

Sex Trafficking & Prostitution Review

Classifying Sex Trafficking as a Severe Violent Offense

September 29, 2022

The Central Minnesota Human Trafficking Task Force (CMHTTF) recommends that the Commission add Sex Trafficking to the Severe Violent Offense List. This staff paper discusses the merits of this recommendation.

Introduction to the Severe Violent Offense List

Effective August 1, 2019, the Commission adopted a consensus [package](#) of changes to how the Sentencing Guidelines calculate the criminal history score. The package also included a new sentencing enhancement for second or subsequent severe violent offenses. Specifically, the 2019 changes:

- Established a list of severe violent offenses (SVOs) (Guidelines section 8, shown on p. 20).
- Established a new sentence modifier for repeat SVOs (Guidelines section 2.G.14, shown on p. 18). If an SVO is committed after one, two, or three prior SVO convictions, the presumptive duration increases by 12, 18, or 24 months, respectively. Attempts and conspiracies count as SVOs, but, if the current SVO is an attempt or conspiracy, the increase is halved.
- Disqualified a custody status point from the possibility of waiver (Guidelines section 2.B.2.e) if either the current offense or the custody status offense is an SVO.

When it created the SVO list, the 2018 Commission did not concisely document the criteria by which the list's members were selected. It may be possible to infer the Commission's criteria, however, by reviewing the history of the list. After exploring the SVO list's history (p. 1), this paper attempts to infer the Commission's criteria for classifying an offense as an SVO (p. 5). Next, the paper discusses whether Sex Trafficking meets those SVO criteria (p. 12), concluding with several alternative courses of action for the Commission's consideration (p. 13). The Guidelines' current SVO policy (p. 18) and Sex Trafficking statutes (p. 21) are appended for reference.

History of the Severe Violent Offense List

On **August 26, 2015**, family and friends of murder victim Anarae Schunk addressed the Commission. They expressed dissatisfaction with the current dangerous offender law (Minn. Stat. § [609.1095](#), subds. 2 & 3), and voiced a desire to see improvement in the sentencing of repeat violent offenders. Over many meetings

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.

that followed, the Commission studied and discussed the sentencing of repeat violent offenders, while continuing to listen to the Schunk family and friends.

On **September 28, 2016**, the Commission discussed a statutory change proposed by the Schunk family and friends. The [proposal](#) would have required a minimum 25-year sentence upon conviction of a second “severe violent crime” that was a third felony. “Severe violent crimes” were murder; manslaughter; assault in the first, second, and third degrees; robbery; and criminal sexual conduct in the first, second, and third degrees. The Commission’s Chair, Justice Christopher Dietzen, favored a consensus-based approach when making a recommendation to the Legislature, and some members expressed doubt that the Commission could, for such a mandatory-minimum proposal, arrive at such consensus. The Commission resolved to continue looking at the question of a Sentencing Guidelines change separately from the question of a legislative recommendation.

On **October 26, 2016**, Judge Heidi Schellhas, the Commission’s Vice-Chair and Court of Appeals representative, presented a [proposal](#) to amend the Guidelines. The proposal would have assigned a criminal history weight of 3 to a prior offense listed on a “severe violent crime” list if the current offense was also listed. The list, which Vice-Chair Schellhas indicated was not intended to be final, was nearly identical to the crime list in the citizen proposal discussed in the September meeting—except that simple robbery and criminal sexual conduct were deleted, and drive-by shooting was added.

On **November 17, 2016**, Vice-Chair Schellhas again presented her [proposal, but with an updated “severe violent crime” list](#). The 25-member list was almost entirely a subset of the 50-member “violent crime” list used in statutorily enhancing the penalties of repeat offenders (Minn. Stat. § [609.1095](#)). While Vice-Chair Schellhas authored the proposal, she had been in contact with Angela Champagne-From, the public member sitting in the Commission seat reserved for a victim of felony crime, during its creation.

The November meeting included statements supporting a discussion of the individual offenses on the list, but the Commission did not actually discuss those offenses nor the criteria for populating the list—other than what may be inferred from the list’s title, “severe violent crime,” and remarks such as the following by Sgt. Paul Ford, the peace officer member, and Vice-Chair Schellhas.

COMMISSIONER FORD: The ‘data’ is going to come from the victims, like our Commissioner and the Schunk family. There’s your ‘data’: the victims—and by then, it’s too late. This is a preventative measure; it’s repeat, violent offenders. In every crime on this list here, there’s intent. ... These aren’t crimes that just happen; it’s things that people make choices to do, and unfortunately the data’s going to be the victims after the fact.

VICE-CHAIR SCHELLHAS: My proposal simply contemplates that, if a person has a prior severe, violent offense conviction, that there would be a higher range of a sentence as a starting point when that plea negotiation occurs. It doesn’t mean the judge can’t depart downward if he or she so chooses and if persuaded to do so, or

depart upward. But with regard to these laws that are on the books, and the existing Guidelines that allow judges to do this, that, and the other thing: They are very seldom employed because these cases are resolved, usually, through plea negotiation.¹

Although the proposal failed on a 5–6 vote, members expressed interest in further discussion in the future.

