

2024–2025 Firearms Report Form: County Attorney Report on Criminal Cases Involving Firearms

Minn. Stat. § 609.11, subd. 10, requires that no later than July 1 of each year, every county attorney shall forward to the Sentencing Guidelines Commission information on cases in which the defendant is alleged to have committed an offense listed in Minn. Stat. § 609.11, subd. 9, while possessing or using a firearm. Please report on adult cases disposed of between July 1, 2024 and June 30, 2025. Do not include cases that were pending during this time period. Consult pages 2-4 for guidance. Please return by September 2, 2025.

County:	Completed by:
Email:	Telephone:

Table 1: Charging

A	Cases charged where reporting is required*	B	Cases NOT charged where reporting is required
Number of cases=		Number of cases=	

Only cases in Box A should be included in Table 2.
The sum of Table 2 equals the number in Box A.

* Reporting required when a defendant allegedly committed or attempted to commit, **while possessing/using a firearm**, an offense listed in Minn. Stat. § 609.11, subd. 9:

- Murder
- Assault 1–3
- Burglary
- Kidnapping
- False imprisonment
- Manslaughter
- Certain crim. sex. 1–3 (refer to Minn. Stat. § 609.11, subd. 9)
- Possession/use of firearm/ammunition by person convicted/ adjudicated of crime of violence
- Felony chapter 152 (drug) violation
- Robbery
- Carjacking
- Felony witness tampering
- Escape from custody
- Arson 1–3
- Drive-by shooting
- Agg. stalking (weapon)

Table 2: Case Outcome

Convicted of offense listed in Minn. Stat. § 609.11, subd. 9		E	Convicted of offense NOT listed in subd. 9	F	Aquitted on all charges	G	All firearm charges dismissed	H	Other
C	D								
Firearm established on record	Firearm NOT established on record								
Number of cases=	Number of cases=	Number of cases=		Number of cases=		Number of cases=		Number of cases=	

Only cases in Box C should be included in Table 3.
The sum of Table 3 equals the number in Box C.

Table 3: Sentences for Cases Requiring Mandatory Minimum

I	Mandatory minimum (or greater) imposed and executed	J	Mandatory minimum sentence waived by prosecutor	K	Mandatory minimum sentence waived by judge
Number of cases=		Number of cases=		Number of cases=	

FIREARMS REPORT FORM GUIDE

BEFORE YOU BEGIN, PLEASE REMEMBER ...

1. Include cases in which the defendant is alleged to have committed an offense listed in Minn. Stat. § 609.11, subd. 9, while possessing or using a firearm.
2. Report only on adult cases disposed of between July 1, 2024, and June 30, 2025.
3. Do not include cases pending during the reporting period.
4. Do not include dangerous weapon (other than a firearm) cases (see § 609.11, subd. 4).
5. Do not include ammunition-only cases (see Minn. Stat. §§ 624.713, subd. 2(b) and 609.165, subd. 1b).
6. If your county has no cases where reporting is required, a form still needs to be completed and submitted to MSGC. Fill in Box A and B with “0”.

Table 1: Charging

Box A

Fill in the number of cases that were charged where reporting is required. Reporting is required when a defendant, while possessing or using a firearm, allegedly committed an offense listed in Minn. Stat. § 609.11, subd. 9.

Include cases in Box A when all conditions in 1–3 below are met:

- 1) Defendant allegedly committed or attempted to commit an offense listed under Minn. Stat. § 609.11, subd. 9;
- 2) Defendant was possessing or using a firearm; and
- 3) The case was charged.

Box B

Fill in the number of (potential) cases that were NOT charged where reporting is required. Reporting is required when a person, while possessing or using a firearm, allegedly committed an offense listed in Minn. Stat. § 609.11, subd. 9.

Include cases in Box B when all conditions in 1-3 below are met:

- 1) A person allegedly committed or attempted to commit an offense listed under Minn. Stat. § 609.11, subd. 9;
- 2) The person was possessing or using a firearm; and
- 3) The case was NOT charged.

