

Notice of Public Hearing

Proposed Amendments to the Sentencing Guidelines and Commentary

Date of notice: June 15, 2026

Date of hearing: July 16, 2026

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 16, 2026, at 1:30 p.m., in the Afton Room at the Department of Corrections headquarters, ETC Building, 1450 Energy Park Drive, Saint Paul, MN 55108. A remote-participation option will be available: Members of the public may monitor and participate in the hearing remotely, and some Commission members may participate by interactive technology. Refer to the web site (mn.gov/sentencing-guidelines) for information on how to attend the public hearing remotely.

People are encouraged to participate and offer comments. Anyone wishing to testify may register in advance; registration instructions will be posted on the Commission’s [web site](#). If you require special accommodations to attend the public hearing, please contact the Minnesota Sentencing Guidelines Commission staff as soon as possible. The Commission will hold the record open for five calendar days after the public hearing to accept written comment. Instructions on how to submit written materials are posted on the Commission’s [web site](#). Written materials must be received no later than July 21, 2026.

After the written comment period ends, the proposed modifications are subject to final action by the Commission at its meeting on Thursday, July 23, 2026, with meeting details to be posted on the Commission’s [web site](#). If adopted, modifications will take effect August 1, 2026, and will apply as provided in Guidelines section 3.G.

This notice, which is available in alternative formats upon request, was posted on the MSGC web site on June 15, 2026.

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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.

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Proposed Modifications

The public hearing is being held to consider proposed modifications to the 2025 Minnesota Sentencing Guidelines and Commentary resulting from: (A) Legislative amendments to crime laws affecting the Sentencing Guidelines enacted in the 2026 Regular Session; (B) other conforming amendments to crime laws affecting the Sentencing Guidelines enacted in the 2026 Regular Session; and (C) technical amendments to the Sentencing Guidelines. The specified effective date of all proposed modifications is August 1, 2026, unless otherwise specified.

A. Legislative amendments to crime laws affecting the Sentencing Guidelines – 2026 Regular Session – Eff. Aug. 1, 2026

As a result of its review of 2026 Regular Session Laws, the Commission proposed the following modifications at its meeting on June 4, 2026.

1. New: Coercion by Private Sexual Image Threat Resulting in Death or Great Bodily Harm

Resulting from: [2026 Minn. Laws. ch. 76](#).

Proposed summary:

- Coercion by Private Sexual Image Threat Resulting in Death at (SL) 9.
- Coercion by Private Sexual Image Threat Resulting in Great Bodily Harm at SL 8.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Section 5, as follows:

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
9	* * *	
	<u>Coercion by Private Sexual Image Threat Resulting in Death</u>	<u>609.27, subd. 2(c)</u>
	* * *	

Severity Level	Offense Title	Statute Number
8	* * *	
	<u>Coercion by Private Sexual Image Threat Resulting in Great Bodily Harm</u>	<u>609.27, subd. 2(b)</u>
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
<u>609.27 subd. 2(b)</u>	<u>Coercion by Private Sexual Image Threat Resulting in Great Bodily Harm</u>	<u>8</u>
<u>609.27 subd. 2(c)</u>	<u>Coercion by Private Sexual Image Threat Resulting in Death</u>	<u>9</u>
* * *		

2. New: Aggravating Factor for Age Deception

Resulting from: [2026 Minn. Laws. ch. 97, art. 6, § 1 & 2.](#)

Proposed summary: Incorporate age deception into the Guidelines as an aggravating factor.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Section 2.D, as follows:

* * *

D. Departures from the Guidelines

* * *

3. Factors that may be used as Reasons for Departure * * *

a. Mitigating Factors. * * *

b. Aggravating Factors. * * *

(13) The offense was committed in the presence of a child.

(14) An adult offender intentionally deceived a minor victim into believing the offender was also a minor in order to facilitate the commission of the offense as described in Minn. Stat. § 609.099.

~~(14)~~ (15) The offense was committed in a location in which the victim had an expectation of privacy.

