

Comprehensive Review

Offenses for Reranking Consideration, Offense Group 6 – Other Offenses Resulting in Death

March 5, 2026

The subject of this paper is Offense Group 6, which focuses on felonies resulting in death. Offense Group 6 includes several characteristics that qualify it for the Commission’s ranking consideration.

- All offenses in Offense Group 6 involve the death of another, but have a wide range of Severity Levels leading to proportionality considerations.
- The group contains some high-volume offenses and some high-prison-bed-impact offenses.

In general legal terms, crimes resulting in death are primarily distinguished by the relationship between the defendant's mental state (*mens rea*) and their physical actions (*actus reus*). While every crime requires a voluntary act or a failure to act when a duty exists, the severity of the charge—and whether the act is even considered criminal—often depends on what the defendant was thinking at the time of the killing. Offense Group 6 is divided into two chapters:

- Chapter 1 contains those offenses where the defendant’s **state of mind** in causing the death is an element of the crime.
- Chapter 2 lists offenses that simply require that the defendant committed a particular type of **misconduct**, and that, as result of that misconduct, someone died. With respect to the death, chapter 2 offenses do not require intent—or any other particular state of mind—although a particular state of mind may be required with respect to the underlying misconduct.

Each offense for ranking consideration is described in detail on its own page. Criminal vehicular homicide offenses are excluded from this list because they were addressed while evaluating offenses in Offense Group 1.

Note that some offenses listed have corresponding crimes involving the unborn; although the Legislature and the Commission have typically treated such corresponding crimes the same, they are omitted for brevity and can be included in future discussions if the Commission is considering ranking changes.

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Current Severity Levels for Offense Group 6

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.

- ⑪ Murder 2, *intentional, drive-by shooting*
Adulteration (*death*)
- ⑩ Murder 2, *felony murder/assault OFP*
Murder 3, *depraved mind*
- ⑨ Murder 3, *drugs*
Manslaughter 1, *child abuse, heat of passion, violent misd.*
Aggravated Witness Tamp.
Crim. Abuse Vulnerable Adult
Labor Trafficking (*death*)
- ⑧ Manslaughter 1, *coercion, drugs*
Manslaughter 2, *culpable negligence, child neglect*
Riot 1
Swatting
- ⑤ Manslaughter 2, *negligent hunting, spring gun, negligent animal control*
- ② Duty to Render Aid (*death or GBH*)
- UNRANKED**
Assaulting Police Horse (*death or GBH*)

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 <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>346-480</i> ¹	426 <i>363-480</i> ¹
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	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>
<i>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</i>	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>	158 <i>135-189</i>
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	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>
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84</i> ^{1,2}
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12	12	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19 <i>17-22</i>

- 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.)

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, 2014–2023.
- 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

- In the demographics section, all graphs display two bars: the top bar reflects demographics in cases sentenced, while the bottom bar reflects estimated prison bed demographics. Numbers in the graphs are percents.
- 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

- **Assault:** (1) an act done with intent to cause **fear** in another of immediate bodily harm or death; (2) the intentional **infliction** of bodily harm upon another; or (3) an **attempt** to inflict bodily harm upon another.
- **Bodily harm:** Physical pain or injury, illness, or any impairment of physical condition.
- **Dangerous weapon:** A firearm; anything else designed as a weapon and capable of producing death or great bodily harm; a fire used to produce death or great bodily harm; or anything else which, in the manner used or intended to be used, is calculated or likely to produce death or great bodily harm
- **Great bodily harm:** Bodily injury creating a high probability of death, causing serious permanent disfigurement, or causing the permanent or protracted loss or impairment of the function of a bodily member or organ—or “other serious bodily harm.”
- **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.”
- **Qualified domestic violence-related offense (QDVRO):** Violation of or an attempt to violate 1st- & 2nd-degree murder; 3rd-degree murder ([609.195\(a\)](#)); 1st-degree manslaughter ([609.20\(1\)](#), (2), & (5)); 2nd-degree manslaughter ([609.205\(1\)](#) & (5)); 1st-, 2nd-, 3rd-, 4th-, & 5th-degree assault; domestic assault; female genital mutilation; domestic assault by strangulation; kidnapping; false imprisonment ; 1st-, 2nd-, 3rd-, & 4th-degree criminal sexual conduct; sexual extortion; malicious punishment of a child; 1st-degree burglary ([609.582, subd. 1](#), clause (c)); threats of violence; harassment or stalking; interference with an emergency call; nonconsensual dissemination of private sexual images; and violations of a domestic abuse order for protection, domestic abuse no contact order, or harassment restraining order.
- **Substantial bodily harm:** Bodily injury involving a temporary but substantial disfigurement, causing a temporary but substantial loss or impairment of the function of a bodily member or organ, or causing a fracture of a bodily member.

Chapter 1: Defendant's State of Mind

In general, criminal homicide is broadly categorized into murder and manslaughter based on the defendant's intent and awareness of risk.

Intentional Killings: These are cases where the defendant's conscious objective was to cause death. This category includes premeditated first-degree murder and intentional second-degree murder. First-degree murder, with a mandatory life sentence, is outside the scope of the Sentencing Guidelines and is not included in this chapter.

Reckless or Negligent Killings: Here, the intent to kill may have been absent, but the defendant's state of mind was still legally blameworthy. Third-degree "depraved mind" murder requires committing an eminently dangerous act highly likely to cause death while indifferent as to the loss of life that this eminently dangerous activity could cause. Second-degree "culpable negligence" manslaughter occurs when the defendant, in a gross deviation from the standard of care that a reasonable person would observe in the same situation, caused death by consciously disregarding the risk of death or great bodily harm that the behavior would cause. While there is no general crime of negligent homicide in Minnesota, some forms of second-degree manslaughter (involving hunting accidents or failing to secure dangerous animals) involve an element of ordinary negligence, or failing to behave as a reasonably prudent person would have under the circumstances.

Mitigated Intent: Two forms of first-degree manslaughter occur when a defendant intentionally kills—thus meeting the elements of second-degree intentional murder—but does so under mitigated circumstances that reduce culpability: when the crime is committed in a "heat of passion" provoked by unusual circumstances; or when the crime was coerced by a threat of imminent death.

Current Severity Levels for Offenses in Chapter 1

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.

⑪ Murder 2, intentional
Adulteration (death)

⑩ Murder 3, depraved mind

⑨ Manslaughter 1, heat of
passion

⑧ Manslaughter 1, coercion
Manslaughter 2, culpable
negligence

⑤ Manslaughter 2, negligent
hunting, negligent animal
control

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 <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>
<i>Murder, 2nd Degree (Unintentional) Murder, 3rd Degree (Depraved Mind)</i>	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>
<i>Murder, 3rd Degree (Drugs) Assault, 1st Degree (Great Bodily Harm)</i>	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>	158 <i>135-189</i>
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<i>Theft Crimes (Over \$5,000)</i>	3	12	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less) Check Forgery (\$251-\$2,500)</i>	2	12	12	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19 <i>17-22</i>

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: Murder 2 – Intentional

Current Ranking: Severity Level 11

Minn. Stat. § 609.19, subd. 1(1)
 Statutory Maximum: 40 yrs.
 Mandatory minimum: NA
 Offense description:
 • **Intentionally causing the death of another without premeditation**

	Criminal History Score						
	0	1	2	3	4	5	6+
11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480	426 363-480
10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189