Note to MCAPS users: The MCAPS report may generate more cases in Box B than expected. This report may be incorrect because it may include all offenses under Minn. Stat. § 609.11, subd. 9, and not just those that include possession or use of a firearm. Please double-check this box if the number appears higher than expected.

Table 2: Case Outcome

Only cases in Box A should be carried down to Table 2 (“Case Outcome”). The sum of Table 2 will equal the number of cases in Box A.

Box C

Include cases in which the defendant was convicted of an offense listed under Minn. Stat. § 609.11, subd. 9, where firearm use or possession was established on the record. The firearm use or possession must be a “finding of fact.”^{1, 2}

Box D

Include cases in which the defendant was convicted of an offense listed under Minn. Stat. § 609.11, subd. 9, but a firearm was NOT established on the record.

Box E

Include cases in which the defendant was convicted of an offense NOT listed under Minn. Stat. § 609.11, subd. 9, and a firearm had been allegedly used or possessed. This includes lesser or alternative offenses such as Threats of Violence under Minn. Stat. § 609.713.

Box F

Include cases in which the defendant was acquitted on charges where a firearm had been allegedly used or possessed.

Box G

Include cases where charges were dismissed where a firearm had been allegedly used or possessed.

Box H

Include cases that do not fit in any other category in Boxes C through G. For example, cases that resulted in a stay of adjudication or cases that resulted in federal prosecutions.

¹ Or a necessary element of the crime. Of the offenses listed in Minn. Stat. § 609.11, subd. 9, firearm use or possession is an element of these: drive-by shooting (§ 609.66, subd. 1e), and certain first-degree, second-degree, and aggravated first-degree controlled substance crimes (§ 152.021, subd. subds. 1(2)(i), 2(a)(2)(i), or 2b(1), or § 152.022, subd. 1(2)(i) or (2)(a)(2)(i)). While firearm use or possession may meet elements of other listed offenses, those elements may also be met by use or possession of, e.g., other dangerous weapons.

² For the offense of Certain Persons Not to Have Firearms or Ammunition, the five-year mandatory minimum in § 609.11, subd. 5(b), will apply regardless of whether the defendant possessed a firearm, or ammunition, or both. Accordingly, the record may not establish whether the defendant was convicted of possession of a firearm (the subject of this report) or just ammunition. Prosecutors are asked to exclude from Box C a case in which they believe the conviction was for possession of ammunition only.

Table 3: Sentence Outcome

Only cases in Box C should be carried down to Table 3 (“Sentences for Cases Requiring a Mandatory Minimum under Minn. Stat. § 609.11”). The sum of Table 3 will equal the number of cases in Box C.

Box I

Include cases where the mandatory minimum sentence (or greater) was imposed and executed. This includes executed prison sentenced for a duration of at least the mandatory minimum sentence.

Box J

Include cases where the prosecutor filed a motion, and it was accepted by the court, to have the defendant sentenced without regard to the mandatory minimum. Minn. Stat. § 609.11, subd. 8(a); but see subd. 8(b).

Box K

Include cases where the court, on its own motion, sentences the defendant without regard to the mandatory minimum. Minn. Stat. § 609.11, subd. 8(a); but see subd. 8(c).

BEFORE YOU SUBMIT THE FORM....

Please make sure the following are true:

- The number in Table 1, Box A, equals the sum of the numbers in boxes C through H in Table 2.
- The number in Table 2, Box C, equals the sum of the numbers in boxes I through K in Table 3.

Example:

BOX A	BOX B
10 cases	2 cases

Box A equals the sum of Box C – Box H

BOX C	BOX D	BOX E	BOX F	BOX G	BOX H
6 cases	1 case	1 case	0 cases	2 cases	0 cases

Box C equals the sum of Box I – Box K

BOX I	BOX J	BOX K
4 cases	1 case	1 case