
Minnesota Sentencing Guidelines Commission
Clarify the Policy for Use of Non-Minnesota Offenses
in the Criminal History Score
April 17, 2014

Description: MSGC staff regularly responds to questions about how to use non-Minnesota convictions in the criminal history score. During discussions of how best to respond to these questions, MSGC staff felt that the current language in §2.B.5 regarding non-Minnesota offenses is unclear. The current language does not emphasize the role that the court must play in equating non-Minnesota offenses to Minnesota offenses nor clearly outline the steps involved in equating a non-Minnesota offense.

Staff Recommendation: Staff recommends revising the 2014 Minn. Sentencing Guidelines by clarifying the language of § 2.B.5, as shown below.

Recommended Modification to § 2.B.:

5. Convictions from Jurisdictions other than Minnesota.
 - a. In General. ~~The offense definitions in effect when the offense was committed govern the designation of convictions from jurisdictions other than Minnesota as felonies, gross misdemeanors, or misdemeanors. The court must make the final determination as to whether and how a prior non-Minnesota offense should be counted in criminal history. The court should consider, but is not limited to, the factors in paragraphs b-e below.~~ Sections 2.B.1 through 2.B.7 govern the use of these convictions.
 - b. Offense Equivalent. ~~The court makes the final determination of the Minnesota offense that is equivalent to the non-Minnesota offense. Where to place the offense in criminal history depends on: Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The offense definitions in effect when the current offense was committed govern the designation of convictions from jurisdictions other than Minnesota as felonies, gross misdemeanors, or misdemeanors.~~
 - c. Use in Criminal History. The offense is used in criminal history based on:
 - whether the equivalent Minnesota offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; and
 - the sentence imposed.

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