

Comprehensive Review

Offenses for Reranking Consideration: Aggravated and Vehicular Theft-Related Offenses

April 28, 2026

The subject of this paper is “aggravated” thefts (thefts that the Commission has ranked, in some way, more severely than is typical) and theft-related offenses involving a motor vehicle. These offenses include several characteristics that qualify it for the Commission’s ranking consideration.

- Two ranking outliers: financial exploitation of a vulnerable adult and identity theft.
- Permanent theft of a motor vehicle is ranked at severity level (SL) 4, but receiving a stolen motor vehicle (at a “chop shop,” for example) is ranked at SL 2 or SL 3, depending on the vehicle’s value.

These offenses are divided into two chapters:

- Chapter 1 contains theft offenses that are ranked at a more severe severity level because of a high monetary threshold or certain offense characteristics (against a vulnerable adult, for example).
- Chapter 2 lists theft and receiving stolen property offenses that involve a motor vehicle.

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This document was prepared by the staff of the Minnesota Sentencing Guidelines Commission for the Commission’s review. This document has not been adopted by the Commission and does not necessarily represent its views.

Guide to Offense Pages & Glossary

Offense Information

- Statute; statutory maximum (and minimum, if applicable) sentence; offense description (bold words are defined in the glossary, below); and offense's severity level (with grid excerpt).
- Special offense considerations are shown at the top of the page; reranking considerations are shown at the bottom.

Case Volume & Estimated Prison Beds

- Case volume – average number of felony cases sentenced annually, 2015–2024.
- Estimated prison beds – average annual number of executed prison sentences multiplied by the average duration of those sentences, in years, times two-thirds (see Minn. Stat. § 244.101). Thus, two 36-month executed sentences every year would equal four estimated prison beds (2 cases × 3 years × $\frac{2}{3}$ = 4 beds).

Prison Outcomes

- Presumptive prison cases are those the Guidelines recommended prison.
- Dispositional departure is the mitigated dispositional departure rate for presumptive prison sentences.
- For “dispositional departure at GTZ,” see glossary, below.
- Cases that received prison are those where the court pronounced an executed sentence at sentencing.
- Mitigated durational departures count executed prison sentences that involved a sentence length shorter than recommended by the Guidelines. Likewise, aggravated durational departures count executed prison sentences that involved a sentence length longer than recommended by the Guidelines.
- Consecutive prison term is the number of cases that received a consecutive sentence and percent of prison cases that received a consecutive sentence.
- Average prison length is the average of executed, pronounced prison sentences, in months.
- For “prosecutor agreed,” see glossary, below.

Demographics

- Age is at the time of sentencing.
- Judicial districts (see [map](#)) are indicated with the letter D. For example, D1 is the 1st Judicial District.
- In criminal history, Guidelines True Zero (GTZ) cases are reported separately from other criminal history score (CHS) zero cases.

Glossary

- Guidelines True Zero (GTZ): An unofficial term referring to a case where no prior offense was listed in any criminal history score category (custody status, juvenile offense, misdemeanor, gross misdemeanor offense, or felony).
- Prosecutor Agreed: Cases where one or more of the following was indicated on the departure report: plea agreement on the sentence, prosecutor recommended the departure, or prosecutor does not object to the departure. Departure reports do not always include information on the prosecutor's position; if above fields are blank, the case is not reported as “prosecutor agreed.”
- Risk of Bodily Harm: Risk of pain, injury, illness, or any impairment of physical condition.

Chapter 1: Aggravated Theft Offenses

For the purposes of this paper, the term “aggravated theft” refers to four theft-related offenses involving specific aggravating circumstances that have resulted in the Commission’s assignment of an offense severity that is elevated above the usual scheme. The “usual scheme” is as follows:

- \$5,000* or less – SL 2
- Over \$5,000* (or \$5,001*–\$35,000) – SL 3
- Over \$35,000 (requires special statutory authorization) – SL 6 (or SL 5, in the cases of financial transaction card fraud and check forgery)

The following four offenses deviate from that scheme—not always uniformly—in a manner suggesting that the Commission considers them to be aggravated, compared to other theft offenses.