* * *

3. New and Amended: Impersonating a Peace Officer

Resulting from: [2026 Minn. Laws. ch. 98.](#)

Proposed summary:

- Rank Impersonating a Peace Officer (Minn. Stat. § 609.4751, subd. 1) at SL 2.
- Rank Impersonating a Peace Officer with a Vehicle or While Exercising Authority (subd. 2) at SL 4.
- Re-rank Impersonating a Peace Officer as a Second Violation (subd. 3(a)) at SL 5.
- Rank Impersonating a Peace Officer with a Firearm (subd. 3(b)) at SL 6.
- Rank Committing a Gross Misdemeanor While Impersonating a Peace Officer (subd. 4(a)(2)) at SL 3.
- Create a 12-month penalty modifier for Committing a Felony While Impersonating a Peace Officer (subd. 4(a)(3)), and a 6-month penalty modifier for an attempt or conspiracy.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Sections 2.G, 5; and Appendix 3, as follows:

* * *

G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers

* * *

14. Offense Committed While Impersonating a Peace Officer. For a crime for which the maximum penalty has been increased under Minn. Stat. § 609.4751, subd. 4(a)(3), the presumptive duration applicable to the underlying crime is increased by:

- a. 12 months, if the underlying offense was completed; or
- b. 6 months, if the underlying offense was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
6	* * *	
	Impersonating a Peace Officer with a Firearm	609.4751, subd. 3(b)
	* * *	

Severity Level	Offense Title	Statute Number
5	* * *	
	Impersonating a Peace Officer as Second Violation	609.4751, subd. 3(a)
	* * *	

Severity Level	Offense Title	Statute Number
4	* * *	
	<u>Impersonating a Peace Officer with a Vehicle or While Exercising Authority</u>	<u>609.4751, subd. 2</u>
	* * *	

Severity Level	Offense Title	Statute Number
3	* * *	
	<u>Committing a Gross Misdemeanor While Impersonating a Peace Officer</u>	<u>609.4751, subd. 4(a)(2)</u>
	* * *	

Severity Level	Offense Title	Statute Number
2	* * *	
	Impersonating a Peace Officer	<u>609.4751, subd. 3 subd. 1</u>
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
<u>609.4751 subd. 3 subd. 1</u>	Impersonating a Peace Officer	<u>2</u>
<u>609.4751 subd. 2</u>	<u>Impersonating a Peace Officer with a Vehicle or While Exercising Authority</u>	<u>4</u>
<u>609.4751 subd. 3(a)</u>	<u>Impersonating a Peace Officer as a Second Violation</u>	<u>5</u>
<u>609.4751 subd. 3(b)</u>	<u>Impersonating a Peace Officer with a Firearm</u>	<u>6</u>

Statute Number	Offense Title	Severity Level
<u>609.4751 subd. 4(a)(2)</u>	<u>Committing a Gross Misdemeanor While Impersonating a Peace Officer</u>	<u>3</u>
<u>609.4751 subd. 4(a)(3)</u>	<u>Committing a Felony While Impersonating a Peace Officer</u>	<u>See Note¹</u>
* * *		

¹ See section 2.G.14 to determine the presumptive sentence.

* * *

Appendix 3. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table

This table is for convenience when determining if a presumptive duration exceeds the statutory maximum sentence as described in section 2.C.2. Offenses identified in the table below have presumptive durations that exceed the statutory maximums at the Criminal History Score (CHS) indicated on the table. These are offenses for which the applicable grid does not adjust the duration or range to be at or below the statutory maximum. The table may not be exhaustive.

Statute	Offense	Severity Level	Statutory Maximum (Months)	Exceeds Statutory Maximum At:
* * *				
<u>609.4751, subd. 3</u> <u>subd. 1</u>	Impersonating a Peace Officer	2	24	CHS 6 (upper-range)
* * *				

4. Additions to Sexual Solicitation of a Child

Resulting from: [2026 Minn. Laws. ch. 108, § 6-9.](#)

Proposed summary:

- Rank Sexual Solicitation of a Child by Grooming (Minn. Stat. § 609.352, subd. 2c), Sexual Solicitation of a Minor While in a Position of Authority (subd. 2d), and Sexual Solicitation of a Student (subd. 2e) on the Sex Offender Grid at SL G.
- Include these offenses on the list of offenses eligible for permissive consecutive sentences (section 6).

