



MINNESOTA
SENTENCING GUIDELINES
COMMISSION

**Aggravated and Motor Vehicle Theft Offenses
Ranking Exercise Feedback**

June 4, 2026

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Before we begin...

Explanation of process

- Aggravated and Vehicular Theft-Related Offenses were divided into two chapters, theft offenses ranked at a more severe severity level because of a high monetary threshold or certain offense characteristics and theft/receiving stolen property offenses that involve a motor vehicle.
- Completed packets were due to MSGC staff by **May 18, 2026**.
- Staff organized Commissioner responses by chapter, determined the total number of selections for each ranking idea, and summarized any notes Commissioners provided.

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Chapter 1: Aggravated Theft Offenses

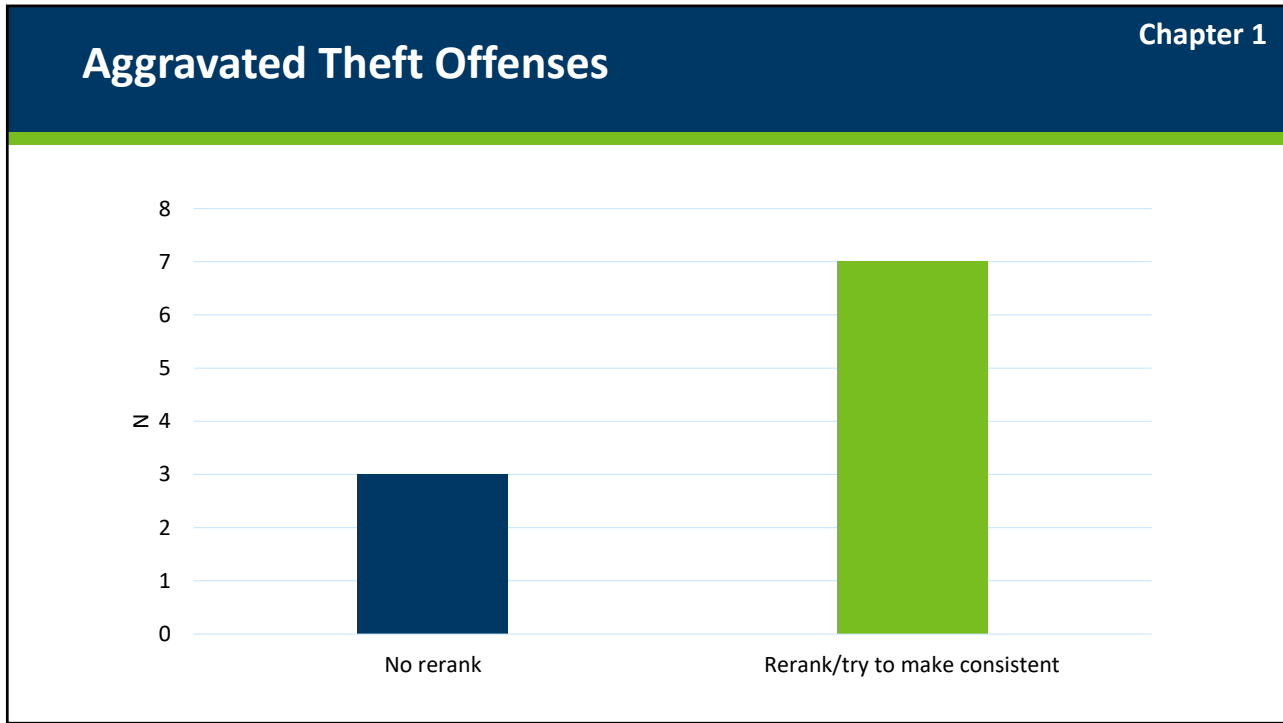
Offense	Severity Levels
1. Identity Theft	2, 3, 8
2. Financial Exploitation of a Vulnerable Adult	4, 5, 7
3. Theft with Foreseeable Risk of Bodily Harm	2, 3, 4
4. Organized Retail Theft	1, 3, 4