1. Identity Theft: The intangible value to the victim’s credit history can exceed the actual monetary value taken. These offenses track the general loss-threshold statutory maximums (at pre-2007 values; see footnote), with an alternative threshold as well: the number of victims.
2. Financial Exploitation of Vulnerable Adult: Involves a breach of fiduciary duty or the use of undue influence, harassment, or duress, against a vulnerable adult. Same thresholds and statutory maximums as theft.
3. Theft with Foreseeable Risk of Bodily Harm: The physical danger posed by the theft crime, regardless of whether actual harm occurs. Felony statutory maximums increase by 50 percent.
4. Organized Retail Theft: Requires a “pattern of retail theft” (at least two separate acts in six months) and the intent to resell or return the items for value. Felony statutory maximums set two to five years higher than comparable theft.

* Or \$2,500, in the case of those offenses that did not partake in the general theft-threshold inflation adjustment of [2007](#) (from \$2,500 to \$5,000).

Current Severity Levels for Aggravated Thefts

4.A. Sentencing Guidelines Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE								
		0	1	2	3	4	5	6 or more		
ID THEFT	⑧ 35K +	11	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480¹</i>	426 <i>363-480¹</i>	
	③ \$2.5K - 35K		10	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
	② \$501 - \$2.5K			9	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>
FEVA	⑦ 35K +	8	48 <i>41-57</i>		58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
	⑤ \$5K - 35K		7	36 <i>31-41</i>	42 <i>37-47</i>	48 <i>43-53</i>	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{1,2}</i>
	④ < \$5K			6	21 <i>18-24</i>	27 <i>24-30</i>	33 <i>30-36</i>	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>
THEFT - HARM	④ \$5K +	5	18 <i>16-20</i>		23 <i>20-26</i>	28 <i>25-31</i>	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
	③ \$1K - 5K; \$501 - 1K & Prior		4	12 <i>10-14</i>	15 <i>13-17</i>	18 <i>16-20</i>	21 <i>19-23</i>	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
	② < \$1K			3	12 <i>10-14</i>	13 <i>11-15</i>	15 <i>13-17</i>	17 <i>15-19</i>	19 <i>17-22</i>	21 <i>18-25</i>
ORT	④ \$5K +	2	12 <i>10-14</i>		12 <i>10-14</i>	13 <i>11-15</i>	15 <i>13-17</i>	17 <i>15-19</i>	19 <i>17-22</i>	21 <i>18-25</i>
	③ \$1K - 5K; \$501 - 1K & Prior		1	12 <i>10-14</i>	12 <i>10-14</i>	12 <i>10-14</i>	13 <i>11-15</i>	15 <i>13-17</i>	17 <i>15-19</i>	19 <i>17-22</i>
	① \$501 - \$1K; < \$500 & Prior									

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.

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.)

1.1: Identity Theft

Current Severity Levels 2/3/8

Offense	Minn. Stat.	In General	Subd.	Stat. Max.	Description	SL
Identity Theft	609.527	Prohibits the transfer, possession, or use of another person's identity with the intent to commit or aid any unlawful activity.	3(3)	5	2–3 victims OR loss of \$501 – \$2,500	2
			3(4)	10	4–7 victims OR loss over \$2,500	3
			3(5)	20	8+ victims OR loss over \$35,000	8
			3(6)	20	child sexual abuse material using the stolen identity	8

Criminal History Score							
	0	1	2	3	4	5	6+
4	12	15	18	21	24 21-28	27 23-32	30 26-36
3	12	13	15	17	19 17-22	21 18-25	23 20-27
2	12	12	13	15	17	19	21 18-25

Criminal History Score							
	0	1	2	3	4	5	6+
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84

Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

96 Sentences Per Year	71 Estimated Prison Beds	Subd. 3(3) & 3(4) rankings follow normal theft scheme (SL 2 & SL 3 for under/over \$5,000), but subd. 3(5) is two SL above normal theft scheme (SL 6 for over \$35,000). This is the only property offense ranked above the dispositional line, and most offenses receive mitigated dispositional departures from Guidelines presumption. Subd. 3(6) separated from 3(5) in '21.
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Prison Outcomes 2015–2024

Subd.	Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
3(3) (27%)	264	37 (14%)	18 (49%)	-	28 (11%)	4 (14%)	1 (4%)	19.6 months
3(4) (38%)	363	118 (33%)	48 (41%)	-	77 (21%)	6 (8%)	4 (5%)	23.2 months
3(5) (35%)	333	333 (100%)	187 (56%)	66 (84%)	146 (44%)	64 (44%)	3 (2%)	71.2 months
3(6) (0%)	0	-	-	-	-	-	-	-
Total	960	488 (51%)	253 (52%)	66 (84%)	251 (26%)	74 (30%)	8 (3%)	50.7 months
<i>Prosecutor Agreed:</i>			<i>198 (78%)</i>	<i>52 (64%)</i>		<i>71 (96%)</i>		

Demographics of People Sentenced & Estimated Prison-Bed Occupants, 2015–2024

SUB		SEX (%)		RACE/ETHNICITY (%)				DISTRICT (%)										CRIMINAL HISTORY SCORE (%)								
		M	F	W	B	AI	H	A	1	2	3	4	5	6	7	8	9	10	GTZ	0	1	2	3	4	5	6+
3(3)	cases	52	48	56	31	3	6	4	30	8	3	25	3	3	1	0	2	25	24	13	11	13	10	6	9	14
	beds	82	18	68	22	4	0	6	40	0	3	13	3	0	0	4	3	33	0	0	0	0	5	7	20	68
3(4)	cases	60	40	47	37	3	7	6	24	17	4	24	3	1	2	1	3	22	24	10	13	11	10	5	6	21
	beds	83	17	52	33	5	4	6	19	17	2	17	2	1	2	1	5	35	0	0	1	2	4	8	17	69
3(5)	cases	64	36	47	36	1	7	10	17	19	1	38	2	0	7	0	1	15	24	8	11	9	9	9	7	22
	beds	70	30	47	35	1	5	12	17	23	1	35	3	0	6	0	1	15	3	2	5	6	12	11	11	47

Reranking Considerations:

The SL 8 ranking is not consistent with the SL 2 and SL 3 rankings, nor with any other offense's ranking scheme. From 2003 minutes: Commission's rationale for SL 8 ranking appeared to focus on intangible harm to victim's credit exceeding dollars lost, and similarity of offense's elements to "major economic offense" aggravating factor.

1.2: Financial Exploitation of Vulnerable Adult

Current Severity Levels 4,5,7

Offense	Minn. Stat.	In General	Stat. Max.	Description	SL
Financial Exploit Vulnerable Adult	609.2335	Financially exploit a vulnerable adult by abusing a fiduciary role, using undue influence, or obtaining property without authority	5	\$5,000 or less	4
			10	Over \$5,000	5
			20	Over \$35,000	7

Criminal History Score								Criminal History Score							
	0	1	2	3	4	5	6+		0	1	2	3	4	5	6+
5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
4	12	15	18	21	24 21-28	27 23-32	30 26-36	7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84
3	12	13	15	17	19 17-22	21 18-25	23 20-27	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68

Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

27 Sentences Per Year	1 Estimated Prison Beds	An unusually high percentage of these crimes were committed by women (61%). Extremely high dispositional departure rates.
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Prison Outcomes 2015–2024

Sev.	Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
4 (28%)	75	2 (3%)	1 (50%)	-	2 (3%)	0	0	22.5 months
5 (42%)	111	3 (3%)	3 (100%)	-	0	-	-	-
7 (30%)	81	5 (6%)	4 (80%)	-	3 (4%)	1 (33%)	0	41.3 months
Total	267	10 (4%)	8 (80%)	-	5 (2%)	1 (20%)	0	33.8 months
<i>Prosecutor Agreed:</i>			5 (63%)	-		1 (100%)		

