MINNESOTA
SENTENCING GUIDELINES COMMISSION

Notice of Public Hearing

Proposed Amendments to the Sentencing Guidelines and Commentary

Date of notice: November 9, 2026
Date of hearing: December 10, 2026

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, December 10, 2026, at 1:00 p.m., in Minnesota Senate Building Room 1150, 95 University Avenue West, Saint Paul, Minnesota 55155. A remote-participation option will be available: Members of the public may monitor and participate in the hearing remotely, and some Commission members may participate by interactive technology. Refer to the website (mn.gov/sentencing-guidelines) for information on how to attend the public hearing remotely.

People are encouraged to participate and offer comments. Anyone wishing to testify may register in advance; registration instructions will be posted on the Commission's web site. If you require special accommodations to attend the public hearing, please contact the Minnesota Sentencing Guidelines Commission staff as soon as possible. The Commission will hold the record open for five calendar days after the public hearing to accept written comment. Instructions on how to submit written materials are posted on the Commission's website. Written materials must be received no later than December 15, 2026.

After the written comment period ends, the proposed modifications will be subject to final action by the Commission at its meeting on Thursday, December 17, 2026; meeting details will be posted on the Commission's website. Any modifications adopted at that meeting will be submitted to the Legislature no later than January 15, 2027. By operation of Minn. Stat. § 244.09, subd. 11, such proposed modifications will take effect August 1, 2027, unless the Legislature by law provides otherwise.

This notice, which is available in alternative formats upon request, was posted on the MSGC web site on November 9, 2026.

Proposed Modifications

The public hearing is being held to consider proposed modifications to the 2026 Minnesota Sentencing Guidelines and Commentary resulting from the Commission's ongoing mandate to meet as necessary for the purpose of modifying and improving the Guidelines. The proposed changes are:

A. Ranking identity theft over $35,000 at severity level 7 (a description of the nature and effect of which begins on this page);
B. Reforming the Guidelines' policy on sentencing multiple current offenses (a description of the nature and effect of which begins on p. 3); and
C. Restructuring the Sentencing Guidelines (a description of the nature and effect of which begins on p. 5).

A. Ranking Identity Theft Over $35,000 at Severity Level 7

By a 10-to-2 vote at its meeting on November 5, 2026, and as a result of its comprehensive review of the Sentencing Guidelines, the Commission proposes to reduce the severity-level ranking of Identity Theft (8 or More Direct Victims or Loss Over $35,000), from severity level 8 to severity level 7, as shown below:

Proposed amendments to the August 1, 2026, Minnesota Sentencing Guidelines and Commentary, effective August 1, 2027.

5.A. Offense Severity Reference Table

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

* * *

Severity Level	Offense Title	Statute Number
8	* * *	
	~~Identity Theft (8 or More Direct Victims or Loss Over $35,000)~~	~~609.527, subd. 3(5)~~
	* * *	
7	* * *	
	Identity Theft (8 or More Direct Victims or Loss Over $35,000)	609.527, subd. 3(5)
	* * *	

5.B. Severity Level by Statutory Citation

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

Statute Number	Offense Title	Severity Level
* * *		
609.527, subd. 3(5)	Identity Theft (8 or More Direct Victims or Loss Over $35,000)	~~8~~7
* * *		

B. Reforming the Guidelines' Policy on Sentencing Multiple Current Offenses

By a 9-to-3 vote at its meeting on November 5, 2026, and as a result of its comprehensive review of the Sentencing Guidelines, the Commission proposes to: 1) expand the list of exceptions to including prior felonies in criminal history; and 2) add a mitigating factor to allow departures from Hernandized sentences.

1. Expanding the list of exceptions to including prior felonies in criminal history

When more than one crime is committed in a single behavioral incident, Minn. Stat. § 609.035 generally bars double punishment. There are many statutory exceptions to this general rule. For two or more crimes committed as part of a single course of conduct, the Guidelines place limits on criminal history if one of the crimes falls under any of the following statutory exceptions to the double-punishment bar:

- kidnapping (Minn. Stat. § 609.251);
- burglary (§ 609.585); and
- exposing a child or vulnerable adult to certain drugs or related chemicals (Minn. Stat. § 152.137).

Unless there were multiple victims, the Guidelines limit the criminal history of such offenses as follows:

- At sentencing, the first conviction and sentence does not increase the criminal history score for the offense sentenced later; and
- In the future, only the offense at the highest severity level is included in the defendant's criminal history score.

The proposal would expand the Guidelines' existing limits to include situations where one of two or more crimes committed in a single behavioral incident falls under any of the following statutory exceptions to the double-punishment bar:

- a crime involving harm or death to an unborn child (Minn. Stat. §§ 609.2114 & 609.2691);
- first- through fourth-degree criminal sexual conduct with force or violence (§§ 609.342 to 609.345);
- fleeing a peace officer (§ 609.487); and
- first-degree arson (§ 609.561).

All of the above crimes are, and would remain, eligible for permissively consecutive sentencing if the other crime is also found on the list of eligible offenses; for offenses listed in the first and fourth bullets, both crimes must also be presumptive commitments for permissively consecutive sentencing to apply.

The proposal to limit the contribution to criminal history of some crimes committed as part of the same behavioral incident as other crimes is shown below:

Proposed amendments to the August 1, 2026, Minnesota Sentencing Guidelines and Commentary, effective August 1, 2027.

* * *

2. Determining Presumptive Sentences

* * *

B. Criminal History

* * *

1. Prior Felonies.

* * *

d. Assigning Felony Weights – Previous Court Appearances Resulting in Multiple Sentences. Following are exceptions to including prior felonies in criminal history when multiple felony sentences were imposed in a previous court appearance:

(1) Single Course of Conduct / Multiple Sentences. When multiple sentences for a single course of conduct were imposed under Minn. Stats. §§ 152.137, 609.2114, 609.251, 609.2691, 609.342, 609.343, 609.344, 609.345, 609.487, 609.561, or 609.585 ~~or 609.251~~, include in criminal history only the weight from the offense at the highest severity level.

(2) Single Course of Conduct / Multiple Victims. When multiple offenses arising from a single course of conduct involving multiple victims were sentenced, include in criminal history only the weights from the two offenses at the highest severity levels.

e. Assigning Felony Weights – Current Multiple Sentences. Multiple offenses sentenced at the same time before the same court must be sentenced in the order in which they occurred. As each offense is sentenced, include it in the criminal history on the next offense to be sentenced (also known as "Hernandizing") except as follows:

(1) Single Course of Conduct / Multiple Sentences. When multiple current convictions arise from a single course of conduct and multiple sentences are imposed on the same day under Minn. Stats. §§ 152.137, 609.2114, 609.251, 609.2691, 609.342, 609.343, 609.344, 609.345, 609.487, 609.561, or 609.585~~, or 609.251~~, the conviction and sentence for the "earlier" offense does not increase the criminal history score for the "later" offense.

(2) Single Course of Conduct / Multiple Victims. When multiple current convictions arise out of a single course of conduct in which there were multiple victims, weights are given only to the two offenses at the highest severity levels.

* * *

2. Add a mitigating factor to allow departures from Hernandized sentences

The "*Hernandez* method" is the Guidelines' process for sentencing multiple offenses at the same time before the same court. After each offense is sentenced in the order in which it occurred, it is included in the criminal history applicable to the next offense to be sentenced. A proposal to add a new mitigating factor, applicable to cases where application of the "*Hernandez* method" would produce a presumptive sentence that unduly exaggerates the offenses' criminality, to the nonexclusive list of factors which, if identified, articulated, and supported by substantial and compelling reasons, may support a mitigated departure from the Sentencing Guidelines' presumptive sentence, is shown below:

Proposed amendments to the August 1, 2026, Minnesota Sentencing Guidelines and Commentary, effective August 1, 2027.

* * *

2. Determining Presumptive Sentences

* * *

D. Departures from the Guidelines

* * *

3. Factors that may be used as Reasons for Departure. The following is a nonexclusive list of factors that may be used as reasons for departure:

* * *

a. Mitigating Factors.

* * *

(11) The person's criminal history score, as determined under Guideline 2.B.1(e) via the "*Hernandez* method," produces a presumptive sentence that unduly exaggerates the criminality of the offenses being sentenced.

* * *

C. Restructuring the Sentencing Guidelines

By a unanimous vote at its meeting on November 5, 2026, and as a result of its comprehensive review of the Sentencing Guidelines, the Commission proposes to restructure the Sentencing Guidelines entirely and to repeal, for the time being, the commentary and appendices.

Most of the proposed changes are intended to be stylistic and organizational, following the Minnesota Revisor's familiar style for the Minnesota Statutes, except that a statutory "section" is referred to as a "guideline." Terms such as "offender" are replaced with people-first language. Potentially ambiguous provisions are clarified, and some comments are promoted to Guidelines language.

In some instances, the Commission is proposing new policy. Although the Guidelines have always treated a prior felony stay of imposition as a felony in criminal history, they are not explicit about the effect of a discharge without a prison sentence—at which point Minn. Stat. § 609.13 deems the conviction to be for a misdemeanor. In addressing this question, the Commission proposes to follow the statute: once a felony stay of imposition is successfully discharged, it will be counted as a misdemeanor if the defendant is ever sentenced again (guidelines 2.31 & 2.32).

Other new policies introduce precision in how to calculate sentence durations when they are modified from the lengths on the sentencing grids. To avoid potential mathematical ambiguity, an order of operations is introduced (guideline 2.60); to avoid sentences with small fractions of months, a new rounding rule is proposed for percentage modifiers (guideline 2.64); and to comply with the Guidelines' charter statute, a new 20-percent above, 15-percent below range calculator is applied after durational modification is complete (guideline 2.66).

Finally, the Commission proposes to narrow the conditions under which, in qualifying circumstances, the execution of a presumptively stayed sentence is permissible without departure. To restore the Commission's original intent, as explained by staff, execution will be permitted only for the consecutive offense, and only if the older offense is already executed (guidelines 2.55 & 2.73).

In addition, several other changes are intended merely to catch the Guidelines up to the law as it is already understood to be:

- A stayed adult sentence in an EJJ disposition, being part of the EJJ statute's design, is not a departure (guidelines 1.20 & 6.20).
- Per case law, the amelioration doctrine affects effective dates (guideline 1.30).
- New rules of construction specify that the commentary and appendices are not binding, consistent with case law, and adapt other rules of construction from Minnesota Statutes (guideline 1.40).
- Deleted the "more onerous than usual" language in the drug kingpin aggravating factor, as it had never been construed by appellate courts as a separate requirement from the 11 factors that follow (guideline 6.50).
- Added a general limitation on using an element of the crime, or of another crime, as an aggravating factor, consistent with case law (guideline 6.50).

The proposed restructured Guidelines are here presented twice: First in a redline format, and second in a "clean" format. In keeping with one of the expected outcomes of this project—the ability to convert the Guidelines into a portable, accessible, translatable, web-based format—the proposed restructured Guidelines are presented a third time in a web-based format here.

Various immaterial changes are not redlined. This includes changes in capitalization or font style (such as underlining or bolding), and changes to leading section, paragraph, or clause numbers (including letters and bullets). In addition, the offense lists in chapter 7 do not mark changes to the sequence in which offenses are listed, and global style changes to the lists—such as to the formatting of statutory citations or the rearrangement of columns—are not marked. Finally, the newly added "history" section at the bottom of each guideline is not marked.

Ordinarily, redlining is applied to the original document—in this case, the 2026 Sentencing Guidelines. Because this proposal completely reorganizes the Guidelines, however, such redlining would be unreadable. Instead, the 2026 Guidelines are chopped into various sections, and those 2026 sections are marked up in the appropriate place or places in the restructured Guidelines. To aid the reader in following this, the number of each 2026 section is redlined as deleted text at the beginning of the redlining of that section.

To find how and where a particular part of the current Guidelines is represented in this proposal, refer to the reference table in Appendix 1. Conversely, to find the origins of a particular guideline in the proposed restructured Guidelines, refer to the "history" section at the end of the guideline.

If the Commission adopts a version of this proposal and a version of proposal A, B, or both, MSGC staff would attempt to harmonize the version of proposal A, B, or both, with the structure and style of the restructured Guidelines, before submitting the combined proposal to the Legislature.

The following are proposed amendments to the August 1, 2026, Minnesota Sentencing Guidelines and Commentary, effective August 1, 2027. Not shown, but included in the proposed amendments, is the deletion of the entire commentary and appendices. The table of contents are not part of the proposed amendments.

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MINNESOTA SENTENCING GUIDELINES ~~AND COMMENTARY~~

CHAPTER 1

~~[1]~~ PURPOSE; APPLICABILITY; ~~AND~~ DEFINITIONS

1.10 ~~[1.A] STATEMENT OF~~ PURPOSE AND PRINCIPLES.

Subdivision 1. **Purpose.** The purpose of the Sentencing Guidelines is to establish rational and consistent sentencing standards that promote public safety, reduce sentencing disparity, and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the criminal history of the person being sentenced.

Subd. 2. **Principles.** (a) The ~~Sentencing Guidelines shall embody the following~~ principles~~:~~ in this subdivision describe the ideals embodied in the Sentencing Guidelines.

(b) In establishing and modifying the Sentencing Guidelines, public safety is the Commission's primary consideration ~~shall be public safety, including~~ . Public safety includes consideration of the long-term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5. ~~Public safety is furthered by~~ Sentences that work to reduce future crimes and victimizations through means such as rehabilitation, deterrence, incapacitation, and effective community supervision further public safety. In some cases, ~~it~~ public safety is furthered by reasonable caution in the choice of sanctions that could hinder reintegration into the law-abiding community.

(c) Sentencing should be neutral with respect to the race, gender, social, or economic status of those convicted of felonies.

(d) The severity of the sanction should increase in direct proportion to an increase in offense severity ~~or~~ , criminal history, or both. This promotes a rational and consistent sentencing policy. Proportionate sentence severity is measured against the blameworthiness of the person being sentenced and the harms done, or risked, to victims and the community in the current offense.

(e) The weight given to the criminal history score advances the Guidelines' goals of public safety and proportionality. The score reflects policy judgments that prior convictions are an important indicator of a person's risk of recidivism, and that they may add to the blameworthiness of the commission of the current offense. The criminal history score is not meant to impose cumulative penalties for prior offenses that have previously been punished.

(f) Commitment to the Commissioner of Corrections is the most severe sanction that can be imposed for a felony conviction, but it is not the only significant sanction available to the court.

(g) Because state and local correctional facility capacity is finite, confinement should be imposed only for those convicted of more serious offenses or who have longer criminal histories. To ensure such usage of finite resources, sanctions used in sentencing those

convicted of felonies should be the least restrictive necessary to achieve the purposes of the sentence.

(h) Although the Sentencing Guidelines are advisory to the court, the presumptive sentences are deemed appropriate ~~for the felonies covered by them. **[1.B.13] Presumptive Sentence.** "Presumptive sentences" are those sentences provided on the Sentencing Guidelines. They are presumptive because they are presumed to be appropriate~~ for all typical cases sharing criminal history and offense severity characteristics. ~~**[1.A.7]**~~ Therefore, departures from the presumptive sentences established in the Sentencing Guidelines ~~should~~ may be made only when the court can identify and articulate substantial and compelling circumstances ~~can be identified and articulated~~ that justify a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 1.A & 1.B.13; restructured 2027.*

1.20 APPLICABILITY.

Subdivision 1. ~~**[2]**~~ **Applicability in general.** (a) The ~~presumptive sentence for any offender convicted of a felony~~ Sentencing Guidelines apply to all adult sentences for convictions of felonies committed on or after May 1, 1980.

(b) ~~, is determined by~~ The Sentencing Guidelines in effect on the date ~~of~~ the conviction offense took place (see guideline 1.30) determine the presumptive sentence, except that:

(1) if multiple offenses are an element of the conviction offense, the date of the conviction offense must be determined by the factfinder~~:~~; and

(2) if offenses have been aggregated ~~under one of the following statutes, or~~ as ~~otherwise~~ permitted by statute, the date of the earliest offense ~~should~~ must be used as the date of the conviction offense~~:~~.

~~**Statute Number**~~	~~**Offense Title**~~
~~349.2127, subds. 2 and 6~~	~~Gambling Regulations~~
~~609.322, subd. 1c~~	~~Sex Trafficking~~
~~609.52, subd. 3(5)~~	~~Theft~~
~~609.527, subd. 7~~	~~Identity Theft~~
~~609.535, subd. 2a(b)~~	~~Issuance of Dishonored Checks~~
~~609.551, subd. 3~~	~~Rustling and Livestock Theft~~
~~609.595~~	~~Criminal Damage to Property~~
~~609.631, subd. 4~~	~~Check Forgery~~
~~609.632, subd. 5~~	~~Counterfeiting Currency~~
~~609.763, subd. 3~~	~~Lawful Gambling Fraud~~
~~609.821, subd. 3~~	~~Financial Transaction Card Fraud~~
~~609.86, subd. 3(2)~~	~~Commercial Bribery~~
~~609.893, subd. 3~~	~~Telecommunications Fraud~~
~~609.895, subd. 3~~	~~Counterfeited Intellectual Property~~

Subd. 2. ~~**[3.D]**~~ **Applicability to juveniles.** The Sentencing Guidelines apply when determining:

(1) whether a juvenile may be certified as an adult pursuant to Minn. Stat. § 260B.125, subds. 3(2) and 4(1) and (2);

(2) the ~~appropriate~~ presumptive sentence for a juvenile certified as an adult under Minn. Stat. § 260B.125; ~~or~~

(3) whether the proceeding may be designated as an extended jurisdiction juvenile (EJJ) prosecution pursuant to Minn. Stat. § 260B.130, subd. 1(2); or

(4) the presumptive duration of the stayed adult sentence pronounced as part of ~~the~~ an EJJ disposition imposed ~~for a juvenile convicted as an extended jurisdiction juvenile~~ under Minn. Stat. § 260B.130, subd. 4(a)(2).

