



## June Ranking Preview: Some Bills That May Require Commission Action

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## Why June?

- Each year's changes to criminal statutes ordinarily take effect August 1
- The Sentencing Guidelines are ordinarily also updated August 1
  - *This avoids unranked offenses and conflicts between Guidelines & statute*
- To meet an August 1 publication deadline, the Commission must—
  - Propose the Guidelines changes at its June 6 meeting
  - Hold a public hearing July 18
  - Take final action on the proposals at its July 25 meeting

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## Ranking Principles

- The Commission's main task in June: **To assign severity-level rankings to new and amended felony crimes**
- Traditional bases for ranking decisions:
  - The level of harm [typically] caused by the offense, **AND**
  - The [typical] culpability of the offender.
  - Also considered: statutory maximum penalties & how similar offenses are ranked
- An alternative to ranking: Leave the offense **unranked** ... so courts must assign the offense a severity level on a case-by-case basis
- Unranked offenses typically ...
  - Are rarely prosecuted,
  - Cover a wide range of underlying conduct, **OR**
  - Are new and the severity of a typical offense cannot yet be determined.

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## Other Decisions May Be Needed

- Should the offense be added to the list of Offenses Eligible for Permissive Consecutive Sentences (section 6)?
- Should the offense be added to the list of Severe Violent Offenses (section 8)?
- Are there other modifications that must be made to the Guidelines?

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## Why These Bills?

- All have passed through the committee process
- There are no obvious obstacles to final passage
- There are apparent Sentencing Guidelines implications
- *Caveat: These bills may not pass, and other bills not mentioned may require the Commission’s attention in June*

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## Firearms Storage Requirements

Current Law	Bill (HF 4300/SF 4312)	Impact/Bill Status
<ul style="list-style-type: none"> <li>• Minn. Stat. § 609.666 outlaws negligently leaving a loaded, unsecured firearm in a place where the person knows, or reasonably should know, a child is likely to gain access</li> <li>• Gross misdemeanor</li> <li>• The bill entirely replaces this crime</li> </ul>	<ul style="list-style-type: none"> <li>• Misd.: to leave firearm not secured, either in gun locker or unloaded w/ locking device</li> <li>• Gross misd.: if loaded</li> <li>• 3-year felony: if an unsecured, loaded firearm is accessed by a child or ineligible person</li> <li>• 5-year felony: if the unsecured firearm is used in a felony crime of violence, or to inflict substantial bodily harm (or worse)</li> </ul>	<ul style="list-style-type: none"> <li>• Estimated impact: 1 prison bed</li> <li>• Passed House last week</li> <li>• Awaiting Senate floor vote</li> </ul>

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## Binary Triggers

Current Law	Bill (HF 2609/SF 5153)	Impact/Bill Status
<ul style="list-style-type: none"> <li>• Minn. Stat. § 609.67 outlaws machine guns &amp; “trigger activators” – devices that raise semiautomatic firearms’ rates of fire</li> <li>• 20-yr. stat. max (2023)</li> <li>• Ranked at Severity Level (SL) 8 (2023)</li> </ul>	<ul style="list-style-type: none"> <li>• Adds binary triggers – which fire once on pull, again on release – to the list of these banned devices</li> </ul>	<ul style="list-style-type: none"> <li>• Staff assumes no MSGC action, and estimates negligible impact in need for prison beds</li> <li>• Passed House last week</li> <li>• Awaiting Senate floor vote</li> </ul>

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## Straw Purchasers

Current Law	Bill (HF 2609/SF 5153)	Impact/Bill Status
<ul style="list-style-type: none"> <li>• Minn. Stat. § 624.7141 outlaws transferring pistol/semiautomatic military-style assault weapon to someone known to be ineligible</li> <li>• Gross misdemeanor</li> <li>• Felony if firearm is used/ possessed to further a violent crime within the year after the transfer</li> <li>• Felony is ranked at SL 2</li> </ul>	<ul style="list-style-type: none"> <li>• Elevates gross misd. to 2-year felony</li> <li>• Expands scope: all firearms</li> <li>• Relaxes knowledge required: “reasonably should know”</li> <li>• Specifies a 5-year statutory maximum for the existing felony</li> </ul>	<ul style="list-style-type: none"> <li>• No prison-bed impact is estimated</li> <li>• Passed House last week</li> <li>• Awaiting Senate floor vote</li> </ul>

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## Sale of Human Remains

### Current Law

- No known law directly on point
- Existing crime of disturbing burial grounds (Minn. Stat. § 307.08) ranked at SL 3

### Bill (HF 3490/SF 3416)

- Prohibits the commercial sale of human skeletal or cremated remains, with exceptions
- 5-year felony

### Impact/Bill Status

- No prison-bed impact is estimated
- Awaiting House and Senate floor votes

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## Corrected Targeted Misdemeanor List

- Prior targeted misdemeanors, or the custody status therefrom, may contribute to the Guidelines' criminal history score
- The 2023 Legislature added "**609.749** (obscene or harassing telephone calls)" to the statutory targeted misdemeanor list
- The statute number did not match the offense name, so the 2023 Commission left the Guidelines' targeted misdemeanor list (Appendix 5) **unchanged**
- Instead, it recommended legislative correction
- The 2024 Legislature corrected the incorrect list entry to "**609.79** (obscene or harassing telephone calls)"
  - 2024 Minn. Laws ch. 85, § 98
- In June, staff will ask the Commission to update Appendix 5

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