

Minnesota Felony Statutory Sentencing Enhancements
Highlights from 1987 to 2015
Prepared by the Minnesota Sentencing Guidelines Commission

The purpose of this list is to highlight the most significant legislation impacting felony sentences over time. It is not intended to be exhaustive.

1987

- Enhanced penalties for selling or distributing specific amounts of a controlled substance.
- Doubled the maximum prison penalty normally applicable to the crime of selling types of drugs to a minor or using a minor to sell them.

1989

- Time increased from 17 years to 30 years before parole eligibility for life sentence.
- Life without parole sentence created for conviction of 1st degree murder following a conviction for a heinous crime.
- Sentences increased for dangerous and career offenders.
- Increased sentence for patterned sex offenders if the court finds him/her a danger to public safety and the offender needs long-term treatment or supervision based on an assessment that concludes the offender is a patterned sex offender. Long-term supervision when the offender reaches mandatory release date also required.
- Penalties substantially increased for controlled substance offenses; five degrees created.
- Statutory maximum penalty is mandatory for second- and third-degree murder when there is a prior conviction for a heinous crime (40 years for second degree and 25 years for third.)

1990

- Juveniles who commit felony offenses as part of, or subsequent to, the delinquent act of escape from local juvenile correctional facilities referred to adult court.
- Controlled substance law change removed language which made selling or possessing a certain amount of a controlled substance a 4th degree crime, and by doing so elevated it to a 3rd degree.

1991

- Increased penalties for the sale or possession of certain controlled substances.
- Consecutive mandatory minimum terms of imprisonment provided for certain drug-related offenses.
- Enhanced penalties for firearms violations in public housing, school or park zones.
- Increased penalties for furnishing persons with dangerous weapons, for unlawfully furnishing firearms to minors, and for unlawful possession of pistols by minors.
- Increased penalties for crimes committed while belonging to a gang.

1992

- Powder cocaine penalties increased to those for crack cocaine.
- Life imprisonment for certain repeat sex offenders.
- Life sentence without the possibility of release added for 1st degree murder

while committing forcible criminal sexual conduct.

- Patterned sex offender statute requires judges to give at least double the presumptive sentence for a person with the appropriate criminal history. The possibility of “conditional” release halfway through the sentence is eliminated.
- A mandatory 30-year sentence is imposed for repeat 1st or 2nd degree criminal sexual conduct convictions with injury, force, or use of a weapon and an aggravating factor.
- A minimum departure of 2-times the presumptive sentence required for certain 1st time sex offenders, such as those convicted of offenses involving injury and an aggravating factor.
- Good Time eliminated: Truth-in-Sentencing requires two-thirds prison and one-third supervised release. Prison term may be increased if there are disciplinary infractions.
- Mandatory conditional release (initially called “supervised release”) period of at least 5-years for sex offenders and at least 10- years for repeat sex offenders.

1993

- New firearm offenses created for shooting from a car; recklessly firing a gun in a municipality or school; and owning, possessing or operating a device to convert any firearm into an automatic weapon.
- Life imprisonment without the possibility of release for killing a peace, or correctional, officer.
- Increased penalties for stalking or a pattern of repeated harassment.

1994

- Mandatory prison for at least that presumed by sentencing guidelines for three-time violent offenders.

- Felony penalty created for assaulting a child under age 4 resulting in multiple bruises or harm to the child’s head, eyes or neck.
- Statutory maximum doubled to 10 years for furnishing a minor with a gun.
- Certain sexual contact with a child under age 13 are 1st degree, rather than 2nd degree, criminal sexual conduct.
- Extended jurisdiction juvenile (EJJ) created. EJJs receive stayed adult sentence which may be imposed.
- Juveniles age 16 and 17 charged with 1st degree murder must stand trial in adult court.
- Adult court trials for 16 and 17 year-olds if the offense is a serious or violent felony or if the juvenile used a firearm.
- Current sexual psychopath civil commitment law re-codified with updated language and new provisions relating to sexually dangerous persons.