On **June 7, 2018**, in the context of a number of amendments to the criminal history score then being considered, Vice-Chair Schellhas’s proposal was again [presented](#) to the Commission. While the basic concept was unchanged, the [updated version](#) of proposal added some offenses to the severe violent crime list² and removed others.³ Three channels of discussion during the meeting may shed light on the criteria for membership on the severe violent crime list:

- **Guidelines Severity Level Ranking.** Cathryn Middlebrook, the public defender representative, noted that the Sentencing Guidelines assign a severity level (SL) of 8 or higher to all but two of the listed offenses. Commissioner Middlebrook further suggested that the two listed SL 6 offenses—Assault 2nd Degree and Kidnapping (Safe Release/No Great Bodily Harm)—were, although violent, ranked in severity below the prison disposition line, and therefore not sufficiently severe for inclusion on the list. The Commission generally seemed persuaded by these remarks, and there were no objections to removing these offenses from the list, provided that those SL 6 Assault 2nd Degree offenses resulting in substantial bodily harm (Minn. Stat. § [609.222, subd. 2](#)) remain on the list.⁴
- **Statutory Maximum Penalties.** Commissioner of Corrections Tom Roy suggested that statutory maximums should play a larger part in determining which violent offenses were severe, but there was no consensus on this point.
- **General Philosophy.** The following excerpt of Vice-Chair Schellhas’s opening remarks may also shed light on the rationale for inclusion of offenses on the list:

VICE-CHAIR SCHELLHAS: Severe, violent offenders are those offenders who are most implicating public safety, and, frankly, the bottom line is: they deserve it—and the public deserves to be safe from these predators.⁵

¹ MSGC staff review of audio recording of November 17, 2016, MSGC meeting (on file).

² Compared with the November 2016 version, the June 2018 version added to the severe violent crime list Kidnapping (Safe Release/No Great Bodily Harm); Labor Trafficking; Criminal Sexual Conduct First & Second Degree (Force, Weapon, Injury, or Accomplice); and Aggravated First Degree Witness Tampering.

³ Compared with the November 2016 version, the June 2018 version removed from the severe violent crime list Murder Third Degree (Drugs); Manslaughter First Degree; Manslaughter First Degree of an Unborn Child; Assault of an Unborn Child First Degree; Malicious Punishment of a Child; Burglary 1st Degree (w/Weapon or Assault); and Adulteration Resulting in Death.

⁴ Both subdivisions of Minn. Stat. § 609.222 prohibit an [assault](#) with a [dangerous weapon](#), but subdivision 2 adds a second element: the infliction of [substantial bodily harm](#). Despite this additional element, and the higher statutory maximum penalty for violating subdivision 2 (10 years vs. 7 years imprisonment), the Guidelines rank the severity of both offenses equally (SL 6). See also footnote 10.

⁵ MSGC staff review of audio recording of June 7, 2018, MSGC meeting (on file).

By the end of the June 2018 meeting, the Commission had developed the complete list of offenses that the Guidelines now call SVOs (shown on p. 20): those severe violent crimes contained in the updated proposal Vice-Chair Schellhas presented at the beginning of that meeting, but with two SL 6 offenses removed— Assault 2nd Degree (No Substantial Bodily Harm) and Kidnapping (Safe Release/No Great Bodily Harm).

At the **July 26, 2018**, meeting, staff presented its [analysis of the Schellhas proposal](#), as well as some [alternatives](#). Staff suggested one of the alternatives—to enhance sentence durations, rather than criminal history scores—to provide a consequence for those who repeatedly commit severe, violent offenses but whose criminal history score is at the Guidelines maximum of six or more.

In advance of the **October 11, 2018**, meeting, Chair Dietzen issued a [compromise proposal](#) that included both reforms to criminal history score calculation and a repeat severe violent offender sentencing enhancement. At that meeting, Vice-Chair Schellhas addressed a counterproposal, then being considered, that would have replaced the SVO list with all offenses ranked at SL 8 and above. The Vice-Chair’s contention was that such a counterproposal should not be called a “repeat severe violent offender” proposal, but should instead be simply called a “repeat severe offender” proposal, because, while all offenses ranked at SL 8 and above may be considered “severe,” they not all “violent.” Her remarks regarding the “violent” criterion of the SVO list follow:

VICE-CHAIR SCHELLHAS: When Commissioner Champagne-From and I started working on this proposal back in 2016, we focused on repeat, violent offenders because our concern is public safety. And we went through the list of offenses contained in the Guidelines and picked out what we believed to be violent offenses—most of them were pretty straightforward and common-sense—and we proposed that list to this Commission. And, in fact, I did work with Commissioner [and Judge of First Judicial District Court Caroline] Lennon at one point in revising that list and taking some offenses off, and there was much discussion about it.⁶

Commissioner Lennon expressed concerns with the counterproposal to replace the SVO list with blanket SL 8 category because the latter would include some unintentional crimes.

As the meeting progressed, Chair Dietzen worked to build consensus around a complete compromise package. To that end, various members of the Commission expressed interest in abandoning the blanket SL 8 counterproposal and returning to the SVO list, which would be used to enhance the presumptive durations of second or subsequent SVOs (*i.e.*, the current SVO policy).

The Commission unanimously advanced to a public hearing the complete compromise package, including the current SVO policy, on **November 8, 2018**; it unanimously adopted the consensus package on **December 20, 2018**; and, facing no legislative opposition, the package of Guidelines changes took effect **August 1, 2019**.

⁶ MSGC staff review of audio recording of October 11, 2018, MSGC meeting (on file).

Inferred Severe Violent Offense Criteria

Based on the above history, staff infers that the Commission employed three criteria for classifying a crime as an SVO, all of which must be met to place the crime for the SVO list:

- First, staff infers that an SVO must be **violent**. By this, staff assumes that the offense must have, as an element, the *use of force, the threatened use of force, or the infliction of injury*. Although not all statutory violent crimes listed in Minn. Stat. § 609.1095⁷ meet this criterion (drug possession, for example), staff nevertheless uses this statutory list as the starting point for analyzing what meets the violence criterion because: (1) the SVO list is nearly a subset of the statutory violent crime list;⁸ (2) § 609.1095 came up frequently in the Commission’s pre-SVO discussions; and (3) § 609.1095 is related to statutorily enhanced sentencing for repeat violent offenders.
- Second, staff infers that an SVO must be **severe**.⁹ Offenses that the Commission has ranked on the standard grid at SL 8 or higher are sufficiently severe that the presumptive sentence for all who commit such offenses, even first-timers, is executed prison. This is referred to as being *above the disposition line*. For the other grids, SL C or higher (Sex Offender Grid) and SL D8 or higher (Drug Offender Grid) are similarly above the disposition line. Because the 2018 Commission was generally¹⁰ satisfied to rely on the disposition line as a necessary, if not always sufficient, measure of severity, staff’s analysis assumes that only offenses above the disposition line are sufficiently severe to meet the severity criterion.
- Third, staff infers the Commission carefully selects severe, violent offenses to be SVOs only when their **repeat violations clearly and strongly implicate public safety**—to the point where one would consider repeat violators, as did the list’s chief author, “predators.” For this reason, the Commission appears to have crafted the list to avoid crimes where the force or injury was unintentional (*e.g.*, Manslaughter), preferring, to paraphrase Commissioner Ford, crimes involving an *intentional choice to harm the victim*. It may also be for this reason that the Commission excluded all but the *most extreme sex offenses* from the list: For repeat sex offenders, the needs of public safety are already satisfied by the several ways in which their sentences are enhanced.¹¹

⁷ This is not the only statutory violent-crime list. For a discussion of some other lists, refer to the staff information paper entitled “[Selected Violence-Related Crime Lists](#)” (March 2, 2021).

⁸ Two SVOs are not statutory violent crimes: Labor Trafficking and Aggravated 1st Degree Witness Tampering—although, given that 1st Degree Witness Tampering is statutorily listed, staff suspects that exclusion of Aggravated 1st Degree Witness Tampering from Minn. Stat. § 609.1095 may have been a legislative oversight.

⁹ Under an alternative reading of the term “severe violent offense,” one might infer that “severe” modifies “violent”—*i.e.*, that the offense must be severely violent—but this is inconsistent with staff’s understanding of grammar and its reading of the SVO list’s history. Staff infers that both “severe” and “violent” are separately required attributes of the “offense.”

¹⁰ One SVO below the disposition line, Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm), was the subject of a great deal of discussion among Commission members, some of whom thought the offense’s ranking was insufficiently severe—particularly in light of the fact that the same crime, without the element of substantial bodily harm, was ranked equally (SL 6) (see footnote 4). Additionally, Labor Trafficking, although on the SVO list, is unranked, making it difficult to classify it as “above the disposition line.”

¹¹ In addition to various increased statutory penalties that apply to repeat sex offenses (Minn. Stat. § 609.3455), the Guidelines provide heavier criminal history weights for repeat sex offenses (Minn. Sentencing Guidelines & Commentary

Application of the SVO Criteria to the Statutory Violent Crime List

Following the first criterion’s starting point, Table 1 lists every offense identified by § 609.1095 as a statutory violent crime¹² (as well as all SVOs, although nearly every SVO is also a statutory violent crime¹³). Then, Table 1 indicates whether each offense is severe by applying the second criterion’s test: whether the offense is ranked above the disposition line. Next, the crime’s SVO designation is identified.

In the final column, “Public Safety Implications of Repeat Violations,” staff hypothesizes why the Commission may not have listed a severe offense an SVO based on the third criterion, clear and strong public safety implications of repeat violations. This column is generally blank if the presence or absence of a statutory violent crime on the SVO list is consistent with its severity; *i.e.*, if the offense is *both* severe enough to be above the disposition line *and* an SVO; or if the offense is *neither* severe enough to be above the disposition line *nor* an SVO. Parenthetically, the final column also notes anything unusual about the offense or its classification as an SVO.

Table 1. Comparison of Severe Violent Offenses with Statutory Violent Crimes & Guidelines Severe Offenses

Minn. Stat. §	Offense	Violent crime per § 609.1095	Severe: above disposition line	SVO	Public Safety Implications of Repeat Violations
152.021	Controlled Substance Crime 1st Degree, etc.	Yes	Yes (D8/D9)	No	No victim required, or willing victim and no injury required
152.022	Controlled Substance Crime 2nd Degree	Yes	No (D7)	No	
152.0261	Importing Controlled Substances Across State Borders	Yes	Yes (D9)	No	No victim/injury required
152.0262	Possess Precursors with Intent to Manufacture Meth (subsequent only)	Yes	No (D5)	No	
152.137	Methamphetamine Crimes Involving Children and Vulnerable Adults	Yes	No (D3)	No	

section 2.B.1.b); two custody status points for repeat sex offenses (Guidelines section 2.B.2.b); and increased grid durations for high criminal history scores that generally top out at the statutory maximum (Guidelines section 4.B).

¹² Although Minn. Stat. § 609.1095 lists Controlled Substance Crime Third Degree and Fourth Degree as violent crimes, they are excluded from Table 1 because the statute excludes their use in the dangerous-offender sentencing provisions.

¹³ See footnote 8. Child Torture, while neither an SVO nor a statutory violent crime, is listed in Table 1 because the Commission had [previously expressed interest](#) in reviewing this offense for inclusion on the SVO list.

Minn. Stat. §	Offense	Violent crime per § 609.1095	Severe: above disposition line	SVO	Public Safety Implications of Repeat Violations
609.165	Certain Persons Not to Have Firearms or Ammunition	Yes	<i>No</i> (6)	<i>No</i>	
609.185	Murder 1st Degree	Yes	Yes (life)	Yes	
609.19	Murder 2nd Degree	Yes	Yes (10/11)	Yes	
609.195(a)	Murder 3rd Degree (Depraved Mind)	Yes	Yes (10)	Yes	
609.195(b)	Murder 3rd Degree (Drugs)	Yes	Yes (9)	<i>No</i>	No intent to cause death; see footnote 3
609.20	Manslaughter 1st Degree	Yes	Yes (8/9)	<i>No</i>	No intent to cause death, except for heat of passion or coercion
609.205(1)(5)	Manslaughter 2nd Degree - Culpable Negligence	Yes	Yes (8)	<i>No</i>	No intent to cause death; see footnote 3
609.205(2)(3)(4)	Manslaughter 2nd Degree - Hunting Accident	Yes	<i>No</i> (5)	<i>No</i>	
609.2112	Criminal Vehicular Homicide	Yes	Yes (8)	<i>No</i>	No intent to cause death
609.2113	Criminal Vehicular Operation (Substantial/ Great Bodily Harm)	Yes	<i>No</i> (3/5)	<i>No</i>	
609.2114 s.1	Criminal Vehicular Operation (Death to an Unborn Child)	Yes	Yes (8)	<i>No</i>	No intent to cause death
609.2114 s.2	Criminal Vehicular Operation (Injury to an Unborn Child)	Yes	<i>No</i> (5)	<i>No</i>	
609.221	Assault 1st Degree	Yes	Yes (9/10/11)	Yes	
609.222 s.1	Assault 2nd Degree (Dangerous Weapon)	Yes	<i>No</i> (6)	<i>No</i>	

