



Ranking Project: Severity-Level Ranking Principles and Process

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Introduction

In 2025, the Commission looked at several “offense groups” to see whether the offenses in each group were appropriately ranked

Today’s offense group involves offenses resulting in death (excluding criminal vehicular homicide, discussed last year)

Before discussing the offenses in this group and the process for severity level ranking specific to this offense group, we will provide an orientation to offense ranking including:

- Discussing the **ranking criteria** used for assigning a severity level to an offense.
- Discussing **severity level ranking options** for an offense.

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Ranking Criteria

When assigning severity-level rankings to offenses, the Commission has historically based its decision, in part, on:

- The level and type of **harm** caused by the offense (*e.g.*, death, great bodily harm, substantial bodily harm, demonstrable bodily harm);
- **Culpability** (*i.e.*, blameworthiness); and
- **Statutory maximums** (*e.g.*, 25-year stat. max., 10-year stat. max., 5-year stat. max) as evidence of the Legislature’s view of relative severity.

Underlying the ranking decisions are these concepts:

- The focus of the ranking is on the **typical** offense.
- Offenses listed within each **severity level** are deemed to be equally serious.

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Guidelines 5.A: The Offense Severity Reference Table

- This is an important resource as you make relative severity determinations
- It groups all ranked felony offenses by severity level, starting with the offenses on the standard grid
- *Offenses subject to a mandatory life sentence not ranked; they are excluded from the Guidelines by law*

5.A. Offense Severity Reference Table

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.

Severity Level	Offense Title	Statute Number
11	Adulteration	609.687, subd. 3(1)
	Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force)	609.221, subd. 4
	Murder 2nd Degree (Intentional Murder; Unintentional Drive-by Shootings)	609.19, subd. 1
	Murder of an Unborn Child 2nd Degree	609.2662(1)
10	Assault 1st Degree (Great Bodily Harm Upon Official)	609.221, subd. 3
	Fleeing a Peace Officer (Death)	609.487, subd. 4(a)
	Murder 2nd Degree (Unintentional Murder)	609.19, subd. 2
	Murder of an Unborn Child 2nd Degree	609.2662(2)
	Murder 3rd Degree	609.195(a)
	Murder of an Unborn Child 3rd Degree	609.2663
9	Assault 1st Degree (Deadly Force Against Official)	609.221, subd. 2
	Assault 1st Degree (Great Bodily Harm)	609.221, subd. 1
	Assault of an Unborn Child 1st Degree	609.267
	Carjacking 1st Degree	609.247, subd. 2
	Criminal Abuse of Vulnerable Adult (Death)	609.2325, subd. 3(1)
	Death of an Unborn Child in the Commission of Crime	609.268, subd. 1
	Engage or Hire a Minor to Engage in Prostitution	609.324, subd. 1(a)
	Kidnapping (Great Bodily Harm)	609.25, subd. 2(2)(b)
	Labor Trafficking (Death)	609.282, subd. 1
	Manslaughter 1st Degree	609.20(1)(2) & (5)
	Manslaughter of an Unborn Child 1st Degree	609.2664(1) & (2)

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Why are some offenses unranked?

- The offense is rarely prosecuted,
- The offense covers a wide range of underlying conduct, or
- The offense is new and the severity of a typical offense cannot yet be determined

If an unranked offense gets a significant number of convictions, the Commission promises to reexamine its ranking and assign an appropriate severity level for a typical offense. (Comment 2.A.04.)

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Severity Level Ranking Options

The “normal” severity level reranking options include:

- Keep at current severity level
- Uprank to a higher severity level
- Downrank to a lower severity level
- Unrank an offense
- *In theory, the Commission could also:*
 - *Adjust the grid (i.e., create new severity level, combine existing severity levels)*
 - *Make a legislative recommendation (e.g., to distinguish levels of misconduct)*

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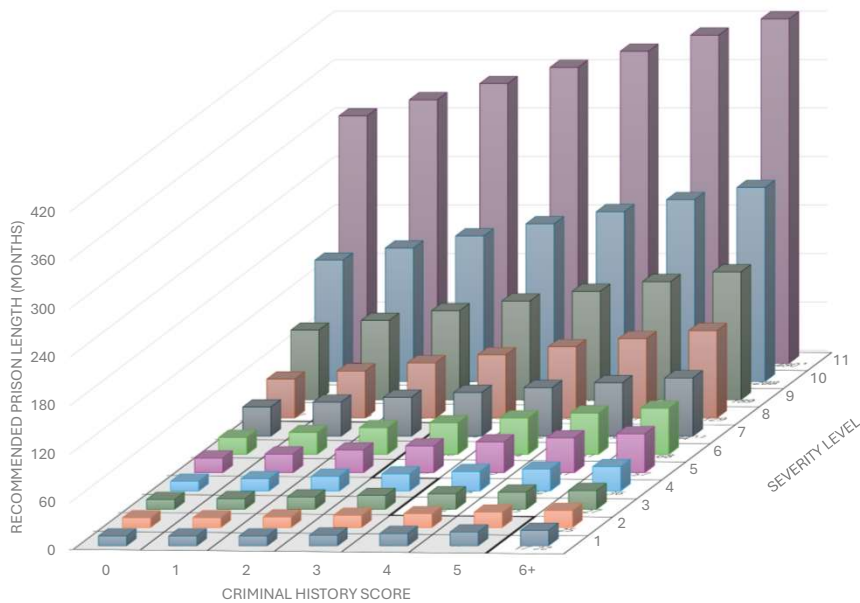
When adjusting an offense's severity level, mind the gaps ...

... the durational change between adjacent severity levels can vary dramatically

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE						
	0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree (Intentional; Drive-By Shootings)</i>	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 ¹	426 363-480 ¹
<i>Murder, 2nd Degree (Unintentional)</i>	150	165	180	195	210	225	240
<i>Murder, 3rd Degree (Depraved Mind)</i>	128-180	141-198	153-216	166-234	179-252	192-270	204-288
<i>Murder, 3rd Degree (Drugs)</i>	86	98	110	122	134	146	158
<i>Assault, 1st Degree (Great Bodily Harm)</i>	74-103	84-117	94-132	104-146	114-160	125-175	135-189
<i>Agg. Robbery, 1st Degree</i>	48	58	68	78	88	98	108
<i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	41-57	50-69	58-81	67-93	75-105	84-117	92-129
<i>Felony DWI</i>	36	42	48	54	60	66	72
<i>Financial Exploitation of a Vulnerable Adult</i>	46-64	51-72	57-79	62-84 ^{1,2}	67-93	72-99	77-104
<i>Assault, 2nd Degree</i>	21	27	33	39	45	51	57
<i>Burglary, 1st Degree (Occupied Dwelling)</i>	34-46	39-54	44-61	49-68	54-75	59-81	64-87
<i>Residential Burglary</i>	18	23	28	33	38	43	48
<i>Simple Robbery</i>	29-39	33-45	37-51	41-57	45-63	49-71	53-77
<i>Nonresidential Burglary</i>	12	15	18	21	24	27	30
<i>Theft Crimes (Over \$5,000)</i>	12	13	15	17	19	21	23
<i>Theft Crimes (\$5,000 or less)</i>	17-22	18-25	20-27	21-28	23-32	25-36	27-39
<i>Check Forgery (\$251-\$2,500)</i>	12	12	13	15	17	19	21
<i>Assault, 4th Degree</i>	12	12	12	13	15	17	19
<i>Fleeing a Peace Officer</i>	17-22	18-25	20-27	21-28	23-32	25-36	27-39

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2025 Standard Grid



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