

# Minnesota Sentencing Guidelines Commission

## Possible Modifications to the Sentencing Guidelines – Legislative Actions

The following legislative actions need to be reviewed and considered by the Commission as possible modifications to the Sentencing Guidelines.

**A. Amended Offenses.** The following existing offenses are amended by the 2013 Legislature. In some cases, the amendments expand definitional statements; in others, the amendments expand the scope of the offense.

**Commission Action:** For each offense listed below, taking the amendment into consideration, should the offense be re-ranked?

### 1. **Aggregation of Financial Exploitation of Vulnerable Adults – Minn. Stat. § 609.2335**

**Description:** Subdivision 4 is added to the law for financial exploitation of vulnerable adult statute (Minn. Stat. § 609.2335). The subdivision allows for aggregating the value of the money or property or services received by the defendant within a six-month period. The defendant is then charged according to the criminal penalties in subdivision 3.

<b>Effective Date:</b> August 1, 2013	<b>Reference:</b> <a href="#">Chapter 5 - H.F. 90;</a> <a href="#">2013 Minn. Stat. § 609.2335</a>
<b>Est. Bed Impact:</b> Minimal impact on state and local correctional resources.	<b>Racial Disparity Impact:</b> None expected.

**Guidelines Considerations:** Current law provides that a person who commits financial exploitation of a vulnerable adult as defined in Minn. Stat. § 609.2335, subdivision 1, clause (1) or (2) item (i), may be sentenced under the theft statute (Minn. Stat. § 609.52, subd. 3). The theft statute provides that monetary values of over \$1,000 are felonies. The Commission ranks financial exploitation of a vulnerable adult over \$1,000 at Severity Level 4; more than \$5,000 at Severity Level 5; and more than \$35,000 at Severity Level 7.

The amendment to the law allowing aggregation of offenses within a six-month period may result in an increase in the number of people who are charged with felony-level offenses and who receive felony sentences. This may also result in an increase in the number of felony offenses sentenced at higher severity levels. For

example, without aggregation, two separate incidents of theft occurring on different dates, each with a monetary value of \$3,000, would each be ranked at Severity Level 4; however, under aggregation the monetary values for the two offenses would be combined for a monetary value of \$6,000, which is ranked at Severity Level 5.

**MSGC Staff Recommendation:** Maintain the current Severity Level rankings in Minn. Sentencing Guidelines § 5:

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
609.2335	Financial Exploitation of Vulnerable Adult (Over \$35,000)	7
609.2335	Financial Exploitation of Vulnerable Adult (Over \$5,000)	5
609.2335	Financial Exploitation of Vulnerable Adult (\$5,000 or Less)	4

**Link to MN Revisor of Statutes (Relevant Text Below):** [2013 Minn. Laws Ch. 5.](#)

Section 1. Minnesota Statutes 2012, section 609.2335, is amended by adding a subdivision to read:

**Subd. 4. Aggregation.** In any prosecution under this section, the value of the money or property or services received by the defendant within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of subdivision 3; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.  
**EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2012, section 609.2335, is amended by adding a subdivision to read:

**Subd. 5. Venue.** Notwithstanding anything to the contrary in section 627.01, an offense committed under this section may be prosecuted in: (1) the county where any part of the offense occurred; or (2) the county of residence of the victim or one of the victims.  
**EFFECTIVE DATE.** This section is effective August 1, 2013.

Presented to the governor March 12, 2013

Signed by the governor March 14, 2013, 2:14 p.m.

*From Revisor of Statutes, State of Minnesota on May 6, 2013 at*

[https://www.revisor.mn.gov/laws/?id=5&year=2013&type=0.](https://www.revisor.mn.gov/laws/?id=5&year=2013&type=0)

**B. New Offenses.** The following new offenses are enacted by the Legislature during the 2013 legislative session.

**Commission Action:** One of the responsibilities of the Commission is to assign severity level rankings to new crimes and to consider whether they should be added to the list in § 6 of offenses eligible for permissive consecutive sentences. The Commission bases its decisions, in part, on the level of harm caused by the offense and the culpability of the offender. Statutory maximums are also considered.

