

# Sentence Guidelines Policies Effective Date

## Guidelines used for the “current” offense

- Each year on August 1st, a Sentencing Guidelines manual is published for offenses *committed* on or after that date.
- Each Sentencing Guidelines manual remains in effect through July 31st of the following year.
- That means that *technically*, the idea of “the current Guidelines” is not based on the calendar date; rather, it is based on the date the current conviction offense occurred.
- These are the policies that will be used to find everything related to the current offense including the severity level, modifiers or mandatory minimums, and the Grid used to find the presumptive sentence.

## Guidelines used for the “current” offense

- The changes made to criminal history calculation policies that were enacted in 2019 will now apply to all offenses regardless of their offense date.
- If the current offense occurred on or before 7/31/2019, used the 2019 Sentencing Guidelines manual.
- If the offense occurred on or after 8/1/2019, use the manual in effect based on the date the offense occurred.
  - 05/01/1980-07/31/2020 – the 2019 manual
  - 08/01/2020-09/14/2021 – the 2020 manual
  - 09/15/2021-07/31/2022 – the 2021 manual
  - 08/01/2022-07/31/2023 – the 2022 manual
  - 08/01/2023-07/31/2024 – the 2023 manual
  - 08/01/2024-07/31/2025 – the 2024 manual
  - 08/01/2025-07/31/2025 – the 2025 manual

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2025 Sentencing Guidelines & Commentary

The Felony Sentencing Process

How to Read the Grids

Departing from the Presumptive Sentence

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Previous Years Guidelines and Commentary

The presumptive sentence for any offender convicted of a felony committed on or after May 1, 1980, is determined by the Sentencing Guidelines in effect on the date of the conviction offense. If multiple offenses are an element of the conviction offense, the date of the conviction offense must be determined by the fact finder. If offenses have been aggregated, the date of the earliest offense should be used as the date of the conviction offense. The majority of previous Guidelines have an effective date starting August 1st, and are in effect until the next publication. The effective date can be found on the cover page of every previous Guidelines.

2024 Sentencing Guidelines

The Minnesota Sentencing Guidelines are a set of rules and principles used to determine sentences for felony offenses in Minnesota. They aim to promote fairness and consistency in sentencing by considering both the seriousness of the offense and the offender's criminal history. The guidelines are advisory, meaning judges can deviate from them, but must explain their reasoning for doing so.

2024 Amendments

MSGC periodically amends the sentencing guidelines to ensure they remain relevant, fair, and effective in addressing criminal behavior and promoting public safety. These modifications can involve Legislative amendments to crime laws affecting the guidelines, technical amendments, and changes to the presumptive sentence for various crimes. The MSGC's overarching goal is to ensure that sentencing is proportional to the offense and offender's history, and maintain public safety.

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Select "The Guidelines"

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Select the year needed from the list and the Guidelines, Amendments, and Grids in effect will populate the page.

November 2025 Lunch & Learn: 2.B.2 – Custody Status Policies

# Change in sentence durations under Minn. Stat. § 609.02

## OFFENSES *SENTENCED* BEFORE 7/1/2023

- ✓ Felony = 366 days, or 12 months and 1 day minimum
- ✓ Gross misd = 91 to 365 days (12 months maximum)
- ✓ Misdemeanor = not more than 90 days

## OFFENSES *SENTENCED* ON/AFTER 7/1/2023

- ✓ Felony = 365 days, or 12 months minimum
- ✓ Gross misd = 91 to 364 days
- ✓ Misdemeanor = not more than 90 days

# Level of Sentence: An Imposed Sentence (aka the sentence duration)

## Felonies: Minn. Stat. § 609.02, subd. 2

- The court records a finding of guilt, and a sentence duration is imposed.
- A felony sentence defined by the duration in statute.
- The disposition can be a stay of execution or a commit (prison).
- The offense will be included in the felony section based on the policies in 2.B.1.

## Gross Misd.: Minn. Stat. § 609.02, subd. 4

- The court records a finding of guilt, and a sentence duration is imposed.
- A gross misd. sentence defined by the duration in statute.
- The disposition can be a stay of execution or local confinement (jail).
- The offense will be included in the misd./gross misd. section based on the policies in 2.B.3.