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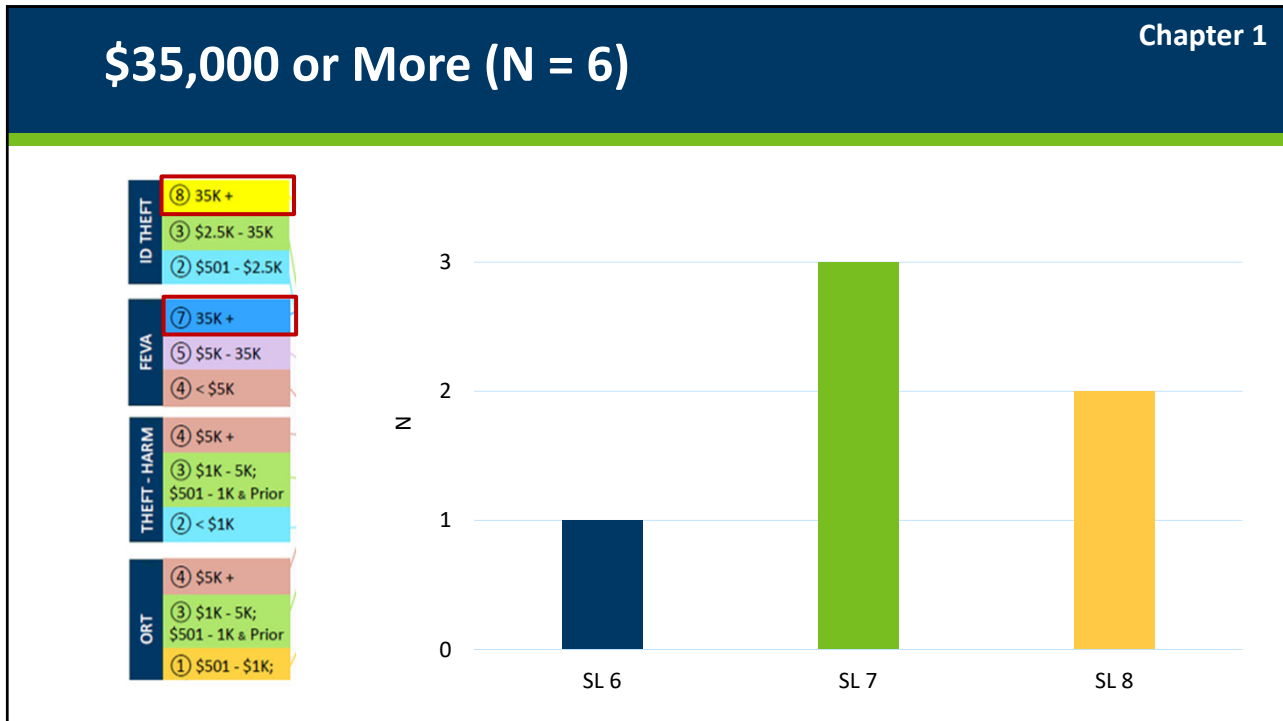
ID THEFT	⑧ 35K +	<i>Murder, 3rd Degree (Drugs)</i>	9	86	98	110	122	134	146	158
	③ \$2.5K - 35K	<i>Assault, 1st Degree (Great Bodily Harm)</i>	9	74-103	84-117	94-132	104-146	114-160	125-175	135-189
	② \$501 - \$2.5K	<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48	58	68	78	88	98	108
FEVA	⑦ 35K +	<i>Felony DWI</i>	7	36	42	48	54	60	66	72
	⑤ \$5K - 35K	<i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	46-64	51-72	57-79	62-84 ^{1,2}
	④ < \$5K	<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39	45	51	57
THEFT - HARM	④ \$5K +	<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33	38	43	48
	③ \$1K - 5K; \$501 - 1K & Prior	<i>Nonresidential Burglary</i>	4	12	15	18	21	24	27	30
	② < \$1K	<i>Theft Crimes (Over \$5,000)</i>	3	12	13	15	17	19	21	23
ORT	④ \$5K +	<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12	12	13	15	17	19	21
	③ \$1K - 5K; \$501 - 1K & Prior	<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19
	① \$501 - \$1K;	<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19

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 2E, for policies regarding those sentences controlled by law.

