

## Staff Information Paper

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# Most Common Unranked Offenses, 2023–2024

April 30, 2026

Some offenses are designated as unranked offenses. An unranked offense typically has one or more of the following characteristics:

- 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 offense is omitted from the Offense Severity Reference Table, the offense is considered unranked.

When 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:

- the gravity of the specific conduct underlying the unranked offense;
- the severity level assigned to any ranked offense with elements that are similar to the elements of the unranked offense;
- the conduct of and severity level assigned to others for the same unranked offense; and
- the severity level assigned to others who engaged in similar conduct.

If a significant number of future convictions are obtained under one or more of the unranked offenses, the Commission promises to reexamine the ranking of these offenses and assign an appropriate severity level for a typical offense.

—*Minnesota Sentencing Guidelines 2.A.4 & Comment 2.A.04.*

The following table lists all unranked offenses that were sentenced more than once in the two most recent years of sentencing data:

Unranked Offense	Minn. Stat. §	Number of Sentences, 2023–24
Aiding an Offender; Accomplice After Fact	609.495, subd. 3	39

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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.*

Unranked Offense	Minn. Stat. §	Number of Sentences, 2023–24
Torture or Cruelty to Pet or Companion Animal	343.21, subd. 9(c), (d), (g), & (i)	16
Racketeering (RICO)	609.904	10
Counterfeiting Currency	609.632, subds. 1 & 2 (subd. 3 was ranked in 2020)	7
Motor Vehicle Excise Tax	297B.10	3
Lawful Gambling Fraud	609.763	3

*Note: In a typical year, Lawful Gambling Fraud would not be on this list.*