## Misd.: Minn. Stat. § 609.02, subd. 3

- The court records a finding of guilt, and a sentence duration is imposed.
- A misd. sentence remained a a duration of not more than 90 days.
- The disposition can be a stay of execution or local confinement (jail).
- The offense will be included in the misd./gross misd. section based on the policies in 2.B.3.

# Level of Sentence: A Stay of Imposition disposition

## Stay of Imposition for a Felony level offense

- The court records a finding of guilt.
- No sentence duration is imposed (Minn. Stat. § 609.02, subd. 2).
- The disposition is stayed.
- The offense will be included as a felony prior based on policies in 2.B.1.
- The offense is deemed a misd. when successfully completed for *non-criminal history purposes* only.

## Stay of Imposition for a Gross Misd. level offense

- The court records a finding of guilt.
- No sentence duration is imposed (Minn. Stat. § 609.02, subd. 4).
- The disposition is stayed.
- The offense will be included as a gross misd. prior based on policies in 2.B.3.
- The offense will be deemed a misd. when successfully completed for *non-criminal history purposes* only.

## Stay of Imposition for a Misd. level offense

- The court records a finding of guilt.
- No sentence duration is imposed (Minn. Stat. § 609.02, subd. 3).
- The disposition is stayed.
- The offense will be included as a misd. prior section based on policies in 2.B.3.
- The offense will be deemed a misd. when successfully completed for *non-criminal history purposes* only.

# Other things to consider before calculating criminal history: non-MN criminal history & custody

- For non-MN offenses, the policy in 2.B.5 states that “the court must make the final decision as to whether and how a prior non-MN conviction should be counted in criminal history.
- The court “should consider, but is not limited to, the factors in...sections 2.B.1 through 2.B.7” which are the criminal history policies.
- **Unless it is clear, such as with a felony drug offense or a felony DWI offense (and even then, the court should make the final decision), non-MN priors should not be listed in criminal history. Which means, the offense can add a custody point value if it is not eligible to be included as history.**
- If they are included, a note should also be placed on the worksheet indicating that the court made the determination as to how to include the priors; MSGC cannot review a worksheet without a comment to that effect.

# Other things to consider before calculating criminal history: custody for enhancing priors

- Enhanced offenses fit into two categories: DWIs and non-DWIs. The policies are:
  - **A custody status point can be assigned for a targeted misd., a non-traffic gross misd., or a gross misd. DWI that is used to enhance.**
  - Qualifying targeted misd. or gross misd. priors used to enhance will NOT be included in criminal history on the worksheet being completed for the enhanced felony offense.
  - Felony offenses used to enhance, including juvenile adjudication for felonies when applicable, are used in criminal history per the policies in 2.B.1 and 2.B.4.
- Keep in mind:
  - The 'enhancing' prior misd./gross misd. offenses are only removed from criminal history on the worksheet for the felony they are enhancing. They will be eligible to be used on future offenses per the policies 2.B.3 and 2.B.5.
  - Prior misd./gross misd. DWI offenses used to enhance the first felony DWI will not also be included as history in any subsequent felony DWI criminal history. They are eligible to be used as criminal history on non-DWI offenses.

# Other things to consider before calculating criminal history: custody for Targeted Misdemeanors – Appendix 4.

## Appendix 4. Targeted Misdemeanor List

*(As provided for in Minn. Stat. § 299C.10, subd. 1(e))*

Under Minn. Stat. § 299C.10, subd. 1(e), a targeted misdemeanor is a misdemeanor violation of:

Statute Number	Offense Title
169A.20	Driving While Impaired
518B.01	Order for Protection Violation
609.224	Assault 5th Degree
609.2242	Domestic Assault
609.746	Interference with Privacy
609.748	Harassment or Restraining Order Violation
617.23	Indecent Exposure
629.75	Domestic Abuse No Contact Order Violation

### PLEASE NOTE:

- **A gross misd prior that is sentenced as a misd (90 days or less) must be on the Targeted Misdemeanor List to be included in history.**
  - Remember that a stay of imposition will remain at the offense level – this is about an imposed outside of the statutory duration.
- Of note: a felony prior sentenced to less than a felony duration is eligible to be included in criminal history regardless of its appearance (or lack of) on the Target Misdemeanor List.



# State v. Eubanks: 0.5 custody and X.5 felony points

1/13/2022 – Commission instructs practitioners to follow *State v. Eubanks*, later affirmed in *State v. Beganovic*.