Question 1: What severity level should be assigned to these new offenses?

Question 2: Should the offense be eligible for permissive consecutive sentencing?

### **1. Emergency Telephone Calls and Communications (Minn. Stat. § 609.78)**

**Description:** New offenses are added to the law for emergency telephone calls and communications.

A new misdemeanor offense is established in subd. 1 (6), if a person “makes or initiates an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center’s resources, remains silent, or makes abusive or harassing statements to the call recipient.” The first conviction or adjudication is a misdemeanor; the second is a gross misdemeanor under subd. 2 (3); the third or subsequent is a felony with a 5-year statutory maximum under subd. 2b (1).

A new felony is added with a 5-year statutory maximum in subd. 2b (2), if a person “intentionally uses multiple communication devices or electronic means to block, interfere with, overload, or otherwise prevent the emergency call center’s system from functioning properly, and these actions make the system unavailable to someone needing emergency assistance.”

A new gross misdemeanor offense is created in subd. 2 (2) if a person “places an emergency call and reports a fictitious emergency with the intent of prompting an emergency response...” Under subd. 2a, it is a felony with a 10-year statutory maximum if a person commits the offense in subd. 2 (2), and “the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death.”

<b>Effective Date:</b> August 1, 2013	<b>References:</b> <a href="#">Chapter 20 - S.F. 1168</a> ; <a href="#">2012 Minn. Stat. § 609.78</a>
<b>Est. Bed Impact:</b> Minimal impact on state and local correctional resources.	<b>Racial Disparity Impact:</b> No impact expected.

**Guidelines Considerations:**

- **Consider when ranking offenses with 5-year Statutory Maximums** – Misdemeanor-level assault offenses and violation of restraining order are elevated to felony-level for third and subsequent offenses. Those felonies have five-year statutory maximums and are ranked at Severity Level 4. Interference with emergency communications under Minn. Stat. § [609.776](#), is an existing felony offense with a 3-year statutory maximum. It is ranked at Severity Level 5.
- **Consider when ranking offense with 10-year Statutory Maximum resulting in serious injury or death** – Second-degree manslaughter through culpable negligence, Minn. Stat. § [609.205](#) (1), has a 10-year statutory maximum and is ranked at Severity Level 8. Manslaughter is an offense eligible for permissive consecutive sentencing in Minn. Sentencing Guidelines § 6. Second-degree manslaughter under this clause involves “culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another;...”

**MSGC Staff Recommendations:** Outlined in the table below are possible Severity Level rankings for the new offenses based on existing offenses with similar levels of harm and similar statutory maximums. The Commission must also decide if these offenses should be added to the list of eligible offenses for permissive consecutive sentencing in Minn. Sentencing Guidelines § 6:

<b>Statute Number</b>	<b>Offense Title</b>	<b>Statutory Maximum</b>	<b>Severity Level</b>	<b>Add to Permissive Consecutive List?</b>
609.78, subd. 2b(1)	Emergency telephone calls and communications; Making calls when no emergency exists with intent to disrupt (third or subsequent)	5 years	4 or 5	
609.78, subd. 2b(2)	Emergency telephone calls and communications; blocks, interferes, prevents using multiple communication devices or electronic means	5 years	5	

Statute Number	Offense Title	Statutory Maximum	Severity Level	Add to Permissive Consecutive List?
609.78, subd. 2a	Emergency telephone calls and communications; reporting fictitious emergency resulting in serious injury	10 years	8	

**Link to MN Revisor of Statutes (Relevant Text Below):** [2013 Minn. Laws Ch. 20.](#)

Section 1. Minnesota Statutes 2012, section 609.78, is amended to read:

**609.78 EMERGENCY TELEPHONE CALLS AND COMMUNICATIONS.**

Subdivision 1. **Misdemeanor offenses.** Whoever does the following is guilty of a misdemeanor:

- (1) refuses to relinquish immediately a coin-operated telephone or a telephone line consisting of two or more stations when informed that the line is needed to make an emergency call;
- (2) secures a relinquishment of a coin-operated telephone or a telephone line consisting of two or more stations by falsely stating that the line is needed for an emergency;
- (3) publishes telephone directories to be used for telephones or telephone lines and the directories do not contain a copy of this section;
- (4) makes a call for emergency police, fire, medical, or ambulance service, knowing that no police, fire, or medical emergency exists; ~~or~~
- (5) interrupts, disrupts, impedes, or otherwise interferes with the transmission of a citizen's band radio channel communication the purpose of which is to inform or inquire about a medical emergency or an emergency in which property is or is reasonably believed to be in imminent danger of damage or destruction; or
- (6) makes or initiates an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center's resources, remains silent, or makes abusive or harassing statements to the call recipient.

Subd. 2. ~~Interference with emergency call; Gross misdemeanor offense offenses.~~

~~A person who~~ Whoever does the following is guilty of a gross misdemeanor:

- (1) intentionally interrupts, disrupts, impedes, or interferes with an emergency call or who intentionally prevents or hinders another from placing an emergency call, and whose conduct does not result in a violation of section 609.498, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both;
- (2) places an emergency call and reports a fictitious emergency with the intent of prompting an emergency response by law enforcement, fire, or emergency medical services personnel; or
- (3) violates subdivision 1, clause (6), after having been previously convicted or adjudicated delinquent for violating that clause.

Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death.

Subd. 2b. **Other felony offenses.** Whoever does the following is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) violates subdivision 1, clause (6), after having been previously convicted or adjudicated delinquent for violating that clause on more than one occasion; or  
(2) intentionally uses multiple communications devices or electronic means to block, interfere with, overload, or otherwise prevent the emergency call center's system from functioning properly, and these actions make the system unavailable to someone needing emergency assistance.

Subd. 3. **Definition.** (a) Except as provided in paragraph (b), for purposes of this section, "emergency call" means:

(1) a 911 call;

(2) any call for emergency medical or ambulance service; or

(3) any call for assistance from a police or fire department or for other assistance needed in an emergency to avoid serious harm to person or property, and an emergency exists.

(b) As used in subdivisions 1, clause (6); 2, clause (2); and 2a:

(1) "call" includes the use of any method of communication including, but not limited to: telephones, facsimiles, voice-over-Internet protocols, e-mail messages, text messages, and electronic transmissions of an image or video; and

(2) "emergency call" has the meaning given in paragraph (a) but does not require the existence of an emergency.

**EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Presented to the governor April 22, 2013.

Signed by the governor April 24, 2013, 10:52 a.m.

*From Revisor of Statutes, State of Minnesota on May 6, 2013 at <https://www.revisor.mn.gov/laws/?id=20&year=2013&type=0>.*

## **2. Wildfire Arson (Minn. Stat. § 609.5641)**

**Description:** Wildfire arson is defined as intentionally setting a fire to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material. It is amended to add new offenses for which the statutory maximums are based on the number of buildings, acres, or size of crop loss that are damaged or threatened with damage.

- The statutory maximum is ten years when the fire damages or threatened to damage in excess of five dwellings, burns 500 or more acres or damages crops in excess of \$100,000.

- The statutory maximum is 20 years when the fire damages or threatened to damage in excess of 100 dwellings, burns 1,500 or more acres or damages crops in excess of \$250,000.
- Additionally, a clause is added for intentionally setting a fire where the fire causes another person to suffer demonstrable bodily harm. The statutory maximum is ten years.

<b>Effective Date:</b> August 1, 2013	<b>References:</b> <a href="#">Chapter 139 - H.F. 228</a> ; <a href="#">2012 Minn. Stat. § 609.5641</a>
<b>Est. Bed Impact:</b> Minimal impact on state and local correctional resources.	<b>Racial Disparity Impact:</b> No impact expected.

