

Approved Meeting Minutes

June 4, 2026

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on June 4, 2026, in the Afton Room at the Department of Corrections, 1450 Energy Park Drive, Saint Paul, MN 55108; and by telephone and/or electronically.

Commission members present in person were Kelly Lyn Mitchell, Chair and Designee of the Commissioner of Corrections; Cathryn Middlebrook, Vice-Chair and Chief Appellate Public Defender; Keala Ede, Court of Appeals Judge; Richard Frase, Professor Emeritus, University of Minnesota Law School; Gordon L. Moore, III, Minnesota Supreme Court Justice; Chief Brian Mueller, Stillwater Police Department; and Latonya Reeves, Hennepin County Career Probation Officer. Also present in person were MSGC Executive Director Nate Reitz and MSGC staff members Leah Bower, Matthew Hlina, Jill Payne, and Devonte Roache.

Commission members present by telephone and/or electronically were Leonardo Castro, District Court Judge; Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Kyra Ladd, Wadena County Attorney; Tim Morin, Public Member; and Surya Saxena, Public Member; the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on May 8, 2026. Also present by telephone and/or electronically were staff members Kathleen Madland and Linda McBrayer; and members of the public Ben Johnson; and Elizabeth Ruhland.

1. Call to Order & Roll Call

Chair Mitchell called the meeting to order at 1:30 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Morin, Mueller, Reeves and Saxena. Eleven members were present; two members were absent. A quorum was present.

2. Adoption of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

Motion by Vice-Chair Middlebrook and second by Commissioner Reeves to approve the draft meeting agenda for June 4, 2026.

Motion carried unanimously on an 11–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Morin, Mueller, Reeves, and Saxena.

3. Approval of Draft Meeting Minutes of May 7, 2026 (Action)

This was on the agenda as an action item.

Motion by Commissioner Ede and second by Vice-Chair Middlebrook to approve the draft meeting minutes from May 7, 2026.

Motion carried unanimously on an 11–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Morin, Mueller, Reeves, and Saxena.

4. Sentencing Guidelines Changes Relating to 2026 Regular Session Laws (Action)

At 1:35 p.m., Commissioner Moore joined the meeting in person.

Chair Mitchell introduced this agenda item and referenced the staff paper called "Possible Modifications to the Sentencing Guidelines and Commentary" dated May 28, 2026. Chair Mitchell stated that this was the main item for the day and suggested that items A.1, A.3, A.4, and item B, could be discussed first and potentially taken as a single motion; then the Commission could separately discuss items A.2, A.5, A.6, and A.7.

There were no objections.

Director Reitz described items A.1, A.3, A.4, and item B, and the staff recommendations, as follows.

- **A.1. New: Coercion by Threat to Disseminate Private Sexual Images Resulting in Death or Great Bodily Harm:** Currently, penalties for violating Minn. Stat. § 609.27 (Coercion) are graded, from a misdemeanor up to two levels of felony, by the amount of pecuniary gain or loss resulting from the threat. One of the existing ways of committing coercion, subd. 1(6), is by a threat to disseminate a private sexual image in violation of Minn. Stat. § 617.261. For this crime, the act establishes a 10-year, \$20,000 statutory maximum if the violation is a substantial factor in the victim suffering great bodily harm, and a 15-year, \$30,000 statutory maximum if the violation is a substantial factor in the victim suffering death. The **staff recommended** ranking Coercion (Substantial Factor to Victim Suffering Death) at severity level (SL) 9; and ranking Coercion (Substantial Factor to Victim Suffering Great Bodily Harm) at SL 8.

- The Commission asked why the staff recommendations did not include guidance on whether the offenses should be added to the guidelines’ offense lists like the permissive-consecutive offense list.

Director Reitz responded that it is typically for the MSGC to recommend the “status quo” and that it’s the Commission, not staff, who make those types of decisions.

- **A.3. Child Grooming Offense:** The act creates a new felony in Minn. Stat. § 609.352, subd. 2c, for an adult who grooms a child under age 16. “Grooming” is engaging in a deliberate pattern of conduct to methodically develop a false trusting relationship with the child that is intended to strategically

manipulate the child to engage in sexual conduct with the person at a future time, while also expressing to the child the desire or intent to engage in sexual conduct with that child. The new crimes share the same 5 year/\$10,000 maximum penalty. The **staff recommended** ranking Grooming (Minn. Stat. § 609.352, subd. 2c), Positions of Authority (subd. 2d), and School Violations (subd. 2e) on the Sex Offender Grid at SL G; and including Grooming on the list of offenses eligible for permissive consecutive sentences (section 6).