**In this example**, 0.5 custody point and 3.5 felony points make up the criminal history. The rounding rule applies only to the felony points box, which is rounded down to 3.

Applying the Commission's instructions, the total criminal history points of **3.5** ( $0.5 + 0 + 0 + 3.0 = 3.5$ ), is treated as a criminal history score of **3** for purposes of finding the presumptive sentence.

These instructions are followed whenever there is a 0.5 custody point.

Criminal History Score				
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0.5	0	0	3.5	3
Type: Probation				
0.5 Custody Status Pt. not used to find presumptive sentence per 1/13/22 MSGC interim guidance.				

# Criminal History: Custody – 2.B.2.a, 2.B.2.a(2)-(3)

- When the current offense occurs **following a guilty plea, guilty verdict, or conviction on an eligible prior**, custody will be assigned to the current offense as:
  - **one-half point (0.5)** if the custody offense is:
    - a felony or Extended Jurisdiction Juvenile (EJJ) found at severity level 1, 2, D1, or D2; or
    - an eligible gross misd. or targeted misd.
  - **one full point (1.0)** if the custody offense is:
    - a felony or EJJ found at severity level 3-12, D3-D9, or A-I

Although the defendant may be on custody for multiple priors, only one custody point value assigned.

# Custody Status Types – 2.B.2.a(1)(i)-(v)

- **Probation** – assigned when the new felony is committed while the offender is serving the probation portion of a stay of execution or stay of imposition.  
  
**Stay of Adjudication Custody** – assigned when the new felony is committed following the stay of adjudication disposition on a prior offense, provided that a guilty plea was entered. (*Woolridge-Carter*)
  - Using this custody type will allow the EWS user to override the 0.5-point default as custody when no prior is included in criminal history
- **Parole/Supervised Release or Conditional Release** – assigned when the new felony is committed during the post-incarceration portion of an executed sentence, or the extended statutory supervision period for specific offenses.
  - If Conditional Release is assigned as custody, there should be a corresponding prior in the felony section of criminal history.
- **Release Pending Sentencing** – assigned when the new felony is committed while the defendant is awaiting sentencing on a new felony offense.
  - Try using a timeline “bookend” to determine if this status is eligible. The first bookend is the date of the guilty plea, guilty verdict, or conviction – the last bookend is the date of sentencing. The new felony will need to have occurred between those two dates to assign this status.

# Custody Status Types, cont. - 2.B.2.a(1)(vi)-(vii)

- **Confined** – assigned when the new felony is committed while the defendant is:
  - a) is confined in jail pending sentencing (use the timeline “bookend” the same way here);
  - b) is serving conditional jail time tied to a probation sentence; or
  - c) is confined in jail or prison following an executed sentence.
- **Escape** – assigned when the new felony is committed following an escape from *an executed sentence*.
  - ❖ Be particularly careful when using either Confined or Escape as custody; there may be Presumptive Consecutive considerations.
  - ❖ If a defendant escapes from prison and is charged with Escape, the status on that felony will be Confined. Any offense committed while on escape will receive the Escape status.
- **Extended Jurisdictional Juvenile offense (EJJ)** – assigned when the defendant is under EJJ supervision, and the new felony is committed before the defendant turns 21. If the EJJ is revoked and the adult sentence is imposed, this status is not applicable.
- When a defendant absconds from supervision and commit a new felony offense, the custody status they are under when they abscond will be assigned for points.

# Assigning Points to Offenses Committed Over Time – 2.B.2.a(4)(i)-(ii)

- When the new felony is committed over time (with a date range), such as:
    - (i) – when multiple offense are an element of the conviction offense; or
    - (ii) – when the conviction offense is for an aggregated dollar amount.
  - And the defendant is placed on custody for an eligible, unrelated offense during the date range of the new felony, a custody status will be assigned to that offense.
    1. The defendant commits a CSC1 under Minn. Stat. § 609.342, subd. 1(h)(iii) – multiple offenses committed over time – with an offense date of June of 2015 through September of 2025.
    2. On April 5, 2020, the defendant is given a stay of execution and placed on probation for a misd. domestic assault.
    3. Because the domestic assault probation started within the date range of the CSC1, a 0.5 custody point for probation would be assigned.
- OR
1. An aggregated offense for Wrongfully Obtaining Public Assistance has a date range of June 2024 through September of 2025.
  2. On April 5, 2025, the defendant is given a stay of execution and placed on probation for a felony check forgery over \$5,000.
  3. Because the check forgery's probation started within the date range of the WOPA, 1.0 custody points are assigned for probation.