Subd. 3. ~~**[2.E.4] Mandatory**~~ **Life sentences.** (a) The Sentencing Guidelines do not apply to a mandatory life ~~imprisonment sentences for first-degree murder and for sex offenses subject to~~ sentence under Minn. Stat. § ~~609.3455, subdivision 2, are not governed by the Guidelines~~ 609.106, 609.185, or 609.2661.

(b) Regarding a mandatory life sentence under Minn. Stat. § 609.3455, the Sentencing Guidelines:

(1) do not apply to a sentence of life without the possibility of release imposed under subd. 2; and

(2) apply to a life sentence imposed under subd. 3 or 4 only to the extent described in guideline 2.63, subd. 4.

(c) Regarding Minn. Stat. § 609.385 (treason), see guideline 7.40 (unranked offenses).

History: *2026 Minn. Sentencing Guidelines & Commentary 2, 2.E.4, & 3.D; restructured 2027.*

1.30 ~~[3.G] MODIFICATIONS~~ EFFECTIVE DATE OF POLICY CHANGES.

Subdivision 1. **Policy modifications~~;~~ effective date.** (a) Except as provided in paragraph (b), modifications to ~~sections 1 through 8~~ chapters 1 to 7 of the ~~Minnesota~~ Sentencing Guidelines, and associated commentary and appendices, apply to ~~offenders whose~~ offenses with a date of offense ~~is~~ on or after the specified modification effective date.

(b) Pursuant to the amelioration doctrine, Sentencing Guidelines modifications that mitigate punishment apply to all cases whose conviction was not final as of the specified modification effective date, unless the legislature has made a clear statement of its intent to abrogate the doctrine.

(c) Pursuant to court rules and appellate decisions, a conviction becomes final when the district court has entered judgment of conviction and has imposed or stayed a sentence and every avenue of appellate review, whether by direct appeal or by petition for discretionary review by the Supreme Court of Minnesota or the Supreme Court of the United States, has either not been pursued in time or has been exhausted.

Subd. 2. ~~**Clarifications of Existing Policy.** Modifications~~ **Commentary and appendices; effective date.** Changes and clarifications to commentary and appendices relating to existing Guidelines policy apply to ~~offenders~~ those sentenced on or after the specified effective date.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.G; restructured 2027.*

1.40 CONSTRUCTION.

(a) Commentary and appendices are advisory and not binding on the courts.

(b) The following are mere catchwords to indicate the contents of the matter that follows, and are not part of the Guidelines:

(1) headnotes printed in boldface type before chapters, subchapters, guidelines, subdivisions, paragraphs, and clauses; and

(2) example offenses printed in italics before the severity levels on the sentencing grids.

History: *Adopted 2027.*

1.50 ~~[1.B]~~ DEFINITIONS.

Subdivision 1. **Applicability.** As used in these Sentencing Guidelines ~~(or "Guidelines")~~, the following terms have the meanings given.

Subd. 2. **Applicable grid.** "Applicable grid" means, for an offense listed in guideline 7.10, 7.20, or 7.30, the standard grid, the sex offense grid, or the drug offense grid, respectively. For an unranked offense, the applicable grid is the grid containing the severity level assigned by the court under guideline 2.20, subd. 3. When an offense includes a sentence modifier, such as attempt or conspiracy, the applicable grid is the grid applicable to the underlying offense, except that, for an attempt or conspiracy to commit first-degree murder, the applicable grid is found in guideline 2.43.

Subd. 3. **Commission.** "Commission," when capitalized but not the first word of a sentence, means the Minnesota Sentencing Guidelines Commission.

Subd. 4. **Commitment.** "Commitment" ~~occurs when the offender is sentenced~~ is the act of sentencing someone to the custody of the Commissioner of Corrections.

Subd. 5. **Concurrent sentence.** ~~When the court orders sentences to be~~ "Concurrent~~," the court is ordering~~ sentence" means that multiple sentences must be served at the same time.

Subd. 6. **Consecutive sentence.** ~~When the court orders sentences to be~~ "Consecutive~~," the court is ordering~~ sentence" means that multiple sentences must be served one after the other in the manner described in ~~section 2.F~~ guidelines 2.70 to 2.75.

Subd. 7. **Conviction.** "Conviction" has the meaning given in Minn. Stat. § 609.02, subd. 5.

Subd. 8. **Criminal history score.** ~~The~~ "Criminal history score" ~~is comprised of~~ means the total number of points assigned to a person based on the criminal history factors detailed in ~~section 2.B~~ guidelines 2.30 to 2.36. The horizontal axis on the applicable grid represents the ~~offender's~~ criminal history score.

Subd. 9. **Current offense; current conviction offense.** "Current offense" or "current conviction offense" means the Minnesota felony offense for which a person is, for the first time after conviction, receiving a stayed or imposed sentence, and to which the Guidelines are being applied.

Subd. 10. **Departure.** ~~A~~ "Departure" ~~is~~ means a pronounced sentence other than ~~that~~ the presumptive sentence recommended in ~~the appropriate cell on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence~~ chapter 2. A departure may take the form of a dispositional departure, a durational departure, or a departure from a policy in guidelines 2.70 to 2.75 (concurrent and consecutive sentences). One sentence may include any combination of these departures.

Subd. 11. ~~**[1.B.6]**~~ **Departure report.** ~~A~~ "Departure report" ~~is a~~ means the form referred to in Minn. R. Crim. P. 27.03, subd. 4(C), which must, when the court pronounces a sentence that is a departure, be completed by the ~~sentencing~~ court ~~when the court pronounces a sentence that is a departure from the presumptive sentence. Under Minn. R. Crim. P. 27.03, subd. 4(c) , the form must be completed~~ and submitted to the Sentencing Guidelines Commission within 15 days after sentencing.

Subd. 12. ~~**[1.B.5.a]**~~ **Dispositional departure.** ~~A~~ "Dispositional departure" ~~occurs when the court orders~~ means a disposition ~~other than that~~ ordered by the court that is different from the disposition recommended in ~~the Guidelines~~ chapter 2. A dispositional departure includes:

(1) ~~Aggravated Dispositional Departure.~~ an ~~"~~aggravated dispositional departure~~"~~, which occurs when ~~the Guidelines recommend~~ chapter 2 recommends a stayed sentence but the court pronounces ~~a~~ an executed prison sentence~~.~~; and

(2) ~~Mitigated Dispositional Departure.~~ a ~~"~~mitigated dispositional departure~~"~~, which occurs when ~~the Guidelines recommend~~ chapter 2 recommends ~~a~~ an executed prison sentence but the court stays the sentence.

Subd. 13. **Durational departure.** ~~A~~ "Durational departure" ~~occurs when~~ means a sentence ordered by the court ~~orders a sentence~~ with a prison duration ~~other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid~~ that is not within the presumptive duration recommended in chapter 2. A durational departure includes:

(1) ~~**Aggravated Durational Departure.**~~ an ~~"~~aggravated durational departure~~"~~, which occurs when the court pronounces a prison duration that ~~is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid.~~ is longer than the presumptive duration; and

(2) ~~**Mitigated Durational Departure.**~~ a ~~"~~mitigated durational departure~~"~~, which occurs when the court pronounces a prison sentence that is ~~more than 15 percent lower than the fixed~~ shorter than the presumptive duration ~~displayed in the appropriate cell on the applicable Grid~~, including a stayed or imposed misdemeanor or gross misdemeanor sentence.

Subd. 14. [Reserved.]

Subd. 15. ~~**[1.B.7]**~~ **Executed sentence.** ~~An~~ "Executed sentence" ~~is~~ means the total period of time for which ~~an inmate is committed~~ a court commits a person to the custody of the Commissioner of Corrections (~~sent~~ *i.e.*, sends the person to prison). Under Minn. Stat. § 244.101, ~~the~~ for those committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, an executed sentence consists of the following two parts: ~~a minimum term of imprisonment and a maximum period of supervised release.~~

(1) **Term of Imprisonment.** For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the " a minimum term of imprisonment" (incarceration) is equal to two-thirds of the executed sentence.; and

(2) **Supervised Release Term.** For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the " a maximum supervised release term" is a period of mandatory community supervision, which is served following the end of the term of imprisonment, and is equal to one-third of the executed sentence less any applicable disciplinary confinement period. A supervised release term is a period of mandatory community supervision served immediately following the end of the term of imprisonment.

Subd. 16. **Extended jurisdiction juvenile (EJJ).** An "Extended jurisdiction juvenile" is means a child who, under the procedures in Minn. Stat. § 260B.130, has been given a stayed adult sentence and a juvenile disposition, and for whom jurisdiction of the juvenile court may continue until the child's twenty-first 21st birthday.

Subd. 17. **Factfinder; finder of fact.** The "Factfinder" or "finder of fact" means the person or body who determines the facts in the case, and . The factfinder or finder of fact may be either the court or the jury.

[1.B.10] Hernandize. "Hernandize" (or "Hernandizing") is the unofficial term for the process described in section 2.B.1.e of counting criminal history when multiple offenses are sentenced on the same day before the same court.

Subd. 18. **Guidelines.** "Guidelines," when capitalized but not the first word of a sentence, means these Minnesota Sentencing Guidelines.

Subd. 19. **Local confinement.** "Local confinement" is means a term of incarceration of up to one year required to be served in a local facility, and may be pronounced by the court . Under Minn. Stat. § 609.135, subd. 4, a court may order up to one year of local confinement as a condition of probation.

Subd. 20. **Mandatory minimum.** The "Mandatory minimum" is a minimum executed sentence duration means the shortest length of imprisonment specified in statute for offenders that the court must impose on a person convicted of certain a specified felony offenses offense.

Subd. 21. **Non-Minnesota.** "Non-Minnesota" means not governed by the law of the State of Minnesota as applied by a court established or authorized under the Minnesota Constitution, article VI. The term includes, without limitation, the application of Minnesota law by a tribal court, a court-martial, or a court of the United States.

Subd. 22. **Presumptive sentence.** (a) "Presumptive sentences sentence" are those sentences means the sentence provided on the Sentencing Guidelines and recommended by chapter 2. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics. Some presumptive sentences include provisions regarding concurrent and consecutive sentencing (see guidelines 2.70 to 2.75), but every presumptive sentence includes the following:

(1) **Presumptive Disposition.** The " a presumptive disposition", which is the recommendation for either a presumptive commitment or a presumptively stayed sentence.; and

~~(1) **Presumptive Commitment.** A "presumptive commitment" is a recommended disposition of imprisonment for cases contained in cells outside of the shaded area on the Grids.~~

~~(2) **Presumptive Stayed Sentence.** A "presumptive stayed sentence" is a recommendation for a stayed sentence for cases contained in the cells within the shaded area on the Grids.~~

(2) ~~**Presumptive Duration.** The "~~ a presumptive duration~~" is~~ , which consists of the ~~recommended~~ presumptive fixed sentence length, in months ~~found in the appropriate cell on the applicable Grid.~~, and a presumptive range.

(b) Pursuant to Minn. Stat. § 244.09, subd. 5(2), the durations of the presumptive range extend from 15 percent shorter than the presumptive fixed sentence (the "lower range") to 20 percent longer than the presumptive fixed sentence (the "upper range"). The presumptive duration must not exceed the statutory maximum, be shorter than any mandatory minimum that applies, or be shorter than 12 months.

~~c. **Presumptive Range.** The "presumptive range" is provided for each presumptive fixed duration. Pursuant to Minn. Stat. § 244.09, subd. 5(2), the range is 15 percent lower and 20 percent higher than the fixed duration displayed in each cell on the Grids.~~

~~d. **Lower Range.** The "lower range" is that portion of the presumptive range that is shorter than the fixed presumptive duration.~~

Subd. 23. **Sentence modifier.** ~~A~~ "Sentence modifier" ~~is~~ means a statute or Guidelines policy that aids in defining the punishment for the underlying offense. A sentence modifier can affect either ~~or both~~ the presumptive duration ~~and~~ or the presumptive disposition ~~of the presumptive sentence~~ , or both. See ~~section 2.G~~ guidelines 2.50 to 2.66 for policies relating to determining the presumptive sentence for offenses that include a sentence modifier.

Subd. 24. **Sentencing Guidelines ~~grids~~ grid; grid.** ~~The~~ "Sentencing Guidelines ~~grids~~ grid" ~~(~~or "~~grids~~ grid"~~)~~ means any of the tables that display presumptive sentences for felony offenses according to the severity level of the offense (vertical axis) and ~~offender's~~ criminal history score of the person being sentenced (horizontal axis). The grids include:

(1) ~~**[1.B.15.c] Standard Grid.**~~ the ~~"~~standard grid~~"~~, guideline 3.10, which displays the presumptive sentences for felony offenses ~~not on the Sex Offender Grid or Drug Offender Grid.~~ listed in guideline 7.10;

(2) ~~**[1.B.15.a] Sex Offender Grid.**~~ the ~~"~~sex ~~Offender~~ offense grid~~"~~, guideline 3.20, which displays the presumptive sentences for criminal sexual conduct, other sex offenses, and failure to register as a predatory offender, ~~and related offenses as shown on the Sex Offender Grid.~~ as listed in guideline 7.20;

(3) ~~**Drug Offender Grid.**~~ the ~~"~~drug ~~Offender~~ offense grid~~"~~, guideline 3.30, which displays the presumptive sentences for controlled substance crime~~, failure to affix stamp,~~ and related offenses, as ~~shown on the Drug Offender Grid.~~ listed in guideline 7.30; and

(4) a special one-row grid for attempt or conspiracy to commit first-degree murder, as provided in guideline 2.43.

~~**[1.B.16] Sentencing Worksheet.** The "Sentencing Worksheet" (or "Worksheet') is a form completed by probation at the direction of the court under Minn. Stat. § 609.115, subd. 2a. The~~

~~Worksheet reflects the severity of the current conviction offense, applicable history as calculated under Sentencing Guidelines policies, and the presumptive sentence as reflected in the appropriate cell of the applicable Grid. A separate Worksheet should be completed for all felony-level offenses receiving a stayed or imposed sentence, or a stay of imposition. This includes offenses that receive a life sentence and felony convictions for which the court imposes a gross misdemeanor or misdemeanor sentence.~~

Subd. 25. **Severity level.** (a) ~~The~~ "Severity level" ~~is a~~ means the ranking ~~assigned~~ the Commission assigns to ~~each~~ a felony offense ~~by the Sentencing Guidelines Commission~~ to indicate ~~the~~ its seriousness ~~of the offense~~. The Commission assigns a ranking to each felony offense listed in guidelines 7.10 to 7.30 as follows:

(1) ~~Felony~~ offenses~~, other than sex and drug offenses, are arranged~~ on the standard grid ~~into eleven levels of severity, ranging from high (Severity Level 11) to low (Severity Level 1).~~ are assigned severity levels 11 (high) to 1 (low) in guideline 7.10;

(2) ~~Sex~~ offenses ~~are arranged~~ on the sex ~~Offender~~ offense grid ~~into nine severity levels, ranging from high (Severity Level A) to low (Severity Level I).~~ are assigned severity levels A (high) to I (low) in guideline 7.20; and

(3) ~~Drug~~ offenses ~~are arranged~~ on the drug ~~Offender~~ offense grid ~~into nine levels of severity, ranging from high (Severity Level D9) to low (Severity Level D1). Offenses listed within each severity level are deemed equally serious~~ are assigned severity levels D9 (high) to D1 (low) in guideline 7.30.

(b) The vertical axis on the applicable grid represents the severity level of the conviction offense. The Commission deems offenses at the same severity level to be equally serious.

Subd. 26. **Statutory maximum.** ~~The~~ "Statutory maximum" ~~is~~ means the maximum sentence duration provided for ~~the~~ an offense in statute (*e.g.*, "imprisonment for not more than 15 years").

Subd. 27. **Stayed sentence.** "Stayed sentence" means a sentence for a felony conviction primarily served in the community rather than in the custody of the Commissioner of Corrections. A ~~"~~stayed sentence~~"~~ may be accomplished ~~by either a stay of imposition or a stay of execution. There are two steps in sentencing: the imposition of a sentence and the execution of the sentence imposed. The imposition of sentence consists of pronouncing the sentence to be served in prison (for example, three years imprisonment). The execution of an imposed sentence consists of transferring the felon to the custody of the Commissioner of Corrections to serve the prison sentence.~~ in either of the following ways:

(1) ~~**Stay of Imposition.**~~ A ~~"~~stay of imposition~~"~~ occurs when the court accepts and records a finding or plea of guilty, but, rather than ~~does not~~ impose (or pronounce) a prison sentence, the court stays imposition of the sentence. If the ~~offender~~ person successfully completes the stay, the case is discharged, and the conviction is deemed a misdemeanor under Minn. Stat. § 609.13~~, but is still~~ and is included in criminal history under ~~section 2.B~~ guideline 2.32.

(2) ~~**Stay of Execution.**~~ A ~~"~~stay of execution~~"~~ occurs when the court accepts and records a finding or plea of guilty~~,~~ and imposes (or pronounces) a prison sentence ~~is pronounced~~, but ~~is not executed~~, rather than execute the sentence and send the person to prison, the court stays

execution of the imposed sentence. If the ~~offender~~ person successfully completes the stay, the case is discharged, but the ~~offender~~ person continues to have a record of a felony conviction, which is included in criminal history under ~~section 2.B~~ guideline 2.31.

History: *2026 Minn. Sentencing Guidelines & Commentary 1.B; restructured 2027.*

CHAPTER 2

~~[2]~~ DETERMINING THE PRESUMPTIVE ~~SENTENCES~~ SENTENCE

2.10 PRESUMPTIVE SENTENCE IN GENERAL.

~~[2]~~ The presumptive sentence is generally found in the cell of the appropriate grid located at the intersection of the criminal history score and the severity level. ~~The Grids represent the two dimensions most important in sentencing decisions.~~

History: *2026 Minn. Sentencing Guidelines & Commentary 2; restructured 2027.*

~~[2.A]~~ OFFENSE SEVERITY

2.20 DETERMINING OFFENSE SEVERITY.

Subdivision 1. ~~[2.A.1]~~ **General rule.** The applicable offense severity level is ~~determined by~~ the level assigned to the conviction offense, not the charging offense. The severity level for each felony offense is found in ~~section 5.A, Offense Severity Reference Table~~ guidelines 7.10 to 7.30 (severity levels by grid) and restated in guideline 7.50 (all offenses by statutory citation).