- **A.4. New Assault in the Fourth Degree Against a Hospital or Clinic Security Guard:** Amends Minn. Stat. § 609.2231, subd. 2 (assault in the fourth degree against firefighters and emergency medical personnel) by creating a new gross misdemeanor for physically assaulting a security officer providing services in a hospital or clinic. It is a felony with a three-year statutory maximum if the assault inflicts demonstrable bodily harm (i.e., bodily harm that is capable of being perceived by another). The **staff recommended** ranking Assault in the Fourth Degree Against a Hospital or Clinic Security Guard at SL 3; and continuing to list the offense as eligible for permissive consecutive sentencing (section 6).
- **B. New Aggravating Factor for Age Deception:** The act amends Minn. Stat. § 244.10, subd. 5a, to include age deception (impersonating a minor to facilitate a crime against a minor victim) as a statutory aggravating factor and permits judges to consider age deception when determining an appropriate sentence. The act enacts Minn. Stat. § 609.099 (Deception Regarding Age as Sentencing Factor), which permits a judge, when determining an appropriate sentence for a crime, to consider as a relevant factor whether an adult offender intentionally deceived a minor victim into believing the offender was also a minor in order to facilitate the commission of the crime. The **staff recommended** adding “age deception” to the Guidelines as an aggravating factor (section 2.D).

The Commission discussed item B (New Aggravating Factor for Age Deception) and the staff recommendation. The Commission reviewed the staff-drafted language and preferred using language closer to that passed in the act rather than the staff recommendation.

Director Reitz stated that, at this meeting, staff would understand all motions to amend the Guidelines to be preliminary, subject to a public hearing and a final vote of the Commission at a later meeting, and that the effective date of all Guidelines changes would be August 1, 2026, unless otherwise stated.

Motion by Commissioner Ladd and second by Commissioner Reeves to adopt a new aggravating factor for, “An adult offender intentionally deceived a minor victim into believing the offender was also a minor in order to facilitate the commission of the offense as described in Minn. Stat. § 609.099,” as in Guidelines 2.D.3.b.14, and to make conforming changes to numbering.

Motion carried unanimously on a 12–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Moore, Morin, Mueller, Reeves, and Saxena.

The Commission further discussed items A.1, A.3, and A.4.

A Commissioner asked about adding commentary related to item A.4 (New Assault in the Fourth Degree Against a Hospital or Clinic Security Guard) intended to remind District Court Judges that, “lacked substantial capacity for judgement” may be cited as a mitigating factor.

Chair Mitchell asked a procedural question about adding commentary to the Guidelines.

Director Reitz said that the commentary is not part of the Guidelines and that if the Commission waived its first reading rule at its July meeting, commentary could be added without public hearing.

Another Commissioner asked about adding commentary related to item A.1 (Coercion by Threat to Disseminate Private Sexual Images Resulting in Death or Great Bodily Harm) to say that that there is currently no definition in criminal law for “if the violation is a substantial factor in the victim suffering” either great bodily harm or death.

Motion by Commissioner Reeves and second by Commissioner Frase to adopt staff recommendations in items A.1, A.3, and A.4, of the staff paper called "Possible Modifications to the Sentencing Guidelines and Commentary" dated May 28, 2026.

Motion carried unanimously on a 12–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Moore, Morin, Mueller, Reeves, and Saxena.

The Commission discussed the remaining items in the staff paper called "Possible Modifications to the Sentencing Guidelines and Commentary" dated May 28, 2026: A.2, A.5, A.6, and A.7.

Chair Mitchell called on Director Reitz who described item A.2, and the staff recommendations, as follows.

- **A.2. New and Amended: Impersonating a Peace Officer:** Enhances impersonating a peace officer under Minn. Stat. § 609.4751.
 - Amended subdivision 1: Base offense. Falsely impersonating a peace officer with intent to mislead another into believing that the impersonator is an officer is increased from a misdemeanor to a felony with a two-year/\$4,000 maximum penalty. **Staff recommended** ranking at SL 2.
 - Amended subdivision 2: Buildings; vehicles. This is violating subd. 1 while committing one of four listed acts: accessing a public or government building not open to the public; issuing an unauthorized order; using a restricted vehicle light or siren; or operating a vehicle that is either marked as law enforcement, or (new) that displays equipment (or facsimile of equipment) commonly attached to law enforcement vehicles so it looks like law enforcement vehicle. This offense is increased from a gross misdemeanor to a felony with a five-year/\$10,000 maximum penalty. **Staff recommended** ranking at SL 4.
 - Amended Subdivision 3(a): Previous violation within five years. The maximum penalty for violating § 609.4751 within five years of a previous violation is increased from two years/\$4,000 to ten years/\$20,000. This offense is renumbered from subd. 3 to subd. 3(a). **Staff recommended** ranking at SL 5.