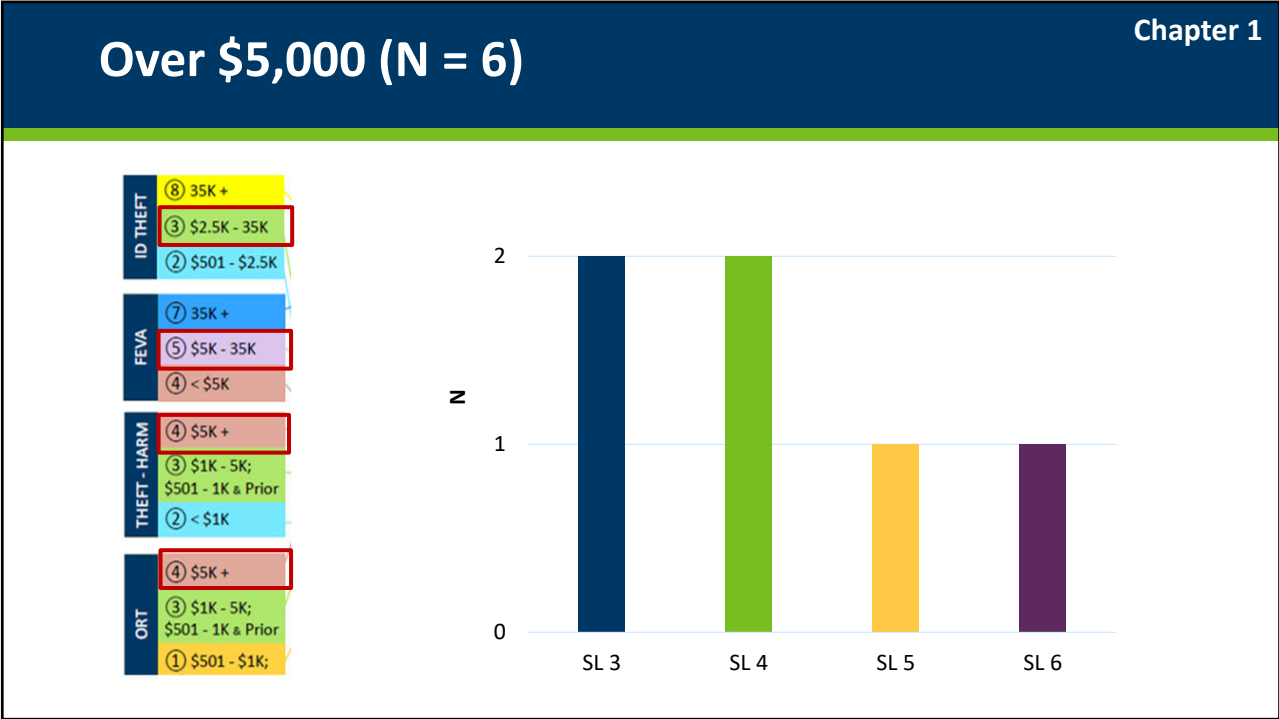
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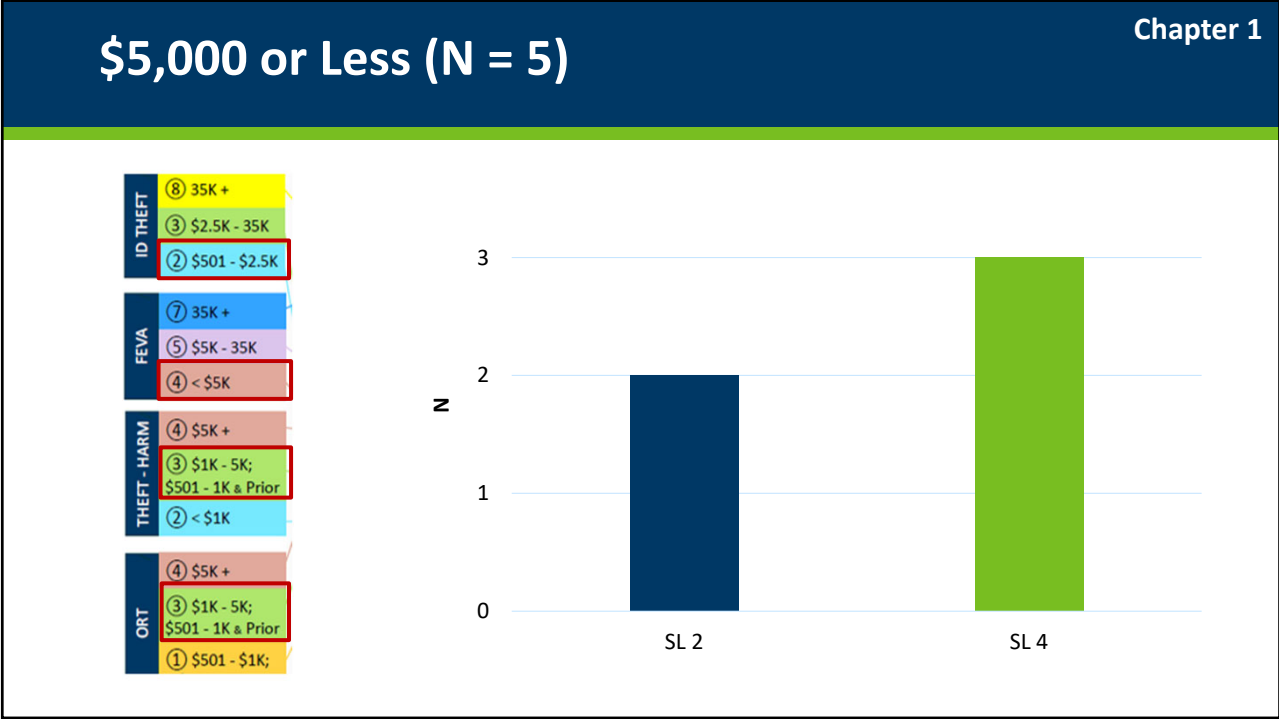
