498, subd. 1b	Tampering with a Witness, Aggravated <u>1st-Degree</u> first-degree witness <u>tampering</u>
609.502, subd. 1(1)	Interference with a Dead Body or Scene of Death <u>Interfering with a death scene or body</u>
609.527	Identity theft
609.561	<u>First-degree</u> arson in the 1st-Degree
609.5641, subd. 1a(b)	Wildfire arson (Damaged <u>damaging</u> over five Dwellings, Burns <u>dwellings</u> or \$100,000 in crops, or <u>burning</u> 500 acres or More, or Crops in Excess of \$100,000) <u>more</u>
609.5641, subd. 1a(c)	Wildfire arson (Damaged <u>damaging</u> over 100 Dwellings, Burns <u>dwellings</u> or \$250,000 in crops, or <u>burning</u> 1,500 acres or More, or Crops in Excess of \$250,000) <u>more</u>
609.5641, subd. 1a(d)	Wildfire arson (resulting in demonstrable bodily harm)
609.582, subd. 1	Burglary 1st Degree of Occupied Dwelling; <u>First-degree</u> burglary 1st Degree with Dangerous Weapon; Burglary 1st Degree with Assault
609.582, subd. 2(a)(1) or (2)	Burglary 2nd Degree—Dwelling; <u>Second-degree</u> burglary 2nd Degree—of a dwelling or bank
609.591, subd. 3(1)	Hinder Logging (Tree spiking <u>resulting in</u> great bodily harm)

<u>Statute Number Minn. Stat. Section</u>	<u>Offense Title Eligible for Permissively Consecutive Sentencing</u>
609.594, subd. 2	Damage to property <u>of</u> critical public service Facilities <u>facilities, utilities, or pipelines</u>
609.66, subd. 1e	Drive-by shooting
609.662, subd. 2(b)(1)	Duty <u>Failure</u> to render aid (to a shooting victim suffering death or great bodily harm)
609.662, subd. 2(b)(2)	Duty <u>Failure</u> to render aid (to a shooting victim suffering substantial bodily harm)
609.671	Hazardous Wastes <u>Violation of environmental laws</u>
609.687, subd. 3(1)	Adulteration resulting in death
609.687, subd. 3(2)	Adulteration resulting in bodily harm
609.71, subd. 1	<u>First-degree</u> riot 1st-Degree
609.712	Real/Simulated Weapons <u>Manufacturing, possessing, or threatening to use a real or simulated weapon</u> of mass destruction
609.713, subd. 1	Threats of <u>Threatening</u> violence (Terror/Evacuation)
609.713, subd. 2	Threats of Violence <u>(Making a</u> bomb threat)
609.713, subd. 3(a)	Threats of Violence <u>(Menacingly displaying a</u> replica firearm) <u>or BB gun</u>
609.714, subd. 2	Crimes Committed <u>Offense</u> in furtherance of terrorism
609.746, subd. 1(h)	<u>Using a</u> surreptitious observation device (against a minor victim and <u>with</u> sexual intent)
609.746, subd. 1(j)	Surreptitious photography under or around clothing (3rd as a <u>third</u> or subsequent Violation) <u>offense</u>
609.748, subd. 6(d)	Violation of <u>a</u> harassment restraining order
609.749, subd. 3	Harassment <u>(Aggravated</u> Violations) <u>harassment</u>
609.749, subd. 4	Harassment <u>(as a second or</u> subsequent Violations) <u>offense</u>
609.749, subd. 5	Stalking
609.78, subd. 2a	<u>Placing a</u> fictitious emergency call (resulting in substantial bodily harm, great bodily harm, or death)
609.78, subd. 2b(2)	Disrupting an emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means) <u>call center system</u>
609.855, subd. 2(c)(1)	Interference with <u>a</u> transit operator
609.855, subd. 5	Discharge <u>of a</u> firearm at <u>or in an</u> occupied transit Vehicle/Facility <u>vehicle or facility</u>
617.23, subd. 3	Indecent exposure

<u>Statute Number Minn. Stat. Section</u>	<u>Offense Title Eligible for Permissively Consecutive Sentencing</u>
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 (Subsequent, by a second or subsequent offense, by a predatory offender, or involving a child under 14) <u>age 14</u>
617.247, subd. 3(a)	Dissemination of child sexual abuse material
617.247, subd. 3(b)	Dissemination of child sexual abuse material (Subsequent, by a second or subsequent offense, by a predatory offender, or involving a child under 14) <u>age 14</u>
617.247, subd. 4(a)	Possession of child sexual abuse material
617.247, subd. 4(b)	Possession of child sexual abuse material (Subsequent, by a second or subsequent offense, by a predatory offender, or involving a child under 14) <u>age 14</u>
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	Metal Penetrating <u>Use or possession of metal-penetrating bullets in a crime</u>
624.732, subd. 2	Intentional release of <u>a</u> 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.

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

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

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