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Sections 5 & 6, as follows:

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
G	* * *	
	<u>Sexual Solicitation of Children to Engage in Sexual Conduct a Child</u>	609.352, subd. 2
	<u>Sexual Solicitation of a Child by Grooming</u>	609.352, subd. 2c
	<u>Sexual Solicitation of Children to Engage in Sexual Conduct (Electronic) a Child – Electronic</u>	609.352, subd. 2a
	<u>Sexual Solicitation of a Minor While in a Position of Authority</u>	609.352, subd. 2d
	<u>Sexual Solicitation of a Student</u>	609.352, subd. 2e
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
609.352 subd. 2	<u>Sexual Solicitation of Children to Engage in Sexual Conduct a Child</u>	G
609.352 subd. 2a	<u>Electronic Sexual Solicitation of Children to Engage in Sexual Conduct (Electronic) a Child</u>	G

Statute Number	Offense Title	Severity Level
<u>609.352 subd. 2c</u>	<u>Sexual Solicitation of a Child by Grooming</u>	<u>G</u>
<u>609.352 subd. 2d</u>	<u>Sexual Solicitation of a Minor While in a Position of Authority</u>	<u>G</u>
<u>609.352 subd. 2e</u>	<u>Sexual Solicitation of a Student</u>	<u>G</u>
* * *		

6. Offenses Eligible for Permissive Consecutive Sentences

- A.** Convictions for attempted offenses or conspiracies to commit offenses listed below are eligible for permissive consecutive sentences as well as convictions for completed offenses.
- B.** Under section 2.F.2.a(1)(i), it is permissive for a current felony conviction to run consecutively to a prior felony sentence from a jurisdiction other than Minnesota if the non-Minnesota conviction is for a crime that is equivalent to a crime listed below.

Statute Number	Offense Title
* * *	
609.352, subd. 2	<u>Sexual Solicitation of Children to Engage in Sexual Conduct a Child</u>
609.352, subd. 2a	<u>Electronic Sexual Solicitation of Children to Engage in Sexual Conduct (Internet or Computer) a Child</u>
<u>609.352 subd. 2c</u>	<u>Sexual Solicitation of a Child by Grooming</u>
<u>609.352 subd. 2d</u>	<u>Sexual Solicitation of a Minor While in a Position of Authority</u>
<u>609.352 subd. 2e</u>	<u>Sexual Solicitation of a Student</u>

* * *

5. New: Assault in the Fourth Degree Against a Hospital or Clinic Security Guard

Resulting from: [2026 Minn. Laws ch. 118, art. 5, § 1.](#)

Proposed summary:

- Rank Assault in the Fourth Degree Against a Hospital or Clinic Security Guard at SL 3.
- Continue to list the offense as eligible for permissive consecutive sentencing (section 6).

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Sections 5 & 6, as follows:

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
3	* * *	
	Assault 4th Degree	609.2231, subd. 1(c), 2(b), 3, 3a, & 4(b)
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
609.2231 subd. 2	Assault 4th Degree (Firefighters and Emergency Medical Personnel)	3
* * *		

6. Offenses Eligible for Permissive Consecutive Sentences

- A. Convictions for attempted offenses or conspiracies to commit offenses listed below are eligible for permissive consecutive sentences as well as convictions for completed offenses.

B. Under section 2.F.2.a(1)(i), it is permissible for a current felony conviction to run consecutively to a prior felony sentence from a jurisdiction other than Minnesota if the non-Minnesota conviction is for a crime that is equivalent to a crime listed below.

Statute Number	Offense Title
* * *	
609.2231	Assault 4th Degree
* * *	

6. Enhanced Penalties: Theft from Vulnerable Adults

Resulting from: [2026 Minn. Laws ch. 118, art. 5, § 2.](#)

Proposed summary:

- Rank Theft From a Vulnerable Adult (Over \$35,000) at SL 7.
- Rank Theft From a Vulnerable Adult (Over \$5,000) at SL 5.
- Rank Felony Theft From a Vulnerable Adult –(5,000 or Less) at SL 4.
- Rank Theft from a Vulnerable Adult (enhanced from a misdemeanor or gross misdemeanor) at SL 2.
- Make conforming changes to Section 2.A.2, eliminate unnecessary language, delete erroneous reference.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Sections 2.A & 5, as follows:

* * *

2.A. Offense Severity * * *

2. ~~Theft and Damage to Property; Foreseeable Creating a Risk of Bodily Harm. For an offender sentenced for theft under If Minn. Stat. § 609.52, subd. 3a(a)(2), applies to a felony theft offense, the severity level ranking is elevated by one severity level from that listed on the Offense Severity Reference Table if the offense creates a foreseeable risk of bodily harm to another and:~~
- ~~a. the violation involves a monetary value over \$1,000; or~~
 - ~~b. the violation involves a monetary value between \$500 and \$1,000, and the offender has been convicted within the preceding five years for an offense under Minn. Stat. § 609.52, subd. 3.~~