- New subdivision 3(b): Possession of a firearm. The new felony for violating § 609.4751 while possessing a firearm also has a ten-year/\$20,000 maximum penalty. **Staff recommended** ranking at SL 6.
- New subdivision 4: Enhanced penalty: This provision enhances the penalty for crimes (other than violations of § 609.4751) committed while falsely impersonating a peace officer with intent to mislead. If such a crime is a misdemeanor, it becomes a gross misdemeanor. If such a crime is a gross misdemeanor, it becomes a felony with a three-year/\$15,000 maximum penalty. If such a crime is a felony, the statutory maximum penalty is increased by five years. Application of an enhanced penalty to another crime does not bar prosecution under § 609.4751. **Staff recommended** ranking Impersonating a Peace Officer (Enhanced Felony) under subd. 4(a)(2)) at SL 3; and creating a 12-month penalty modifier for completed Crime Committed While Impersonating a Peace Officer (subd. 4(a)(3)); and creating a 6-month penalty modifier for an attempt or conspiracy.
- New subdivision 5: Requires licensed peace officers, tribal officers, and certain officers from non-Minnesota jurisdictions to provide their employing entities, last names, and badge numbers on their uniforms or upon request, with a limited requirement (no last names required) for those wearing protective gear or body armor for crowd control or SWAT, and no requirement for undercover officers not detaining or arresting someone or executing a search warrant. Violations of this subdivision do not invalidate arrests or cause the suppression of evidence resulting from arrests. Subdivision 5 contains no criminal penalties, but, if person violating subdivision 5 met a condition of subdivision 3 (such as carrying a firearm), the felony penalty provisions of subdivision 3 would apparently apply.

Motion by Commissioner Castro and second by Commissioner Ede to adopt the staff recommendation in item A.2, of the staff paper called "Possible Modifications to the Sentencing Guidelines and Commentary" dated May 28, 2026.

Discussion: Vice-Chair Middlebrook asked whether the staff-recommended sentence modifier in subd. 4, would change the disposition. Director Reitz clarified that the staff-recommended modifier does not change the disposition.

Motion by Commissioner Mueller and second by Commissioner Ladd to amend the Castro motion by increasing the severity level of the "base offense" under subd. 1 to SL 3.

Discussion on the Mueller Motion: Commissioner Ladd said that SL 3 is more appropriate than SL 2 for the base offense; otherwise, Ladd supported the staff recommendations as presented. Commissioner Frase said that the statutory maximum for the base offense was set low by the Legislature and that seemed intentional.

Motion failed on a 4–7 roll-call vote.

Voting "Yes" were members Ladd, Moore, Mueller, and Reeves.

Voting “No” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, and Saxena.

The Commission returned to the Castro motion where there was no further discussion.

Motion carried on a 9–2 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Moore, Reeves, and Saxena.

Voting “No” were members Ladd and Mueller.

Chair Mitchell called on Director Reitz who described item A.5, and the staff recommendations, as follows.

- **A.5. Enhanced Penalties for Theft from Vulnerable Adults:** The act amends Minn. Stat. § 609.52, subd. 3a, which currently provides enhanced penalties for theft offenses that create reasonably foreseeable risks for body harm to another, by adding paragraph (b) related to vulnerable adults. Under paragraph (b), if a person knows or has reason to know that the victim of the theft is a vulnerable adult as defined in section 609.232, subdivision 11, the penalties are enhanced as follows: (1) misdemeanors are enhanced to gross misdemeanors; (2) gross misdemeanors are enhanced to felonies with a maximum penalty of two years imprisonment and a \$5,000 fine; and (3) the maximum sentence for felonies is increased by 25 percent. **Staff recommended** ranking Theft from a Vulnerable Adult (over \$35,000) at SL 7; Theft from a Vulnerable Adult (over \$5,000) at SL 5; Theft from a Vulnerable Adult (\$5,000 or less) at SL 4; and Theft from a Vulnerable Adult (Enhanced to a Felony) at SL 2.

Motion by Commissioner Reeves and second by Commissioner Moore to adopt the staff recommendation in item A.5, of the staff paper called "Possible Modifications to the Sentencing Guidelines and Commentary" dated May 28, 2026.

Motion carried unanimously on an 11–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Moore, Mueller, Reeves, and Saxena.

Chair Mitchell called on Director Reitz who described item A.6, and the staff recommendations, as follows.

- **A.6. New Operating, Facilitating, or Advertising Prediction Markets:** Section 3 of the act enacts Minn. Stat. § 609.7615 (Prediction Markets). Subdivision 1 defines, among other terms, a “prediction market.” Subdivisions 2 and establish felonies. **Staff Recommended** ranking the offense at SL 4. Alternatively, MSGC staff recognized that a reasonable Commission member may wish to leave the new offense unranked.