Subd. 2. ~~[2.A.3] First-Degree Murder.~~ ~~A severity level has not been assigned to first-degree murder because by law~~ **Life sentences.** Offenses for which the punishment by law is a mandatory life sentence, including first-degree murder, have not been assigned a severity level; see guidelines 1.20, subd. 3, and 2.43.

Subd. 3. ~~[2.A.4]~~ **Unranked offenses.** (a) ~~Some~~ The offenses listed in guideline 7.40 are designated as unranked offenses. If an offense is omitted from guidelines 7.10 to 7.30 and 7.50, the offense is considered unranked.

(b) When ~~the court sentences~~ sentencing an unranked offense, the court must assign an appropriate severity level for the offense and specify on the record why that particular level was assigned. The court may consider, but is not limited to, the following factors:

(1) the gravity of the specific conduct underlying the unranked offense;

(2) the severity level assigned to any ranked offense with elements that are similar to the elements of the unranked offense;

(3) the conduct of and severity level assigned to ~~other offenders~~ others sentenced for the same unranked offense; and

(4) the severity level assigned to ~~other offenders~~ others engaged in similar conduct.

~~If an offense is omitted from the Offense Severity Reference Table , the offense is considered unranked.~~

Subd. 4. ~~[2.A.5]~~ **Attempts, conspiracies, and ~~Other Sentence Modifiers~~ similar statutes.** ~~When the~~ (a) The severity level for a current offense that includes a sentence modifier, such as attempt or conspiracy, ~~the severity level is found by determining~~ is the severity level ~~for~~ of the underlying offense. ~~Determining~~ The presumptive ~~sentence~~ duration for these offenses ~~is described in section 2.G~~ must be adjusted pursuant to guidelines 2.62 to 2.65.

(b) **[5.B]** 609.2241 The severity level for knowing transfer of a communicable disease ... See section 2.A.5 to determine the presumptive sentence under Minn. Stat. § 609.2241 is the severity level of the underlying offense.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.A.1, 2.A.3 to 5, & 5.B; restructured 2027.*

2.25 OFFENSE SEVERITY FOR THEFT OFFENSES.

Subdivision 1. **Theft offenses with an assigned severity level.** If guideline 7.10 assigns a specific severity level to the current offense, the specific severity level applies. Thus, for example, regardless of value:

(1) **[Comment 2.A.05]** For Theft of a Motor Vehicle to be ranked at Severity Level 4, the offender must be convicted under the general theft statute, Minn. Stat. § 609.52, subd. 2(a)(1), and the offense must involve theft of a motor vehicle. It is the Commission's intent that any conviction involving the permanent theft of a motor vehicle be ranked at Severity Level 4, regardless of the value of the motor vehicle. permanent theft of a motor vehicle is ranked at severity level 4 if the conviction is under the general theft statute, Minn. Stat. § 609.52, subd. 2(a)(1), and the offense involves theft of a motor vehicle; and

(2) motor vehicle use without consent is ranked at severity level 3 if the conviction is under Minn. Stat. § 609.52, subd. 2(a)(17).

Subd. 2. **Theft offense list.** For offenses listed in guideline 7.60 (theft offenses) that are not assigned a specific severity level in guideline 7.10, the severity level is either:

(1) severity level 2 when the monetary value is $5,000 or less; or

(2) severity level 3 when the monetary value exceeds $5,000.

Subd. 3. **[2.A.2]** **Theft creating a risk of harm.** If Minn. Stat. § 609.52, subd. 3a(a)(2), applies to a felony theft offense, the severity level ranking is elevated by one severity level from that listed on the Offense Severity Reference Table. established in subdivisions 1 and 2.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.A.2 & Comment 2.A.05; restruc-tured 2027.*

CRIMINAL HISTORY

2.30 [2.B] CRIMINAL HISTORY SCORE.

The horizontal axis on divides the Sentencing Guidelines grids is the into columns based on possible criminal history score scores. An offender's individual's criminal history score is the sum of points from eligible:

(1) prior felonies; and

(2) prior misdemeanors and gross misdemeanors.

This section details the requirements for calculating the criminal history points in each of these areas. This section also details the requirements for calculating criminal history points for convictions from jurisdictions other than Minnesota and convictions for enhanced felonies.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B; restructured 2027.*

2.31 ~~[2.B.1]~~ POINTS FROM PRIOR FELONIES.

Subdivision 1. ~~[2.B.1] Assign a particular weight, as set forth in paragraphs a and b, to each extended jurisdiction juvenile (EJJ) conviction and~~ **Eligible prior felonies.** (a) Except as provided in subdivision 2, each felony conviction~~, provided that~~ is eligible for inclusion in the criminal history score if, before the current sentencing, a felony sentence was stayed or imposed ~~before the current sentencing~~ or a stay of imposition of sentence was given ~~before the current sentencing~~ for the conviction.

(b) For the purpose of this guideline, the imposition of an adult criminal sentence as part of the disposition of an extended jurisdiction juvenile (EJJ) prosecution is a felony conviction.

Subd. 2. **Eligibility; exceptions and limitations.** (a) The following exceptions and limitations apply to subdivision 1.

(b) ~~[2.B.1.g] Prior Offenses with~~ **No conviction.** ~~Assign no weight to an~~ An offense for which a judgment of guilty has not been entered before the current sentencing, such as a stay of adjudication or continuance for dismissal, is not a prior felony conviction for the purpose of this guideline.

(c) ~~[2.B.1.h]~~ **Non-felony sentence.** ~~When a~~ A prior felony conviction ~~resulted in a non-felony~~ where the imposed sentence was within the limits provided by law for a misdemeanor or gross misdemeanor ~~sentence (misdemeanor or gross misdemeanor), the conviction must be counted in the criminal history score as a~~ under Minn. Stat. § 609.13, subd. 1(1), is not a prior felony conviction for the purpose of this guideline, but is an eligible prior misdemeanor or gross misdemeanor conviction ~~as indicated in section 2.B.3~~ under guideline 2.32, subd. 2.

(d) **Discharged stay of imposition.** If, before the current sentencing, a prior stay of imposition for a felony conviction is deemed to be a misdemeanor under Minn. Stat. § 609.13, subd. 1(2), due to discharge without a prison sentence, the prior stay of imposition is not a prior felony conviction for the purpose of this guideline, but is an eligible misdemeanor conviction under guideline 2.32, subd. 2.

(e) ~~[2.B.1.c] Felony Decay Factor~~ **Decayed offenses.** ~~In computing the criminal history score,~~ A prior felony ~~sentence or stay of imposition following a felony~~ conviction ~~must not be used if all the following, to the extent applicable, occurred~~ is not eligible for inclusion in the criminal history score if, before the date of the current offense, either of the following occurred:

(1) the prior felony sentence or stay of imposition expired or was discharged~~;~~ without being executed and a period of ten years elapsed after the date of the initial sentence following the prior conviction; ~~and~~ or

(2) ~~if~~ the prior felony sentence was executed~~,~~ and a period of ten years elapsed after the date of expiration of the sentence.

(f) **Previous court appearances resulting in multiple sentences.** ~~Following are exceptions to including prior felonies in criminal history when~~ When multiple felony sentences were imposed in a previous court appearance, the following limitations apply:

(1) **Multiple sentences for a single course of conduct ~~/ Multiple Sentences~~.** ~~When~~ If multiple sentences for a single course of conduct were imposed under Minn. ~~Stats~~ Stat. §§ 152.137, 609.585, or 609.251, ~~include in criminal history~~ only ~~the weight from~~ the offense at the highest severity level is eligible for inclusion in the criminal history score.

(2) **Multiple victims in a single course of conduct ~~/ Multiple Victims~~.** ~~When~~ If multiple ~~offenses arising~~ sentences arose from a single course of conduct involving multiple victims ~~were sentenced~~, ~~include in criminal history~~ only ~~the weights from~~ the two offenses at the highest severity levels are eligible for inclusion in the criminal history score.

Subd. 3. **Felony point values.** (a) Each eligible prior felony conviction is assigned a felony point value as provided in paragraph (c) or (d), as applicable.

(b) ~~**[2.B.1]** The~~ A prior felony conviction's point value is based on the prior felony's severity level ~~ranking~~ in effect at the time the current offense was committed ~~determines the weight assigned to the prior offense~~. ~~**[2.B.1.f] Prior Offense with Attempt, Conspiracy, or Other Sentence Modifier.** When~~ Guidelines 2.35 and 2.36 govern the treatment of changed and non-Minnesota offenses. The severity level of a prior ~~offense~~ felony that included a sentence modifier, such as attempt~~,~~ or conspiracy, ~~or other sentence modifier as described in section 2.G,~~ is the severity level of the prior ~~conviction must be given the same felony weight as a completed offense~~ underlying offense.

(c) ~~**[2.B.1.a]**~~ **Current offense on standard grid or drug ~~Offender~~ offense grid.** If the current offense is not on the sex ~~Offender~~ offense grid, ~~determine~~ the ~~weight~~ felony point value assigned to each eligible prior felony ~~sentence according to~~ conviction is determined by its grid and severity level, as follows:

Current Offense on Standard Grid or Drug Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, D1 – D2	½
	3 – 5, D3 – D5	1
	6 – 8, D6 – D7	1½
	9 – 11, D8 – D9	2
	Murder 1st Degree	2
	A	2
	B – E	1½
	F – G	1
	H	½
	I	½ (for first offense); 1 (for subsequent offenses)

Standard Grid Severity Level	Sex Offense Grid Severity Level	Drug Offense Grid Severity Level	Felony Point Value
9, 10, 11, or first-degree murder	A	D8 or D9	2 points
6, 7, or 8	B, C, D, or E	D6 or D7	1-1/2 points
3, 4, or 5	F or G; or I if a second or subsequent offense	D3, D4, or D5	1 point
1 or 2	H; or I if a first offense	D1 or D2	1/2 point

(d) **~~[2.B.1.b]~~ Current offense on sex ~~Offender~~ offense grid.** if the current offense is on the sex ~~Offender~~ offense grid, ~~determine~~ the ~~weight~~ felony point value assigned to each eligible prior felony ~~sentence according to~~ conviction is determined by its grid and severity level, as follows:

Current Offense on Sex Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, D1 – D2	½
	3 – 5, D3 – D5	1
	6 – 8, D6 – D7	1½
	9 – 11, D8 – D9	2
	Murder 1st Degree	2
	A	3
	B – C	2
	D – E	1½
	F – H	1
	I	½ (for first offense); 1 (for subsequent offenses)

Standard Grid Severity Level	Sex Offense Grid Severity Level	Drug Offense Grid Severity Level	Felony Point Value
(Not applicable)	A	*(Not applicable)*	3 points
9, 10, 11, or first-degree murder	B or C	D8 or D9	2 points
6, 7, or 8	D or E	D6 or D7	1-1/2 points
3, 4, or 5	F, G, or H; or I if a second or subsequent offense	D3, D4, or D5	1 point

Standard Grid Severity Level	Sex Offense Grid Severity Level	Drug Offense Grid Severity Level	Felony Point Value
1 or 2	I if a first offense	D1 or D2	1/2 point

Subd. 4. **~~[2.B.1.e] Assigning Felony Weights – Current~~ Multiple current sentences.** Multiple offenses sentenced at the same time before the same court must be sentenced in the order in which they occurred. As each eligible felony offense is sentenced, ~~include~~ it is included in the criminal history ~~on~~ of the next offense to be sentenced ~~(also known as "Hernandizing")~~ except as follows:

(1) **Multiple sentences for a single course of conduct ~~/ Multiple Sentences~~.** When multiple current convictions arise from a single course of conduct and the court is imposing multiple sentences ~~are imposed~~ on the same day under Minn. ~~Stats~~ Stat. §~~§~~ 152.137, 609.585, or 609.251, the conviction and sentence for the ~~"earlier"~~ offense sentenced earlier does not increase the criminal history score for the ~~"later"~~ offense sentenced later.

(2) **Multiple victims in a single course of conduct ~~/ Multiple Victims~~.** When multiple current convictions arise out of a single course of conduct in which there were multiple victims, ~~weights are given~~ only ~~to~~ the two offenses at the highest severity levels are included in the criminal history of the next offense to be sentenced.

Subd. 5. **~~[2.B.1.i]~~ ~~Total Felony Points.~~ Felony point total.** The ~~felony point total~~ total number of felony points in the criminal history score is the sum of the felony ~~weights~~ point values of all eligible felony convictions. If ~~the~~ this sum ~~of the weights~~ results in a partial point, the ~~point value~~ total number of felony points must be rounded down to the nearest whole number.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.1; restructured 2027.*

2.32 ~~[2.B.3]~~ POINT FROM PRIOR GROSS MISDEMEANORS AND MISDEMEANORS.

Subdivision 1. ~~Prior gross misdemeanor and misdemeanor convictions count as units comprising criminal history points. Four units equal one criminal history point; give no partial point for fewer than four units. Determine units as specified in this section.~~ **~~[2.B.3.f] Maximum Assignment of Points.~~** ~~An offender cannot receive more than one point for prior misdemeanor or gross misdemeanor convictions.~~ **Gross misdemeanor and misdemeanor point calculation.** The existence of four or more eligible misdemeanor or gross misdemeanor convictions under the provisions of subdivision 2 contributes one point to the criminal history score. There is no partial point for fewer than four eligible convictions, and no more than one criminal history point may result from this guideline.

Subd. 2. **~~[2.B.3.a] General Assignment of Units.~~** ~~Assign the offender one unit for~~ **Eligible prior misdemeanor or gross misdemeanor convictions.** Except as provided in subdivision 3, each ~~prior~~ conviction of any of the following offenses ~~provided the offender received~~ is an eligible misdemeanor or gross misdemeanor conviction if, before the current sentencing, a stayed or imposed sentence or stay of imposition ~~for the conviction before the current sentencing~~ was given for the conviction:

(1) a "targeted misdemeanor," as defined in Minn. Stat. § 299C.10, subd. 1(e);

(2) a non-traffic gross misdemeanor;

(3) any of the following traffic gross ~~misdemeanor~~ misdemeanors: driving while impaired~~;gross misdemeanor~~ , refusal to submit to a chemical test~~; gross misdemeanor~~ , or reckless driving;

(4) ~~a~~ any felony ~~conviction resulting in~~ where the imposed sentence was within the limits provided by law for a misdemeanor or gross misdemeanor ~~sentence~~ under Minn. Stat. § 609.13, subd. 1(1); or

(5) any felony that is deemed to be a misdemeanor under Minn. Stat. § 609.13, subd. 1(2), due to discharge of a prior stay of imposition without a prison sentence.

Subd. 3. **Exceptions and limitations.** (a) Each of the following is not an eligible misdemeanor or gross misdemeanor conviction:

(1) ~~**[2.B.3.e] Decay Factor.** A~~ any prior misdemeanor or gross misdemeanor ~~sentence or stay of imposition following a misdemeanor or gross misdemeanor conviction must not be used in computing the criminal history score~~ conviction if seven years have elapsed between the date of the initial sentence following the prior conviction and the date of the current offense~~. However, misdemeanor sentences that result from the successful completion of a stay of imposition for a felony conviction are subject to the felony decay factor in section 2.B.1.c.~~;

(2) ~~**[2.B.3.b] Gross Misdemeanors Sentenced as Misdemeanors.** A~~ any gross misdemeanor conviction resulting in a misdemeanor sentence for an offense not defined as a targeted misdemeanor under Minn. Stat. § 299C.10, subd. 1(e) ~~must not be used to compute units.~~;

(3) ~~**[2.B.3.g] Enhanced Felonies .** When the current offense is a felony solely because the offender has previous convictions for misdemeanor and gross misdemeanor offenses, do not assign units for the~~ any prior misdemeanor or gross misdemeanor ~~conviction(s) upon which the enhancement is based.~~ conviction used to enhance the current offense to a felony;

(4) ~~**[2.B.3.h] Prior Misdemeanor or Gross Misdemeanor Driving While Impaired (DWI) Committed by Juvenile Offenders.** Assign no units under this section if the offender was 16 or 17 years old when the prior~~ any conviction for a misdemeanor or gross misdemeanor ~~DWI was~~ driving while impaired (DWI) committed~~, and the DWI was~~ while age 16 or 17 and processed in adult court under Minn. Stat. § 260B.225, subds. 3 and 8.

(b) ~~**[2.B.3.c]**~~ **Limitation; multiple sentences for a single course of conduct** ~~**/ Multiple Sentences**~~**.** ~~When~~ If multiple sentences for a single course of conduct were imposed under Minn. Stat. ~~§§~~ § 152.137, 609.585, or 609.251, ~~the offender must not be assigned more than one unit~~ no more than one of the offenses may contribute to the criminal history score pursuant to subdivision 1.

(c) ~~**[2.B.3.d]**~~ **Limitation; multiple victims in a single course of conduct** ~~**/ Multiple Victims**~~**.** ~~When~~ If multiple offenses were sentenced arising from a single course of conduct involving multiple victims ~~were sentenced~~, ~~assign only~~ no more than ~~the~~ two ~~most severe~~ of the offenses ~~units in~~ may contribute to the criminal history score pursuant to subdivision 1.

Subd. 4. ~~**[2.B.7.a] ...**~~ **Petty misdemeanors.** Offenses that are petty misdemeanors by statute, or that are certified as or deemed to be petty misdemeanors under Minn. R. Crim. P. 23, must not be used to compute the criminal history score.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.3 & 2.B.7.a; restructured 2027.*

2.35 ~~[2.B.7]~~ DETERMINING OFFENSE LEVELS FOR PRIOR OFFENSES.

Subdivision 1. **Classification of prior offense.** The classification of a prior offense as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony is determined by current Minnesota offense definitions (see Minn. Stat. § 609.02, subds. ~~2 4a~~ 2 to 4a) and sentencing policies. ~~Offenses that are petty misdemeanors by statute, or that are certified as or deemed to be petty misdemeanors under Minn. R. Crim. P. 23, must not be used to compute the criminal history score.~~

Subd. 2. **Monetary threshold.** When a monetary threshold determines the offense classification, the monetary threshold in effect when the prior offense was committed, not the current threshold, determines the offense classification in calculating the criminal history score.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.7; restructured 2027.*

2.36 ~~[2.B.5]~~ CONVICTIONS FROM JURISDICTIONS OTHER THAN MINNESOTA.