Minn. Stat. §	Offense	Violent crime per § 609.1095	Severe: above disposition line	SVO	Public Safety Implications of Repeat Violations
609.222, s.2	Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm)	Yes	<i>No</i> (6)	Yes	(Rare exception to SL 8+ SVO rule; see footnotes 4 & 10)
609.223	Assault 3rd Degree (Substantial Bodily Harm)	Yes	<i>No</i> (4)	<i>No</i>	
609.228	Great Bodily Harm Caused by Distribution of Drugs	Yes	Yes (8)	<i>No</i>	No intent to harm
609.229 s.3(a)	Crime Committed for Benefit of Gang	Yes	(Modifier)	*	(Severity varies by underlying crime)
609.229 s.3(b)	Crime Committed for Benefit of Gang	Yes	<i>No</i> (1)	<i>No</i>	
609.235	Use of Drugs to Injure or Facilitate Crime	Yes	<i>No</i> (4)	<i>No</i>	
609.24	Simple Robbery	Yes	<i>No</i> (5)	<i>No</i>	
609.245 s.1	Aggravated Robbery 1st Degree	Yes	Yes (8)	Yes	
609.245 s.2	Aggravated Robbery 2nd Degree	Yes	<i>No</i> (5)	<i>No</i>	
609.25 s.2(1)	Kidnapping (Safe Release/No Great Bodily Harm)	Yes	<i>No</i> (6)	<i>No</i>	
609.25 s.2(2)	Kidnapping (Great Bodily Harm/Unsafe Release/Victim Under 16)	Yes	Yes (8/9)	Yes	
609.255	False Imprisonment	Yes	<i>No</i> (3/4)	<i>No</i>	
609.2661	Murder of an Unborn Child 1st Degree	Yes	Yes (life)	Yes	
609.2662	Murder of an Unborn Child 2nd Degree	Yes	Yes (10/11)	Yes	

* Yes, but only if the underlying crime is an SVO.

Minn. Stat. §	Offense	Violent crime per § 609.1095	Severe: above disposition line	SVO	Public Safety Implications of Repeat Violations
609.2663	Murder of an Unborn Child 3rd Degree	Yes	Yes (10)	Yes	
609.2664	Manslaughter of an Unborn Child 1st Degree	Yes	Yes (8/9)	<i>No</i>	No intent to cause death, except for heat of passion or coercion; see footnote 3
609.2665(1)	Manslaughter of an Unborn Child 2nd Degree	Yes	Yes (8)	<i>No</i>	No intent to cause death
609.2665(2)(3)(4)	Manslaughter of an Unborn Child 2nd Degree	Yes	<i>No (5)</i>	<i>No</i>	
609.267	Assault of an Unborn Child 1st Degree	Yes	Yes (9)	<i>No</i>	Possible anomaly; but see footnote 3
609.2671	Assault of an Unborn Child 2nd Degree	Yes	<i>No (4)</i>	<i>No</i>	
609.268 s.1	Death of an Unborn Child in Comm. of Crime	Yes	Yes (9)	<i>No</i>	No intent to cause death
609.268 s.2	Injury of an Unborn Child in Comm. of Crime	Yes	<i>No (4)</i>	<i>No</i>	
609.282	Labor Trafficking	<i>No</i>	<i>No (unranked)</i>	Yes	(Only exception to both 609.1095 & SL 8+ SVO rules)
609.322	Sex Trafficking	Yes	Yes (C/B/modifier)	<i>No</i>	(Discussion begins on p. 12)
609.342 s. 1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(i)	Criminal Sexual Conduct 1st Degree (fear, weapon, force, accomplice, or injury & coercion)	Yes	Yes (A)	Yes	
609.342 s. 1a(e)(f)(g)	Criminal Sexual Conduct 1st Degree (age)	Yes	Yes (A)	<i>No</i>	Consent is no defense/strict liability based on age; repeat sex offenders handled by sex grid

Minn. Stat. §	Offense	Violent crime per § 609.1095	Severe: above disposition line	SVO	Public Safety Implications of Repeat Violations
609.342 s. 1a(h)	Criminal Sexual Conduct 1st Degree (age & force/coercion/personal injury/over time)	Yes	Yes (A)	<i>No</i>	Possible anomaly; but repeat sex offenders handled by sex grid
609.343 s. 1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(i)	Criminal Sexual Conduct 2nd Degree (fear, weapon, force, accomplice, or injury & coercion)	Yes	Yes (B)	Yes	
609.343 s. 1a(e)(f)(g)	Criminal Sexual Conduct 2nd Degree (age)	Yes	<i>No (D)</i>	<i>No</i>	
609.343 s.1a(h)	Criminal Sexual Conduct 2nd Degree (age & force/coercion/personal injury/over time)	Yes	Yes (B)	<i>No</i>	Possible anomaly; but repeat sex offenders handled by sex grid
609.344 s. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 3rd Degree (coercion, mentally impaired/incapacitated, physically helpless, occupation)	Yes	Yes (C)	<i>No</i>	Repeat sex offenders handled by sex grid
609.344 s. 1a(a)(b)(e)(f)	Criminal Sexual Conduct 3rd Degree (age)	Yes	<i>No (G/D)</i>	<i>No</i>	
609.345	Criminal Sexual Conduct 4th Degree	Yes	<i>No (F/E)</i>	<i>No</i>	
609.377 s. 3, 4, 5	Malicious Punishment of Child	Yes	<i>No (4)</i>	<i>No</i>	
609.377 s. 6	Malicious Punishment of Child (Great Bodily Harm)	Yes	Yes (8)	<i>No</i>	Unreasonable force or cruel, excessive discipline, but no intent to inflict great bodily harm; see footnote 3
609.3775	Child Torture	<i>No</i>	Yes (8)	<i>No</i>	(Enacted in 2021; see footnote 13)
609.378	Child Neglect/Endangerment	Yes	<i>No (5)</i>	<i>No</i>	