Demographics of People Sentenced & Estimated Prison-Bed Occupants, 2015–2024

SEVERITY LEVEL	SEX(%) M F	RACE/ETHNICITY (%)							DISTRICT (%)										CRIMINAL HISTORY SCORE (%)							
		W	B	AI	H	A	1	2	3	4	5	6	7	8	9	10	GTZ	0	1	2	3	4	5	6+		
4	cases	31	69	89	5	3	3	0	17	7	8	3	8	0	13	7	12	25	61	15	12	8	1	3	0	0
	beds	100	0	100	0	0	0	0	0	0	0	0	53	0	47	0	0	0	0	0	0	0	47	53	0	0
5	cases	35	65	92	4	2	2	0	15	6	10	11	5	5	12	7	7	21	77	4	13	4	2	0	0	1
	beds	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7	cases	51	49	91	3	5	0	1	14	10	5	21	10	0	11	5	11	14	67	11	12	4	4	1	1	0
	beds	100	0	63	37	0	0	0	29	0	0	71	0	0	0	0	0	0	0	0	0	63	0	37	0	0

Reranking Considerations:

The under/over \$5,000 offenses (SL 4 & SL 5) are two SLs greater than the usual theft scheme (SL 2 & SL 3), while the over \$35,000 offense (SL 7) is one SL greater than the usual theft scheme (SL 6).

1.3: Theft with Foreseeable Risk of Bodily Harm

Current Severity Levels 2,3,4

Offense	Minn. Stat.	In General	Stat. Max.	Description	SL
Theft w Reasonably Foreseeable Risk of Bodily Harm	609.52, subd. 3a	If a violation of § 609.52 (theft) creates a reasonably foreseeable risk of bodily harm to another, a statutory penalty enhancer (1) upgrades a misdemeanor or gross misdemeanor theft to a felony, which the Guidelines rank at SL 2, or (2) increases an existing felony's maximum sentence by 50%.	3	\$1,000 or Less \$500 or Less + Prior	2
			7.5 (5 + 50%)	\$1,001–\$5,000 \$501–\$5,000 + prior	3
			15 (10 + 50%)	Over \$5,000	4

Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

3 Sentences Per Year	< 1 Estimated Prison Beds	For felonies, Guidelines 2.A.2 has a unique +1 SL increase if the +50% statutory penalty enhancer applies.	Criminal History Score							
				0	1	2	3	4	5	6 +
			4	12	15	18	21	24 21-28	27 23-32	30 26-36
			3	12	13	15	17	19 17-22	21 18-25	23 20-27
2	12	12	13	15	17	19	21 18-25			

Prison Outcomes 2015–2024

Sev.	Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
2 (81%)	21	3 (14%)	1 (33%)	-	3 (14%)	0	0	20.3 months
3 (11%)	3	1 (33%)	1 (100%)	-	0	-	-	-
4 (8%)	2	0	-	-	0	-	-	-
Total	26	4 (15%)	2 (50%)	-	3 (12%)	0	0	20.3 months
<i>Prosecutor Agreed:</i>			<i>2 (100%)</i>	<i>-</i>		<i>NA</i>		

Demographics of People Sentenced & Estimated Prison-Bed Occupants, 2015–2024

SEVERITY LEVEL	SEX (%)	RACE/ETHNICITY (%)							DISTRICT (%)										CRIMINAL HISTORY SCORE (%)							
		M	F	W	B	AI	H	A	1	2	3	4	5	6	7	8	9	10	GTZ	0	1	2	3	4	5	6+
2	cases	71	29	48	29	14	10	0	0	0	10	5	0	0	24	0	9	52	38	5	5	10	0	14	14	14
	beds	100	0	100	0	0	0	0	0	0	0	34	0	0	0	0	0	66	0	0	0	0	0	0	31	69
3	cases	2	1	67	33	0	0	0	0	0	33	0	0	33	0	0	33	67	0	0	0	0	0	0	0	33
	beds	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4	cases	2	0	50	0	0	0	50	0	0	0	50	50	0	0	0	0	0	0	50	50	0	0	0	0	0
	beds	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Reranking Considerations:

Low-frequency offense.