1995

- Increased statutory maximum to 40 years for patterned sex offenders if certain conditions exist.
- Expanded court’s ability to conclude that a sex offender is a danger to public safety and, therefore, eligible for patterned sex offender sentence.
- Definition of violent crime expanded.
- Provisions of 2nd degree murder expanded to include persons who are restrained under an order for protection who unintentionally cause the death of a person protected under the act.

1996

- Mandatory 18-month prison sentence for felons in possession of firearms.
- Mandatory jail time for certain categories of domestic abusers.

1997

- Penalties for heroin elevated to those for cocaine.
- New 10-year mandatory prison sentence for assaults against peace officers or correctional employees including use of deadly force.
- Mandatory consecutive sentences for assaults in state correctional facilities.
- New aggravated 1st degree witness tampering offense with maximum of 20 years.

1998

- Felon in possession of a gun mandatory minimum increased to 5 years.
- Methamphetamine offenses are treated the same as heroin offenses.
- Life without parole for 1st degree murder committed in the course of kidnapping.
- Penalties increased for drive-by shooting and crimes committed for benefit of a gang.

1999

- Penalties increased for some adulteration offenses.
- New counterfeited intellectual property, felony dishonored check, and identity theft offenses.
- Penalties increased for possession and dissemination of pornographic works.

2000

- 12-year presumptive sentence for 1st degree criminal sexual conduct.
- New mandatory 1-year and 1-day prison sentences for failing to register as sex offenders; two-years for subsequent offenses.
- New anhydrous ammonia tampering offense (substance used to produce meth).
- New counterfeit checks offenses.

2001

- New criminal sexual conduct 3rd and 4th degree offenses by correctional employees.
- Penalties increased for possession and dissemination of pornographic works.
- Penalties increased to 40 years for fleeing peace officer resulting in death.
- New fraudulent drivers' licenses and ID card offenses.
- New pet cruelty offenses.

2002

- 50% longer sentence for crimes committed in furtherance of terrorism; new 1st degree murder in furtherance of terrorism.
- 7 ½-year presumptive sentence for some 2nd degree criminal sexual conduct.
- New aiding an offender, taking responsibility for criminal acts.
- New criminal damage to property of critical public service facilities.
- New criminal sexual conduct 3rd and 4th degrees offenses by special transportation service workers.
- New felony DWI including 5-year conditional release.
- New harassing or stalking victims under age 18, committed with sexual or aggressive intent.

2003

- New felony mail theft and felony identity theft crime over \$35,000.
- New felony interference with emergency communication crime.
- New felony attempted manufacture of methamphetamine crime.

- New upward sentencing departure factor for offenders who use another's identity without authorization to commit a crime.
- Period of time a felon convicted of a crime of violence is prohibited from possessing a firearm increased from 10 years to life time.

2004

- New felony crime for assaults against probation officers.
- Felony assault against peace officers expanded to include assaults resulting in transference of bodily fluids.

2005

- Mandatory life sentences for most dangerous sex offenders; some are life without the possibility of release.
- Life without release for premeditated first-degree murder.
- Increased penalties for sale of meth and possession of meth precursors.
- Increased penalties for domestic assault by strangulation.
- Increased penalties for crimes committed for the benefit of a gang when the victim is a child.
- New people-trafficking crime.
- Increased penalties for identity theft related to possession and dissemination of child pornography.
- Increased penalties for interference with privacy.
- Expansion of harassment and stalking crime to include harassment through the use of wireless and electronic communication.
- New felony for assaults on secure treatment facility personnel

2006

- Extended "look-back" period to 10 years for repeat domestic assault offenders.
- Increased statutory maximum for labor or sex trafficking of child-victims.
- Maximum sentence 25% longer if criminal sexual conduct is motivated by a predatory pattern of behavior that had criminal sexual conduct as its goal; 50% longer if repeat offender.
- Consecutive sentences for felony DWI.
- Expanded conditional release for sex offenders; lifetime conditional release for certain sex offenders.
- Penalties increased for escape from Civil Commitment, Sexually Dangerous Persons.

2007

- New domestic abuse no-contact order felony.
- Addition to criminal vehicular homicide in which the driver knew that a defect presented a danger to others.
- New mortgage lending offenses.