Minn. Stat. §	Offense	Violent crime per § 609.1095	Severe: above disposition line	SVO	Public Safety Implications of Repeat Violations
609.498 s.1	Tampering with Witness 1st Degree	Yes	<i>No</i> (5)	<i>No</i>	
609.498 s.1b	Tampering with Witness Aggravated 1st Degree	<i>No</i>	Yes (9)	Yes	(See footnote 8)
609.561 s.1, 2	Arson 1st Degree (dwelling, or building & person may be present)	Yes	Yes (8)	Yes	
609.561 s.3	Arson 1st Degree (building & flammable material)	Yes	Yes (8)	<i>No</i>	No harm to a person
609.562	Arson 2nd Degree	Yes	<i>No</i> (5)	<i>No</i>	
609.582 s.1(a)	Burglary 1st Degree (Occupied Dwelling)	Yes	<i>No</i> (6)	<i>No</i>	
609.582 s.1(b)(c)	Burglary 1st Degree (w/Weapon or Assault)	Yes	Yes (8)	<i>No</i>	Neither weapon use (b) nor serious injury (c) required; see footnote 3
609.66 s.1e(a)(1)	Drive-By Shooting (Unoccupied Motor Vehicle or Building)	Yes	<i>No</i> (3)	<i>No</i>	
609.66 s.1e(a)(2) & (3)	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)	Yes	Yes (8)	Yes	
609.687 s.3(1)	Adulteration Resulting in Death	Yes	Yes (11)	<i>No</i>	No intent to kill, but “reason to know” risk; see footnote 3
609.687 s.3(2) & (3)	Adulteration	Yes	<i>No</i> (4/unranked)	<i>No</i>	
609.749	Harassment & Stalking	Yes	<i>No</i> (4/5)	<i>No</i>	
609.855 s.5	Discharge Firearm at Transit Vehicle/Facility	Yes	<i>No</i> (1/6)	<i>No</i>	
624.713	Certain Persons Not to Have Firearms or Ammunition	Yes	<i>No</i> (3/6)	<i>No</i>	

Sex Trafficking as a Severe Violent Offense

This section will evaluate the merits of CMHTTF recommendation—to add Sex Trafficking to the SVO list—by applying the criteria inferred above. (Recall that an offense must meet all three criteria to be an SVO.)

SVO Criterion 1: Violence

Sex trafficking is included in the statutory violent crimes list, which is ordinarily¹⁴ the starting point into further examination of whether the offense meets the violence criterion's requirements.

One might imagine circumstances under which Sex Trafficking 2nd Degree would not be violent: If an adult sex worker, engaging in a free and voluntary—albeit illegal—business enterprise, asks someone else to facilitate or promote that business enterprise, does the other person, by complying with that request, thereby use force, threaten force, or inflict injury? It would seem not.

If, on the other hand, Sex Trafficking 2nd Degree is not routinely the result of an arms-length business transaction by freely consenting adults—if, instead, it involves sex traffickers inducing or coercing others to lease their bodies to strangers for sexual contact or penetration—it would, to the extent that the resulting (and likely repeated) sex acts are coerced, arguably meet the definition of violence. The argument for violence becomes even stronger with Sex Trafficking 1st Degree, where the person being prostituted is not an adult, but a child.

Even if violence routinely accompanies sex trafficking, however, this would ordinarily be insufficient to meet the SVO violence criterion. Staff infers that, to be an SVO, a crime must contain violence—force, threat, or injury—as a necessary element, not just an associated attribute.

Some (but not all) forms of *Aggravated* Sex Trafficking do contain a necessary element of violence. The *Aggravated Sex Trafficking* statute, Minn. Stat. § 609.322, subd. 1(b)—highlighted in Appendix 2 (p. 23)—has four clauses.

- Clause (2) requires a sex-trafficking victim to suffer bodily harm, and
- Clause (3) requires debt bondage or forced labor or services¹⁵ for over 180 days.

Given that the forced or coerced “labor or services” for this offense are sex acts, these clauses would seem to meet the violence criterion. The other two aggravating clauses are not so clearly violent:

- Clause (1) requires a prior conviction for a human-trafficking related offense, and
- Clause (4) requires multiple sex trafficking victims.

Finally, the Legislature recently added Sex Trafficking to the statutory violent crimes list, effective September 15, 2021. This [statutory change](#) was made at the request of the CMHTTF—in the same bill that

¹⁴ See footnote 8 for exceptions; *i.e.*, SVOs that are not also statutory violent crimes.

¹⁵ The definitions of those terms, found in Minn. Stat. § 609.281, are reproduced in Appendix 2 (p. 21). Although that statute does not apply to sex trafficking, staff assumes the omitted reference is probably due to a legislative oversight.

mandated the Commission’s comprehensive sex trafficking review—and would suggest recent legislative support for the proposition that all forms of the offense are violent. This notion is bolstered by the fact that Sex Trafficking has, since 2009, also appeared on another “crime of violence” list—that found in Minn. Stat. § [624.712, subd. 5](#). On the other hand, despite their names, both statutory lists include several offenses that lack a violence element and therefore do not meet the SVO violence criterion.