Subdivision 1. **In general.** The state has the burden of proving the facts at sentencing necessary to justify consideration of ~~an out-of-state~~ a non-Minnesota conviction in the criminal history score, and the court must make the final determination as to whether and how a prior non-Minnesota conviction should be counted in the criminal history score. The court should consider, but is not limited to, the factors in ~~paragraphs b through e~~ subdivisions 2 to 5, below. ~~Sections 2.B.1 through 2.B.7~~ Guidelines 2.31 to 2.36 govern the use of these convictions.

Subd. 2. **How to count.** (a) Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The section in which to count the non-Minnesota offense in criminal history depends on:

(1) whether the offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; and

(2) the sentence imposed.

(b) An offense may be counted as a felony only if it would both be defined as a felony in Minnesota, and the offender received a sentence of 366 days or more, which includes the equivalent of a stay of imposition. The offense definitions in effect when the current Minnesota offense was committed govern the designation of non-Minnesota convictions as felonies, gross misdemeanors, or misdemeanors.

Subd. 3. **Assigning felony ~~Weights~~ point values.** ~~Section 2.B.1~~ Guideline 2.31 governs the ~~weight of~~ point value assigned to a prior non-Minnesota felony conviction ~~from a jurisdiction other than Minnesota, and~~ , which must be based on the severity level of the equivalent Minnesota felony offense.

Subd. 4. **Federal offenses; no Minnesota equivalent.** Federal felony offenses that received a sentence that in Minnesota would be a felony-level sentence, but for which no comparable Minnesota offense exists, must receive a weight of one in computing the criminal history score.

Subd. 5. **Juvenile offenses from other jurisdictions.** Minnesota law governs the inclusion in the criminal history score of a prior felony offense from a non-Minnesota jurisdiction ~~other than Minnesota~~ committed by ~~an offender~~ a person who was under 18 years old. The prior can be included only if the factfinder determines that it is an offense for which the ~~offender~~ person would have been certified to adult court if it had occurred in Minnesota.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.5; restructured 2027.*

~~[2.C]~~ PRESUMPTIVE SENTENCE

2.40 ~~[2.C.1]~~ FINDING THE PRESUMPTIVE SENTENCE.

The presumptive sentence for a felony conviction is found in the appropriate cell on the applicable grid located at the intersection of the criminal history score (horizontal axis) and the severity level (vertical axis). The current conviction offense determines the severity level. The ~~offender's~~ criminal history score is computed according to ~~section 2.B above~~ guidelines 2.30 to 2.36.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.1; restructured 2027.*

2.41 ~~[2.C.1.a]~~ PRESUMPTIVE DISPOSITION.

(a) Each cell in the Sentencing Guidelines grids is either shaded or not shaded. Shading indicates whether the presumptive disposition is a stayed or executed sentence.

(b) ~~For cases contained in cells outside of the~~ If the appropriate cell on the applicable grid is not shaded ~~areas~~, the presumptive disposition is commitment and the sentence should be executed.

(c) ~~For cases contained in cells within the~~ If the appropriate cell on the applicable grid is shaded ~~areas~~, the presumptive disposition is a stayed sentence and the sentence should be stayed unless ~~the conviction offense carries a mandatory minimum sentence. Section 3.A~~ a policy in guidelines 2.50 to 2.55 applies. Chapter 4 governs conditions of stayed sentences.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.1.a; restructured 2027.*

2.42 ~~[2.C.1.b]~~ PRESUMPTIVE DURATION.

Subdivision 1. **Display of presumptive sentence and range.** Each cell on the grids provides a fixed presumptive sentence duration. As required by Minn. Stat. § 244.09, each cell also provides a presumptive range of time for that sentence. The court may sentence within that range without the sentence being a durational departure.

Subd. 2. **Sentence of one year and one day.** If a cell, or other Guidelines policy, provides a fixed sentence duration of 12 months, a sentence duration of one year and one day is permissible without departure. ~~Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitments. The Guidelines provide both a fixed presumptive duration and a range of time for that sentence except as provided in section 2.C.3.c(1).~~

Subd. 3. **Modifications.** The presumptive duration may be modified as described in guidelines 2.60 to 2.66.

Subd. 4. **~~[2.C.1.c] Presumptive Sentence Durations that Exceed the~~ Statutory maximum sentence.** ~~If the presumptive sentence duration in the appropriate cell on the applicable Grid exceeds~~ A sentence must not exceed the statutory maximum sentence for the conviction offense~~,~~. To the extent the appropriate cell on the applicable grid indicates a sentence that would exceed the statutory maximum ~~is~~ , the statutory maximum must be used as the presumptive ~~sentence~~ duration. ~~See Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Table in Appendix 3.~~

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.1.b & c; restructured 2027.*

2.43 ~~[2.G.12]~~ ATTEMPT OR CONSPIRACY TO COMMIT FIRST-DEGREE MURDER.

Subdivision 1. ~~When an offender is sentenced~~ **Presumptive sentences.** For an attempt or conspiracy to commit either first-degree murder ~~in the first degree~~ under Minn. Stat. § 609.185 or first-degree murder of an unborn child ~~in the first degree~~ under Minn. Stat. § 609.2661, the presumptive disposition is commitment. The presumptive durations are as follows:

CONVICTION OFFENSE	CRIMINAL HISTORY SCORE							Custody status
	0	1	2	3	4	5	6 or more	
Attempt or conspiracy to commit murder 1st degree	180 *153–216*	190 *162–228*	200 *170–240*	210 *179–240*[1]*	220 *187–240*[1]*	230 *196–240*[1]*	240 *204–240*[1]*	+10

Subd. 2. **Notes.** In this grid, an asterisk indicates that the statutory maximum penalty limits the upper end of the range. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. See guideline 2.61 for an explanation of the custody status column.

~~[1] 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.~~

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.12; restructured 2027.*

~~[2.E] MANDATORY SENTENCES~~ MODIFYING THE PRESUMPTIVE DISPOSITION

2.50 MODIFYING A PRESUMPTIVE DISPOSITION FROM A STAY TO COMMITMENT.

(a) **Dispositional modifiers.** Notwithstanding guideline 2.41 (presumptive disposition), when a policy in guideline 2.51 or 2.52 applies to the current offense, the presumptive disposition is commitment.

(b) **Dispositional departure.** Granting a stay of imposition or stay of execution to a sentence modified under guideline 2.51 or 2.52 is a dispositional departure.

(c) **Presumptive duration not altered.** A modification to the presumptive disposition under guidelines 2.50 to 2.55 does not alter the presumptive duration established in guidelines 2.42 and 2.60 to 2.66.

History: *Adopted 2027.*

2.51 STATUTES THAT MODIFY THE PRESUMPTIVE DISPOSITION.

Subdivision 1. **[2.E.1] In General rule.** When an offender is convicted of an offense with a statutory mandatory minimum sentence of one year and one day or more, the presumptive disposition is commitment even if the presumptive sentence would ordinarily fall within the shaded area on the applicable Grid. … See Mandatory and Presumptive Sentences Reference Table in Appendix 1. (a) When a statute requires imprisonment for one year or more, the presumptive disposition is commitment, regardless of whether the statute provides a process for waiver of the imprisonment requirement. A stay of imposition or stay of execution pursuant to such a waiver process is a dispositional departure.

(b) Statutes that require imprisonment for one year or more may also modify the presumptive duration (see guideline 2.63, mandatory minimum durations).

(c) This guideline lists statutes that require imprisonment for one year or more. If such a statute applies to an offense for which guideline 2.41 already presumes commitment, however, the statute is not listed because its requirement does not modify the presumptive disposition.

Subd. 2. **[2.E.2] Specific Statutory Provisions statutes.** The following mandatory minimum provisions should be imposed as indicated. Statutes that modify the presumptive disposition include, but are not limited to, the following:

(1) **[2.C.3]** Finding the Presumptive Sentence for Certain Offenses. **[2.C.3.c]** Controlled Substance Offenses. **[2.C.3.c(2)] Second-degree controlled substance crime as a subsequent controlled substance convictions conviction.** If the current conviction offense is for a controlled substance crime in the first or second degree and is a "subsequent controlled substance conviction" as defined in Minn. Stat. § 152.01, subd. 16a, the presumptive disposition is commitment. Such a conviction triggers the presumptive commitment unless more than ten years have elapsed since discharge from sentence. If Minn. Stat. § 152.022, subd. 3(b), applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(2) **[2.E.2.d] Dangerous and Repeat Felony Offenders Third sequential violent felony.** When an offender is sentenced under If Minn. Stat. § 609.1095, subd. 3, applies, the presumptive disposition is commitment. The court must impose and execute the presumptive duration unless a longer mandatory minimum sentence is otherwise required by law or the court imposes a longer aggravated durational departure.

(3) **[2.E.2.b] Dangerous Weapon or Firearm Certain offenses involving firearms, other dangerous weapons, or ammunition.** Minn. Stat. § 609.11 establishes the mandatory sentence for offenses committed with a dangerous weapon or firearm, or for possession of a firearm by an ineligible felon. (1) Finding the Mandatory Sentence. Regardless of whether an offender would otherwise receive a presumptive stayed sentence under the Guidelines, the presumptive disposition for an offense subject to a mandatory sentence under Minn. Stat. § 609.11 is always commitment. … See Dangerous Weapons – Minn. Stat. § 609.11 Table in Appendix 2. (2) Departure. Minn. Stat. § 609.11, subd. 8 provides that the court, on its own motion or on the prosecutor's motion, may sentence without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing under subdivision 8 is a

~~departure as follows: (i) Dispositional Departure. A stay of execution or stay of imposition is a dispositional departure.~~ If Minn. Stat. § 609.11, subd. 4 or 5, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(4) ~~**[2.C.3.e]** Offenses Committed While Confined Under State or Local Authority. The presumptive disposition for escape from an executed sentence, felony assault committed by an inmate serving an executed term of imprisonment, assault on secure treatment facility personnel, or assault against a county sheriff or sheriff's deputy in a local correctional facility under the conditions described in Minn. Stat. § 609.2232(b)(1), (b)(2), or (b)(3), is commitment. Pursuant to section 2.F.1, it is presumptive for escape from an executed term of imprisonment and for felony assault committed by an inmate serving an executed term of imprisonment to be sentenced consecutively to the offense for which the inmate was confined. The presumptive duration is determined by the presumptive sentencing consecutive policy (see section 2.F.1, Presumptive Consecutive Sentences).~~ **Assaults against secure treatment facility personnel.** If Minn. Stat. § 609.2231, subd. 3a(d), applies, the presumptive disposition is commitment.

(5) ~~**[2.C.3.e & 2.F.1.b]** The presumptive disposition for … felony assault committed by an inmate serving an executed term of imprisonment … or assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy in a local correctional facility is always commitment.~~ **Assaults committed while confined.** If Minn. Stat. § 609.2232(a), (b)(1), (b)(2), or (b)(3) applies, the presumptive disposition for the assault is commitment. Guideline 2.72 or 2.73 (presumptively or permissively consecutive sentences) may also apply.

(6) ~~**[2.G.9.a] Offense**~~ **Crimes committed for the benefit of a gang.** ~~When an offender is sentenced for an offense committed for the benefit of a gang under Minn. Stat. § 609.229, subd. 3(a): a. Pursuant to~~ If Minn. Stat. § 609.229, subd. 4, applies, the presumptive disposition is ~~always~~ commitment~~; and~~. Guideline 2.65 (other policies that add to the presumptive duration) also applies.

(7) **Repeat or egregious sex offenses.** If Minn. Stat. § 609.3455, subd. 3, 4, or 10, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) may also apply.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.3, 2.C.3.b, c(2), d, & e, 2.E.1, 2.E.2, 2.E.2.b & d, 2.F.1.b, & 2.G.9.a; restructured 2027.*

2.52 GUIDELINES POLICIES THAT MODIFY THE PRESUMPTIVE DISPOSITION.

Subdivision 1. ~~**[2.C.3.d] Driving While Impaired (DWI) Offenses**~~ **Repeat first-degree DWI.** (a) If the current conviction is for ~~felony~~ first-degree driving while impaired (DWI) and ~~if, prior to the~~ a court stayed or imposed a felony sentence for a felony DWI, criminal vehicular homicide, or criminal vehicular operation before commission of the current offense~~, the offender had a previous conviction (as conviction is defined in Minn. Stat. § 609.02 subd. 5) for a felony DWI or for a criminal vehicular homicide or operation as defined in Minn. Stat. § 169A.24, subd. 1(3)~~, the presumptive disposition is commitment.

(b) A prior felony DWI or criminal vehicular homicide or operation ~~convictions trigger the presumptive commitment even if they have~~ conviction qualifies even if it has decayed for criminal history purposes as set forth in ~~section 2.B.1.c~~ guideline 2.31.

(c) As used in this subdivision, criminal vehicular homicide and criminal vehicular operation include the offenses listed in Minn. Stat. § 169A.24, subd. 1(3).

Subd. 2. **~~[2.C.3.b]~~ Repeat burglary of an occupied dwelling.** (a) If the current conviction offense is burglary of an occupied dwelling (Minn. Stat. § 609.582, subd. 1(a)) and ~~there was a previous conviction for a felony burglary before the current offense occurred,~~ a court stayed or imposed a felony sentence for a felony burglary before commission of the current offense, the presumptive disposition is commitment.

(b) A prior burglary ~~convictions trigger the presumptive commitment~~ conviction qualifies even if ~~they have~~ it has decayed for criminal history purposes as set forth in ~~section 2.B.1.c~~ guideline 2.31. ~~The presumptive duration for a burglary conviction falling under this section is the fixed duration indicated in the appropriate cell on the Grid.~~

Subd. 3. **~~[2.C.3.e & 2.F1.b]~~ Escape.** ~~For~~ If the current conviction offense is escape from an executed sentence, the presumptive disposition is commitment. Guideline 2.72 (presumptively consecutive sentences) also applies.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.3.b, d, & e, & 2.F.1.b; restructured 2027.*

2.55 PERMISSIVE COMMITMENT FOR CERTAIN CONSECUTIVE OFFENSES.

~~[2.F.2.a(2)] Other Offenses.~~ ~~Consecutive sentences for the following offenses are always permissive and there is no~~ It is not a dispositional departure ~~if the sentences are executed~~ to execute a sentence, regardless of whether the appropriate cell on the applicable grid indicates that the sentence should be stayed, if the court imposes the sentence consecutively to an executed sentence for a different offense pursuant to guideline 2.73, subd. 6.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.2.a(2); restructured 2027.*

~~[2.G] CONVICTIONS FOR ATTEMPTS, CONSPIRACIES, AND OTHER SENTENCE MODIFIERS~~ MODIFYING THE PRESUMPTIVE DURATION

2.60 MODIFYING THE PRESUMPTIVE DURATION IN GENERAL.

(a) **~~[2.G.1] In General.~~** ~~Sentence modifiers are statutes or policies that aid in defining the punishment for the underlying offense. Modifiers can affect either or both the duration and the disposition of the presumptive sentence.~~ **Durational modifiers.** When a policy in guidelines 2.61 to 2.66 applies to the current offense, the presumptive duration established in guideline 2.42 must be modified accordingly.

(b) **Order of application.** If more than one of the policies in guidelines 2.61 to 2.66 apply to the current offense, they must be applied in the order in which they are displayed in the Guidelines.

(c) **Durational departure.** Ordering a prison sentence that is not within the presumptive duration as established in guidelines 2.42 and 2.60 to 2.66 is a durational departure.

(d) **Presumptive disposition not altered.** A modification to the presumptive duration under guidelines 2.60 to 2.66 does not alter the presumptive disposition established in guidelines 2.41 and 2.50 to 2.55.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.1; restructured 2027.*

2.61 ~~[2.C.2]~~ CUSTODY STATUS AT THE TIME OF THE OFFENSE.

Subdivision 1. **Definitions.** (a) As used in this ~~section (2.C.2)~~ guideline, the following terms have the meanings given~~:~~.

(b) "Custody status" means a qualifying status that:

(1) followed entry of a guilty plea, guilty verdict, or conviction for a qualifying offense~~;~~ and

(2) was in effect at any time when the person being sentenced committed the current offense.

(c) "Qualifying status" means any of the following:

(1) probation;

(2) parole;

(3) supervised release;

(4) conditional release following release from an executed prison sentence (see conditional release terms listed in guideline 5.20);

(5) release pending sentencing;

(6) confinement in a jail, workhouse, or prison pending or after sentencing; ~~and~~ or

(7) escape from confinement following an executed sentence.

(d) "Qualifying offense" means:

(1) a felony offense that is:

(i) assigned a severity level of 3 or greater on the standard grid~~;~~;

(ii) ~~a felony offense~~ assigned a severity level of D3 or greater on the drug ~~Offender~~ offense grid~~, or ~~;~~

(iii) ~~a felony offense on the Sex Offender Grid, or~~ listed in guideline 7.20 (offenses on the sex offense grid); or

(iv) an equivalent non-Minnesota felony offense within the meaning of guideline 2.36; or

(2) ~~murder in the first degree, including~~ first-degree murder, including first-degree murder of an unborn child, whether completed, an attempt, ~~or~~ a conspiracy~~;~~, or ~~a~~ an equivalent non-Minnesota felony offense ~~equivalent, within the meaning of section 2.B.5, to an offense described in clause (i)~~ within the meaning of guideline 2.36.

(e) "Sex offense" means:

(1) a felony offense ~~on the Sex Offender Grid~~ listed in guideline 7.20 other than failure to register as a predatory offender, Minn. Stat. § 243.166; or

(2) ~~a~~ an equivalent non-Minnesota felony offense ~~equivalent, with the meaning of section 2.B.5, to an offense described in clause (i)~~ within the meaning of guideline 2.36.