The under/over \$5,000 offenses (SL 3 & SL 4) are one SL greater than the usual theft scheme (SL 2 & SL 3). Except for SL 2 ranking, similar to 1.4.

1.4: Organized Retail Theft (ORT)

Current Severity Levels 1,3,4

Offense	Minn. Stat.	In General	Subd.	Stat. Max.	Description	SL
Organized Retail Theft	609.522	Committing a theft while associated with a group—a "retail theft enterprise"—with the intent to resell the stolen goods or return them for value.	3(3)	2	\$501–\$1,000 \$500 or Less + Prior	1
			3(2)	7	\$1,001–\$5,000 \$501–\$5,000 + Prior	3
			3(1)	15	over \$5,000	4

Criminal History Score								Criminal History Score							
	0	1	2	3	4	5	6+		0	1	2	3	4	5	6+
3	12	13	15	17	19 17-22	21 18-25	23 20-27	5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
2	12	12	13	15	17	19	21 18-25	4	12	15	18	21	24 21-28	27 23-32	30 26-36
1	12	12	12	13	15	17	19 17-22	3	12	13	15	17	19 17-22	21 18-25	23 20-27

Annual Case Volume & Estimated Prison Beds, 2023–2024; Special Considerations

0	NA	
Sentences Per Year	Estimated Prison Beds	
		ORT was created in 2023.

Reranking Considerations:

Low-frequency offense.

The under/over \$5,000 offenses (SL 3 & SL 4) are one SL greater than the usual theft scheme (SL 2 & SL 3). Except for SL 1 ranking, similar to 1.3.

Reranking Worksheet for 1: Aggravated Theft Offenses

CURRENT SEVERITY LEVELS

ID Theft: SLs 2, 3, 8

FEVA: SLs 4, 5, 7

Harm Risk: SLs 2, 3, 4

ORT: 1, 3, 4

What reranking option(s) do you feel are appropriate? (Select all that apply)

- Do not rerank
- Try to make consistent:
 - Over \$35,000: SL 8 (like ID theft), SL 7 (like FEVA), SL 6 (general rule), or ____.
 - Over \$5,000:* SL 5 (like FEVA), SL 4 (like harm risk & ORT), SL 3 (like ID theft* & general rule), or ____.
 - Felony \$5,000* or less: SL 4 (like FEVA), SL 3 (like harm risk & ORT), SL 2 (like ID theft* & general rule), or ____.
 - Enhanced misdemeanor or gross misd. (\$1,000 or less; or \$500 or less with prior): SL 2 (like harm risk), SL 1 (like ORT), or ____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

* Identity theft uses the pre-2007 threshold of \$2,500, which the Guidelines treat like the post-2007 \$5,000 threshold. See footnote on page 3.

Initials: _____

Chapter 2: Theft-Related Offenses Involving a Motor Vehicle

Staff has previously identified a number of apparent gaps and anomalies pertaining to some theft offenses. The most common of these pertain to motor vehicles. There are now three rules regarding theft-related offenses and motor vehicles:

- Permanent theft of a motor vehicle under § 609.52, subd. 2(a)(1), is ranked at SL 4, regardless of value.
- Motor vehicle use without consent under § 609.52, subd. 2(a)(17), is ranked at SL 3, regardless of value.
- All other theft-related offenses involving a stolen motor vehicle are ranked at SL 3 or SL 2, depending on the vehicle's value (above or below \$5,000, following the usual theft-offense scheme).

The first two rules are explicit in the rankings assigned under Guidelines 5.A and 5.B. In addition, 5.B references comment 2.A.05, which states:

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.