SVO Criterion 2: Severity

At SL C, SL B, and—if aggravated—enhanced versions of those severity levels, the Commission has ranked all forms of Sex Trafficking above the disposition line, thus meeting the severity criterion.

SVO Criterion 3: Clear & Strong Public Safety Implications of Repeat Violations

Special Sentencing Provisions Already Available for Repeat Sex Offenses

In the previous section, we saw that the Commission did not classify all sex offenses as SVOs, even some above the disposition line and violent, or arguably so. Neither Criminal Sexual Conduct First Degree involving age (ranked at SL A) nor Criminal Sexual Conduct Third Degree involving coercion, etc. (ranked at SL C) are SVOs. It was hypothesized that the Commission considered the various mechanisms already available for severely punishing repeat sex offenders (see footnote 11) to suffice for all but the very most severe sex offenses. This would tend to support SVO treatment for Aggravated Sex Trafficking, and possibly for Sex Trafficking 1st Degree, more than for Sex Trafficking 2nd Degree.

Special Consideration: Labor Trafficking

The Commission has defined Labor Trafficking as an SVO. The only unranked SVO (besides Murder 1st Degree), Labor Trafficking is also unusual because it is not a statutory violent crime. Despite these oddities, one need not strain to see why the Commission classified it as an SVO: The [offense requires](#) trafficking people for the purpose of debt bondage, forced labor or services, slavery or similar practices, or the removal of organs through coercion or intimidation; or profiting from such trafficking.

Both Labor Trafficking and Sex Trafficking are statutorily related, in that they are both classified as “[human trafficking-related offenses](#).” A strong argument can be made that, if Labor Trafficking is an SVO, so ought to be Sex Trafficking—particularly the Aggravated Sex Trafficking clause punishing debt bondage or forced labor or services for more than six months.

Staff Recommendations

Staff recommends that the Commission follow the CMHTTF recommendation—in part, at least. Considering the history and purposes of the SVO list, staff views any of the following six alternative courses of action as reasonable. The six options—which are visually summarized in Table 2 (p. 17)—are approximately arranged in order of least to most change, with the first option adding only one Aggravated Sex Trafficking clause to the SVO list and the sixth option adding all Sex Trafficking offenses to the list. A rationale supporting each option is also shown.

- Option 1: Add to the SVO list only those forms of Aggravated Sex Trafficking that require more than 180 days of debt bondage or forced services.¹⁶
 - *Rationale: Because the debt bondage/forced services clause closely mirrors the elements of an existing SVO—Labor Trafficking—it must be classified as an SVO for the sake of consistency and coherence. The other Sex Trafficking offenses may involve consensual behavior, and the minimal degree of harm required by clause 1(b)(2) is insufficient clearly and strongly to implicate public safety. The various mechanisms already available for severely punishing repeat sex offenders are sufficient for the remaining Sex Trafficking offenses, just as they are sufficient for Criminal Sexual Conduct 1st Degree age cases and Criminal Sexual Conduct 3rd Degree coercion cases.*

- Option 2: Same as Option 1, but also include Aggravated Sex Trafficking offenses requiring the victim to have suffered bodily harm.¹⁷
 - *Rationale: These are the only truly violent clauses in the Sex Trafficking statute. The other Sex Trafficking offenses may involve consensual behavior, which is insufficient clearly and strongly to implicate public safety. The various mechanisms already available for severely punishing repeat sex offenders are sufficient for such offenses, just as they are sufficient for Criminal Sexual Conduct 1st Degree age cases and Criminal Sexual Conduct 3rd Degree coercion cases.*

¹⁶ Option 1 would add the following row to Guidelines section 8:

Statute Number	Offense Title
609.322, subd. 1(b)(3)	Aggravated Sex Trafficking (Debt Bondage/Forced Services)

¹⁷ Option 2 would add the following row to Guidelines section 8:

Statute Number	Offense Title
609.322, subd. 1(b)(2) & (3)	Aggravated Sex Trafficking (Bodily Harm/Debt Bondage/Forced Services)

- Option 3: Same as Option 2, but also include all sex trafficking offenses against children (Sex Trafficking 1st Degree).¹⁸
 - *Rationale: These are the only Sex Trafficking offenses that necessarily involve violation of the will, whether due to force, coercion, or the youth of the victim. When coupled with the sexual nature of the offense, such violations of the will should be deemed to be violence. The other Sex Trafficking offenses may involve adults engaged in consensual behavior, which is not necessarily violent and is insufficient clearly and strongly to implicate public safety. The various mechanisms already available for severely punishing repeat sex offenders are sufficient for such offenses, just as they are sufficient for Criminal Sexual Conduct 1st Degree age cases and Criminal Sexual Conduct 3rd Degree coercion cases.*
- Option 4: Simply add all forms of Aggravated Sex Trafficking to the SVO list—including offenses aggravated due to a prior human-trafficking conviction or due to more than one sex-trafficking victim.^{19, 20}
 - *Rationale: With a 30-year statutory maximum penalty—the same as Criminal Sexual Conduct 1st Degree—the Legislature has expressed its intent to treat repeat sex traffickers and sex traffickers of multiple people extremely seriously. For these reason, and for the sake of simplicity, the Commission should treat all Aggravated Sex Trafficking offenses as SVOs. The various mechanisms already available for severely punishing repeat sex offenders are*

¹⁸ Option 3 would add the following rows to Guidelines section 8:

Statute Number	Offense Title
609.322, subd. 1(a)	Sex Trafficking 1st Degree
609.322, subd. 1(a) with ref. to subd. 1(b)	Aggravated Sex Trafficking 1st Degree
609.322, subd. 1a with ref. to subd. 1(b)(2) or (3)	Aggravated Sex Trafficking 2nd Degree (Bodily Harm/Debt Bondage/Forced Services)