# Determining the eligibility of assigning an additional custody status point – 2.B.2.b

- The current offense will be sentenced from the Sex Offender Grid ranked at severity level A – G or H (depending on whether the current offense date is on/after 9/15/2021)
  - If the current offense is Failure to Register, it doesn't qualify for the second point.
- The offense the defendant is under custody for is also found on the Sex Offender Grid ranked at severity level A – G or H (depending on whether the current offense date is on/after 9/15/2021)
  - If custody is assigned because of a prior Failure to Register, it is not a qualifying prior for the second point.

**TIP 1:** Assign the custody point as you normally would, *then* consider whether the current offense qualifies for the second point.


**Tip 1:** the additional point does *not* depend on the *type* of custody but the *type* of offense, both the current *and* the custody offense prior.


## 4.B. Sex Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

		CRIMINAL HISTORY SCORE						
SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		0	1	2	3	4	5	6 or more
<i>Criminal Sexual Conduct (CSC) 1st Degree</i>	A	144 <i>144<sup>2</sup>-172</i>	156 <i>144<sup>2</sup>-187</i>	168 <i>144<sup>2</sup>-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360<sup>3</sup></i>
<i>CSC 2nd Degree-1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(h)(i) (e.g., contact &amp; force with bodily harm)</i>	B	90 <i>90<sup>2</sup>-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-306</i>	300 <i>255-360</i>
<i>CSC 3rd Degree-1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., penetration &amp; coercion/occupation)</i>	C	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-183</i>	180 <i>153-216</i>
<i>CSC 2nd Degree-1a(e)(f)(g) (age)</i> <i>CSC 3rd Degree-1a(a)(e)(f) or 1a(b) with 2(1) (age)</i>	D	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4th Degree-1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., contact &amp; coercion/occupation)</i>	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120<sup>3</sup></i>
<i>CSC 4th Degree-1a(a)(b)(e)(f) (age)</i> <i>CSC 5th Degree-3(b) (subsequent)</i>	F	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3rd Degree-1a(b) with 2(2)</i> <i>Possession of Child Sexual Abuse Material</i>	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60<sup>3</sup></i>
<i>CSC 5th Degree-3(a) (nonconsensual penetration)</i>	H	12	14	16	18	24	24 <sup>3</sup> <i>24-24</i>	24 <sup>3</sup> <i>24-24</i>

<sup>1</sup> 12<sup>1</sup>=One year and one day mandatory minimum under Minn. Stat. § 243.166, subd. 5(b).

 Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See section 2.E, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.

 Presumptive stayed sentence; at the discretion of the court, up to 364 days of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. See sections 2.C and 2.E.

<sup>2</sup> Sex Trafficking is not subject to a 144- or 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (For Severity Level A, Criminal History Scores 0, 1, & 2, the ranges are 123–172, 133–187, & 143–201, respectively. For Severity Level B, Criminal History Score 0, the range is 77–108.)

<sup>3</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and the maximum sentence is not more than the statutory maximum. See section 2.C.1–2. For Severity Level H, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum at criminal history scores above 4.

# Additional Duration for the Custody Status Enhancement

## – 2.B.2.c

**Custody Point** + Juvenile + Misdemeanor + Felony Points = 7 or more

Criminal History Score Example

<i>Custody Point</i>	<i>Juv Points</i>	<i>Misd/GM Points</i>	<i>Felony Points</i>	<b>Total Criminal History</b>
<b>.5 or 1.0</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>7</b>

The additional 3 months would be added on as the total includes a value for a custody status. The sentence cannot go above the stat max which may be reflected on the Grid.

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~~Custody Point~~ + Juvenile + Misdemeanor + Felony Points = 7 or more

Criminal History Score Example

<i>Custody Point</i>	<i>Juv Points</i>	<i>Misd/GM Points</i>	<i>Felony Points</i>	<b>Total Criminal History</b>
<b>0</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>7</b>

The additional 3 months would not be added on as the total does not include a value for a custody status.