The third rule is implied. Because the special severity level 3 and 4 rankings apply only to the offenses shown, then the usual theft-offense scheme applies by default to all other theft offenses. Theoretical examples might be theft by fraudulent false representation, theft by swindle, and temporary theft. A more material example would be receiving stolen property offenses (Minn. Stat. § 609.53) involving a motor vehicle—at, for example, a “chop shop.”

Data on Receiving a Stolen Motor Vehicle

MSGC staff recently conducted research regarding how frequently receiving stolen property involves a stolen motor vehicle (fiscal note for House File 2168, included in the May meeting materials). According to criminal-complaint codes provided by county attorneys' offices, most felony receiving stolen property cases (57%) involve stolen motor vehicles. Annually, 183 receiving stolen motor vehicle cases are sentenced at SL 2 and 39 are sentenced at SL 3. (Another eight cases annually are sentenced at SL 4, possibly due to the presence of a stolen firearm with the motor vehicle, a coding error, or confusion in the application of the Sentencing Guidelines.)

If there were to be a change in policy—specifically, if receiving stolen motor vehicle cases were to be ranked at SL 4, which the fiscal note assumed—there would be a significant cost: an additional 41 estimated prison beds would eventually be required, according to the fiscal note.

Current Severity Levels for Offenses in Chapter 2

4.A. Sentencing Guidelines Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

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>	11 306 261-367	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) Murder, 3rd Degree (Depraved Mind)</i>	10 150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Murder, 3rd Degree (Drugs) Assault, 1st Degree (Great Bodily Harm)</i>	9 86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree Burglary, 1st Degree (w/ Weapon or Assault)</i>	8 48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI Financial Exploitation of a Vulnerable Adult</i>	7 36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 ^{1,2}
<i>Assault, 2nd Degree Burglary, 1st Degree (Occupied Dwelling)</i>	6 21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary Simple Robbery</i>	5 18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	4 12	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	3 12	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less) Check Forgery (\$251-\$2,500)</i>	2 12	12	13	15	17	19	21 18-25
<i>Assault, 4th Degree Fleeing a Peace Officer</i>	1 12	12	12	13	15	17	19 17-22

RSP

- ④ MV Theft
- ③ MV Use
- ④ Firearm
- ③ \$5K +
- ② < \$5K

- 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.

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.)

2.1: Theft of a Motor Vehicle

Current Ranking: Severity Level 4

Minn. Stat. § [609.52](#), subd. 2(a)(1) with subd. 3(2) or 3(3)(a) involving a motor vehicle, or 3(3)(d)(v)
 Statutory Maximum: 5 or 10 years.
 Mandatory minimum: NA
 Offense description: Intentionally take or use another person's vehicle without consent, intending deprive the owner of it permanently.

	Criminal History Score						
	0	1	2	3	4	5	6+
5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
4	12	15	18	21	24 21-28	27 23-32	30 26-36
3	12	13	15	17	19 17-22	21 18-25	23 20-27

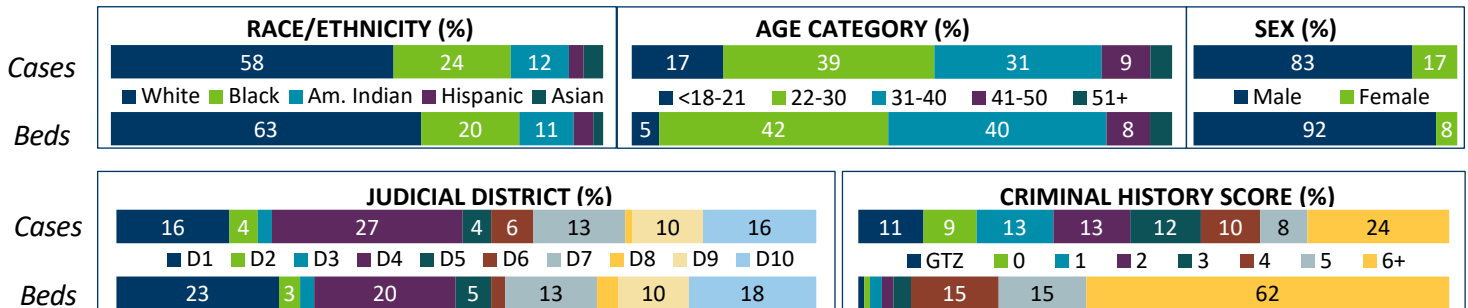
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