¹⁹ Option 4 would add the following row to Guidelines section 8:

Statute Number	Offense Title
609.322, subd. 1(b)	Aggravated Sex Trafficking

²⁰ Options 4 and 5—which would classify some sex trafficking offenses as SVOs solely due to the presence of a prior sex trafficking conviction (under [clause \(1\)](#) of the Aggravated Sex Trafficking provisions)—arguably present a special problem of quadruple or quintuple punishment that is not present in the other options. One might argue that, by making such a classification, Options 4 and 5 would cause the number of different ways in which a prior sex trafficking crime will increase the presumptive punishment of a new sex trafficking crime to total four or five: **(1)** The prior sex trafficking crime will increase the presumptive sentence of the current sex trafficking offense due to its presence in criminal history; **(2)** this effect will be enhanced because both offenses are on the Sex Offender Grid (see footnote 11); **(3)** if the current offense was committed while under supervision for the prior offense, the criminal history score would increase by a two custody-status points; **(4)** there will be an additional increase in the presumptive sentence (by 48 months, under current policy) because of the presence of the clause (1) aggravating factor; and **(5)** because Options 4 and 5 add clause (1) offenses to the SVO list, the prior sex trafficking conviction will cause an additional 12-month presumptive durational increase under the SVO policy.

sufficient for the non-aggravated Sex Trafficking offenses, just as they are sufficient for Criminal Sexual Conduct 1st Degree age cases and Criminal Sexual Conduct 3rd Degree coercion cases.

- Option 5: This is a combination of options 3 and 4, and would add to the SVO list all sex trafficking offenses against children (Sex Trafficking 1st Degree) and all Aggravated Sex Trafficking, excluding from the SVO list only first-time sex trafficking of exactly one adult prostitute.^{21, 22}
 - *Rationale: First-time sex trafficking of exactly one adult prostitute, with no bodily harm or other aggravating factor present, is not a violent offense and does not clearly and strongly implicate public safety. For this reason, Sex Trafficking 2nd Degree should not be considered an SVO. The remaining Sex Trafficking offenses should be considered SVOs for the reasons stated elsewhere.*
- Option 6: Simply add all Sex Trafficking offenses to the SVO list (CMHTTF recommendation).²³
 - *Rationale: Sex trafficking is an inherently dangerous and abusive activity and is classified as violent by the Legislature. The Commission has already classified a closely related offense, Labor Trafficking, as an SVO. For these reasons, for the sake of keeping the Guidelines as simple as possible, and in deference to the experts in the field who are requesting this, the Commission should classify all Sex Trafficking offenses as SVOs.*

²¹ Option 5 would add the following rows to Guidelines section 8:

Statute Number	Offense Title
609.322, subd. 1(a)	Sex Trafficking 1st Degree
609.322, subd. 1(b)	Aggravated Sex Trafficking

²² See footnote 20.

²³ Option 6 would add the following row to Guidelines section 8:

Statute Number	Offense Title
609.322	Sex Trafficking

Table 2. Illustration of Six Staff-Recommended Options for Classifying Sex Trafficking Offenses as SVOs

Option no.	Aggravating Circumstances						No Aggravating Circumstances	
	181+ Days of Debt Bondage/Forced Labor <u>(clause (3))</u>		Bodily Harm <u>(clause (2))</u>		Prior Human Trafficking or Multiple Victims <u>(clauses (1) & (4))</u>			
	Minor Victim	Adult Victim	Minor Victim	Adult Victim	Minor Victim	Adult Victim	Minor Victim	Adult Victim
1	x	x						
2	x	x	x	x				
3	x	x	x	x	x		x	
4	x	x	x	x	x	x		
5	x	x	x	x	x	x	x	
6	x	x	x	x	x	x	x	x

Appendix 1: 2022 Minn. Sentencing Guidelines & Commentary 2.G.14 & 8

[2.G.]14. Second or Subsequent Severe Violent Offense.

a. The following definitions apply to this section:

(1) A “severe violent offense” is an offense listed in section 8, Severe Violent Offense List. “Severe violent offense” includes attempt or conspiracy, and includes an equivalent felony from a jurisdiction other than Minnesota, as outlined in section 2.B.5 (Convictions from Jurisdictions other than Minnesota). A current offense is not a “severe violent offense” if section 2.E.4 (Mandatory Life Sentences) applies.

(2) “Second or subsequent severe violent offense” means that prior to the commission of current severe violent offense, the offender has been adjudicated guilty of one or more severe violent offenses.

(3) A “prior severe violent offense conviction” is an adjudication that qualifies the current offense as a second or subsequent severe violent offense. A conviction for an offense excluded from criminal history score computation under section 2.B.1.c (Felony Decay Factor) does not qualify as a “prior severe violent offense conviction.” A conviction that resulted in a non-felony sentence (see section 2.B.1.h) does not qualify as a “prior severe violent offense conviction” if the non-felony sentence was imposed before the current offense date.

b. If the current offense is a second or subsequent severe violent offense, the presumptive fixed sentence for the current offense, as determined in section 2.C, shall increase by the number of months corresponding, in the following table, to the number of prior severe violent offense convictions, provided that:

(1) If the current severe violent offense is an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175, the increase shall be one-half the number of months stated; and

(2) This section shall not apply to a presumptive or permissive consecutive sentence pursuant to section 2.F.

NUMBER OF PRIOR SEVERE VIOLENT OFFENSE CONVICTIONS	MONTHS
1	12
2	18
3 or more	24

Comment

* * *

2.G.03. While the Commission recognizes the enhanced punishments available in the existing dangerous offender law (Minn. Stat. § 609.1095, subd. 2 and 3), it is also aware of the limited scope of those provisions, which, in practice, rarely result in enhanced sentences. It views the establishment of an automatic sentence modifier applicable to second or subsequent severe violent offenses as being necessary to protect the public from crime and thereby to promote public safety. The term "second or subsequent severe violent offense" incorporates the statutory term "second or subsequent offense" (Minn. Stat. § 609.02, subd. 11).