The Commission discussed the staff recommendations and the option for the new prediction market offenses to be designated as “unranked” given that the range of behavior is very board and diverse especially under new Minn. Stat. § 609.7615, subd. 1(e)(4), where it reads, “any event or events happening to a natural person or group of people.”

Motion by Vice-Chair Middlebrook and second by Commissioner Reeves to add Operating, Facilitating, or Advertising a Prediction Market to the list of unranked offenses.

Motion carried unanimously on an 11–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Moore, Mueller, Reeves, and Saxena.

Chair Mitchell called on Director Reitz who described item A.7, and the staff recommendations, as follows.

- **A.7. New Medical Assistance Fraud:** The act repeals the existing medical assistance fraud crimes found in Minn. Stat. §§ 609.466 & 609.52, subd. 2(a)(3)(iii), replacing them with a new Minn. Stat. § 609.467 (Medical Assistance Fraud), with expanded elements and three new penalty tiers. **Staff recommended** ranking Medical Assistance Fraud (\$100,000 or less) at SL 2(Tier 1); ranking Medical Assistance Fraud (\$100,001–\$1,000,000) at SL 6 (Tier 2); and rank Medical Assistance Fraud (Over \$1,000,000) at SL 7 (Tier 3).

The Commission discussed the item.

Motion by Commissioner Ede and second by Commissioner Reeves to adopt the staff recommendation in item A.7, of the staff paper called "Possible Modifications to the Sentencing Guidelines and Commentary" dated May 28, 2026.

Discussion: There was a lengthy discussion about the severity level recommendation for \$100,000 or less, the lack of an intermediary tier between \$0 and \$100,000 in the act that passed into law, the types of behavior that constitutes the crime, and the possibility that these crimes could be prosecuted as racketeering. Chair Mitchell said that the Commission may reconsider its proposal depending on whether it is brought up by the public at the public hearing.

Motion carried on a 9–2 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Moore, Reeves, and Saxena.

Voting “No” were members Ladd and Mueller.

5. Possible Sentencing Guidelines Technical Modifications (Action)

Chair Mitchell called on Director Reitz who presented “Sentencing Guidelines Technical Modifications,” dated April 27, 2026, and updated May 28, 2026. Director Reitz briefly described the possible technical modifications and the staff recommendations. Director Reitz recalled that these technical modifications were introduced as a discussion item at the Commission’s meeting on May 7, 2026.

Motion by Commissioner Ladd and second by Commissioner Reeves to adopt the staff recommendation in the staff paper called “Sentencing Guidelines Technical Modifications,” dated April 27, 2026, and updated May 28, 2026.

Motion carried unanimously on an 11–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Keefe, Ladd, Moore, Mueller, Reeves, and Saxena.

Chair Mitchell explained that agenda items 4 and 5 will be proposals at the Commission’s July 16, 2026, public hearing. There is no quorum required at the public hearing. After the public hearing, the Commission will meet to approve or reject the public hearing proposals. That meeting will take place on July 23, 2026, and a quorum is required.

6. Comprehensive Review Ranking Project – Present Packet Results; Aggravated and Vehicular Theft-Related Offenses (Discussion)

This was on the agenda as a discussion item.

Due to time constraints, this item will be brought back to the next Commission meeting on July 23, 2026.

7. Committee Updates (Discussion)

This was on the agenda as a discussion item.

- a) *Hernandez* Committee update: Chair Mitchell stated she will be sending out an email with potential dates to set a meeting for the committee.
- b) Restructuring Committee update: Director Reitz stated the committee has not met yet, and that the restructuring will be incorporated into the 2026 Guidelines.

8. Executive Director’s Report (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz to discuss the Executive Director’s Report.

A. 2026 Regular Session Laws of Interest to the Commission

Director Reitz explained the “2026 Regular Session Laws, Other Laws of Interest to the Commission” dated May 28, 2026. The paper reviews crime legislation from the 2026 Regular Session that are likely to be of interest to the Commission, but, in the opinion of staff, do not require Sentencing Guidelines changes.

B. Other Updates

Director Reitz reported that the National Association of Sentencing Commissions (NASC) is in Albuquerque, NM. Due to location and the economy, airfare and hotel accommodations are more costly than typical. Director Reitz reported that Minnesota may host NASC in 2028.

Chair Mitchell mentioned that the comprehensive review of the Minnesota Sentencing Guidelines will be the plenary discussion session at NASC this year.

9. Public Input

Director Reitz noted that there were no members of the public online who wished to speak and that there were no members of the public present in person.

10. Adjournment

Chair Mitchell adjourned the meeting at 4:17 p.m., without objection.