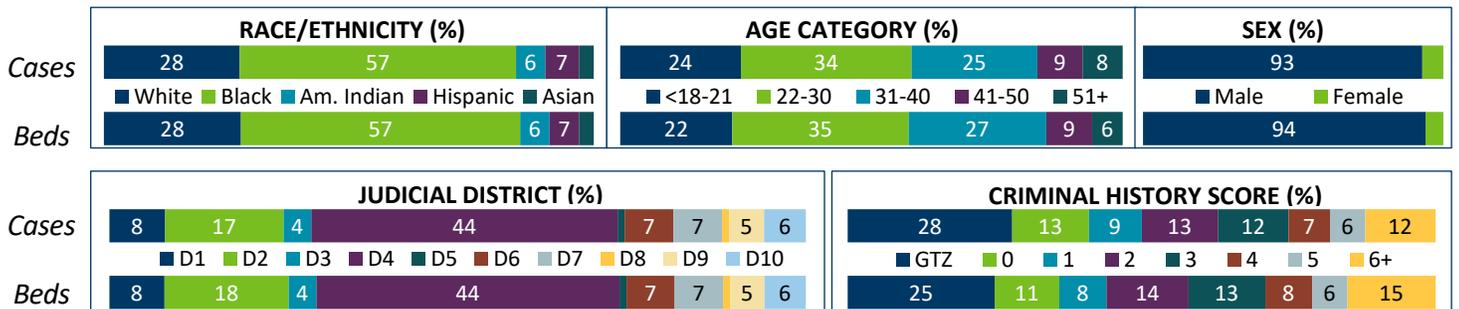
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

37.5 Sentences Per Year	769.3 Estimated Prison Beds	At CHS 5 and 6, the upper range on the Grid goes up to statutory maximum of 480 months. 9% of cases received a consecutive sentence. 14% (54 cases) received max of 480 months “or more” (6% of cases were more than 480). “Or more” cases were consecutive sentences, ranging from 499 months to 1,244 months.
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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
375	375 (100%)	1 (<1%)	0 (0%)	374 (99%)	57 (15%)	46 (12%)	368.4 months
Prosecutor Agreed:		0	--		48 (84%)		

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



Reranking Considerations:

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.2: Adulteration Resulting in Death

Current Ranking: Severity Level 11

<p>Minn. Stat. § 609.687, subd. 3(1) Statutory Maximum: 40 yrs./\$100K Mandatory minimum: NA Offense description: • To adulterate a substance with another substance knowing or having reason to know the substance can, and with the intent to, cause death, bodily harm, or illness, and death results.</p>	Criminal History Score							
	0	1	2	3	4	5	6 +	
	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>346-480</i>	426 <i>363-480</i>
	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>
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>	158 <i>135-189</i>	

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

0	NA	<p>“Adulteration” is the intentional adding of any substance, which has the capacity to cause death, bodily harm or illness by ingestion, injection, inhalation or absorption, to a substance having a customary or reasonably foreseeable human use.</p>
Sentences Per Year	Estimated Prison Beds	

Reranking Considerations:

- The statutory design of this offense creates a ranking challenge.
- On one hand, the offense may be committed by someone who adulterates an ordinary substance with a deadly poison, knowing the poison’s deadly effects and intending to cause death; in such a case, severity 11—being equivalent to intentional murder—is certainly appropriate.
- But knowledge of the deadly effect, and intent to kill, are not the only statutory knowledge and intent permissible. A prankster who adulterates an ordinary substance with a substance believed to cause a stomachache, with the intent to cause a stomachache, is also guilty of the same severity-level 11 offense if death accidentally results.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.3: Murder 3 – Depraved Mind

Current Ranking: Severity Level 10

Minn. Stat. § 609.195(a)
 Statutory Maximum: 25 yrs.
 Mandatory minimum: NA
 Offense description:
 • Causing death by committing an **eminently dangerous act** highly likely to cause death, while **indifferent as to the loss of life** that this eminently dangerous activity could cause

	Criminal History Score						
	0	1	2	3	4	5	6+
11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480	426 363-480
10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189

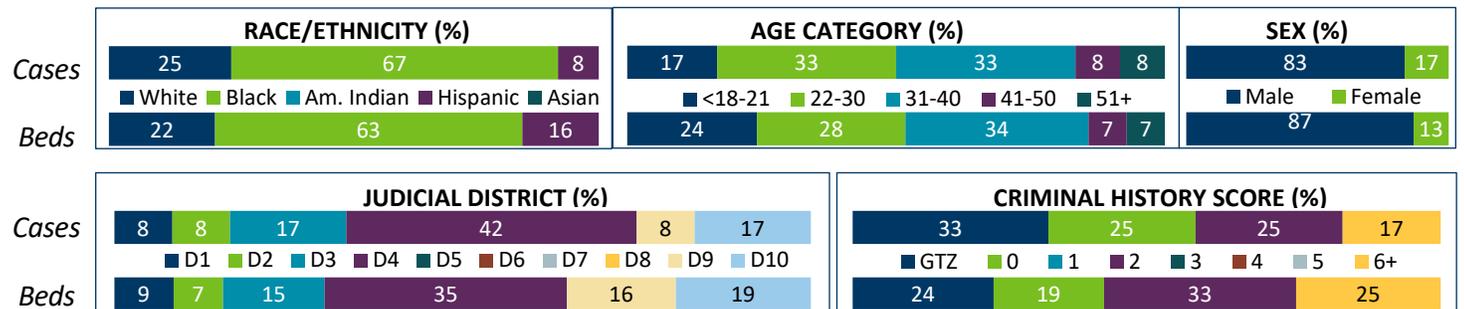
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

1.2 Sentences Per Year	11.8 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
12	12 (100%)	0 (0%)	0 (0%)	12 (100%)	2 (17%)	0 (0%)	176.0 months
<i>Prosecutor Agreed:</i>		--	--		0 (0%)		

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



Reranking Considerations:

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.4: Manslaughter 1 – Heat of Passion

Current Ranking: Severity Level 9

<p>Minn. Stat. § 609.20(1) Statutory Maximum: 15 yrs./\$30K Mandatory minimum: NA Offense description: <ul style="list-style-type: none"> Intentionally causing death in the heat of passion having been provoked by words or acts that would provoke a person of ordinary self-control (crying child excluded). </p>
--

		Criminal History Score						
		0	1	2	3	4	5	6+
10		150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
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

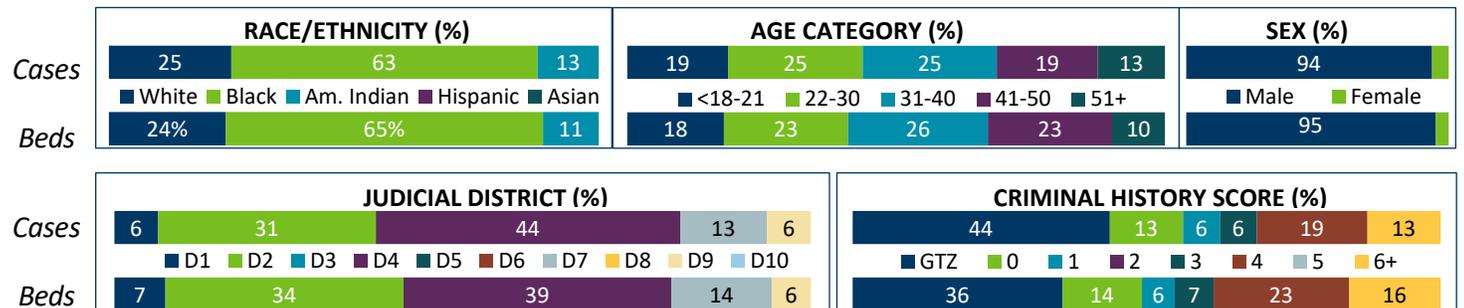
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