* * *

8. Severe Violent Offense List

Each of the following is a “severe violent offense” within the meaning of sections 2.B.2.e and 2.G.14. Attempt or conspiracy is included, as is an equivalent felony from a jurisdiction other than Minnesota.

Statute Number	Offense Title
609.185	Murder 1st Degree
609.19	Murder 2nd Degree
609.195(a)	Murder 3rd Degree (Depraved Mind)
609.221	Assault 1st Degree
609.222, subd. 2	Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm)
609.245, subd. 1	Aggravated Robbery 1st Degree
609.25, subd. 2(2)	Kidnapping (Great Bodily Harm/Unsafe Release/Victim Under 16)
609.2661	Murder of an Unborn Child 1st Degree
609.2662	Murder of an Unborn Child 2nd Degree
609.2663	Murder of an Unborn Child 3rd Degree
609.282	Labor Trafficking
609.342, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(i)	Criminal Sexual Conduct 1st Degree
609.343, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(i)	Criminal Sexual Conduct 2nd Degree
609.498, subd. 1b	Tampering with Witness, Aggravated 1st Degree
609.561, subd. 1 or 2	Arson 1st Degree
609.66, subd. 1e(a)(2) & (3)	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)

Appendix 2: Excerpts of Minn. Stat. §§ 609.281, 609.321, & 609.322 (2021)

609.281 DEFINITIONS.

Subdivision 1. **Generally.** As used in sections 609.281 to 609.284, the following terms have the meanings given.

Subd. 2. **Blackmail.** "Blackmail" means a threat to expose any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule.

Subd. 3. **Debt bondage.** "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Subd. 4. **Forced labor or services.** "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through an actor's:

(1) threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer bodily harm or physical restraint;

(2) physically restraining or threatening to physically restrain a person;

(3) abuse or threatened abuse of the legal process;

(4) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; or

(5) use of blackmail.

* * *

History: 2005 c 136 art 17 s 15; 2009 c 137 s

* * *

609.321 PROSTITUTION AND SEX TRAFFICKING; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 609.321 to 609.325, the following terms have the meanings given.

* * *

Subd. 4. **Patron.** "Patron" means an individual who engages in prostitution by hiring, offering to hire, or agreeing to hire another individual to engage in sexual penetration or sexual contact.

* * *

Subd. 7. **Promotes the prostitution of an individual.** "Promotes the prostitution of an individual" means any of the following wherein the person knowingly:

(1) solicits or procures patrons for a prostitute;

(2) provides, leases or otherwise permits premises or facilities owned or controlled by the person to aid the prostitution of an individual;

(3) owns, manages, supervises, controls, keeps or operates, either alone or with others, a place of prostitution to aid the prostitution of an individual;

(4) owns, manages, supervises, controls, operates, institutes, aids or facilitates, either alone or with others, a business of prostitution to aid the prostitution of an individual;

(5) admits a patron to a place of prostitution to aid the prostitution of an individual; or

(6) transports an individual from one point within this state to another point either within or without this state, or brings an individual into this state to aid the prostitution of the individual.

Subd. 7a. **Sex trafficking.** "Sex trafficking" means:

(1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or

(2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

Subd. 7b. **Sex trafficking victim.** "Sex trafficking victim" means a person subjected to the practices in subdivision 7a.

Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution by being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.

Subd. 9. **Prostitution.** "Prostitution" means hiring, offering to hire, or agreeing to hire another individual to engage in sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.

Subd. 10. **Sexual contact.** "Sexual contact" means any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual impulses:

(i) the intentional touching by an individual of a prostitute's intimate parts; or

(ii) the intentional touching by a prostitute of another individual's intimate parts.

Subd. 11. **Sexual penetration.** "Sexual penetration" means any of the following acts, if for the purpose of satisfying sexual impulses: sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of an individual's body by any part of another individual's body or any object used for the purpose of satisfying sexual impulses. Emission of semen is not necessary.

* * *

Subd. 14. **Prior qualified human trafficking-related offense.** A "prior qualified human trafficking-related offense" means a conviction or delinquency adjudication within the ten years from the discharge from probation or parole immediately preceding the current offense for a violation of or an attempt to violate section 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree); 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree); 609.282 (labor trafficking); or 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking).

History: 1979 c 255 s 1; 1986 c 444; 1987 c 291 s 242; 2005 c 136 art 17 s 19-23; 2009 c 137 s 3-6; 2009 c 170 s 1; 1Sp2011 c 1 art 5 s 1-3

609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING.

Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.** (a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$50,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
- (4) engages in the sex trafficking of an individual under the age of 18 years.

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$60,000, or both, if one or more of the following aggravating factors are present:

- (1) the offender has committed a prior qualified human trafficking-related offense;
- (2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;
- (3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or
- (4) the offense involved more than one sex trafficking victim.

Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) solicits or induces an individual to practice prostitution;

(2) promotes the prostitution of an individual;

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or

(4) engages in the sex trafficking of an individual.

Subd. 1b. **Exceptions.** Subdivisions 1, paragraph (a), clause (3), and 1a, clause (3), do not apply to:

(1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or

(2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or

(3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Subd. 1c. **Aggregation of cases.** Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

Subd. 2. [Repealed, 1998 c 367 art 2 s 33]

Subd. 3. [Repealed, 1998 c 367 art 2 s 33]

History: 1979 c 255 s 2; 1984 c 628 art 3 s 11; 1986 c 448 s 2; 1992 c 571 art 4 s 9; 1998 c 367 art 2 s 12-14; 2000 c 431 s 2; 1Sp2003 c 2 art 10 s 1; 2009 c 137 s 7; 1Sp2021 c 11 art 2 s 32,33