**Guidelines Considerations:** Current law provides that the statutory maximum for wildfire arson is five years. The Commission currently ranks wildfire arson at Severity Level 2.

- **Consider when ranking 20-year Statutory Maximum** – First-degree arson is defined under Minn. Stat. § [609.561](#) as intentionally destroying or damaging a dwelling or other building. The statutory maximum is 20 years. The Commission ranks first-degree arson at Severity Level 8. It is on the list of offenses eligible for permissive consecutive sentencing.
- **Consider when ranking 10-year Statutory Maximum** – Second-degree arson is defined under Minn. Stat. § [609.562](#) as intentionally destroying or damaging any building not covered in first-degree arson. The statutory maximum is 10 years. The Commission ranks second-degree arson at Severity Level 5. It is not on the list of offenses eligible for permissive consecutive sentencing.
- **Consider when ranking 10-year Statutory Maximum with Demonstrable Bodily Harm** – In current law, *felony demonstrable bodily harm* offenses are limited to:
  1. Assault in the fourth degree under Minn. Stat. § [609.2231](#) of peace officers, firefighters, DNR employees, correctional employees, secure treatment personnel, and probation officers performing duties. The statutory maximum is two years. The Commission ranks the offense at Severity Level 1.
  2. False imprisonment; unreasonable restraint of children under Minn. Stat. § [609.255](#), subd. 3. The statutory maximum is two years. The Commission ranks the offense at Severity Level 3.

**MSGC Staff Recommendations:** Maintain the Severity Level 2 ranking for wildfire arson under the recodified subd. 1a(a), because it meets the current definition of the offense and the statutory maximum does not change.

Outlined in the table below are possible Severity Level rankings for the new offenses based on existing offenses with similar levels of harm and similar statutory maximums. The Commission must also decide if these offenses should be added to the list of eligible offenses for permissive consecutive sentencing in Minn. Sentencing Guidelines § 6:

<b>Statute Number</b>	<b>Offense Title</b>	<b>Statutory Maximum</b>	<b>Severity Level</b>	<b>Add to Permissive Consecutive List?</b>
609.5641 subd. 1a(a)	Wildfire Arson	5 years	2	
609.5641 subd. 1a(b)	Wildfire Arson (Damage over 5 dwellings, burns 500 acres or more, or crops in excess of \$100,000)	10 years	5	
609.5641 subd. 1a(c)	Wildfire Arson (Damage over 100 dwellings, burns 1,500 acres or more, or crops in excess of \$250,000)	20 years	8	
609.5641 subd. 1a(d)	Wildfire Arson (Demonstrable Bodily Harm)	10 years	5	

**Link to MN Revisor of Statutes (Relevant Text Below):** [2013 Minn. Laws Ch. 139](#).

Section 1. Minnesota Statutes 2012, section 609.5641, subdivision 1, is amended to read:  
 Subdivision 1. **Setting wildfires.** A person ~~is guilty of a felony~~ who intentionally sets a fire to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material is guilty of a felony and may be sentenced as provided in subdivision 1a.  
**EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2012, section 609.5641, is amended by adding a subdivision to read:  
Subd. 1a. **Penalty: felonies.** (a) Except as provided in paragraphs (b), (c), and (d), a person who violates subdivision 1 may be sentenced to imprisonment for not more than

five years or to payment of a fine of not more than \$10,000, or both.

(b) A person who violates subdivision 1 where the fire threatens to damage or damages in excess of five buildings or dwellings, burns 500 acres or more, or damages crops in excess of \$100,000, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$15,000, or both.

(c) A person who violates subdivision 1 where the fire threatens to damage or damages in excess of 100 buildings or dwellings, burns 1,500 acres or more, or damages crops in excess of \$250,000, may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$25,000, or both.

(d) A person who violates subdivision 1 where the fire causes another person to suffer demonstrable bodily harm may be sentenced to imprisonment for not more than ten years or to payment of a fine of \$15,000, or both.