Subd. 2. **Durational increase.** ~~If~~ The presumptive duration of the current sentence must be increased when the person being sentenced was~~, at the time of the current offense,~~ under a custody status for a qualifying offense~~, then the presumptive duration is increased by the amount~~ at the time the person committed the current offense. The increase is shown in the custody status column ~~pertaining to~~ at the end of the grid row ~~for~~ for the severity level of the current offense.

Subd. 3. **Special durational increase for sex offenses with sex-offense custody status.** Notwithstanding ~~paragraph b~~ subdivision 2, the presumptive duration of the current offense must be increased by double the amount shown in the custody status column at the end of the grid row for the severity level of the current offense if:

(1) the current offense is a sex offense; and

(2) the person being sentenced was, at the time of the current offense, under a custody status for a felony sex offense~~, then the presumptive duration is increased by double the amount shown in the custody status column of the Sex Offender Grid pertaining to the Grid row for the current offense~~.

~~Ranges; Statutory Maximum. Any change to the presumptive fixed sentence under paragraph b or c must also be applied to the upper and lower ends of the range found in the appropriate cell on the applicable Grid. Neither the presumptive fixed sentence nor a range may exceed the statutory maximum sentence for the current offense.~~

Subd. 4. **Exceptions.** (a) This ~~section (2.C.2)~~ guideline does not apply to ~~either of the following forms of custody status~~:

(1) commitment for treatment or examination under Minn. R. Crim. P. 20; or

(2) ~~juvenile~~ custody ~~status~~ ordered by a juvenile court for other than ~~for~~ an EJJ conviction.

(b) A prior felony conviction that resulted in a non-felony sentence (misdemeanor or gross misdemeanor) is not a qualifying offense or a sex offense within the meaning of this ~~section (2.C.2)~~ guideline.

(c) This ~~section (2.C.2)~~ guideline does not apply to a ~~presumptive~~ presumptively or ~~permissive~~ permissively consecutive sentence pursuant to ~~section 2.F~~ guideline 2.72 or 2.73.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.2; restructured 2027.*

2.62 POLICIES THAT REDUCE THE PRESUMPTIVE DURATION BY HALF.

Subdivision 1. ~~**[2.G.2] Attempt or Conspiracy.**~~ **In general.** (a) Except as provided in paragraph (c), when the current offense is any of the following, the presumptive duration must be modified to be half the presumptive duration applicable to the underlying offense:

(1) ~~For~~ an ~~attempted~~ attempt to commit the underlying offense, ~~under~~ in violation of Minn. Stat. § 609.17;

(2) ~~or for~~ a conspiracy to commit ~~an~~ the underlying offense, ~~under~~ in violation of Minn. Stat. § 609.175~~, the presumptive duration is one-half of that found in the appropriate cell on the applicable Grid for the underlying offense. When the underlying offense has a mandatory minimum sentence of a year or more, the presumptive duration is the mandatory minimum sentence in statute or one-half the duration found in the appropriate cell on the applicable Grid, whichever is longer. **[2.E.1]** When an offender is sentenced for an attempted offense under Minn. Stat. § 609.17 or conspiracy to commit an offense under Minn. Stat. § 609.175, and the underlying offense has a mandatory minimum sentence of a year and a day or more, the presumptive duration is the mandatory minimum sentence in statute or one-half the duration found in the appropriate cell on the applicable Grid, whichever is longer.~~;

(3) ~~**[2.G.3] Solicitation of Juveniles or Mentally Impaired Persons.** When an offender is sentenced for soliciting a juvenile under Minn. Stat. § 609.494, subd. 2(b), or for~~ soliciting a mentally impaired person ~~under~~ to commit the underlying offense, in violation of Minn. Stat. § 609.493, subd. 2(b)~~, the presumptive duration is one-half of that found in the appropriate cell on the applicable Grid for the underlying offense.~~;

(4) soliciting or conspiring with a minor to commit the underlying offense, in violation of Minn. Stat. § 609.494, subd. 2(b); or

(5) ~~**[2.G.6] Taking Responsibility for Criminal Acts.** When an offender is sentenced for taking~~ assuming responsibility for ~~criminal acts under~~ the underlying offense, in violation of Minn. Stat. § 609.495, subd. 4~~, the presumptive duration is one-half of that found in the appropriate cell on the applicable Grid for the underlying offense~~.

(b) ~~**[2.G.5] Attempt or Conspiracy to Commit Certain Sex Trafficking and Criminal Sexual Conduct** Offenses. The Commission regards the following provisions as~~ **Applicability to certain sex offenses.** Paragraph (a) applies to an attempt or conspiracy to commit sex trafficking or criminal sexual conduct, notwithstanding Minn. Stat. §§ 609.322, subd. 1(c), 609.342, subd. 2(b), and 609.343, subd. 2(b). These provisions are statutorily created presumptive sentences, not mandatory minimums. ~~For an attempt or conspiracy to commit an offense to which one of these presumptive sentences applies, the presumptive duration is one-half of that found in the appropriate cell on the Sex Offender Grid for the underlying offense or any mandatory minimum, whichever is longer: a. Minn. Stat. § 609.322, subd. 1(c)(1) (applicable to sex trafficking offenses ranked at severity level B); b. Minn. Stat. § 609.322, subd. 1(c)(2) (applicable to Aggravated Sex Trafficking 1st Degree); c. Minn. Stat. § 609.342, subd. 2(b) (applicable to Criminal Sexual Conduct 1st Degree); and d. Minn. Stat. § 609.343, subd. 2(c) (applicable to Criminal Sexual Conduct 2nd Degree offenses ranked at severity level B).~~

(c) **Exceptions.** Paragraph (a) does not apply to:

(1) ~~**[2.G.4]** Conspiracy to Commit a Controlled Substance Offense. The modifying statute for~~ a conspiracy to commit a controlled substance offense under Minn. Stat. § 152.096 ~~does not affect the presumptive sentence for the underlying offense.~~; or

(2) ~~**[2.G.12]**~~ the presumptive duration for an attempt or conspiracy to commit first-degree murder established by guideline 2.43.

Subd. 2. ~~**[Comment 2.G.01]**~~ **Calculation.** If the ~~presumptive sentence is an odd number, division by two~~ application of this guideline produces a presumptive sentence involving a half

month. For example, 41 months divided by two equals 20.5 months. In that case, 20.5 months is the presumptive sentence length , the presumptive sentence, in months, will be expressed as a decimal whose fractional part is 0.5.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.E.1, 2.G.2 to 6, 2.G.12, & Comment 2.G.01; restructured 2027.*

2.63 MANDATORY MINIMUM DURATIONS.

Subdivision 1. **[2.E.1]** ... The presumptive duration of the prison sentence is the mandatory minimum sentence in statute or the duration provided in the appropriate cell on the applicable Grid, whichever is longer. **General rule.** (a) The presumptive duration must be increased, as necessary, to the length of any applicable statutorily specified minimum duration. A pronounced sentence shorter than an applicable mandatory minimum is a mitigated durational departure.

(b) Paragraph (a) applies regardless of whether the mandatory minimum statute:

(1) requires that the minimum prison sentence be executed; or

(2) provides a process for waiver of the mandatory minimum.

(c) A mandatory minimum may also modify the presumptive disposition; see guideline 2.51.

Subd. 2. **Specific statutes.** The following list of mandatory minimums, which may not be exhaustive, omits statutes that will not increase a presumptive grid duration by more than one day:

(1) **[2.C.3.c(1)] Certain first-degree drug offenses.** If Although the presumptive fixed sentence does not change, the lower range displayed on the drug offense grid must be excluded from the presumptive duration, and a pronounced sentence shorter than the presumptive fixed sentence is a mitigated durational departure, when the current conviction offense is for :

(i) first-degree controlled substance crime in the first degree and the penalty statute is Minn. Stat. § 152.021, subd. 3(c) (related to sale or possession of at least 100 grams or 500 dosage units of certain controlled substances),; or if

(ii) the current conviction is for aggravated first-degree controlled substance crime in the first degree, then the lower range, although displayed on the Drug Offender Grid, is excluded from what would otherwise be the presumptive range for that offense , pursuant to Minn. Stat. § 152.021, subd. 3(d).

(2) **[2.C.3.c(2)] Subsequent controlled substance convictions conviction.** If When the current conviction offense is for a controlled substance crime in the first or second degree and is a "subsequent controlled substance conviction," as defined in Minn. Stat. § 152.01, subd. 16a, the ... presumptive duration for a controlled substance conviction falling under this section is the duration indicated in the appropriate cell on the Drug Offender Grid, or the mandatory minimum, whichever is longer. the minimum presumptive duration is:

(i) 48 months when the current offense is first-degree controlled substance crime, pursuant to Minn. Stat. § 152.021, subd. 3(b); or

(ii) 36 months when the current offense is second-degree controlled substance crime, pursuant to Minn. Stat. § 152.022, subd. 3(b). Guideline 2.51 also applies.

(3) **[2.E.2.e] Felony Driving While Impaired (DWI) First-degree DWI.** When the court sentences an offender for When the current offense is first-degree felony driving while impaired, under the minimum presumptive duration is 36 months, pursuant to Minn. Stat. § 169A.276, it must impose a sentence of at least 36 months. The court cannot must not stay imposition or adjudication of the sentence, but may stay execution. Guideline 5.20 (conditional release terms) also applies.

(4) **[2.E.2.a] Second- and or third-degree murder after a heinous crime conviction.** When there is a previous "heinous crime" conviction, as defined in Minn. Stat. §§ 609.106 and 609.107, Mandatory Penalty for Certain Murderers, determines the presumptive sentence for an offender sentenced under that statute the presumptive duration is:

(i) 480 months when the current offense is second-degree murder; or

(ii) 300 months when the current offense is third-degree murder.

(5) **[2.E.2.b] Dangerous Weapon or Firearm Certain offenses involving firearms, other dangerous weapons, or ammunition.** Minn. Stat. § 609.11 establishes the mandatory sentence for offenses committed with a dangerous weapon or firearm, or for possession of a firearm by an ineligible felon. (1) Finding the Mandatory Sentence. … The mandatory duration is established in the statute. See Dangerous Weapons – Minn. Stat. § 609.11 Table in Appendix 2. (2) Departure. Minn. Stat. § 609.11, subd. 8 provides that the court, on its own motion or on the prosecutor's motion, may sentence without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing under subdivision 8 is a departure as follows: … (ii) Durational Departure. A sentence other than the mandatory minimum or the presumptive duration or applicable range in the appropriate cell on the applicable Grid, whichever is longer, is a durational departure. When the current offense is listed in Minn. Stat. § 609.11, subd. 9, and Minn. Stat. § 609.11, subd. 4 or 5, applies, the minimum presumptive duration is 12 months and one day, 36 months, or 60 months, depending on the applicable provision. Guideline 2.51 also applies.

(6) **[Appendix 1] First-degree assault against an official.** When the current offense is a first-degree assault against a peace officer, prosecuting attorney, judge, or correctional employee, the minimum presumptive duration is 300, 180, or 120 months, depending on the applicable provision of Minn. Stat. § 609.221, subd. 5.

(7) **[2.C.3.a(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. **Repeat sex offenses.** When Minn. Stat. § 609.3455, subd. 10, applies to the current offense, the minimum presumptive duration is 36 months. Guideline 2.51 also applies.

Subd. 3. **[2.E.2.c] Controlled substance offenses involving a dangerous weapon.** Pursuant to When the current offense is a first- or second-degree controlled substance crime involving the

possession of a firearm or use of another dangerous weapon as described in Minn. Stat. § 609.11, subd. 4 or 5, the minimum presumptive duration, as required by Minn. Stat. § 609.11, subd. 5a, ~~some drug offenses committed with a dangerous weapon may be subject to one of the following two provisions.~~ is:

(1) ~~**Certain Aggravated First-Degree Offenses.** If an offender is sentenced for aggravated controlled substance crime in the first degree under Minn. Stat. § 152.021, subd. 2b(2), and is also subject to Minn. Stat. § 609.11, subd. 5a, the presumptive duration is the mandatory minimum sentence described in section 2.C.3.c(1) added to the mandatory minimum sentence for the dangerous weapon involvement found in Minn. Stat. § 609.11, subd. 4 or 5.~~ the sum of the minimum presumptive durations described in subdivision 2, clauses (1)(ii) and (5), when the current offense is an aggravated first-degree controlled substance crime under Minn. Stat. § 152.021, subd. 2b(2); or

(2) ~~**Subsequent Controlled Substance Offenses.** If an offender is sentenced for a subsequent controlled substance offense and is subject to Minn. Stat. § 609.11, subd. 5a, the presumptive duration is the longer of either: (i) the mandatory minimum sentence for the subsequent controlled substance offense added to the mandatory minimum sentence for the dangerous weapon involvement; or (ii) the presumptive duration for the subsequent controlled substance offense provided in the appropriate cell on the Drug Offender Grid and limited, if applicable, by section 2.C.3.c(1).~~ the sum of the minimum presumptive durations described in subdivision 2, clauses (2) and (5), when the current offense is a subsequent controlled substance conviction. If a mandatory minimum described in subdivision 2, clause (1), applies and is longer than the mandatory minimum described in this clause, this clause does not apply.

Subd. 4. ~~**[2.C.3.a(1)]**~~ **Certain repeat or egregious 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 Sentences.** 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~~ When Minn. Stat. § 609.3455, subd. 3 or 4, requires a life sentence for the current offense, 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~~ that must be served before possible consideration for release, pursuant to Minn. Stat. § 609.3455, subd. 5. The minimum term of imprisonment must be based on the presumptive sentence that would apply under this chapter if the life sentence were not mandatory. Guidelines 2.51 and 5.20 also apply.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.3.a & c, 2.E.1, 2.E.2.a to c & e, & Appendix 1; restructured 2027.*

2.64 POLICIES THAT INCREASE THE PRESUMPTIVE DURATION BY A PERCENTAGE.

Subdivision 1. **In general.** When the current offense is any of the following, the presumptive duration applicable to the underlying offense must be modified to increase by the specified percentage:

(1) **~~[2.G.10]~~ Felony assault motivated by bias.** ~~When an offender is sentenced for a crime~~ For a first-, second-, or third-degree assault for which the maximum penalty has been increased under Minn. Stat. § 609.2233, the presumptive duration ~~found in the appropriate cell on the applicable Grid for the underlying offense must be~~ applicable to the underlying assault must be increased by ~~twenty-five~~ 25 percent.

(2) **~~[2.G.8]~~ Criminal sexual predatory conduct.** ~~When an offender is sentenced for criminal sexual predatory conduct under~~ For a "predatory crime," as defined in Minn. Stat. § 609.341, subd. 22, for which the maximum penalty has been increased under Minn. Stat. § 609.3453, the presumptive duration ~~found in the appropriate cell on the applicable Grid for~~ applicable to the underlying ~~offense~~ predatory crime must be increased by:

(i) ~~twenty-five~~ 25 percent; or

(ii) ~~fifty~~ 50 percent, if the violation was committed by ~~an offender~~ a person with a "previous sex offense conviction," as defined in Minn. Stat. § 609.3455, subd. 1.

(3) **~~[2.G.7] Offense~~ Crime committed in furtherance of terrorism.** ~~When an offender is sentenced for an offense committed in the furtherance of~~ For a crime committed to further terrorism under Minn. Stat. § 609.714, the presumptive duration ~~found in the appropriate cell on the applicable Grid for~~ applicable to the underlying offense must be increased by ~~fifty~~ 50 percent.

Subd. 2. **Rounding rule.** If, after the increase or increases required by this guideline, the resulting duration is not a whole number of months, the presumptive duration must be:

(1) rounded down to the nearest whole number of months, if the fractional part is less than one-half month; or

(2) expressed, in months, as a decimal whose fractional part is 0.5, if the fractional part is equal to or greater than one-half month.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.7, 8, & 10; restructured 2027.*

2.65 OTHER POLICIES THAT ADD TO THE PRESUMPTIVE DURATION.

Subdivision 1. **~~[2.G.9.b] Offense~~ Crime committed for the benefit of a gang.** (a) ~~When an offender is sentenced for an offense committed~~ For a crime for which the ~~benefit of a gang~~ maximum penalty has been increased under Minn. Stat. § 609.229, subd. 3(a), ~~...~~ the presumptive duration ~~is determined by locating the duration in the appropriate cell on the applicable Grid defined by the offender's criminal history score and the underlying crime with the highest severity level, or the mandatory minimum for the underlying crime, whichever is longer, and adding:~~ applicable to the underlying offense must be increased as described in this subdivision. Guideline 2.51 (statutes that modify the presumptive disposition) also applies.

(b) If the offense does not involve a victim or if the victim was ~~eighteen~~ age 18 or older, the presumptive duration must be increased by:

(1) 12 months, if the underlying ~~offense~~ crime was completed; or

(2) ~~6~~ six months, if the underlying ~~offense~~ crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175~~; or~~ .

(c) If the offense involves a victim under ~~the~~ age ~~of eighteen~~ 18, the presumptive duration must be increased by:

(1) 24 months, if the underlying ~~offense~~ crime was completed; or

(2) 12 months, if the underlying ~~offense~~ crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 2. ~~**[2.G.14] Offense**~~ **Crime committed while impersonating a peace officer.** For a crime ~~for which the maximum penalty has been increased~~ committed while falsely impersonating a peace officer under Minn. Stat. § 609.4751, subd. 4(a)(3), the presumptive duration applicable to the underlying crime ~~is~~ must be increased by:

(1) 12 months, if the underlying offense was completed; or

(2) ~~6~~ six months, if the underlying offense was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 3. ~~**[2.G.13]**~~ **Second or subsequent severe violent offense.** (a) ~~The following definitions apply to this section~~ As used in this subdivision, the following terms have the meanings given:

(1) ~~**[2.G.13.a(3)]** A~~ "Prior severe violent offense conviction" ~~is an adjudication that qualifies the current offense as a second or subsequent~~ means a conviction of a severe violent offense~~. A conviction for~~ that was adjudicated before the commission of the current offense, except that neither of the following is a prior severe violent offense conviction:

(i) an offense excluded from criminal history score computation under ~~section 2.B.1.c (Felony Decay Factor) does not qualify as a "prior severe violent offense conviction."~~ guideline 2.31, subd. 2(e) (decayed offenses); or

(ii) a conviction that resulted in a non-felony sentence (see ~~section 2.B.1.h~~ guideline 2.31, subd. 2(c)) ~~does not qualify as a "prior severe violent offense conviction" if the non-felony sentence~~ that was imposed before the current offense date.