1.6	9.8	
Sentences Per Year	Estimated Prison Beds	

Prison Outcomes 2015–2024

Total Cases	Presumptive Prison	Dispositional Departure	Dispositional Departure at GTZ	Actual Prison	Mitigated Duration	Aggravated Duration	Average Prison Length
16	16 (100%)	0	0	16 (100%)	2 (13%)	2 (13%)	109.9 months
<i>Prosecutor Agreed:</i>		--	--		0 (0%)		

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



Reranking Considerations:

- The Commission implicitly considers this mitigating circumstance to be worth a **two-SL reduction** from intentional second-degree murder (SL 11).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.5: Manslaughter 1 – Coercion

Current Ranking: Severity Level 8

Minn. Stat. § [609.20\(3\)](#)
 Statutory Maximum: 5 yrs./\$10K
 Mandatory minimum:
 Offense description: To intentionally cause death because the **actor is coerced by threats** that cause the actor reasonably to believe that the act performed is the **only means of preventing imminent death** to the actor or another. Threats by the actor’s coconspirator don’t qualify.

		Criminal History Score						
		0	1	2	3	4	5	6+
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>	158 <i>135-189</i>	
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>	
7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{1,2}</i>	

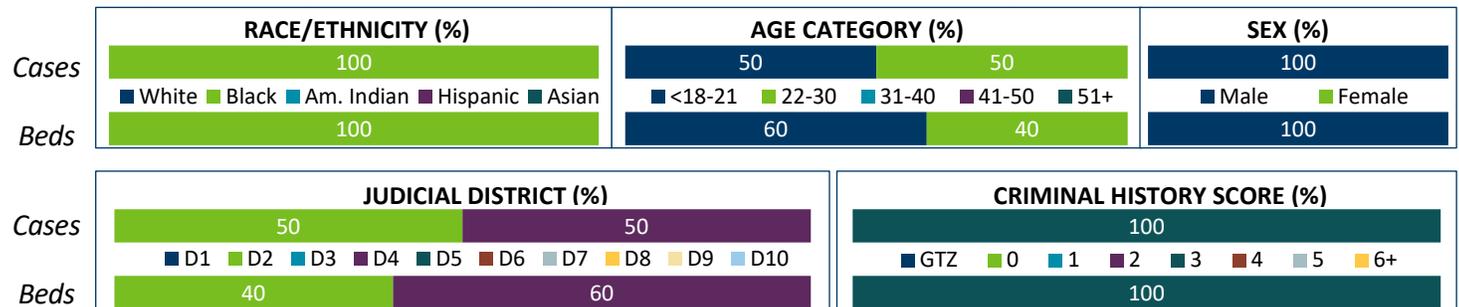
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

0.2 Sentences Per Year	0.8 Estimated Prison Beds	Both cases are CHS 3, however one case got a duration in the lower range (60 months) and one got a duration in the upper range (88 months).
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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
2	2 (100%)	0	0	2 (100%)	1 (50%)	0	74 months
<i>Prosecutor Agreed:</i>		--	--		<i>1 (100%)</i>		

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



Reranking Considerations:

- The Commission implicitly considers this mitigating circumstance to be worth a **three-SL reduction** from intentional second-degree murder (SL 11).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.6: Manslaughter 2 – Culpable Negligence

Current Ranking: Severity Level 8

<p>Minn. Stat. § 609.205(1) Statutory Maximum: 10 yrs./\$20K Mandatory minimum: NA Offense description:</p> <ul style="list-style-type: none"> • Causing death by creating an unreasonable risk while consciously taking chances of death or great bodily harm to another
--

		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 ^{1/2}	

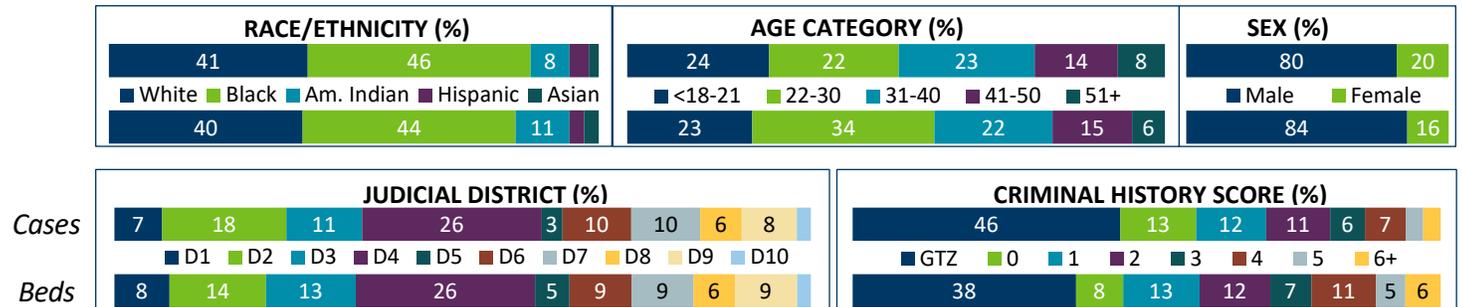
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

10.1 Sentences Per Year	71.1 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
101	101 (100%)	21 (21%)	10 (22%)	80 (79%)	6 (8%)	5 (6%)	60.5 months
Prosecutor Agreed:		16 (76%)	7 (70%)		5 (83%)		

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



Reranking Considerations:

- Criminal vehicular homicide involving grossly negligent driving conduct is also ranked at SL 8.
- Gross negligence and culpable negligence are similar, but not the same. Culpable negligence does require objective gross negligence—that is, a gross deviation from the standard of care that a reasonable person would observe in the actor’s situation—but it also requires subjective recklessness in the form of an actual conscious disregard of the risk created by the conduct. *State v. McCormick*, 835 NW 2d 498, 507 (Minn. Ct. App. 2013) (quotations and citations omitted).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.7: Manslaughter 2 – Negligent Hunting

Current Ranking: Severity Level 5

<p>Minn. Stat. § 609.205(2) Statutory Maximum: 10 yrs./\$20K Mandatory minimum: NA Offense description: <ul style="list-style-type: none"> Causing the death of another by shooting another while negligently mistaking the other to be a deer or other animal. </p>

	Criminal History Score						
	0	1	2	3	4	5	6+
6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
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

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

0	NA	
Sentences Per Year	Estimated Prison Beds	

Reranking Considerations:

- Normally used as a test of civil liability, ordinary **negligence** is an unusually low standard for criminal liability.
- Negligence means the failure to use that degree of care which an ordinary prudent or careful person would use under the circumstances that existed at the time the act was committed. *State v. Crace*, 289 N.W.2d 54, 58–59 (Minn. 1979) (quoting jury instructions given in a second-degree manslaughter negligent manslaughter case).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

1.8: Manslaughter 2 – Negligent Animal Control Current Ranking: Severity Level 5

<p>Minn. Stat. § 609.205(4) Statutory Maximum: 10 yrs./\$20K Mandatory minimum: NA Offense description: Causes death by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner’s premises; or negligently failing to keep it properly confined</p>	Criminal History Score							
	0	1	2	3	4	5	6 +	
	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
	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

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

<p>0 Sentences Per Year</p>	<p>0 Estimated Prison Beds</p>	
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Reranking Considerations:

- Like 1.7: Manslaughter 2 - Negligent Hunting, this offense also involves ordinary **negligence** in either letting a dangerous animal run uncontrolled off the owner’s premises or failing to keep it properly confined—although **intent** is given as an alternative state of mind for letting the animal run uncontrolled.
- There is also a **knowledge** requirement: That the animal had vicious propensities or had caused substantial bodily harm in the past.