(e) For purposes of this section, a building or dwelling is threatened when there is a probability of damage to the building or dwelling requiring evacuation for safety of life.

**EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2012, section 609.5641, subdivision 3, is amended to read:

Subd. 3. **Penalty; Restitution.** ~~(a) A person who violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.~~

~~(b) A person who violates subdivision 2 may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

~~(c) In addition to the sentence otherwise authorized, the court may order a person who is convicted of violating this section to pay fire suppression costs and, damages to the owner of the damaged land, costs associated with injuries sustained by a member of a municipal or volunteer fire department in the performance of the member's duties, and any other restitution costs allowed under section 611A.04.~~

~~**EFFECTIVE DATE.** This section is effective August 1, 2013.~~

~~Presented to the governor May 22, 2013.~~

~~From Revisor of Statutes, State of Minnesota on May 24, 2013 at~~

~~<https://www.revisor.mn.gov/laws/?id=139&doctype=Chapter&year=2013&type=0>.~~

**C. Gross Misdemeanors/Targeted Misdemeanors.** Minn. Sentencing Guidelines § 2.B.3 provides that prior non-traffic gross misdemeanors and misdemeanors on the targeted misdemeanor list defined in Minn. Stat. § [299C.10](#), subd. 1(e) count towards an offender's criminal history score. Following is a list of new gross misdemeanors enacted during the 2013 Legislative Session. No Commission action is requested. The offenses have been listed for your information. No new targeted misdemeanors were enacted in 2013.

**1. Gross Misdemeanor Emergency Telephone Calls and Communications  
(Minn. Stat. § 609.78)**

As described in section B (above), a new misdemeanor offense is established in subd. 1 (6), if a person "makes or initiates an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center's resources, remains silent, or makes abusive or harassing statements to the call recipient." The first conviction or adjudication is a misdemeanor; the second is a gross misdemeanor under subd. 2 (3); the third or subsequent is a felony with a 5-year statutory maximum under subd. 2b (1).

**Effective Date:** August 1, 2013

**References:** [Chapter 20 - S.F. 1168](#); [2012 Minn. Stat. § 609.78](#).

**2. Gross Misdemeanor Assault in the Fourth Degree against a Transit Operator  
(Minn. Stat. § 609.2231)**

A new gross misdemeanor is established for assaulting a transit operator, or intentionally throwing or transferring bodily fluids onto a transit operator.

**Effective Date:** August 1, 2013

**References:** [Chapter 133 - H.F. 590](#); [2012 Minn. Stat. § 609.2231](#).

**3. Gross Misdemeanor Violation by Body Art Technician  
(Minn. Stat. § 146B.03, subd. 11)**

A gross misdemeanor penalty provision is added for performing tattooing or body piercing without a license.

**Effective Date:** August 1, 2013

**References:** [Chapter 43, Sec. 26 - S.F. 887](#); [2012 Minn. Stat. § 146B.03](#).

## Other Legislative Action

The 2013 Legislature reinstated a presumptive executed sentence for repeat sex offenders. The Commission must decide if it wishes to specifically address it in the Guidelines.

### 1. Presumptive Executed Sentences for Repeat Sex Offenders

**Description:** Minn. Stat. § 609.3455, was amended to provide for presumptive executed prison sentences of at least 36 months for offenders sentenced for first-through fourth-degree criminal sexual conduct offenses under Minn. Stat. §§ 609.342 to 345, and criminal sexual predatory conduct under Minn. Stat. § 609.3453, if the offender has a previous sex offense conviction. The court may stay execution of the presumptive sentence if it finds that the offender is accepted by and can respond to a long-term inpatient treatment program for sex offenders. If the sentence is stayed, the court must include as conditions of probation some term of incarceration in a local facility and a requirement that the offender successfully complete the treatment program and aftercare.

<b>Effective Date:</b> August 1, 2013	<b>References:</b> <a href="#">Chapter 86, Art 3, Sec. 10 - S.F. 671</a> ; <a href="#">2012 Minn. Stat. § 609.3455</a>
<b>Est. Bed Impact:</b> 5 prison beds per year.	<b>Racial Disparity Impact:</b> No impact expected.