(2) ~~**[2.G.13.a(2)]**~~ "Second or subsequent severe violent offense" means that ~~prior to the commission of current severe violent offense,~~ the ~~offender has~~ person being sentenced for the current offense had been adjudicated guilty of one or more prior severe violent ~~offenses~~ offense convictions.

(3) ~~**[2.G.13.a(1)]** A~~ "Severe violent offense" ~~is~~ means an offense listed in ~~section 8, Severe Violent Offense List. "Severe violent offense"~~ guideline 7.80 (severe violent offenses). The term includes an attempt ~~or~~, a conspiracy, ~~and includes~~ or an equivalent non-Minnesota felony ~~from a jurisdiction other than Minnesota, as outlined in section 2.B.5 (Convictions from Jurisdictions other than Minnesota). A current offense is not a "severe violent offense" if section 2.E.4 (Mandatory Life Sentences) applies~~ offense within the meaning of guideline 2.36. A current offense listed in guideline 1.20, subd. 3 (life sentences), is not a severe violent offense.

(b) ~~**[2.G.13.b]**~~ Except as provided in paragraph (c), if the current offense is a second or subsequent severe violent offense, the presumptive ~~fixed sentence for the current offense, as determined in section 2.C, shall increase by the number of months corresponding, in the following table, to the number of prior severe violent offense convictions, provided that~~ duration must be increased as follows:

(1) by 12 months, if the person has one prior severe violent offense conviction;

(2) by 18 months, if the person has two prior severe violent offense convictions; or

(3) by 24 months, if the person has three or more prior severe violent offense convictions.

(c) If the current severe violent offense is an ~~attempt~~ attempted offense under Minn. Stat. § 609.17 or a conspiracy to commit an offense under Minn. Stat. § 609.175, the increase ~~shall~~ to the presumptive duration must be one-half the number of months ~~stated; and~~ provided in paragraph (b).

(d) This ~~section shall~~ subdivision does not apply to a ~~presumptive or permissive~~ consecutive sentence ~~pursuant to section 2.F~~ under guideline 2.72 or 2.73.

~~NUMBER OF PRIOR SEVERE VIOLENT OFFENSE CONVICTIONS~~	~~MONTHS~~
~~1~~	~~12~~
~~2~~	~~18~~
~~3 or more~~	~~24~~

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.9.b, 13, & 14; restructured 2027.*

2.66 FINAL CALCULATION OF PRESUMPTIVE DURATIONS.

Subdivision 1. ~~**[2.G.1]** … Any change to the presumptive fixed sentence under this section must also be applied to the upper and lower ends of the range found in the appropriate cell on the applicable Grid, except that the presumptive sentence cannot be less than one year, nor can it be less than any applicable mandatory minimum.~~ **Durational constraints.** (a) The presumptive duration must not be less than 12 months.

(b) The presumptive duration must not exceed the statutory maximum penalty.

Subd. 2. **Durational conformity.** If the presumptive fixed duration violates subdivision 1 after application of other relevant guidelines, the presumptive fixed duration must be modified to the extent necessary to conform to subdivision 1.

Subd. 3. **Presumptive range calculation.** (a) The lower end of the presumptive range is the longest of the following three durations, rounded up, if necessary, to the nearest whole month:

(1) 15 percent below the presumptive fixed duration;

(2) 12 months; or

(3) any mandatory minimum duration that applies (see guideline 2.63).

(b) The upper end of the presumptive range is the shorter of the following two durations, rounded down, if necessary, to the nearest whole month:

(1) 20 percent above the presumptive fixed duration; or

(2) the statutory maximum penalty.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.1; restructured 2027.*

[2.F] CONCURRENT/ AND CONSECUTIVE SENTENCES

2.70 [2.F] CONCURRENT SENTENCES PRESUMPTIVE; EXCEPTIONS.

Generally, when an offender is convicted Concurrent sentences are presumptive for both convictions of multiple current offenses, or and when there is a prior felony sentence that has not expired or been discharged, concurrent sentencing is presumptive unless:

(1) consecutive sentencing is presumptive under guideline 2.72; or

(2) consecutive sentencing is permissive under guideline 2.73.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F; restructured 2027.*

2.71 [2.F] CONSECUTIVE SENTENCES; GENERAL REQUIREMENTS.

Subdivision 1. **This section** sets **In general.** Guidelines 2.70 to 2.75 set forth the criteria for imposing consecutive sentences. Imposition of a consecutive sentences sentence in any situation not described in this section these guidelines is a departure.

Subd. 2. **Order of sentences.** When the court imposes imposing consecutive sentences, the court must sentence the offenses in the order in which they occurred.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F; restructured 2027.*

2.72 [2.F.1] PRESUMPTIVE PRESUMPTIVELY CONSECUTIVE SENTENCES.

Subdivision 1. **[2.F.1.a] Criteria for Imposing a Presumptive Consecutive Sentence.** (a) Consecutive sentences are presumptive (required under the Guidelines) when: only in the situations specified in subdivision 2 or 6. The presumptive duration of a presumptively consecutive sentence is determined by subdivision 7.

Subd. 2. the offender was, **General requirements.** (a) Sentences are presumptively consecutive when the presumptive disposition of the current offense is commitment and, at the time of the current offense, the person:

(1) was serving an executed term of state imprisonment, disciplinary confinement, or reimprisonment, in which case the sentence for the current offense is presumptively consecutive to that sentence;

(2) was on escape status from an executed term of state imprisonment, disciplinary confinement, or reimprisonment, in which case the sentence for the current offense is presumptively consecutive to that sentence; or

(3) an inmate of was incarcerated at a local correctional facility, the current offense was is an assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy, and, prior to the current sentencing, a court had imposed an executed sentence for an offense for which the person being sentenced had been in custody at the time of the assault; and there is an executed sentence associated with the person's incarceration to which the court can consecutively sentence the current offense. In this case, the sentence for the current offense is presumptively consecutive to the executed sentence associated with the person's incarceration.

(b) The presumptive disposition ~~for~~ of the current offense~~(s)~~ is commitment~~.~~ if:

(1) ~~**Finding the Presumptive Disposition.** The presumptive disposition is determined using the criteria in section 2.C.~~ calculation of the person's criminal history score under guidelines 2.30 to 2.36 and application of the criteria in guidelines 2.41 and 2.50 to 2.52 establish a presumptive disposition of commitment;

(2) the ~~presumptive disposition for~~ current offense is an escape from an executed sentence (see guideline 2.52, subd. 3); or

(3) ~~for~~ the current offense is a felony assault committed by an inmate serving an executed term of imprisonment ~~is always commitment~~ (see guideline 2.51, subd. 2(5)).

Subd. 3. ~~**[2.F.1.d]**~~ **Exception when ~~Presumptive~~ concurrent sentence is longer.** If ~~the criteria in paragraph 2.F.1.a have been met~~ a sentence is presumptively consecutive under subdivision 2 but the total time to serve in prison would be longer if a concurrent sentence were imposed, a concurrent sentence, rather than a consecutive sentence, is presumptive. Otherwise, a concurrent sentence is a departure.

Subd. 4. **Consecutive sentences for multiple offenses.** When the court pronounces ~~presumptive consecutive~~ sentences for multiple offenses, each new offense with a presumptively consecutive sentence will be sentenced at a criminal history score of 1. The new offenses will run concurrently to each other, but ~~consecutive~~ consecutively to the prior offense. ~~Permissive~~ Permissively consecutive sentencing under ~~section 2.F.2~~ guideline 2.73 is not a departure if it would result in a longer sentence than the sentence resulting from the application of this ~~rule~~ subdivision.

Subd. 5. **Departure factor.** If there is evidence that the ~~defendant~~ person being sentenced has provided substantial and material assistance in the detection or prosecution of crime, the court may depart from the ~~presumptive~~ presumptively consecutive sentence and impose a concurrent sentence.

Subd. 6. ~~**Felony**~~ **First-degree driving while impaired** ~~(DWI)~~**.** (a) Pursuant to Minn. Stat. § 169A.28, subd. 1 ~~requires a consecutive sentence when the court sentences an offender for a felony DWI and~~, the court must impose a consecutive sentence for first-degree driving while impaired (DWI) when:

(1) the ~~offender~~ person has a prior unexpired misdemeanor, gross misdemeanor, or felony DWI sentence; and

(2) the disposition for the current offense will be probation~~; but not when the disposition for the current offense will be~~, and not commitment.

(b) If the court pronounces a consecutive sentence, the presumptive duration is based on a criminal history score of 1. Any pronounced probationary jail time should be served consecutively to any remaining time to be served on the prior DWI offense.

Subd. 7. **Calculating presumptive duration.** ~~**[2.F.1.c] Finding the Presumptive Duration.**~~ For each felony offense sentenced consecutively to ~~another offense(s)~~ one or more other felony offenses under this ~~section~~ guideline, the presumptive duration is the duration in the appropriate cell on the applicable grid at a criminal history score of 1, or the mandatory

minimum for the offense (see guideline 2.63), whichever is longer. A consecutive sentence at any other duration is a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.1; restructured 2027.*

2.73 [2.F.2] PERMISSIVE PERMISSIVELY CONSECUTIVE SENTENCES.

Subdivision 1. **[2.F.2.a] Criteria for Imposing a Permissive Consecutive Sentence; calculating presumptive disposition.** (a) Consecutive sentences are permissive (may be given without departure) only in the situations specified in this section guideline. The presumptive duration of a permissively consecutive sentence is determined by subdivision 7.

(b) To determine whether an offense's presumptive disposition is commitment under subdivision 2, 3, or 4, the court must apply the person's criminal history score under guidelines 2.30 to 2.36 to the criteria in guidelines 2.41 and 2.50 to 2.52. In the case of a prior offense, the court must apply the applicable provisions of the Minnesota Sentencing Guidelines in effect when the prior offense was committed.

Subd. 2. **[2.F.2.a(1)] Specific Offenses; Current and prior listed felonies; presumptive commitment required.** Consecutive sentences are permissive if the presumptive disposition for the current offense(s) is commitment, as outlined in section 2.C, and paragraph (i), (ii), or (iii) applies. ... **[2.F.2.a(1)(i)] Prior Felony Sentence .** A The current felony conviction for a crime on the list in section 6 of offenses eligible for permissive consecutive sentences offense may be sentenced consecutively to a prior felony sentence that has not expired or been discharged if:

(1) both the current offense and the prior felony conviction: is for a crime on the list offense are listed in section 6 of offenses eligible for permissive consecutive sentences; or is from a jurisdiction other than Minnesota and would be equivalent to a crime on the list in section 6. guideline 7.90 (permissively consecutive offenses);

(2) the presumptive disposition for the current offense is commitment; and

(3) the presumptive disposition for the prior offense(s) must was also be commitment as outlined in section 2.C. A non-Minnesota conviction is equivalent to a crime on the list in section 6 if it would both be defined as a felony in Minnesota, and received a sentence that in Minnesota would be a felony-level sentence, including the equivalent of a stay of imposition.

Subd. 3. **Multiple current Felony convictions for listed felonies; presumptive commitment required.** If the offender is being sentenced for (a) Except as provided in paragraph (b), multiple current felony convictions for crimes on the list of offenses eligible for permissive consecutive sentences in section 6, the convictions listed in guideline 7.90 may be sentenced consecutively to each other if the presumptive disposition for each is commitment.

(b) **[Comment 2.F.205]** Consecutive sentences are permissive for multiple current felony convictions even when the offenses involve one victim and a single course of conduct, but only when the presumptive disposition is commitment. However, consecutive sentencing is not permissive for Paragraph (a) does not apply when:

(1) the multiple current felony convictions involving involve one victim and a single course of conduct if ; and

(2) the court is giving an ~~upward~~ aggravated durational departure on any of the current conviction offenses. ~~The Commission believes that to give both an upward durational departure and a consecutive sentence when the circumstances involve one victim and a single course of conduct can result in disproportional sentencing unless additional aggravating factors exist to justify the consecutive sentence.~~

Subd. 4. ~~**[2.F.2.a(1)(iii)]**~~ **Felony conviction after escape; ~~(~~non-executed sentence~~)~~; presumptive commitment required.** ~~If the offender~~ When a person in custody for a non-executed felony sentence escapes from custody and commits ~~and is convicted for a new felony crime while on felony escape from lawful custody – as defined in Minn. Stat. § 609.485 – from a non-executed felony sentence, the new felony conviction~~ the current offense before return to custody, and if the presumptive disposition for the current offense is commitment, the current offense may be sentenced consecutively to the sentence for the escape or for the offense for which the ~~offender~~ person was confined.

Subd. 5. ~~**[2.F.2.a(1)]**~~ **Consecutive stayed sentence; departure.** If the court pronounces a consecutive stayed sentence under ~~one of these paragraphs~~ subdivision 2, 3, or 4, the stayed sentence is a mitigated dispositional departure, but the consecutive nature of the sentence is not a departure. The consecutive stayed sentence begins when the ~~offender~~ person being sentenced completes the term of imprisonment and is placed on supervised release.

Subd. 6. ~~**[2.F.2.a(2)]**~~ **Other offenses; presumptive commitment not required.** (a) ~~consecutive sentences for the following offenses are always~~ A consecutive sentence is permissive ~~and there is no~~ in any circumstance described in this subdivision. If such a sentence is consecutive to an executed sentence, it is not a dispositional departure ~~if the sentences are executed~~ to execute the consecutive sentence.

(b) ~~**[2.F.2.a(2)(i)]**~~ **Felony escape.** ~~If the offender is convicted of~~ For felony escape from lawful custody ~~–~~, as ~~defined~~ described in Minn. Stat. § 609.485 ~~– and the offender did~~ , not involving escape from an executed term of state imprisonment, disciplinary confinement, or reimprisonment (see ~~section 2.F.1.a(1)(ii)~~ guideline 2.72, subd. 2(a)(2)), the escape may be sentenced consecutively to the sentence for which the ~~offender~~ person was confined.

(c) ~~**[2.F.2.a(2)(ii)]**~~ **Felony conviction after escape ~~(~~; executed sentence~~)~~.** ~~If the offender committed and is convicted~~ A conviction for a new felony crime committed while on felony escape from lawful custody ~~–~~, as ~~defined~~ described in Minn. Stat. § 609.485 ~~–~~, from an executed felony sentence, ~~the new felony~~ may be sentenced consecutively to the sentence for the escape.

(d) ~~**[2.F.2.a(2)(iv)]**~~ **Felony assault in a local jail or workhouse.** ~~If the offender is convicted of felony assault committed while in a local jail or workhouse, and~~ Unless the conviction is ~~not~~ already ~~presumptive~~ presumptively consecutive ~~as described in section 2.F.1.a(1)(iii), the~~ under guideline 2.72, subd. 2(a)(3), a conviction for felony assault ~~conviction~~ committed while in a local jail or workhouse may be sentenced consecutively to any other executed prison sentence if the presumptive disposition for the other offense was commitment ~~as outlined in section 2.C~~ under guidelines 2.41 and 2.50 to 2.52.

(e) ~~**[2.F.2.a(2)(iii)]**~~ **Fleeing a police officer; criminal sexual conduct.** As punishment for two crimes committed as part of the same conduct, the court may ~~impose consecutive sentences as permitted under~~ , pursuant to Minn. Stat. § 609.035, subds. 5 and 6 ~~if both of the following~~

~~occur: the offender is convicted of either of the following offenses~~ , sentence the later crime consecutively to the earlier crime if one of the crimes is:

(1) fleeing a peace officer in a motor vehicle, as ~~defined~~ described in Minn. Stat. § 609.487; or

(2) first- through fourth-degree criminal sexual conduct ~~in the First through Fourth Degrees with force or violence~~, as ~~defined~~ described in Minn. Stat. §§ 609.342 ~~through~~ to 609.345~~; and (b) the court imposes punishment for any other crime committed by the defendant as part of the same conduct~~ , with force or violence.

Subd. 7. ~~**[2.F.2.b] Finding the Presumptive Duration.**~~ **Calculating presumptive duration.** For each felony offense sentenced consecutively to ~~another~~ one or more other felony ~~offense(s)~~ offenses under this guideline, the ~~court must use~~ presumptive duration is the duration in the appropriate cell on the applicable grid at a criminal history score of 0, or the mandatory minimum duration for the offense (see guideline 2.63), whichever is longer~~, to determine the presumptive duration~~. A consecutive sentence at any other duration is a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.2 & Comment 2.F.205; restructured 2027.*

2.74 MODIFYING CONSECUTIVE SENTENCES.

Subdivision 1. ~~**[2.F.3] Crime Committed for the Benefit of a Gang.** When the court imposes a presumptive or permissive consecutive sentence for a crime committed for the benefit of a gang under Minn. Stat. § 609.229, subd. 3, the presumptive duration includes additional months as outlined in section 2.G.~~ **Modifying presumptive disposition.** Guidelines 2.50 to 2.55 (policies that modify the presumptive disposition) apply to consecutive sentences established by guidelines 2.72 and 2.73.

Subd. 2. **Modifying presumptive duration.** Except as provided in subdivision 3, the presumptive durations established by guidelines 2.72 and 2.73 are subject to modification by the policies contained within guidelines 2.60 to 2.66.

Subd. 3. **Exceptions.** The following policies do not modify presumptive durations established by guidelines 2.72 and 2.73:

(1) guideline 2.61 (custody status at the time of the offense); and

(2) guideline 2.65, subd. 3 (second or subsequent severe violent offense).

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.3; restructured 2027.*

2.75 ADMINISTRATION OF CONSECUTIVE SENTENCES.

Subdivision 1. **Jail credit.** Guideline 5.10 establishes policies for applying jail credit when sentencing consecutively.