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

Do not rerank

Uprank:

- To an existing higher severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Downrank:

- To an existing lower severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Adjust the dispositional line as follows: _____.

Make a legislative recommendation: _____.

Other: _____.

Notes/rationale:

Initials: _____

Chapter 2: Misconduct Resulting in Death

The Predicate Misconduct Distinguishes These Offenses

The offenses listed in chapter all follow the same formula: the defendant committed some misconduct—a separate crime—and death resulted. No particular state of mind—such as intent, recklessness, etc.—is required with respect to the death; the only state of mind for the offenses in chapter 2 is whatever state of mind may be required to prove the predicate misconduct.

If the only differentiating factor between the offenses in chapter 2 is the predicate misconduct, then, it would seem, the primary basis for ranking the relative severity of these offenses should be by the relative severity of the underlying misconduct. For this reason, for each offense, the severity level assigned to the underlying misconduct is listed.

On the other hand, it might be overly simplistic to limit the distinction of the relative severity of these offenses only to the distinction of the relative severity of the predicate misconduct. Take, for example, offense 2.3: second-degree murder by an assault contrary to protective order. There is no crime of “assault contrary to a protective order” (perhaps there should be?), but there are assaults and protective-order violations. Without a prior record, all such offenses are misdemeanors. Yet, when death results, the Commission has ranked this offense quite high—at SL 10—following the lead of the Legislature, which has classified it as second-degree murder. The inclination to rank this offense severely may not be based so much on the severity of the predicate misconduct, but on the fact that the defendant’s actions involved a violation, presumably willful, of guardrails emplaced by the legal system to protect exactly what the defendant destroyed: the life of the person who was intended to have been protected by the judicial order.

Exceptional Ranking Challenges

There are some exceptions to the formula of the offenses in this chapter (offense = predicate misconduct + resulting death). For these offenses, the offense includes alternative harms (*e.g.*, “death or great bodily harm”). If the ranking quest is to establish the severity of the typical offense, such statutes present a ranking challenge for the Commission: How can the “typical” offense be ranked if either death or great bodily harm is a potential outcome? These ranking challenges are pointed out for the applicable offenses (as they were for offense 1.2: adulteration resulting in death). In such cases, some reasonable Commission members may consider leaving the offense unranked, or recommending that the Legislature separately enumerate the various levels of harm so the Commission can rank them separately, or both.

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.

- ⑪ Murder 2, drive-by shooting
- ⑩ Murder 2, felony murder, assault OFP
- ⑨ Murder 3, drugs
Manslaughter 1, child abuse, violent misd.
Aggravated Witness Tamp.
Crim. Abuse Vulnerable Adult
Labor Trafficking (death)
- ⑧ Manslaughter 1, drugs
Manslaughter 2, child neglect
Riot 1
Swatting
- ⑤ Manslaughter 2, spring gun
- ② Duty to Render Aid (death or GBH)
- UNRANKED**
Assaulting Police Horse (death or GBH)

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 <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>
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	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>
<i>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</i>	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>	158 <i>135-189</i>
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	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>
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{1,2}</i>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12	12	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19 <i>17-22</i>



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: Murder 2 – Drive-by Shooting

Current Ranking: Severity Level 11

Minn. Stat. § 609.19, subd. 1(2) Statutory Maximum: 40 yrs. Mandatory minimum: NA Offense description: Causes death without intent to kill while committing/attempting to commit a drive-by shooting, section 609.66, subd 1e.	Criminal History Score							
	0	1	2	3	4	5	6+	
	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480	426 363-480
	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189	

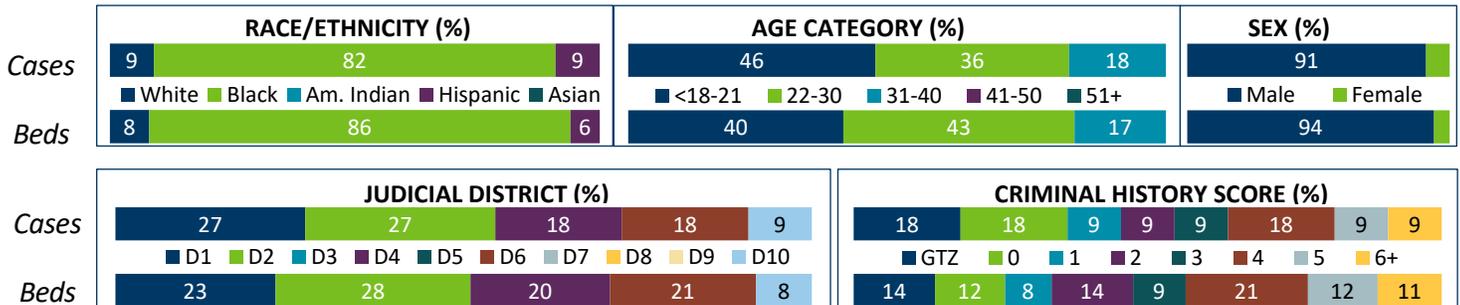
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

1.1 Sentences Per Year	22.6 Estimated Prison Beds	One person received the stat. max. of 480 months. One person received a consecutive sentence of 567 months – this person had a CHS of 2.
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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
11	11 (100%)	0	0	11 (100%)	2 (18%)	0	368 months
Prosecutor Agreed:		--	--		1 (50%)		

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



Reranking Considerations:

- Drive-by shooting is ranked at **SL 8**, if the target was a person or an occupied building, or **SL 3**, if not.
- The state of mind for drive-by-shooting is recklessness.
- This is the only SL 11 offense without an intent-to-kill element (but see notes about alternative intent permitted for 1.2: Adulteration Resulting in Death).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.2: Murder 2 – Felony Murder

Current Ranking: Severity Level 10

Minn. Stat. § 609.19 , subd. 2(1) Statutory Maximum: 40 yrs. Mandatory minimum: Offense description: Causing death while committing/attempting a felony offense. The felony must involve some special danger to human life , both inherently and in the manner in which it was committed.*	Criminal History Score							
	0	1	2	3	4	5	6 +	
	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480	426 363-480
	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189	

