

Minnesota Sentencing Guidelines and Commentary

1. Purpose and Definitions

A. Statement of Purpose and Principles

The purpose of the Sentencing Guidelines is to establish rational and consistent sentencing standards that promote public safety, reduce sentencing disparity, and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the offender's criminal history.

The Sentencing Guidelines shall embody the following principles:

1. In establishing and modifying the Sentencing Guidelines, the Commission's primary consideration shall be public safety. This shall include consideration of the long-term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5.
2. Sentencing should be neutral with respect to the race, gender, social, or economic status of convicted felons.
3. The severity of the sanction should increase in direct proportion to an increase in offense severity or the convicted felon's criminal history, or both. This promotes a rational and consistent sentencing policy.
4. Commitment to the Commissioner of Corrections is the most severe sanction that can be imposed for a felony conviction, but it is not the only significant sanction available to the court.
5. Because state and local correctional facility capacity is finite, confinement should be imposed only for offenders who are convicted of more serious offenses or who have longer criminal histories. To ensure such usage of finite resources, sanctions used in sentencing convicted felons should be the least restrictive necessary to achieve the purposes of the sentence.

6. Although the Sentencing Guidelines are advisory to the court, the presumptive sentences are deemed appropriate for the felonies covered by them. Therefore, departures from the presumptive sentences established in the Sentencing Guidelines should be made only when substantial and compelling circumstances can be identified and articulated.

B. Definitions

As used in these Sentencing Guidelines (or "Guidelines"), the following terms have the meanings given.

1. Commitment. "Commitment" occurs when the offender is sentenced to the custody of the Commissioner of Corrections.
2. Concurrent Sentence. When the court orders sentences to be "concurrent," the court is ordering that multiple sentences be served at the same time.
3. Consecutive Sentence. When the court orders sentences to be "consecutive," the court is ordering that multiple sentences be served one after the other in the manner described in section 2.F.
4. Criminal History Score. The "criminal history score" is comprised of criminal history factors detailed in section 2.B. The horizontal axis on the applicable grid represents the offender's criminal history score.
5. Departure. A "departure" is a pronounced sentence other than that recommended in the appropriate cell on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence.
 - a. Dispositional Departure. A "dispositional departure" occurs when the court orders a disposition other than that recommended in the Guidelines.
 - (1) Aggravated Dispositional Departure. An "aggravated dispositional departure" occurs when the Guidelines recommend a stayed sentence but the court pronounces a prison sentence.