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
7	* * *	
	<u>Theft from a Vulnerable Adult (Over \$35,000)</u>	<u>609.52, subd. 3a(b)(3)</u>
	* * *	

Severity Level	Offense Title	Statute Number
5	* * *	
	<u>Theft from a Vulnerable Adult (Over \$5,000)</u>	<u>609.52, subd. 3a(b)(3)</u>
	* * *	

Severity Level	Offense Title	Statute Number
4	* * *	
	<u>Theft from a Vulnerable Adult (\$5,000 or Less)</u>	<u>609.52, subd. 3a(b)(3)</u>
	* * *	

Severity Level	Offense Title	Statute Number
2	* * *	
	Theft Crimes – \$5,000 or Less	See section 7: Theft Offense List
	<u>Theft from a Vulnerable Adult</u>	<u>609.52, subd. 3a(b)(2)</u>
	Theft (Looting)	609.52
	Theft (\$1,000 or Less; Risk of Bodily Harm)	609.52, subd. 3a(a)(1)
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
609.52 subd. 3a(a)(1)	Theft (\$1,000, or Less; Risk of Bodily Harm)	2
609.52 subd. 3a(a)(2)	Theft (Over \$1,000; Risk of Bodily Harm)	See Note ¹
609.52 subd. 3a(a)(2)	Theft (\$501-\$1,000, and Prior Conviction; Risk of Bodily Harm)	See Note ¹
609.52 subd. 3a(b)(3)	Theft from a Vulnerable Adult (Over \$35,000)	7
609.52 subd. 3a(b)(3)	Theft from a Vulnerable Adult (Over \$5,000)	5
609.52 subd. 3a(b)(3)	Theft from a Vulnerable Adult (\$5,000 or Less)	4
609.52 subd. 3a(b)(2)	Theft from a Vulnerable Adult	2
* * *		

¹ See Guidelines section 2.A.2.a-b to determine the severity level.

7. New: Operating, Facilitating, or Advertising Prediction Markets

Resulting from: [2026 Minn. Laws ch. 118, art. 6](#).

Proposed summary: Add Operating, Facilitating, or Advertising Prediction Markets to the list of unranked offenses.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Section 5, as follows:

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
UNRANKED	* * *	

Severity Level	Offense Title	Statute Number
	<u>Prediction Market – Advertising</u>	<u>609.7615, subd. 3</u>
	<u>Prediction Market – Operating or Facilitating</u>	<u>609.7615, subd. 2</u>
* * *		

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
<u>609.7615 subd. 2</u>	<u>Operating or Facilitating a Prediction Market</u>	<u>Unranked</u>
<u>609.7615 subd. 3</u>	<u>Advertising a Prediction Market</u>	<u>Unranked</u>
* * *		

8. New: Medical Assistance Fraud

Resulting from: [2026 Minn. Laws ch. 127, art. 7, § 3-7](#).

Proposed summary:

- Rank Medical Assistance Fraud (\$100,000 or Less) at SL 2.
- Rank Medical Assistance Fraud (\$100,001–\$1,000,000) at SL 6.
- Rank Medical Assistance Fraud (Over \$1,000,000) at SL 7.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Sections 5 & 7, as follows:

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
7	* * *	
	Medical Assistance Fraud (Over \$1,000,000)	<u>609.467, subd. 2(c)</u>
	* * *	

Severity Level	Offense Title	Statute Number
6	* * *	
	Medical Assistance Fraud (Over \$35,000) (<u>\$100,001–\$1,000,000</u>)	609.466 <u>609.467, subd. 2(b)</u>
	* * *	

Severity Level	Offense Title	Statute Number
3	* * *	
	Medical Assistance Fraud (Over \$5,000)	<u>609.466</u>
	* * *	