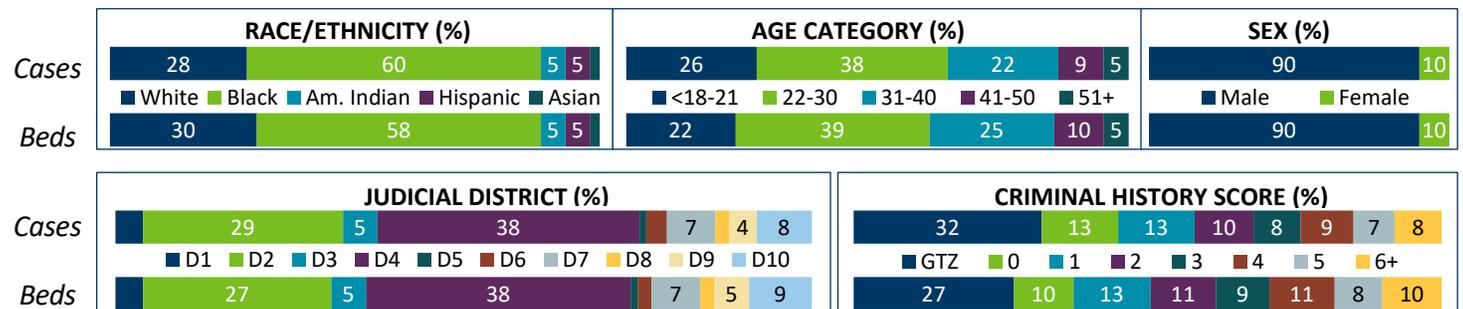
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

29.4 Sentences Per Year	331.6 Estimated Prison Beds	7% (19 cases) received a consecutive sentence. 2% (6 cases) received the stat. max. of 480 months. One person received a consecutive sentence of 624 months. This person had a CHS of 3.
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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
294	294 (100%)	3 (1%)	3 (3%)	291 (99%)	30 (10%)	57 (20%)	204 months
Prosecutor Agreed:		1 (33%)	1 (33%)		20 (67%)		

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



Reranking Considerations:

Because the predicate felony list is open-ended—the only requirement being that the felony must inherently involve a special danger to human life*—it is impossible to assign a severity level to all possible underlying misconduct. The following were the five most common predicate felonies between 2011 and 2022 (according to the [2024 report](#) of the Aiding and Abetting Felony Murder Task Force):

Second-degree assault (47%), SL 6 (or SL 7 if SBH results, proposed 2026); first-degree aggravated robbery (18%), SL 8 (SL 9 if carjacking, eff. 2023); first-degree assault (11%), SL 9 (or SL 8 if GBH unintentional, proposed 2026); third-degree assault (9%), SL 4 (or SL 5 if SBH results, proposed 2026); child neglect/endangerment/malicious punishment (8%) (SL 4, 5, or 8).

Notes: For the predicate felony of drive-by shooting, see 2.1: Murder 2 – Drive-by Shooting. For the predicate felony of Criminal Sexual Conduct 1 or 2 with force/violence, see Minn. Stat. § 609.185(a)(2) (mandatory life without release). If death was intended, Minn. Stat. § 609.185(a)(3) will apply if the felony is listed there.

*Not a statutory element; see *State v. Anderson*, 666 NW 2d 696 (Minn. 2003).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.3: Murder 2 – Assault Contrary to OFF

Current Ranking: Severity Level 10

<p>Minn. Stat. § 609.19, subd. 2(2) Statutory Maximum: 40 yrs. Mandatory minimum: Offense description: • Causing death while intentionally inflicting/attempting to inflict bodily harm, when the perpetrator is restrained by, and the victim is protected by, a protective order.</p>	Criminal History Score							
	0	1	2	3	4	5	6 +	
	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480	426 363-480
	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189	

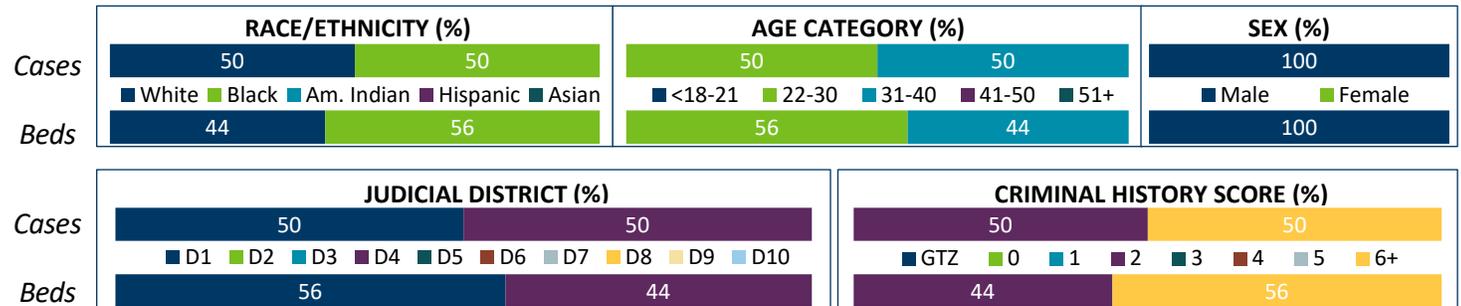
Annual Case Volume & Estimated Prison Beds 2015–2024; Special Considerations

0.2 Sentences Per Year	3.6 Estimated Prison Beds	The case at CHS 2 received 285 months and the case at CHS 6 received 360 months. In both cases, a plea agreement called for an aggravated durational departure and the dismissal of other, more severe, counts – including Murder 1 w/ past pattern of child abuse.
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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
2	2 (100%)	0	0	2 (10%)	0	2 (100%)	323 months

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



Reranking Considerations:

- There is no offense of “assault contrary to a protective order,” but there are assaults and protective-order violations.
- Without a prior record, all such offenses are misdemeanors.
- With a prior record, such offenses can become felonies ranked at SL 4.
- See ranking discussion on page 23.
- In the absence of the protective order, an assault resulting in death would be 2.4: Manslaughter 1 – Assault, ranked at SL 9—although, in some cases, 2.2: Murder 2 – Felony Murder (SL 10) may apply. See discussion under 2.4: Manslaughter 1 – Assault.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.4: Manslaughter 1 – Assault/Violent Misd.

Current Ranking: Severity Level 9

Minn. Stat. § 609.20(2)
 Statutory Maximum: 15 yrs./\$30K
 Mandatory minimum:
 Offense description: **Commits an assault and** causes death; or causes death in committing/attempting a **misdemeanor or GM** offense with such **force and violence** that death of or great bodily harm to any person was reasonably foreseeable.

		Criminal History Score						
		0	1	2	3	4	5	6+
10		150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
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

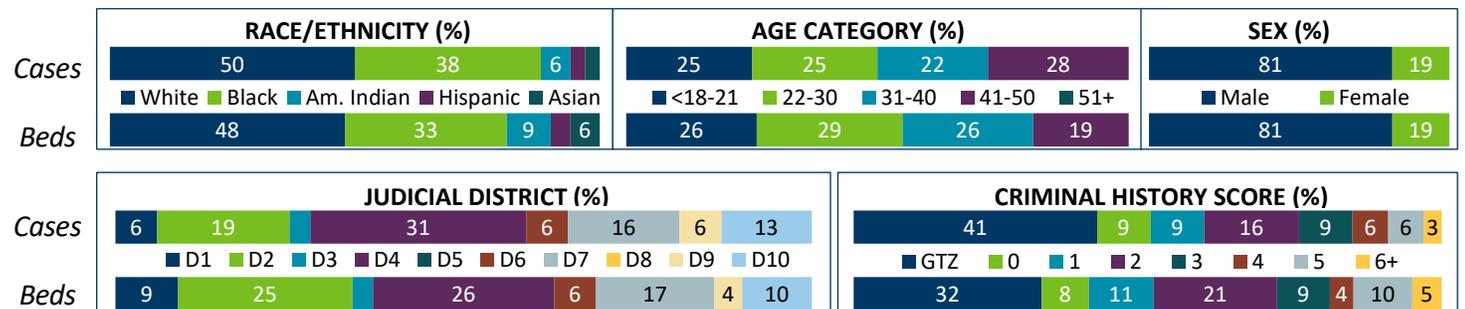
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