2008

- Increased the period in which a no-contact order can be issued from one year to two years; additional orders can be granted; orders can be granted for up to 50 years if the abuser violates prior orders two or more times.

2009

- Definition of electronic solicitation of children is expanded.
- Behavior constituting financial exploitation of vulnerable adult is expanded.
- Labor and sex trafficking definitions expanded to include receiving profit or anything of value that is derived from one of the prohibited acts.

- Enhanced penalties for solicitation, inducement and promotion of prostitution if the offense is committed through engaging in sex trafficking and there is an aggravating factor present.

2010

- The statutory maximum for possession of a dangerous weapon on school property is raised from two years to five years.
- New criminal sexual conduct 3rd and 4th degree offenses committed by secure treatment facility employees.

2011

- New criminal penalties for sale and possession of a controlled substance analog, which is defined as a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II.
- Registration of predatory offenders is amended to add criminal abuse of a vulnerable adult to the list of offenses for which registration is required.
- Fleeing a peace officer is amended by expanding the definition to include whoever, in the course of fleeing in a motor vehicle “or subsequently by other means,” causes death or bodily injury to any person other than the perpetrator.
- Theft of moveable property is added to the list of eligible offenses for which an offender can be charged with racketeering.

2012

- Theft from retailer of motor fuel was added to the theft statute. The penalty depends on the monetary value. Theft over \$1,000 is a felony.
- Prostitution offense definitions for “patron,” “prostitute,” and “prostitution” were amended. The change to these underlying definitions made it clear that both prostitutes and patrons can be charged with the offense of felony prostitution in a school or park zone.

The legislature established separate non-felony penalties for patrons and prostitutes. These changes were enacted into law during the 2011 Special Session.

- Two neglect of vulnerable adult offenses were created: one resulting in great bodily harm and one resulting in substantial bodily harm.
- The penalty for sale (for “remuneration”) of synthetic cannabinoids was increased from a gross misdemeanor to a felony.
- Female genital mutilation was added to the list of qualified domestic violence-related offenses. These offenses form the underlying definitions that support felony domestic assault and felony violation of a restraining order.
- False imprisonment, unreasonable restraint of a child, was amended to create a second felony-level offense when the confinement or restraint results in demonstrable bodily harm.

2013

- A minimum “presumptive” 3-year prison sentence for repeat sex offenders was reinstated.
- Several new offenses relating to emergency telephone calls and communications were created, including a felony-level offense for falsely making emergency calls when no emergency exists that result in injury.
- Wildfire arson was expanded to add new offenses for which the statutory maximums are based on the number of buildings, acres, or crop value damaged or threatened with damage, and to establish a new offense for intentionally setting a fire that results in demonstrable bodily harm.

2014

- Felony fifth-degree criminal sexual conduct (CSC) was expanded to include offenders with two previous convictions for gross misdemeanor CSC, a felony provision of indecent exposure, any first-

thru fourth-degree CSC, and possession or dissemination of child pornography. The statutory maximum was increased from five to seven years.

- The crimes of violence list was expanded to include felony fifth-degree assault, felony domestic assault, and domestic assault by strangulation. A person convicted of a crime of violence is prohibited from possessing a firearm.
- The statute requiring predatory offenders to register was amended to clarify that offenders must register if they commit any prostitution offense involving a minor.

2015

- Persons who are not allowed to possess firearms are not allowed to possess ammunition, and felons previously convicted of a crime of violence who do so are subject to the 5-year mandatory minimum prison sentence under Minn. Stat. § 609.11.
- Financial Transaction Card Fraud was amended to include trafficking of Supplemental Nutrition Assistance Program (SNAP) benefits and a new felony for wrongful employment at a child care center was added to the theft penalty provisions.
- Fourth-degree assault protections were extended to employees supervising and working directly with mentally-ill and dangerous patients.
- Fifth-degree criminal sexual conduct (CSC 5) under Minn. Stat. § 609.3451, subd. 1, was expanded to include intentionally touching the body or clothing with semen.
- The prostitution statute was modified making the hiring of an adult prostitute a felony if the patron reasonably believes the prostitute to be a child.