Subd. 2. ~~**[2.F]**~~ **Supervised release calculation.** (a) If a court orders execution of two or more consecutive sentences ~~are consecutively executed~~ at the same time ~~and by the same court~~, the Commissioner of Corrections must aggregate the sentence durations into a single fixed sentence. The aggregate term of imprisonment must be served before the aggregate supervised release period.

(b) If a court orders execution of a sentence ~~is executed~~ that must be served consecutively to ~~an earlier executed~~ a sentence ~~(~~ that was executed at an earlier time or by a different court~~)~~, and the ~~offender~~ person being sentenced has not yet been placed on supervised release for the earlier executed sentence, the Commissioner of Corrections must aggregate both terms of imprisonment into a single, fixed term of imprisonment. The ~~offender~~ person will serve the longer of the two supervised release terms.

(c) If a court orders execution of a sentence ~~is executed~~ that must be served consecutively to ~~an earlier executed~~ a sentence executed at an earlier time, and the consecutive sentence begins after the supervised release date for the earlier sentence, any remaining supervised release term from the earlier ~~executed~~ sentence is tolled while the ~~offender~~ person serves the consecutive term of imprisonment. The ~~offender~~ person will serve what remains of the previously tolled supervised release term or the supervised release term for the consecutive sentence, whichever is longer.

Subd. 3. ~~**[2.F.4]**~~ **Pre-Guidelines cases.** If a court imposes a sentence ~~is imposed~~ that must be served consecutively to an offense committed before May 1, 1980, the consecutive sentence begins after completion of any incarceration arising from the prior sentence.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F & 2.F.4; restructured 2027.*

CHAPTER 3

SENTENCING GUIDELINES GRIDS

3.10 ~~[4.A] SENTENCING GUIDELINES~~ STANDARD GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.10. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the ~~discretionary~~ presumptive range, within which ~~a~~ the court may sentence without the sentence being ~~deemed~~ a departure. ~~Offenders with~~ The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may ~~be subject to~~ include local confinement. See guideline 2.61 for an explanation of the custody status column.

SEVERITY LEVEL OF CONVICTION OFFENSE *Example offenses listed in italics*		CRIMINAL HISTORY SCORE							Custody status
		0	1	2	3	4	5	6 or more	
Murder 2nd degree (intentional)	11	306 *261–367*	326 *278–391*	346 *295–415*	366 *312–439*	386 *329–463*	406 *346–480*[1]*	426 *363–480*[1]*	+20
Murder 2nd degree (unintentional)	10	150 *128–180*	165 *141–198*	180 *153–216*	195 *166–234*	210 *179–252*	225 *192–270*	240 *204–288*	+15
Murder 3rd degree (drugs); Carjacking 1st degree	9	86 *74–103*	98 *84–117*	110 *94–132*	122 *104–146*	134 *114–160*	146 *125–175*	158 *135–189*	+12
Agg. robbery 1st degree; Assault 1st degree	8	48 *41–57*	58 *50–69*	68 *58–81*	78 *67–93*	88 *75–105*	98 *84–117*	108 *92–129*	+10
DWI 1st degree; Assault 2nd degree (weapon & SBH)	7	36 *31–43*	42 *36–50*	48 *41–57*	54 *46–64*	60 *51–72*	66 *57–79*	72 *62–~~84~~[1, 2] 86*	+6
Ineligibly possess firearm; Assault 2nd deg. (weapon)	6	21 *18–25*	27 *23–32*	33 *29–39*	39 *34–46*	45 *39–54*	51 *44–61*	57 *49–68*	+6
Assault 3rd degree (SBH); Burglary 2nd deg. (dwelling)	5	18 *16–21*	23 *20–27*	28 *24–33*	33 *29–39*	38 *33–45*	43 *37–51*	48 *41–57*	+5
Felony domestic assault; Violate no-contact order	4	12 *12–14*	15 *13–18*	18 *16–21*	21 *18–25*	24 *21–28*	27 *23–32*	30 *26–36*	+3
Assault 4th degree; Vehicle use ~~w/out~~ without consent	3	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	23 *20–27*	+2
Theft of $5,000 or less; Check forgery ($251–$2,500)	2	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	+2
Fleeing a peace officer in a motor vehicle	1	12 *12–14*	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	+2

☒ ~~Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See section 2.E, for policies regarding those sentences controlled by law.~~

~~☒ 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 offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.~~

~~[1] 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 7 offenses other than Felony DWI, the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)~~

Subd. 2. **Note.** In the standard grid, an asterisk indicates that the upper end of the range is limited by the statutory maximum penalty.

~~**Examples of Executed Sentences (Length in Months) Broken Down by:**~~

~~**Term of Imprisonment and Supervised Release Term**~~

~~Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.~~

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the standard grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12	8	4	78	52	26
13	8 ⅔-2/3	4 ⅓-1/3	86	57 ⅓-1/3	28 ⅔-2/3
15	10	5	88	58 ⅔-2/3	29 ⅓-1/3
17	11 ⅓-1/3	5 ⅔-2/3	98	65 ⅓-1/3	32 ⅔-2/3
18	12	6	108	72	36
19	12 ⅔-2/3	6 ⅓-1/3	110	73 ⅓-1/3	36 ⅔-2/3
21	14	7	122	81 ⅓-1/3	40 ⅔-2/3
23	15 ⅓-1/3	7 ⅔-2/3	134	89 ⅓-1/3	44 ⅔-2/3
24	16	8	146	97 ⅓-1/3	48 ⅔-2/3
27	18	9	150	100	50
28	18 ⅔-2/3	9 ⅓-1/3	158	105 ⅓-1/3	52 ⅔-2/3
30	20	10	165	110	55
33	22	11	180	120	60
36	24	12	190	126 ⅔-2/3	63 ⅓-1/3
38	25 ⅓-1/3	12 ⅔-2/3	195	130	65
39	26	13	200	133 ⅓-1/3	66 ⅔-2/3
42	28	14	210	140	70
43	28 ⅔-2/3	14 ⅓-1/3	220	146 ⅔-2/3	73 ⅓-1/3
45	30	15	225	150	75
48	32	16	230	153 ⅓-1/3	76 ⅔-2/3
51	34	17	240	160	80
54	36	18	306	204	102
57	38	19	326	217 ⅓-1/3	108 ⅔-2/3
58	38 ⅔-2/3	19 ⅓-1/3	346	230 ⅔-2/3	115 ⅓-1/3
60	40	20	366	244	122
66	44	22	386	257 ⅓-1/3	128 ⅔-2/3
68	45 ⅓-1/3	22 ⅔-2/3	406	270 ⅔-2/3	135 ⅓-1/3
72	48	24	426	284	142

History: *2026 Minn. Sentencing Guidelines & Commentary 4.A; restructured 2027.*

3.20 [4.B] SEX OFFENDER SEX OFFENSE GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.20. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary presumptive range, within which a the court may sentence without the sentence being deemed a departure. Offenders with The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may be subject to include local confinement. See guideline 2.61 for an explanation of the custody status column.

SEVERITY LEVEL OF CONVICTION OFFENSE *Example offenses listed in italics*		CRIMINAL HISTORY SCORE							Custody status
		0	**1**	**2**	**3**	**4**	**5**	**6 or more**	
Criminal sexual conduct (CSC) 1st degree	**A**	144 *144[2]–172*	156 *144[2]–187*	168 *144[2]–201*	180 *153–216*	234 *199–280*	306 *261–360*[3]	360 *306–360*[3]	+18
CSC 2nd degree, contact by harm/force	**B**	90 *90[2]–108*	110 *94–132*	130 *111–156*	150 *128–180*	195 *166–234*	255 *217–306*	300 *255–360*	+15
CSC 3rd degree, penetration by coercion	**C**	48 *41–57*	62 *53–74*	76 *65–91*	90 *77–108*	117 *100–140*	153 *131–183*	180 *153–216*	+9
CSC 3rd degree, penetration of child 14–15	**D**	36 *31–43*	48 *41–57*	60 *51–72*	70 *60–84*	91 *78–109*	119 *102–142*	140 *119–168*	+7
CSC 4th degree, contact by coercion	**E**	24 *21–28*	36 *31–43*	48 *41–57*	60 *51–72*	78 *67–93*	102 *87–120*[3]	120 *102–120*[3]	+6
CSC 4th degree, contact of child 14–15	**F**	18 *16–21*	27 *23–32*	36 *31–43*	45 *39–54*	59 *51–70*	77 *66–92*	84 *72–100*	+4
Possession of child sexual abuse material	**G**	15 *13–18*	20 *17–24*	25 *22–30*	30 *26–36*	39 *34–46*	51 *44–60*[3]	60 *51–60*[3]	+3
CSC 5th degree, nonconsensual penetration	**H**	12 *12–14*	14 *12–16*	16 *14–19*	18 *16–21*	24 *21–24*[3]	24[3] *24–24*	24[3] *24–24*	+2
Failure to register as a predatory offender	**I**	12[1] *12[1]–14*	14 *12[1]–16*	16 *14–19*	18 *16–21*	24 *21–28*	30 *26–36*	36 *31–43*	+2

☒ ~~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.~~

Subd. 2. **Notes.** The following notes apply to the sex offense grid:

(a) ~~1 12[1]=~~ Superscript number 1 indicates that the duration is subject to a one year and one day mandatory minimum penalty under Minn. Stat. § 243.166, subd. 5(b).

(b) [2] Superscript number 2 indicates that, because sex trafficking is not subject to a ~~144- or 90-month~~ minimum statutory presumptive sentence ~~so~~ of 90 or 144 months, the standard range of ~~15%~~ 15 percent lower and ~~20%~~ 20 percent higher than the fixed duration applies. ~~(~~For severity level A, criminal history scores 0, 1, ~~&~~ and 2, the ranges are 123–172, 133–187, ~~&~~ and 143–201, respectively. For severity level B, criminal history score 0, the range is 77–108.~~)~~

(c) ~~[3] 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.~~ Superscript number 3 indicates that the upper end of the range is limited by the statutory maximum penalty. For severity level H, however, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum penalty at criminal history scores above 4.

~~**Examples of Executed Sentences (Length in Months) Broken Down by:**~~

~~**Term of Imprisonment and Supervised Release Term**~~

~~Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.~~

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the sex offense grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	84	56	28
14	9 ~~⅓~~ -1/3	4 ~~⅔~~ -2/3	90	60	30
15	10	5	91	60 ~~⅔~~ -2/3	30 ~~⅓~~ -1/3
16	10 ~~⅔~~ -2/3	5 ~~⅓~~ -1/3	102	68	34
18	12	6	110	73 ~~⅓~~ -1/3	36 ~~⅔~~ -2/3
20	13 ~~⅓~~ -1/3	6 ~~⅔~~ -2/3	117	78	39
24	16	8	119	79 ~~⅓~~ -1/3	39 ~~⅔~~ -2/3
25	16 ~~⅔~~ -2/3	8 ~~⅓~~ -1/3	120	80	40
27	18	9	130	86 ~~⅔~~ -2/3	43 ~~⅓~~ -1/3
30	20	10	140	93 ~~⅓~~ -1/3	46 ~~⅔~~ -2/3
36	24	12	144	96	48
39	26	13	150	100	50
40	26 ~~⅔~~ -2/3	13 ~~⅓~~ -1/3	153	102	51
45	30	15	156	104	52
48	32	16	168	112	56
51	34	17	180	120	60
59	39 ~~⅓~~ -1/3	19 ~~⅔~~ -2/3	195	130	65
60	40	20	234	156	78
62	41 ~~⅓~~ -1/3	20 ~~⅔~~ -2/3	255	170	85
70	46 ~~⅔~~ -2/3	23 ~~⅓~~ -1/3	300	200	100
76	50 ~~⅔~~ -2/3	25 ~~⅓~~ -1/3	306	204	102
77	51 ~~⅓~~ -1/3	25 ~~⅔~~ -2/3	360	240	120
78	52	26			

History: *2026 Minn. Sentencing Guidelines & Commentary 4.B; restructured 2027.*

3.30 ~~[4.C] DRUG OFFENDER~~ DRUG OFFENSE GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.30. Presumptive sentence lengths are in months. Italicized numbers within the grid ~~denotes~~ denote the presumptive range, within which ~~a~~ the court may sentence without the sentence being ~~deemed~~ a departure. ~~Offenders with~~ The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may ~~be subjected to~~ include local confinement. See guideline 2.61 for an explanation of the custody status column.

SEVERITY LEVEL OF CONVICTION OFFENSE *Example offenses listed in italics*		**CRIMINAL HISTORY SCORE**							**Custody status**
		0	**1**	**2**	**3**	**4**	**5**	**6 or more**	
Aggravated controlled substance crime 1st deg.	**D9**	86 *74*–103*	98 *84*–117*	110 *94*–132*	122 *104*–146*	134 *114*–160*	146 *125*–175*	158 *135*–189*	+12
Controlled substance crime 1st degree	**D8**	65 *56*–78*	75 *64*–90*	85 *73*–102*	95 *81*–114*	105 *90*–126*	115 *98*–138*	125 *107*–150*	+10
Controlled substance crime 2nd degree	**D7**	48 *41–57*	58 *50–69*	68 *58–81*	78 *67–93*	88 *75–105*	98 *84–117*	108 *92–129*	+10
Controlled substance crime 3rd degree	**D6**	21 *18–25*	27 *23–32*	33 *29–39*	39 *34–46*	45 *39–54*	51 *44–61*	57 *49–68*	+6
Possess meth precursors with intent to manufacture	**D5**	18 *16–21*	23 *20–27*	28 *24–33*	33 *29–39*	38 *33–45*	43 *37–51*	48 *41–57*	+5
Controlled substance crime 4th degree	**D4**	12 *12–14*	15 *13–18*	18 *16–21*	21 *18–25*	24 *21–28*	27 *23–32*	30 *26–36*	+3
Meth/fentanyl crimes involving children	**D3**	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	23 *20–27*	+2
Controlled substance crime 5th degree	**D2**	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	+2
Sale of simulated controlled substance	**D1**	12 *12–14*	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	+2

☒ ~~Presumptive commitment to state imprisonment.~~

☒ ~~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 offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.~~

Subd. 2. ~~*~~ **Note.** In the drug offense grid, an asterisk indicates that the lower range may not apply. See ~~section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d)~~ guideline 2.63, subd. 2(1).

~~**Examples of Executed Sentences (Length in Months) Broken Down by:**~~

~~**Term of Imprisonment and Supervised Release Term**~~

~~Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.~~

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the drug offense grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12	8	4	58	38 ~~⅔~~ -2/3	19 ~~⅓~~ -1/3
13	8 ~~⅔~~ -2/3	4 ~~⅓~~ -1/3	65	43 ~~⅓~~ -1/3	21 ~~⅔~~ -2/3
15	10	5	68	45 ~~⅓~~ -1/3	22 ~~⅔~~ -2/3
17	11 ~~⅓~~ -1/3	5 ~~⅔~~ -2/3	75	50	25
18	12	6	78	52	26
19	12 ~~⅔~~ -2/3	6 ~~⅓~~ -1/3	85	56 ~~⅔~~ -2/3	28 ~~⅓~~ -1/3
21	14	7	86	57 ~~⅓~~ -1/3	28 ~~⅔~~ -2/3
23	15 ~~⅓~~ -1/3	7 ~~⅔~~ -2/3	88	58 ~~⅔~~ -2/3	29 ~~⅓~~ -1/3
24	16	8	95	63 ~~⅓~~ -1/3	31 ~~⅔~~ -2/3
27	18	9	98	65 ~~⅓~~ -1/3	32 ~~⅔~~ -2/3
28	18 ~~⅔~~ -2/3	9 ~~⅓~~ -1/3	105	70	35
30	20	10	108	72	36
33	22	11	110	73 ~~⅓~~ -1/3	36 ~~⅔~~ -2/3
38	25 ~~⅓~~ -1/3	12 ~~⅔~~ -2/3	115	76 ~~⅔~~ -2/3	38 ~~⅓~~ -1/3
39	26	13	122	81 ~~⅓~~ -1/3	40 ~~⅔~~ -2/3
43	28 ~~⅔~~ -2/3	14 ~~⅓~~ -1/3	125	83 ~~⅓~~ -1/3	41 ~~⅔~~ -2/3
45	30	15	134	89 ~~⅓~~ -1/3	44 ~~⅔~~ -2/3
48	32	16	146	97 ~~⅓~~ -1/3	48 ~~⅔~~ -2/3
51	34	17	158	105 ~~⅓~~ -1/3	52 ~~⅔~~ -2/3
57	38	19			

History: *2026 Minn. Sentencing Guidelines & Commentary 4.C; restructured 2027.*

CHAPTER 4

[3.A] ESTABLISHING CONDITIONS OF STAYED SENTENCES

4.10 [3.A.1] METHOD OF GRANTING STAYED SENTENCES.

Subdivision 1. **In general.** When the court orders a stayed sentence, the court may pronounce a stay of execution or a stay of imposition. The court must pronounce the length of the stay, which may exceed the duration of the presumptive prison sentence but not the maximum length of stay established in Minn. Stat. § 609.135, subd. 2. The court may establish appropriate conditions subject to the considerations in section 3.A.2 guideline 4.20.

Subd. 2. **Stay of execution.** When ordering a stay of execution, the court must pronounce the prison sentence duration, but its execution is stayed. The presumptive duration is shown in the appropriate cell established in chapter 2.

Subd. 3. **Stay of imposition.** (a) When ordering a stay of imposition, the court must not pronounce a prison sentence duration, and the imposition of the sentence is stayed.

(b) The Commission recommends that stays of imposition be used for offenders who are those convicted of lower severity offenses and who have low criminal history scores. The Commission further recommends that convicted felons those convicted of felonies be given one stay of imposition, although for very low severity offenses, a second stay of imposition may be appropriate.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.A.1; restructured 2027.*

4.20 [3.A.2] OTHER CONDITIONS OF STAYED SENTENCES.

Subdivision 1. **Penal objectives.** (a) While the Commission has otherwise chosen not to develop specific guidelines for the conditions of stayed sentences, it recognizes that there are several penal objectives to be considered in establishing conditions of stayed sentences, including:

(1) deterrence;

(2) public condemnation of criminal conduct;

(3) public safety;

(4) rehabilitation;

(5) restitution;

(6) retribution; and

(7) risk reduction.