# When *not* to assign a custody point – 2.B.2.d

A custody status point for the new offense will *not* be assigned if the defendant:

- was committed for treatment or examination pursuant to Minn. R. Crim. P. 20; or,
- committed the current offense on/after August 1, 2010, and is under custody for a non-targeted misdemeanor (prior to 8/1/2010, custody was not eligible for any misd.); or,
- was on any type of custody related to a juvenile offense (non-EJJ); or,
- was on custody for a misd/gross misd DWI committed by a 16- or 17-year- old (FYI – these are not eligible for use as any type of criminal history).



# Custody Status Point Waiver: Motion to Waive – 2.B.2.e(1)-(3)

- The defendant must establish that the waiver is:
  - consistent with public safety, and
  - promotes sentencing purposes:
    - Retribution
    - Incapacitation
    - Deterrence
    - Restitution
    - Rehabilitation
      - For rehabilitation, the court may examine:
        - Offender's use of available probation services in past year
        - Whether current offense is an escalation of criminal activity
        - Rehab/reentry progress
- Even then, waiver is discretionary with the judge.

# Custody Status Point Waiver: Ineligible offense – 2.B.2.e(4)(i)-(vi)

Waiver of the custody point is eligible under very specific circumstances outlined in 2.B.2.e—all of which must be *examined by the sentencing court* to determine eligibility.

*When waiver is not eligible is clearer.* The court **may not waive custody** if either **the current offense** being sentenced **or the offense that custody status is assigned for** is an **ineligible offense**.

## INELIGIBLE OFFENSES

- Offenses ranked at—
  - 8 or above (Standard Grid)
  - G or above (Sex Offender Grid)
  - D8 or above (Drug Offender Grid);
- Offenses on Severe Violent Offense List;
- Fleeing Peace Officer resulting in Great Bodily Harm; or
- Attempt or conspiracy to commit one of these offenses

# Custody Status Point Waiver: An Illustration

Three offenders will be sentenced for offenses committed while under custody:

**Defendant #1** is on probation for 4th-degree criminal sexual conduct and commits a new felony theft.

**Defendant #2** is on supervised release for 1<sup>st</sup> degree burglary w/ a weapon and commits a new felony criminal vehicular operation.

**Defendant #3** is confined for a gross misd. theft and commits a new felony Violate No Contact Order.

Who is eligible for waiver?

**Defendants #1 & #2:** each will get a custody point (sex offense and a high severity level).

**Defendant #3:** For this offense, the court is authorized to waive the custody point depending on the public safety determination.

# Custody Status Waiver: Ineligibility and the Electronic Worksheet System (EWS)

The following questions must be answered on the felony “Add/Edit Priors” page when completing a sentencing worksheet. These will aid the EWS in determining if the custody point is eligible for *consideration* for waiver by the court under 2.B.2.e.



## **Custody Status Ineligibility Questions**

? Is this offense (or its Minnesota equivalent, for non-Minnesota offenses), any of the following?

Check all that apply:

- ☐ Currently assigned a severity-level ranking in the Guidelines of 8–11, A–G, or D8–D9?
- ☐ A Severe Violent Offense?
- ☐ Fleeing Peace Officer (Great Bodily Harm) (Minn. Stat. § 609.487, subd. 4(b))?

# Custody Status Waiver Example #1: Eligible current and prior offenses and the Electronic Worksheet System (EWS)

In this example, the custody status assigned for the prior is eligible to be waived since none of these boxes are checked. If the *current offense* is also eligible, the system will enable the waiver option.

## Custody Status Ineligibility Questions

? Is this offense (or its Minnesota equivalent, for non-Minnesota offenses), any of the following?

Check all that apply:

- ☐ Currently assigned a severity-level ranking in the Guidelines of 8–11, A–G, or D8–D9?
- ☐ A Severe Violent Offense?
- ☐ Fleeing Peace Officer (Great Bodily Harm) (Minn. Stat. § 609.487, subd. 4(b))?

This box on the presumptive sentence screen will remain eligible to select.

If the court does waive the custody status point, do not remove the custody type

- ☐ Court waived assignment of a custody status point or half-point pursuant to section 2.B.2.e. ?
- ☐ Life Sentence
- ☐ Presumptive Consecutive ? to Case #
- ☐ Presumptive Commit due to prior 152.18 ?
- ☐ Departure Anticipated ☐ Revoked EJJ ?