58 Sentences Per Year	24 Estimated Prison Beds	
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Prison Outcomes 2015–2024

Total Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
578	242 (42%)	86 (36%)	0	177 (31%)	47 (27%)	4 (2%)	24.7 months
<i>Prosecutor Agreed:</i>		<i>74 (86%)</i>	<i>--</i>		<i>44 (94%)</i>		

Demographics of People Sentenced (Top Bar) & Estimated Prison-Bed Occupants (Bottom Bar), 2015–2024



Reranking Considerations:

2.2: Motor Vehicle Use Without Consent

Current Ranking: Severity Level 3

Minn. Stat. § 609.52, subd. 2(a)(17) Statutory Maximum: 5 or 10 yrs. Mandatory minimum: N/A Offense description: intentionally taking or driving a motor vehicle without the owner's consent, while knowing (or having reason to know) that permission was not granted.	Criminal History Score							
		0	1	2	3	4	5	6 +
	4	12	15	18	21	24 21-28	27 23-32	30 26-36
	3	12	13	15	17	19 17-22	21 18-25	23 20-27
	2	12	12	13	15	17	19	21 18-25

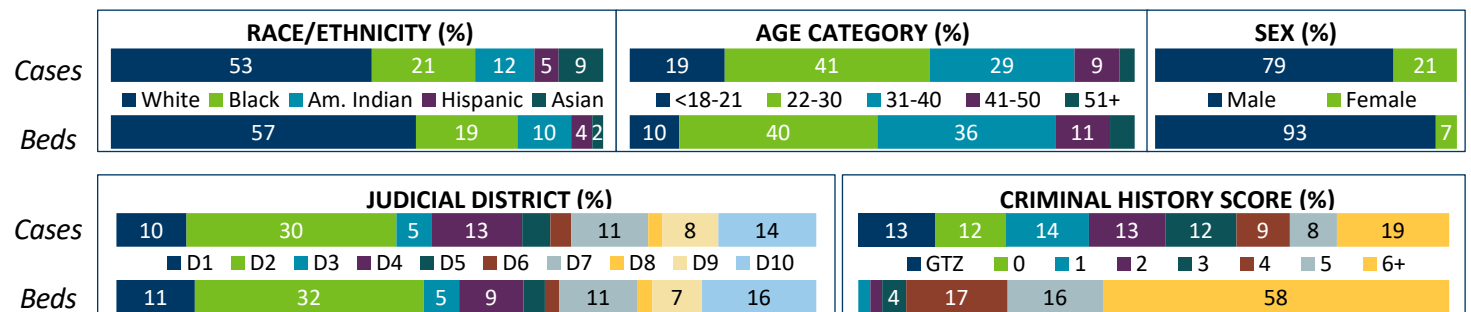
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

424 Sentences Per Year	118 Estimated Prison Beds	
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Prison Outcomes 2015–2024

Total Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
4,236	1,525 (36%)	560 (37%)	-	1,089 (99%)	272 (25%)	18 (2%)	19.5 months
<i>Prosecutor Agreed:</i>		<i>512 (92%)</i>	-		<i>266 (98%)</i>		

Demographics of People Sentenced (Top Bar) & Estimated Prison-Bed Occupants (Bottom Bar), 2015–2024



Reranking Considerations:

2.3: Receiving Stolen Property

Current Severity Levels 2,3,4

Offense	Minn. Stat.	In General	Stat. Max.	Description	SL
Receiving Stolen Property	609.53, subd. 1	Possessing, buying, receiving, or concealing property that you know (or have reason to know) was stolen (or obtained by robbery).	5	\$5,000 or less	2
			10	Over \$5,000	3
			20	Firearm	4

Criminal History Score							
	0	1	2	3	4	5	6+
4	12	15	18	21	24 21-28	27 23-32	30 26-36
3	12	13	15	17	19 17-22	21 18-25	23 20-27
2	12	12	13	15	17	19	21 18-25

Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

407 Sentences Per Year	58 Estimated Prison Beds	
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Prison Outcomes 2015–2024

Sev.	Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
2 (81%)	3,130	570 (18%)	184 (32%)	-	541 (17%)	90 (17%)	19 (4%)	19.0 months
3 (11%)	700	253 (36%)	91 (36%)	-	183 (26%)	22 (12%)	5 (3%)	20.7 months
4 (8%)	242	37 (15%)	10 (27%)	-	33 (14%)	6 (18%)	0	25.3 months
Total	4,072	860 (21%)	285 (33%)	-	757 (19%)	118 (16%)	24 (3%)	19.7 months
<i>Prosecutor Agreed:</i>			<i>255 (89%)</i>	<i>-</i>	<i>117 (99%)</i>			

Demographics of People Sentenced & Estimated Prison-Bed Occupants, 2015–2024

SEVERITY LEVEL	SEX(%) M F	RACE/ETHNICITY (%)							DISTRICT (%)										CRIMINAL HISTORY SCORE (%)							
		W	B	AI	H	A	1	2	3	4	5	6	7	8	9	10	GTZ	0	1	2	3	4	5	6+		
2	cases	94	6	64	18	9	4	6	15	6	7	12	3	3	12	3	4	35	0	1	2	2	7	7	9	71
	beds	95	5	64	18	9	4	6	15	6	7	11	3	3	13	4	4	35	0	1	1	2	5	6	9	75
3	cases	94	6	73	16	3	6	2	12	15	11	6	9	1	11	3	7	25	0	1	2	3	7	18	15	55
	beds	94	6	75	15	3	5	2	14	14	11	5	9	1	10	3	7	26	0	0	1	2	6	18	13	60
4	cases	100	0	52	15	12	18	3	15	0	9	3	3	0	27	6	21	15	0	3	0	3	12	24	18	39
	beds	100	0	52	16	11	17	4	14	0	10	4	3	0	28	4	22	15	0	1	0	2	10	20	19	47

Reranking Considerations:

See motor-vehicle-specific data on page 10. There are some rationality concerns with having most receiving stolen motor vehicle cases ranked at SL 2, while the culpability of and harm caused by someone who knowingly receives a stolen motor vehicle is likely at least as great as that of a person who drives a motor vehicle without consent (SL 3), and quite possibly equal to that of the person who originally, permanently stole the motor vehicle (SL 4).

Reranking Worksheet for 2: Theft-Related Offenses Involving a Motor Vehicle

CURRENT SEVERITY LEVELS

Theft of MV: SL 4

Theft MV-No Consent: SL 3

RSP: SLs 2, 3, 4

What reranking option(s) do you feel are appropriate? (Select all that apply)

- Do not rerank
- Consolidate all MV theft-related offenses as follows:
 - All at SL 4 / SL 3 / SL ____.
 - Keep MV use w/o consent at SL 3, consolidate all other MV theft-related offenses at SL 4.
 - Keep permanent theft of MV at SL 4, consolidate all other MV theft-related offenses at SL 3.
- Change ranking of receiving a stolen motor vehicle:
 - SL 4 (like permanent MV theft).
 - SL 3 (like MV use without consent).
- Consolidate ranking of permanent MV theft and MV use without consent:
 - Both at SL 4 / SL 3 / SL ____.
 - No special MV rules; vary SL by value, consistent with general theft ranking scheme (SL 3 & SL 2).
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____