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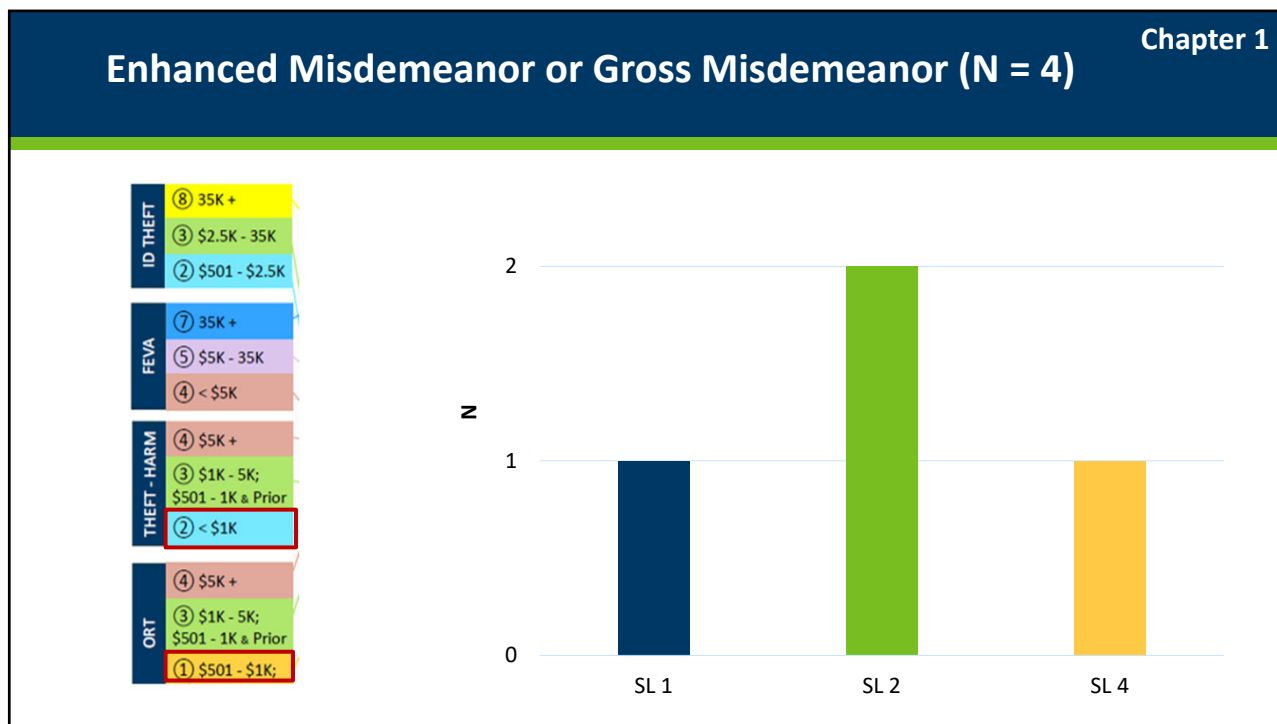
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Chapter 1