Severity Level	Offense Title	Statute Number
2	* * *	
	Medical Assistance Fraud (\$5,000 <u>\$100,000 or Less</u>)	609.466 <u>609.467, subd. 2(a)</u>
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
609.466	Medical Assistance Fraud (Over \$35,000)	6
609.466	Medical Assistance Fraud (Over \$5,000)	3
609.466	Medical Assistance Fraud (\$5,000 or Less)	2
609.467 subd. 2(a)	Medical Assistance Fraud (\$100,000 or Less)	2
609.467 subd. 2(b)	Medical Assistance Fraud (\$100,001–\$1,000,000)	6
609.467 subd. 2(c)	Medical Assistance Fraud (More Than \$1,000,000)	7
* * *		
609.52 subd. 2(a)(3)(ii- v <u>iv</u>)	Theft by False Representation (\$5,001-\$35,000)	3
609.52 subd. 2(a)(3)(ii- v <u>iv</u>)	Theft by False Representation (\$5,000 or Less)	2
* * *		

7. Theft Offense List

It is recommended that the following property crimes be treated similarly. Below is the Theft Offense List cited for the Theft Crimes (\$5,000 or less and over \$5,000) in section 5.A Offense Severity Reference Table. The severity level for these offenses is based on the monetary amount of the conviction offense. The monetary amount is contained in the penalty statute as cited below:

- Severity Level 2. When the monetary value of the Theft Crime is \$5,000 or less, the penalty statute is Minn. Stat. § 609.52, subdivision 3(3)(a).
- Severity Level 3. When the monetary value of the Theft Crime is over \$5,000, the penalty statute is Minn. Stat. § 609.52, subdivision 3(2).

Statute Number	Offense Title
* * *	
609.52 subd. 2(a)(3)(ii), (iii), & (iv), & (v)	Theft By False Representation
* * *	

B. Technical amendments to the Sentencing Guidelines – Eff. Aug. 1, 2026

As a result of its review of technical issues and errors in the 2025 Sentencing Guidelines and technical issues and errors in proposed 2026 Guidelines Modifications submitted to the Legislature on January 15, 2026, related to a comprehensive review of the Sentencing Guidelines, the Commission proposed the following modifications at its meeting on June 4, 2026.

1. Include Custody Status of Offenses Related to First-Degree Murder

Resulting from: An oversight related to the Commission’s comprehensive review package where a durational increase was included for custody status at the time of the offense. As defined, custody status must be for a qualifying offense, and qualifying offenses were defined with reference to the three sentencing grids. Because first-degree murder carries a mandatory life sentence and is therefore not on a sentencing grid, it was inadvertently excluded from the “qualifying offense” definition; also inadvertently omitted was an attempt or conspiracy to commit first-degree murder, which has a special, one-line sentencing grid.

Proposal summary: Insert reference to first-degree murder, including attempts and conspiracies.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Section 2.C.2, as follows:

* * *

2. Custody Status at the Time of the Offense.

a. Definitions. As used in this section (2.C.2), the following terms have the meanings given:

(1) “Custody status” means a qualifying status that:

- (i) followed entry of guilty plea, guilty verdict, or conviction for a qualifying offense, and
- (ii) was in effect at any time when the person being sentenced committed the current offense.

(2) “Qualifying status” means any of the following:

- (i) probation;
- (ii) parole;
- (iii) supervised release;
- (iv) conditional release following release from an executed prison sentence;
- (v) release pending sentencing;
- (vi) confinement in a jail, workhouse, or prison pending or after sentencing; and

(vii) escape from confinement following an executed sentence.

(3) "Qualifying offense" means:

- (i) a felony offense assigned a severity level of 3 or greater on the Standard Grid, a felony offense assigned a severity level of D3 or greater on the Drug Offender Grid, or a felony offense on the Sex Offender Grid, or murder in the first degree, including of an unborn child, whether completed, an attempt, or a conspiracy; or
- (ii) a felony offense equivalent, within the meaning of section 2.B.5, to an offense described in clause (i).

(4) "Sex offense" means:

- (i) a felony offense on the Sex Offender Grid other than failure to register as a predatory offender, Minn. Stat. § 243.166; or
- (ii) a felony offense equivalent, with the meaning of section 2.B.5, to an offense described in clause (i).

* * *

2. Correct the Definition of "Presumptive Range"

Resulting from: An oversight related to the Commission's comprehensive review package where durational ranges in the shaded ("presumptive stayed") cells on the grids are provided. However, the definition of "Presumptive Range" was not updated.

Proposal summary: Update the definition.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Section 1.B.13.c, as follows:

* * *

B. Definitions

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

* * *

13. Presumptive Sentence. "Presumptive sentences" are those sentences provided on the Sentencing Guidelines. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.