3.2 Sentences Per Year	16.5 Estimated Prison Beds	Two cases received the stat. max. – one had a CHS of 0 and the other had a CHS of 2. Both were aggravated durational departures. Both cases had Murder 2 counts that were dismissed. Higher percent of cases committed by females than usual (19%).
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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
32	32 (100%)	4 (13%)	2 (15%)	28 (88%)	3 (11%)	4 (14%)	106 months
Prosecutor Agreed:		1 (25%)	1 (50%)		1 (33%)		

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



Reranking Considerations:

- The predicate offense of **assault** is a misdemeanor. With several priors (see “qualified domestic violence related offense” in the glossary), this can become a SL 4 felony. If committed with a dangerous weapon, it is a SL 6 felony. It can be higher based on the level of harm resulting.
- Alternatively, when an assault results in death, it is not uncommon in Minnesota for the resulting conviction and sentence to be for 2.2: second-degree felony murder, under the theory that the assault caused substantial bodily harm (third-degree assault) or great bodily harm (first-degree assault) on its way to causing death, or that the assault was with a dangerous weapon (second-degree assault). See the [2024 report of the Aiding and Abetting Felony Murder Task Force](#), pp. 21–25.
- The predicate offense of a **misdemeanor or gross misdemeanor with force or violence** is, by definition, a misdemeanor or gross misdemeanor.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.5: Labor Trafficking – Death

Current Ranking: Severity Level 9

<p>Minn. Stat. § 609.282, subd. 1 Statutory Maximum: 25 yr./\$40K Mandatory minimum: Consecutive sentencing in some cases. Offense description: Death was proximately caused by the labor trafficking conduct of the offender.</p>	Criminal History Score							
	0	1	2	3	4	5	6 +	
	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>
	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>	158 <i>135-189</i>
	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>

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

0	NA	
Sentences Per Year	Estimated Prison Beds	

Reranking Considerations:

- The basic offense of labor trafficking is ranked at SL 6.
- Presumably, if the labor trafficking that resulted in the death involved some special danger to human life, both inherently and in the manner in which it was committed, the offense could be prosecuted as 2.2: Murder 2 – Felony Murder (currently ranked at SL 10).

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.6: Murder 3 – Schedule I or II Drug Sale

Current Ranking: Severity Level 9

Minn. Stat. § 609.195(b) Statutory Maximum: 25 yrs./\$40K Mandatory minimum: NA Offense description: Proximately cause the death of a human being by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule I or II.	Criminal History Score							
	0	1	2	3	4	5	6+	
	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
	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	

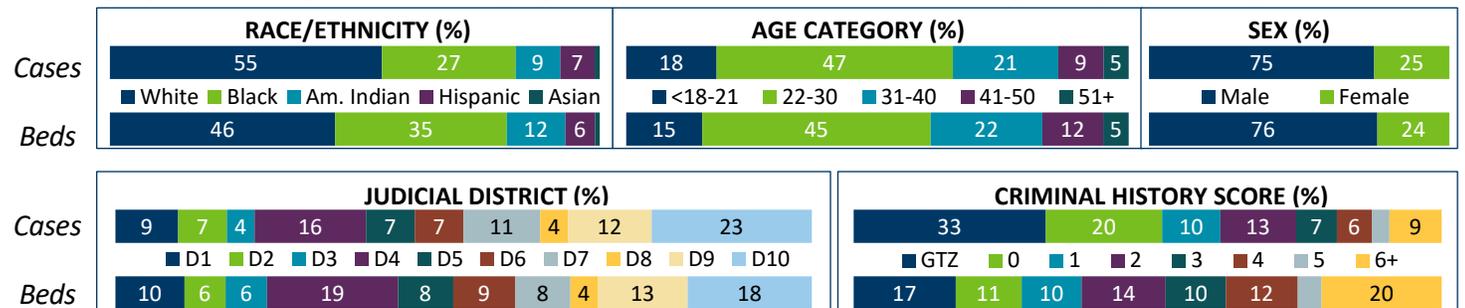
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

15.4 Sentences Per Year	52 Estimated Prison Beds	Over half the cases at GTZ received a mitigated dispositional departure.
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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
154	154 (100%)	54 (35%)	28 (56%)	100 (65%)	32 (32%)	0	93 months
Prosecutor Agreed:		29 (54%)	15 (55%)		26 (81%)		

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



Reranking Considerations:

- Depending on drug type and amount, selling (which includes giving away) a schedule I or II controlled substance is ranked at SL D4, D6, D7, or D8.
- Presumably, if a felony drug sale resulting in death involved some special danger to human life, both inherently and in the manner in which it was committed, the offense could be prosecuted as 2.2: Murder 2 – Felony Murder (currently ranked at SL 10).

According to the DEA (whose drug schedules are similar to, but not entirely the same as, Minnesota’s drug schedules):

- Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse.
- Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.7: Criminal Abuse of Vulnerable Adult (Death) Current Ranking: Severity Level 9

<p>Minn. Stat. § 609.2325, subd. 3(1) Statutory Maximum: 15 yrs./\$30K Mandatory minimum: NA Offense description: A caregiver who, with intent to produce physical/mental pain/injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion that results in death.</p>	Criminal History Score							
	0	1	2	3	4	5	6 +	
	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>
	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>	158 <i>135-189</i>
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>	

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

0 Sentences Per Year	0 Estimated Prison Beds	
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Reranking Considerations:

- The basic offense of criminal abuse of a vulnerable adult is a gross misdemeanor.

Reranking Worksheet for 2.7: Criminal Abuse of Vulnerable Adult (Death) Current Ranking: Severity Level 9

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.8: Manslaughter 1 – Child Abuse

Current Ranking: Severity Level 9

Minn. Stat. § 609.20(5) Statutory Maximum: 15 yrs./\$30K Mandatory minimum: NA Offense description: Cause the death of another in committing or attempting to commit malicious punishment of a child.	Criminal History Score						
	0	1	2	3	4	5	6+
	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>
	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>	158 <i>135-189</i>
	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>

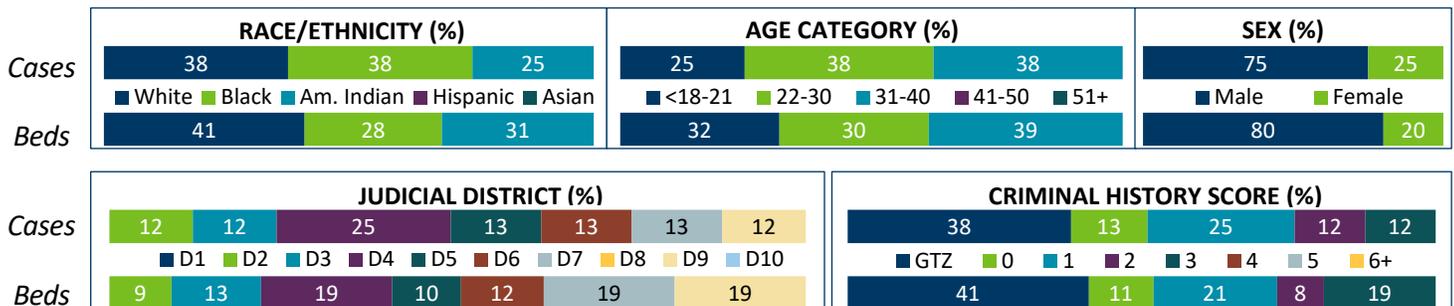
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