Notes/Rationale

Identity Theft

- Down-rank Identity Theft 35K+ from SL 8 to SL 7, at least for GTZ's. SL 7 is more consistent with the one-level enhancement assigned to the two other property-only ID theft crimes and is responsive to the high dispositional and durational departure rate for 35K+ crimes.
- ID Theft – the issue with this statute is the number of victims involved under each subd and it is not just about a dollar amount. The dollar amount penalty could be different than the number of victims, however, until that happens, do not support changing the SL based solely on dollar amount.
- Rerank to SL 2, 3, and 7. Given the high dispositional departure rate, SL 8 is too high. This offense also includes a mandatory payment to each victim, which can be quite high depending on number of victims.
- Identity theft can be quite serious, but not sure how the offenses are actually being used. It would be helpful to see fact patterns to know whether any of these offenses should be reranked.

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Notes/Rationale

Chapter 1

Financial Exploitation of a Vulnerable Adult

- In 9 years, there were 267 cases in which there were 10 presumptive prison cases (8 dispo departures and 5 actual prison cases). Not enough data to make any changes.
- Rerank to be consistent with ID Theft at SL 2, 3, 7 or rerank at 3, 4, and 7 to reflect the high dispositional departure rates.
- Seems appropriate because of the victim's vulnerability.

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Notes/Rationale

Chapter 1

Theft with Foreseeable Risk of Bodily Harm

- 26 cases in 9 years (7 presumptive prison with 2 as disp departures). Not enough data for a change.
- Low frequency offense and ranking appears to fit with the current severity level.
- Don't understand the harm/risk offenses. What theft could lead to foreseeable risk of bodily harm? Some fact patters would be helpful to figure out how it matches up against other theft offenses.

Organized Retail Theft

- Zero cases to support any data conclusions.
- New offense with no data. Do not rerank. Need to see more cases to get a better idea on ranking.
- Leave it where is currently ranked.

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Notes/Rationale

Chapter 1

General Comments

- The departure rates on the highest aggravated theft level are significant, but with the public concern about large-scale fraud in public programs, would be slow to drastically change all of these rankings. Some effort to make them more consistent would be appropriate.

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Chapter 2: Theft Involving a Motor Vehicle

Offense	Severity Levels
1. Theft of a Motor Vehicle	4
2. Motor Vehicle Use Without Consent	3
3. Receiving Stolen Property	2, 3, 4