- a. Presumptive Disposition. The “presumptive disposition” is the recommendation for either a commitment or a stayed sentence.
 - (1) Presumptive Commitment. A “presumptive commitment” is a recommended disposition of imprisonment for cases contained in cells outside of the shaded area on the Grids.
 - (2) Presumptive Stayed Sentence. A “presumptive stayed sentence” is a recommendation for a stayed sentence for cases contained in the cells within the shaded area on the Grids.
- b. Presumptive Duration. The “presumptive duration” is the recommended fixed sentence length in months found in the appropriate cell on the applicable Grid.
- c. Presumptive Range. The “presumptive range” is provided for ~~a sentence that is a presumptive commitment~~ each presumptive fixed duration. Pursuant to Minn. Stat. § 244.09, subd. 5(2), the range is 15 percent lower and 20 percent higher than the fixed duration displayed in each cell on the Grids.
- d. Lower Range. The “lower range” is that portion of the presumptive range that is shorter than the fixed presumptive duration.

3. Remove an Example Offense in Comment 2.C.06

Resulting from: An erroneous example in the comment is incorrect because the statutory maximum was raised to five years in 2021. [2021, 1st special session, Ch. 11, sec. 38.](#)

Proposal summary: Delete second example as shown below.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, Comment 2.C.06, as follows:

* * *

2.C.06. *There are rare instances where the presumptive sentence length exceeds the statutory maximum sentence. If this situation occurs, the statutory maximum sentence becomes the presumptive sentence. For example, Threats of Violence under Minn. Stat. § 609.713, subd. 3(a)(1) or (2) carries a statutory maximum sentence of 12 months and 1 day. At a Severity Level 1, the statutory maximum will be exceeded when the offender reaches a Criminal History Score of 3. ~~As another example, Soliciting Children for Sexual Conduct under Minn. Stat. § 609.352 carries a statutory maximum sentence of three years. At Severity Level G, the statutory maximum will be exceeded when the offender reaches a Criminal History Score of 4.~~*

4. Repeal of Marijuana and Controlled Substance Taxation

Resulting from: The repeal of Chapter 297D, Marijuana and controlled substance taxation by [2025 Minn. Laws 1st Sp. Sess. ch. 13, art. 8, § 22](#), effective August 1, 2025.

Proposal summary: Delete references to taxation.

Amendments are proposed to the 2025 Minn. Sentencing Guidelines & Commentary, section 5, as follows:

* * *

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
D6	Controlled Substance Crime 3rd Degree	152.023
	Failure to Affix Stamp on Cocaine	297D.09, subd. 1a
	Failure to Affix Stamp on Hallucinogens or PCP	297D.09, subd. 1a
	Failure to Affix Stamp on Heroin	297D.09, subd. 1a
	Failure to Affix Stamp on Remaining Schedule I & II Narcotics	297D.09, subd. 1a

* * *

Severity Level	Offense Title	Statute Number
D2	Cannabis Cultivation 1st Degree	152.0265, subd. 1
	Cannabis Possession 1st Degree	152.0263, subd. 1
	Cannabis Sale 1st Degree	152.0264, subd. 1
	Controlled Substance Crime 5th Degree	152.025, subd. 4(b)
	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	297D.09, subd. 1a
	Medical Cannabis Violations (Submission of False Records)	152.33, subd. 4
	Sale of Synthetic Cannabinoids	152.027, subd. 6(c)

* * *

Severity Level	Offense Title	Statute Number
D1	Failure to Affix Stamp on Illegal Cannabis	297D.09, subd. 1a
	Failure to Affix Stamp on Schedule IV Substances	297D.09, subd. 1a
	Medical Cannabis Violations (Intentional Diversion)	152.33, subd. 1
	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	152.33, subd. 2
	Sale of Simulated Controlled Substance	152.097

* * *

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Statute Number	Offense Title	Severity Level
297D.09 subd. 1a	Failure to Affix Stamp on Cocaine	D6
297D.09 subd. 1a	Failure to Affix Stamp on Hallucinogens or PCP (Angel Dust), Incl. LSD	D6
297D.09 subd. 1a	Failure to Affix Stamp on Heroin	D6
297D.09 subd. 1a	Failure to Affix Stamp on Remaining Schedule I and II Narcotics	D6
297D.09 subd. 1a	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	D2
297D.09 subd. 1a	Failure to Affix Stamp on Illegal Cannabis	D1
297D.09 subd. 1a	Failure to Affix Stamp on Schedule IV Substance	D1

* * *