# Custody Status Waiver Example #2: Ineligible current and prior offenses and the Electronic Worksheet System (EWS)

If the prior felony is ineligible because of either its severity level, or due to the answers to the ineligibility questions, the custody status cannot be waived. If the *current offense* is ineligible, the system will automatically inactivate the waiver option (below)

## Custody Status Ineligibility Questions

Is this offense (or its Minnesota equivalent, for non-Minnesota offenses), any of the following?

Check all that apply:

- ☒ Currently assigned a severity-level ranking in the Guidelines of 8–11, A–G, or D8–D9?
- ☒ A Severe Violent Offense?
- ☐ Fleeing Peace Officer (Great Bodily Harm) (Minn. Stat. § 609.487, subd. 4(b))?

**Custody status NOT waivable pursuant to section 2.B.2.e(4).**

This box on the presumptive sentence screen will be greyed out, indicating that the custody point is ineligible for waiver under the policy.

- ☐ Court waived assignment of a custody status point or half-point pursuant to section 2.B.2.e.
- ☐ Life Sentence
- ☐ Presumptive Consecutive to Case #
- ☐ Presumptive Commit due to prior 152.18
- ☐ Departure Anticipated
- ☐ Revoked EJJ

# Custody Status Waiver: EWS option

## Eligible Custody Status Waiver - Box Not Checked

*When the custody is eligible for waiver, the worksheet will indicate which offenses are eligible with an asterisk and a note recalculating the presumptive sentence.*

Criminal History Score					
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points	
1	0	0	1	2	
Type: Probation					

Offenses Included in Criminal History Score					Presumptive Disposition
Type	Offense Title	Units/Pts	Disp Date	Exp Date	Stay
Juvenile	No Juvenile Priors				
Misd./G.M.	1. Theft - GM	1 unit	01/12/2011	01/13/2012	
Felony	1. Domestic Assault *	1.0 pt.	01/12/2011	01/12/2014	

Presumptive Duration	
18 months	

\* If custody status were waived, presumptive sentence would be 15-months - stayed disposition.

The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.

## Eligible Custody Status Waiver - Box Checked

*When the waiver box is selected, the custody point is 0 but the type remains, indicating it was waived. The sentence is then recalculated with a note indicating the waiver.*

Criminal History Score					
Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points	
0	0	0	1	1	
Type: Probation, but Waived.					

Offenses Included in Criminal History Score					Presumptive Disposition
Type	Offense Title	Units/Pts	Disp Date	Exp Date	Stay
Juvenile	No Juvenile Priors				
Misd./G.M.	1. Theft - GM	1 unit	01/12/2011	01/13/2012	
Felony	1. Domestic Assault *	1.0 pt.	01/12/2011	01/12/2014	

Presumptive Duration	
15 months	

**Court waived assignment of a custody status point or half-point pursuant to section 2.B.2.e.**

The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.

**To custody waived on a reviewed worksheet, use Create Modified and check the box on the Presumptive Sentence page.**

# Custody status error message on Presumptive Sentence page

Custody Status Point:

Juvenile Points:  ?

M/GM Points:  ?

Felony/EJJ Points:

Total Criminal History Points:

You assigned a Custody Status, but there was no prior(s) in which you indicate the offender was under eligible custody status. If this is correct, please add a comment indicating what offense custody status is for and continue. Otherwise, select the prior and answer "Yes" to the question "Was offender under eligible custody status?"

## **This message is valid *ONLY* when either:**

1. a custody status of Release Pending Sentencing, Stay of Adjudication Custody, or Confined is assigned, and there is no prior included in history to mark as the custody offense.
  - These offenses would be included if they have been sentenced, or revoked, prior to sentencing on the current offense. If this occurs, use the appropriate custody type and answer the custody question on that priors' page to correctly calculate the point value; or
2. custody is for an misd. or gross misd. that was used to enhance the current offense as those are not included in criminal history.

**Any other time this message appears, marking custody for a prior offense was missed.**



*This has been a training presentation by the staff of the Minnesota Sentencing Guidelines Commission. Opinions expressed are not necessarily those of the Commission itself, and information presented is not necessarily authoritative.*

*Please refer to the Commission's web site for the actual policies to the Sentencing Guidelines discussed in this presentation.*

<https://mn.gov/sentencing-guidelines/guidelines/>

For assistance, please e-mail [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)