0.8 Sentences Per Year	5.3 Estimated Prison Beds	Malicious punishment of child as defined in 609.377 . Two cases received the stat. max. of 180 months – 1 had a CHS of 0 and the other had a CHS of 3. Both cases had more serious counts dismissed. None of the cases were committed by a person over 40 yrs. of age.
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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
8	8 (100%)	0	0	8 (100%)	1 (13%)	3 (38%)	119 months
Prosecutor Agreed:		--	--		1 (100%)		

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



Reranking Considerations:

- The basic offense of malicious punishment of a child is a gross misdemeanor.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.9: Aggravated Witness Tampering 1

Current Ranking: Severity Level 9

<p>Minn. Stat. § 609.498, subd. 1b Statutory Maximum: 20 yrs./\$10K Mandatory minimum: Offense description: Cause or, by means of an implicit or explicit credible threat, threatens to cause great bodily harm or death to another while preventing, dissuading, coercing, retaliating or attempting these actions against a witness.</p>	Criminal History Score							
	0	1	2	3	4	5	6 +	
	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>
	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>	158 <i>135-189</i>
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>	

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

0 Sentences Per Year	0 Estimated Prison Beds	This offense includes death, GBH, threats of death, and threats of GBH.
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Reranking Considerations:

- The basic offense of witness tampering in the third degree is a misdemeanor.
- As noted above, this offense creates has a dramatic range of alternative harms—from threats of great bodily harm, to threats of death, to great bodily harm, to death.
- This broad range of harm presents a ranking challenge to the Commission; see discussion on p. 23.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.10: Manslaughter 1 – Sch. III/IV/IV Drug Sale Current Ranking: Severity Level 8

<p>Minn. Stat. § 609.20(4) Statutory Maximum: 5 yrs./\$10K Mandatory minimum: Offense description: Proximately causes the death of another, without intent to cause death by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule III, IV, or V</p>	Criminal History Score							
	0	1	2	3	4	5	6+	
	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>	158 <i>135-189</i>
	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>
7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{1,2}</i>	

Annual Case Volume & Estimated Prison Beds, 2014–2023; Special Considerations

0.1 Sentences Per Year	0.5 Estimated Prison Beds	This case received a prison sentence of 92 months – which is not a departure. This person had a CHS of 6, was a white male, aged 31-40 at the time of the offense, and sentenced in Ramsey County.
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Reranking Considerations:

- Selling (which includes giving away) such drugs to an adult is ranked at SL D4 (Schedule III) or D2 (Schedule IV), or is a gross misdemeanor (Schedule V).
- Presumably, if a felony drug sale resulting in death involved some special danger to human life, both inherently and in the manner in which it was committed, the offense could be prosecuted as 2.2: Murder 2 – Felony Murder (currently ranked at SL 10).

According to the DEA (whose drug schedules are similar to, but not entirely the same as, Minnesota’s drug schedules):

- Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence.
- Schedule IV drugs, substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence.
- Schedule V drugs, substances, or chemicals are defined as drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Schedule V drugs are generally used for antidiarrheal, antitussive, and analgesic purposes.

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

- Do not rerank**

- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.

- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.

- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.11: Manslaughter 2 – Neglect/Endanger Child Current Ranking: Severity Level 8

Minn. Stat. § 609.205(5)
 Statutory Maximum: 10 yrs./\$20K
 Mandatory minimum: NA
 Offense description: Committing/attempting to commit a violation of section 609.378 (neglect or endangerment of a child), death results, and murder in the first, second, or third degree is not committed.

	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 ^{1,2}

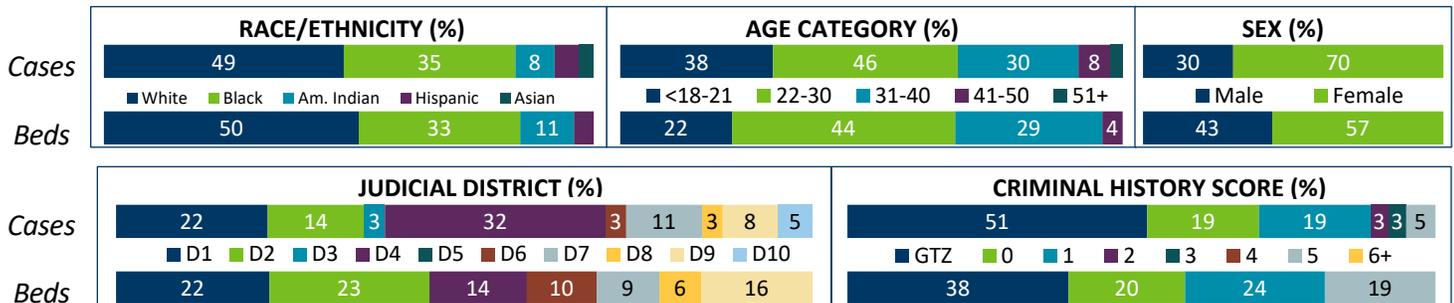
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

3.7 Sentences Per Year	5.3 Estimated Prison Beds	Over half of cases were committed by a female. Although female defendants typically have a higher mitigated dispositional departure rate than men for most offenses, the mitigated dispositional departure is similar (55% for males and 54% for females).
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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
37	37 (100%)	20 (54%)	12 (63%)	17 (46%)	0	1 (6%)	56 months
Prosecutor Agreed:		16 (80%)	10 (83%)		--		

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



Reranking Considerations:

- The basic offenses of child neglect and child endangerment are gross misdemeanors.
- Both offenses must be committed by a parent, legal guardian, or caretaker.

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

Do not rerank

Uprank:

- To an existing higher severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Downrank:

- To an existing lower severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Adjust the dispositional line as follows: _____.

Make a legislative recommendation: _____.

Other: _____.