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

RSP

④ MV Theft

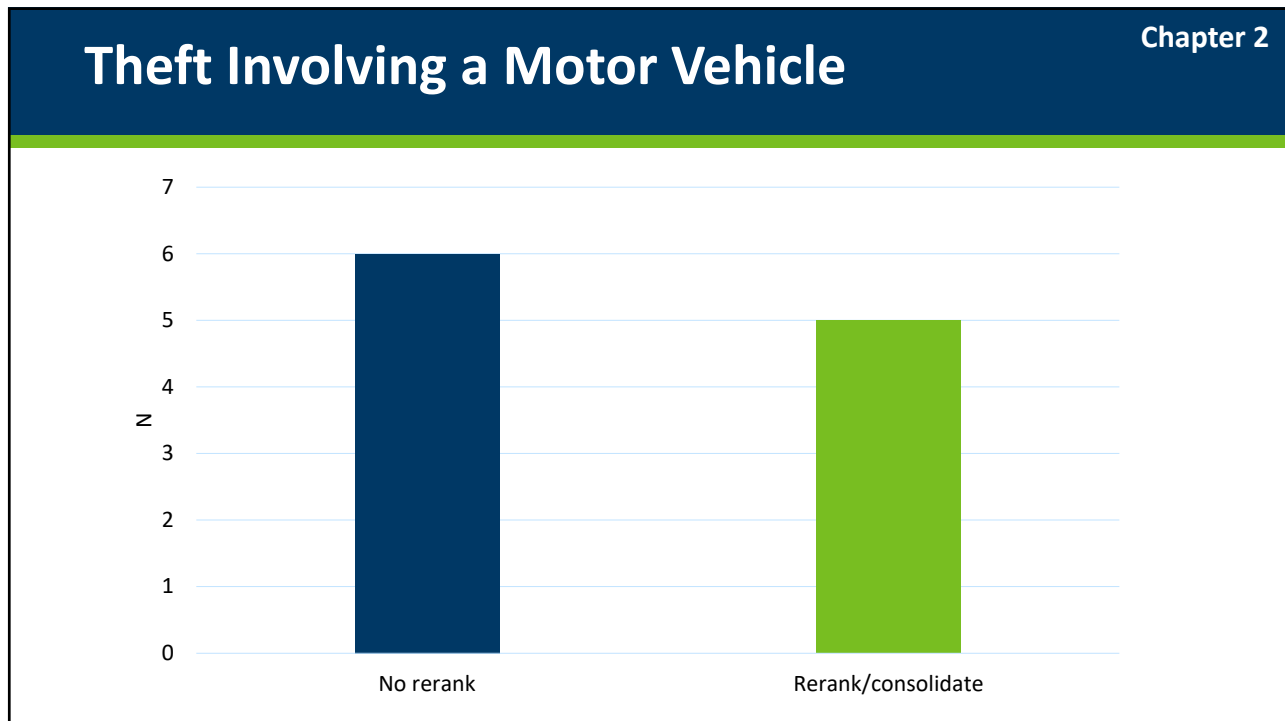
③ MV Use

④ Firearm

③ \$5K +

② < \$5K

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Notes/Rationale

Chapter 2

General Comments

- The current ranking of these three auto-theft crimes reflects the different degrees of culpability associated with each - Permanent theft of a MV is worse than intentional but temporary taking without consent, and the latter is worse than receiving a stolen MV – that offense requires no proof that the defendant took or aided in the original taking. Receiving stolen property does not always require proof of knowledge that the property was stolen; "having reason to know" it was stolen suffices, and that mental state is essentially a civil negligence standard. Also, none of these three crimes has an above-average downward dispositional departure rate.
- There is some inconsistency in not taking vehicle value into account for permanent and temporary takings. But cars are important to people; so are home, and burglary isn't graded per home value.
- MV use without consent (temporary) and theft of MV should not be ranked the same and current rankings should remain the same as there are a variety of factors with these cases. Receiving stolen property and the value of the property that the person is in possession of should be a distinction and thusly different SL.
- Firearms should continue to remain at a higher severity level than all other stolen property that someone is in possession of.

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Notes/Rationale

Chapter 2

General Comments

- Do not rerank Theft of MV and RSP unless consolidate to both being the same as RSP. Both have a 36% dispositional departure rate. Rerank MV-no consent to SL 2. Should not be higher than fleeing a police officer.
- Theft of MV and MV use without consent are appropriately ranked and are proportional to each other. The more serious act is higher than the less serious act.
- Struggling with stolen property. Thought about reranking to SL 3 but chose not to. On the one hand, the value of the vehicle shouldn't matter because to the person it was taken from, it was a serious deprivation. Additionally, introducing one SL for just one type of property could introduce confusion into the system. On the other hand, receiving more expensive cars may be indicative of a more serious theft scheme, deserving of differentiation in the guidelines. In the end, did not rerank because of potential bed impact.
- The rationale for treating these offenses differently doesn't hold up to scrutiny. Would not lower rankings here; these crimes are serious and justify SL 4 treatment.
- Consistency is good. Too many variables with theft.
- Value is not as important here because all vehicles are used to maintain a lifestyle (work, play, etc.) no matter their value.

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