**Guidelines Considerations:** Currently, Minn. Sentencing Guidelines § 2.C.3.a, addresses how to find the presumptive sentence for sex offenders who qualify for life sentences under Minn. Stat. § 609.3455.

**MSGC Staff Recommendations:** Modify Minn. Sentencing Guidelines § 2.C.3.a, to address presumptive executed prison sentences of at least 36 months for repeat sex offenders, as outlined below:

#### 3. Finding the Presumptive Sentence for Certain Offenses.

- a. Sex Offenses. Under Minn. Stat. § 609.3455, certain sex offenders are subject to mandatory life sentences and certain repeat sex offenders are subject to presumptive executed prison sentences of at least 36 months.  
(1) Mandatory Life Sentence. The Sentencing Guidelines presumptive sentence does not apply to offenders subject to mandatory life without the possibility of release under subdivision 2 of that statute. For offenders subject to life with the possibility of release under subdivisions 3 and 4 of that statute, the court must specify a minimum

term of imprisonment, based on the Sentencing Guidelines presumptive sentence as determined in section 2.C, or any applicable mandatory minimum sentence not contained in Minn. Stat. § 609.3455, that must be served before the offender may be considered for release.

(2) Presumptive Executed Prison Sentences of at least 36 Months. Except when a life sentence applies, if the current conviction offense is criminal sexual conduct in the first, second, third, or fourth degree (Minn. Stat. §§ 609.342 to 345) or criminal sexual predatory conduct (609.3453) within 15 years of a previous sex offense conviction, under Minn. Stat. § 609.3455, subd. 10, the presumptive disposition is commitment. The presumptive duration is at least 36 months, or the fixed duration indicated in the appropriate cell on the Grid, whichever is longer.

**Link to MN Revisor of Statutes (Relevant Text Below):** [2013 Minn. Laws Ch. 86, Art 3, Sec. 10](#)

Sec. 10. Minnesota Statutes 2012, section 609.3455, is amended by adding a subdivision to read:

Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

**EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Presented to the governor May 21, 2013.

*From Revisor of Statutes, State of Minnesota on May 24, 2013 at*

<https://www.revisor.mn.gov/laws/?id=86&doctype=Chapter&year=2013&type=0>.

## D. Technical Modifications

The following statute was recodified in 2010. The Guidelines must be corrected.

### 1. Overworking or mistreating animals

**Description:** The 2010 Legislature amended the statute for overworking or mistreating animals. A new gross misdemeanor for harming a service animal that renders the service animal unable to perform its duties was inserted as paragraph (e); the felony offenses that follow the gross misdemeanor were renumbered.

**Effective Date:** August 1, 2010

References: [2010 Chapter 292, § 2](#); 2009 Minn. Stat. § [343.21](#)

**MSGC Staff Recommendation:** Correct Minn. Sentencing Guidelines § 5.

#### 5.A. OFFENSE SEVERITY REFERENCE TABLE

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Severity Level	Offense Title	Statute Number
UNRANKED	Service Animal Providing Service	343.21, subd. 9 <del>(e)</del> <del>(g)</del> <del>(f)</del> <del>(h)</del>
UNRANKED	Torture or Cruelty to Pet or Companion Animal	343.21, subd. 9(c)(d) <del>(f)</del> <del>(h)</del> <del>(g)</del> <del>(i)</del>

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#### 5.B. SEVERITY LEVEL BY STATUTORY CITATION

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Statute Number	Offense Title	Severity Level
343.21, subd. 9 <del>(e)</del> <del>(g)</del> <del>(f)</del> <del>(h)</del>	Service Animal Providing Service	UNRANKED
343.21, subd. 9(c)(d) <del>(f)</del> <del>(h)</del> <del>(g)</del> <del>(i)</del>	Torture or Cruelty to Pet or Companion Animal	UNRANKED

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