Notes/rationale:

Initials: _____

2.12: Riot 1

Current Ranking: Severity Level 8

<p>Minn. Stat. § 609.71, subd. 1 Statutory Maximum: 20 yrs./\$35K Mandatory minimum: NA Offense description: When three or more persons assembled, one of whom is armed with a dangerous weapon, disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, and death results.</p>
--

	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 ^{1,2}

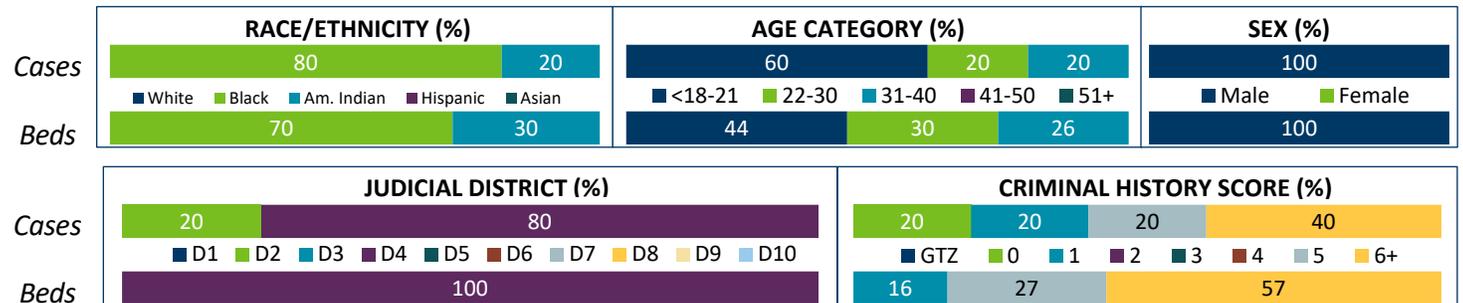
Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

0.5 Sentences Per Year	5.3 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
5	5 (100%)	1 (20%)	NA	4 (80%)	0	0	90 months
<i>Prosecutor Agreed:</i>		0	--		--		

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



Reranking Considerations:

- The basic offense (second-degree riot, which is riot in which the defendant is armed or knows someone else is armed) is ranked at SL 2.
- Presumably, if a felony riot resulting in death involved some special danger to human life, both inherently and in the manner in which it was committed, the offense could be prosecuted as 2.2: Murder 2 – Felony Murder (currently ranked at SL 10).

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

Do not rerank

Uprank:

- To an existing higher severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Downrank:

- To an existing lower severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Adjust the dispositional line as follows: _____.

Make a legislative recommendation: _____.

Other: _____.

Notes/rationale:

Initials: _____

2.13: Swatting resulting in death or GBH

Current Ranking: Severity Level 8

Minn. Stat. § 609.78, subd. 2a(1)
 Statutory Maximum: 10 yrs./\$20K
 Mandatory minimum: NA
 Offense description: Places an emergency call and reports a fictitious emergency with the intent of prompting an emergency response by law enforcement, fire, or emergency medical services personnel and the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death.

	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 ^{1,2}

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

0 Sentences Per Year	0 Estimated Prison Beds	
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Reranking Considerations:

- The basic offense is a gross misdemeanor.
- The wide range of harm—from great bodily harm to death—presents a ranking challenge for the Commission. See discussion on page 23.

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.14: Manslaughter 2 – Spring Gun

Current Ranking: Severity Level 5

<p>Minn. Stat. § 609.205(3) Statutory Maximum: 10 yrs./\$20K Mandatory minimum: NA Offense description: Setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device, and death results.</p>	Criminal History Score							
	0	1	2	3	4	5	6+	
	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
	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

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

<p>0 Sentences Per Year</p>	<p>0 Estimated Prison Beds</p>	
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Reranking Considerations:

- The basic offense (Minn. Stat. § 609.665) is a six-month gross misdemeanor.
- Two charges and no convictions for Minn. Stat. § 609.665 from 2021 – 2025 (source: Judicial Branch).
- Ranked like the two negligent manslaughters (1.7: Manslaughter 2 – Negligent Hunting & 1.8: Manslaughter 2 – Negligent Animal Control), neither of which involves any predicate misconduct other than the negligent behavior.
- Is the culpability of setting a spring gun—purposefully and with death as a reasonably foreseeable outcome, one might assume—possibly greater than mere negligence?

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

- Do not rerank**
- Uprank:**
 - To an existing higher severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Downrank:**
 - To an existing lower severity level _____.
 - To a new intermediate severity level between _____ and _____.
 - To a new severity level consolidating severity levels _____ and _____.
- Adjust the dispositional line as follows: _____.
- Make a legislative recommendation: _____.
- Other: _____.

Notes/rationale:

Initials: _____

2.15: Duty to Render Aid – Death/GBH

Current Ranking: Severity Level 2

<p>Minn. Stat. § 609.662, subd. 2(b)(1) Statutory Maximum: 2 yrs./\$4K Mandatory minimum: NA Offense description: A person who discharges a firearm and knows or has reason to know that the discharge has caused bodily harm to another person fails to investigate the extent of injury and render aid, and the injured person suffers death or great bodily harm as a result of the discharge.</p>	Criminal History Score							
	0	1	2	3	4	5	6+	
	3	12	13	15	17	19 17-22	21 18-25	23 20-27
	2	12	12	13	15	17	19	21 18-25
	1	12	12	12	13	15	17	19 17-22

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

<p>0.1 Sentences Per Year</p>	<p>0 Estimated Prison Beds</p>	<p>This case had a presumptive stayed sentence of 12 months and one day. This case received the presumptive sentence. This person had a CHS of 0, was a white male, aged 22-25 at the time of the offense, and sentenced in District 7.</p>
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Reranking Considerations:

- Basic offense: Gross misdemeanor.
- Affirmative defense: The required investigation/assistance would have exposed someone to a risk of bodily harm.
- Ranking is in keeping with the statutory maximum penalty, which is oddly low for a gross misdemeanor resulting in death.
- Perhaps the problem, again, is the wide range of harm—from great bodily harm to death—which presents a ranking challenge for the Commission. See discussion on page 23.

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

Do not rerank

Uprank:

- To an existing higher severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Downrank:

- To an existing lower severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Adjust the dispositional line as follows: _____.

Make a legislative recommendation: _____.

Other: _____.

Notes/rationale:

Initials: _____

2.16: Assaulting Police Horse – Death/GBH

Current Ranking: Unranked

<p>Minn. Stat. § 609.597, subd. 3(1) Statutory Maximum: 5 yrs./\$10K Mandatory minimum: NA Offense description: If a peace officer, a reserve officer, or any other person suffers great bodily harm or death as a result of assaulting or intentionally harming a police horse while the horse is being used or maintained for use by a law enforcement agency, or while under the control of a reserve officer who is operating at the direction of, under the control of, or on behalf of a peace officer or a law enforcement agency.</p>	<p>An unranked offense typically... <i>...is rarely prosecuted.</i> <i>...covers a wide range of underlying conduct.</i> <i>...offense is new and the severity of a typical offense cannot yet be determined.</i></p> <p>Court considerations when ranking an unranked offense includes... <i>...the gravity of the conduct underlying the offense.</i> <i>...severity level assigned to offenses that are similar.</i> <i>...The conduct of and severity level assigned to other offenders for the same unranked offense.</i> <i>...The severity level assigned to other offenses with similar conduct.</i></p>
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Annual Case Volume & Estimated Prison Beds, 2015–2024; Special Considerations

<p style="text-align: center;">0</p> <p style="text-align: center;">Sentences Per Year</p>	<p style="text-align: center;">0</p> <p style="text-align: center;">Estimated Prison Beds</p>	
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Reranking Considerations:

- The basic offense is a misdemeanor ... although there is a lesser felony version (also unranked) if the officer suffers demonstrable bodily harm or the police horse suffers death or great bodily harm.
- The wide range of harm—from great bodily harm to death—presents a ranking challenge for the Commission. See discussion on page 23.

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

Do not rerank

Uprank:

- To an existing higher severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Downrank:

- To an existing lower severity level _____.
- To a new intermediate severity level between _____ and _____.
- To a new severity level consolidating severity levels _____ and _____.

Adjust the dispositional line as follows: _____.

Make a legislative recommendation: _____.

Other: _____.

Notes/rationale:

Initials: _____