(b) The Commission also recognizes that the relative importance of these objectives may vary with the characteristics of both the offense and offender characteristics the person being sentenced, and that multiple objectives may be present in any given sentence. The Commission

urges courts to utilize the least restrictive conditions of stayed sentences that are consistent with the objectives of the sanction.

Subd. 2. **Principles.** The Commission further urges courts to consider the following principles in establishing the conditions of stayed sentences:

(1) **Retribution.** If retribution is an important objective of the stayed sentence, the severity of the retributive sanction should be proportional to the severity of the offense and the prior criminal record of the ~~offender~~ person being sentenced. A period of confinement in a local jail or correctional facility may be appropriate.

(2) **Rehabilitation.** If rehabilitation is an important objective of the stayed sentence, the court should make full use of available local programs and resources. The absence of a rehabilitative resource, in general, should not be a basis for enhancing the retributive objective in sentencing and, in particular, should not be the basis for more extensive use of incarceration than is justified on other grounds.

(3) **Restitution.** The Commission urges courts to make expanded use of restitution and community work orders as conditions of a stayed sentence, especially for ~~offenders~~ those with short criminal histories who are convicted of property crimes, although the use of these conditions in other cases may be appropriate.

(4) **Supervision.** Supervised probation should be a primary condition of stayed sentences.

(5) **Fines.** If fines are imposed, the Commission urges the expanded use of day fines, which ~~standardizes~~ standardize the financial impact of the sanction among ~~offenders~~ those with different income levels.

(6) **Work release and community ~~-~~-based programs.** The Commission has chosen not to establish specific guidelines relating to work release programs in local facilities or community-based residential and nonresidential programs.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.A.2; restructured 2027.*

4.30 ~~[3.B]~~ REVOCATION OF STAYED SENTENCES.

Subdivision 1. The Commission views revocation of a stayed sentence and commitment to be justified when:

(1) ~~The offender is convicted of~~ there has been a conviction for a new felony for which the Guidelines recommend prison; or

(2) ~~The offender continues to violate conditions of~~ there have been continued violations of conditions of the stay despite the court's use of expanded and more onerous conditions.

Subd. 2. (a) The decision to revoke ~~an offender's~~ a stayed sentence should not be undertaken lightly.

(b) Great restraint should be exercised in imprisoning ~~offenders who were~~ those originally convicted of low severity level offenses or who have short prior criminal histories. For these ~~offenders~~ people, the Commission urges continuance of the stay and use of more restrictive and onerous conditions, such as periods of local confinement.

(c) Less judicial tolerance is urged for ~~offenders~~ those who were convicted of a more severe offense or who had a longer criminal history.

(d) For both groups ~~of offenders~~, however, the court should not reflexively order imprisonment for non-criminal violations of probationary conditions.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.B; restructured 2027.*

CHAPTER 5

~~[3]~~ RELATED POLICIES

5.10 ~~[3.C]~~ JAIL CREDIT.

Subdivision 1. **In general.** In order to promote the goals of the Sentencing Guidelines, it is important to ensure that jail credit is consistently applied. The court must assure that the record accurately reflects all time spent in custody~~—~~, including examinations under Minn. R. Crim. P. 20 or 27.03, subd. 1(B)~~—~~, for the offense or behavioral incident for which the ~~offender is~~ person is being sentenced. Minnesota statutes, rules of criminal procedure, relevant court decisions, and these Guidelines determine how jail credit is applied.

Subd. 2. **Applying jail credit.** (a) To uphold the proportionality of sentencing, jail credit ~~should~~ must be applied ~~in the following manner:~~ as described in this subdivision.

(b) The Commissioner of Corrections must deduct jail credit from the sentence imposed by subtracting the time from the specified minimum term of imprisonment. If there is any remaining time, it must be subtracted from the specified maximum period of supervised release.

(c) To avoid double credit when applying jail credit to consecutive sentences, the court must apply the jail credit to the first sentence only.

(d) To avoid creating a concurrent sentence when sentencing a current offense ~~is sentenced~~ consecutively to a prior offense for which the ~~offender~~ person being sentenced is already serving time in a prison or jail, the court must not apply jail credit from the prior offense to the current offense.

(e) When revoking a stayed sentence ~~is revoked~~ and committing the ~~offender is committed~~ person, the court must order jail credit ~~must reflect~~ that reflects time spent in confinement as a condition of the stayed sentence.

(f) Jail credit must be awarded at the rate of one day for each day served for time spent in confinement under Huber Law (Minn. Stat. § 631.425).

History: *2026 Minn. Sentencing Guidelines & Commentary 3.C; restructured 2027.*

5.20 ~~[2.E.3]~~ CONDITIONAL RELEASE TERMS.

Several Minnesota statutes provide for mandatory conditional release terms that must be served ~~by certain offenders once they are released~~ upon release from prison. The court must pronounce the following statutory conditional release term when sentencing ~~for the following offenses~~ an applicable offense:

(1) ~~First-degree (felony) driving while impaired.~~ Minn. Stat. § 169A.276, subd. 1(d)~~.~~ (five-year conditional release for first-degree driving while impaired);

(2) ~~Predatory offense registration violation committed by certain offenders.~~ Minn. Stat. § 243.166, subd. 5a~~.~~ (ten-year conditional release for failure to register as a predatory offender at risk level III);

(3) ~~Assault in the fourth degree against secure treatment facility personnel.~~ Minn. Stat. § 609.2231, subd. 3a(e)~~.~~ (five-year conditional release for fourth-degree assault against secure treatment facility personnel);

(4) ~~First- through fourth-degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct.~~ Minn. Stat. § 609.3455, subds. 6~~–~~ and 8~~.~~ (ten-year conditional release for first- through fourth-degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct);

(5) Minn. Stat. § 609.3455, subds. 7 and 8 (lifetime conditional release after life sentences for certain repeat and egregious sex offenses);

(6) ~~Use of minors in sexual performance or child sexual abuse material.~~ Minn. Stat. § 617.246, subd. 7~~.~~ (five-year conditional release for use of minors in sexual performance or child sexual abuse material); and

(7) ~~Child sexual abuse material.~~ Minn. Stat. § 617.247, subd. 9~~.~~ (five-year conditional release for child sexual abuse material offenses).

History: *2026 Minn. Sentencing Guidelines & Commentary 2.E.3; restructured 2027.*

5.30 ~~[3.E]~~ PRESENTENCE MENTAL OR PHYSICAL EXAMINATIONS FOR SEX ~~OFFENDERS~~ OFFENSES.

The Commission recommends that, under Minn. R. Crim. P. 27.03, subd. 1(B)(1)(b), the court order a physical or mental examination of ~~the offender~~ a person being sentenced as a supplement to the presentence investigation required by Minn. Stat. § 609.115 when the person is convicted:

(1) ~~an offender has been convicted~~ under Minn. Stat. §~~§~~ 609.342 (first-degree criminal sexual conduct), 609.343 (second-degree criminal sexual conduct), 609.344 (third-degree criminal sexual conduct), 609.345 (fourth-degree criminal sexual conduct), or 609.365 (incest); or

(2) ~~an offender is convicted under~~ of an attempt, as described in Minn. Stat. § 609.17 ~~of an attempt~~, to commit an act ~~proscribed~~ prohibited by Minn. Stat. §~~§~~ 609.342 (first-degree criminal sexual conduct) or 609.344 (third-degree criminal sexual conduct).

History: *2026 Minn. Sentencing Guidelines & Commentary 3.E; restructured 2027.*

5.40 ~~[3.F]~~ MILITARY VETERANS.

Subdivision 1. Under Minn. Stat. § 609.115, subd. 10, ~~when a defendant is convicted of a crime,~~ the court must inquire whether ~~the defendant~~ a person convicted of a crime is currently serving in or is a veteran of the armed forces of the United States, and if so, may take further action as permitted by that provision.

Subd. 2. Minn. Stat. § 609.1056 provides deferred judgment procedures for United States military service members or veterans in connection with certain criminal offenses related to service-related disorders ~~if the defendant is a United States military service member or veteran~~.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.F; restructured 2027.*

CHAPTER 6

~~[2.D]~~ DEPARTURES FROM THE GUIDELINES

6.10 ~~[2.D.1]~~ DEPARTURES IN GENERAL.

Subdivision 1. **Departures from the presumptive sentence.** (a) The sentences provided in ~~the Grids~~ chapter 2 are presumed to be appropriate for the crimes to which they apply. The court must pronounce a sentence of the applicable disposition and within the applicable prison range unless there exist identifiable, substantial, and compelling circumstances to support a departure.

(b) The court may depart from the presumptive disposition or duration provided in the Guidelines, and stay or impose a sentence that ~~is deemed~~ it deems to be more appropriate than the presumptive sentence. ~~A pronounced sentence for a felony conviction that is outside the appropriate prison range on the applicable Grid, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a departure from the Guidelines.~~ A departure is not controlled by the Guidelines, but rather, is an exercise of judicial discretion constrained by statute or case law.

(c) ~~**Disposition and Duration.**~~ Departures with respect to disposition and duration are separate decisions, each requiring written departure reasons. A court may depart from the presumptive disposition without departing from the presumptive duration, and ~~vice-versa~~ vice versa.

(d) ~~**Aggravated Departure.**~~ When imposing a sentence that is an aggravated departure, ~~it is recommended that~~ the court should pronounce a sentence proportional to the severity of the crime for which the sentence is imposed and the ~~offender's~~ criminal history of the person being sentenced, and take into consideration the purposes and underlying principles of the Guidelines (guideline 1.10).

Subd. 2. **Sentences within misdemeanor or gross misdemeanor limits.** (a) A pronounced sentence for a felony conviction that is shorter than the appropriate prison range on the applicable grid, as determined by chapter 2, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a mitigated durational departure.

(b) ~~**[Comment 2.D.105]**~~ Under Minn. Stat. § 609.13, if a court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross misdemeanor or misdemeanor. The sentence is a mitigated durational departure because it is ~~outside the appropriate range on the applicable Grid~~ below the presumptive range, which cannot be below 12 months. ~~Because courts sometimes fail to issue departure reports in these cases, section 2.D was amended to clarify that if the court stays or imposes a gross misdemeanor or misdemeanor sentence for a felony conviction, the sentence is a departure.~~

(c) ~~In contrast,~~ If the prosecutor amends the charge to a gross misdemeanor or misdemeanor offense prior to conviction, a gross misdemeanor or misdemeanor sentence will not be a departure because the sentence will be consistent with the level of the charge. When the prosecutor amends the charge, the prosecutor must amend it to an existing gross misdemeanor or misdemeanor offense. ~~For example, there is no gross misdemeanor version of~~

~~threats of violence (Minn. Stat. § 609.713) in statute, so a charge of threats of violence cannot be amended from a felony to a gross misdemeanor.~~

Subd. 3. **~~[2.D.1.d]~~ Departure reasons; report.** (a) Because departures are by definition exceptions to the Guidelines, the departure factors in this ~~section~~ chapter are advisory, except as otherwise established by case law.

(b) **~~[2.D.1.c] Departure Report.~~** In exercising the discretion to depart from a presumptive sentence, the court must disclose in writing or on the record the particular substantial and compelling circumstances that make the departure more appropriate than the presumptive sentence. The reasons must be stated in the sentencing order or recorded in the departure report and filed with the Commission.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.1 & Comment 2.D.105; restruc-tured 2027.*

6.20 SPECIAL PROCEDURAL CIRCUMSTANCES.

(a) **Stay of execution; EJJ prosecution.** A stay of execution of an adult criminal sentence in an extended jurisdiction juvenile (EJJ) prosecution under Minn. Stat. § 260B.130, subd. 4(a)(2), is not a mitigated dispositional departure.

(b) **~~[2.D.1.f] Offender's~~ Demand for execution.** A sentence ~~that is~~ executed pursuant to ~~an offender's~~ the person's right to demand execution is not an aggravated dispositional departure.

(c) **~~[2.D.1.e]~~ Revoked stay of adjudication.** When a felony stay of adjudication is vacated and conviction is entered, the Guidelines must then be applied. To the extent that the sentence pronounced immediately following a revocation of a stay of adjudication is contrary to the Guidelines presumptive sentence, as determined by chapter 2, that sentence is a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.1.e & f; restruc-tured 2027.*

6.30 ~~[2.D.2]~~ FACTORS THAT SHOULD NOT BE USED AS REASONS FOR DEPARTURE.

The following ~~factors~~ should not be used as ~~reasons~~ a reason for departure:

(1) race;

(2) sex;

(3) an employment ~~factors~~ factor, including:

(i) occupation ~~or impact of sentence on profession or occupation~~;

(ii) employment history;

(iii) employment at time of the offense~~; employment at time of sentencing.~~ or sentencing; or

(iv) impact of the sentence on profession or occupation;

(4) a social ~~factors~~ factor, including:

(i) educational attainment;

(ii) living arrangements at time of the offense or sentencing;

(iii) length of residence; or

(iv) marital ~~status.~~ status; or

(5) the ~~defendant's~~ exercise of a constitutional ~~rights~~ right during the adjudication process.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.2; restructured 2027.*

6.40 ~~[2.D.3]~~ FACTORS THAT MAY BE USED AS REASONS FOR MITIGATED DEPARTURE.

Subdivision 1. **Mitigating factors.** The following is a nonexclusive list of mitigating factors that may be used as reasons for departure:

(1) ~~**[2.D.3.a] Mitigating Factors.**~~ The victim was an aggressor in the incident.

(2) The ~~offender~~ person being sentenced played a minor or passive role in the crime or participated under circumstances of coercion or duress.

(3) The ~~offender~~ person being sentenced, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of ~~intoxicants (~~ intoxicating drugs or alcohol~~)~~ does not fall within the purview of this factor.

(4) ~~**[2.D.3.a(5)]**~~ Other substantial grounds exist that tend to excuse or mitigate the ~~offender's~~ culpability of the person being sentenced, although not amounting to a defense.

(5) ~~**[2.D.3.a(6)]**~~ The court is ordering an alternative placement under Minn. Stat. § 609.1055 for ~~an offender~~ a person with a serious and persistent mental illness.

(6) ~~**[2.D.3.a(7)]**~~ The ~~offender~~ person being sentenced is particularly amenable to probation. This factor may, but need not, be supported by the fact that the ~~offender~~ person is particularly amenable to a relevant program of individualized treatment in a probationary setting.

(7) ~~**[2.D.3.a(8)]**~~ In the case of a conviction for a controlled substance offense ~~conviction~~, the ~~offender~~ person being sentenced is found by the district court to be particularly amenable to probation based on adequate evidence that the ~~offender is chemically dependent~~ person has a substance use disorder and has been accepted by, and can respond to, a treatment program in accordance with Minn. Stat. § 152.152.

(8) ~~**[2.D.3.a(9)]** In the case of~~ The person being sentenced is a qualifying United States military service member or veteran~~, the offender is found by~~ and the ~~district~~ court ~~to meet~~ determines that the person meets the criteria for particular amenability to probation found in Minn. Stat. § 609.1056, subd. 4.

(9) ~~**[2.D.3.a(10)]**~~ The person being sentenced has no prior criminal conviction or stay of adjudication. A criminal history score of zero is not sufficient to qualify for this factor. This departure factor is not available if the current offense is ranked at severity level 10 or 11 on the standard grid or is ranked on the sex ~~Offender~~ offense grid.

(10) ~~**[2.D.3.a(4)]**~~ The ~~offender's~~ presumptive sentence is a commitment but not a mandatory minimum sentence, and either of the following ~~exist~~ is true:

(i) the current conviction offense is at severity level 1 or severity level 2 and ~~the offender received~~ all ~~of his or her~~ prior felony sentences were received during fewer than three separate court appearances; or

(ii) the current conviction offense is at severity level 3 or severity level 4 and ~~the offender received~~ all ~~of his or her~~ prior felony sentences were received during one court appearance.

Subd. 2. **Providing substantial and material assistance.** Guideline 2.72, subd. 5, contains a special mitigating factor applicable to certain consecutive-sentence departures.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.3.a; restructured 2027.*

6.50 FACTORS THAT MAY BE USED AS REASONS FOR AGGRAVATED DEPARTURE.

Subdivision 1. ~~**[2.D.3.b]**~~ **Aggravating factors.** The following is a nonexclusive list of aggravating factors that may be used as reasons for departure:

(1) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity, and the ~~offender~~ person being sentenced knew or should have known of this vulnerability.

(2) The victim was treated with particular cruelty for which the individual ~~offender~~ being sentenced should be held responsible.

(3) ~~**[2.D.3.b(15)]**~~ The offense was committed in a ~~location in which~~ place where the victim had an expectation of privacy.

(4) ~~**[2.D.3.b(13)]**~~ The offense was committed in the presence of a child.

(5) ~~**[2.D.3.b(14)]** An adult offender~~ The person being sentenced intentionally deceived a minor victim into believing the ~~offender~~ person was also a minor in order to facilitate the commission of the offense as described in Minn. Stat. § 609.099.

(6) ~~**[2.D.3.b(12)]**~~ The ~~offender~~ person being sentenced used another's identity without authorization to commit a crime. This aggravating factor may not be used when use of another's identity is an element of the offense.

(7) ~~**[2.D.3.b(11)]**~~ The ~~offender~~ person being sentenced intentionally selected the victim or the property against which the offense was committed, in whole or in substantial part, because of the victim's, the property owner's, or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03.

(8) ~~**[2.D.3.b(6)]**~~ The ~~offender~~ person being sentenced committed, for hire, a crime against the person.

(9) ~~**[2.D.3.b(10)]**~~ The ~~offender~~ person being sentenced committed the crime as part of a group of three or more ~~offenders~~ individuals who all actively participated in the crime.

(10) ~~**[2.D.3.b(3)]**~~ The ~~current conviction is for~~ offense was a criminal sexual conduct ~~offense,~~ offense or an offense in which the victim was otherwise injured, and the ~~offender~~ person being sentenced has a prior felony conviction for a criminal sexual conduct offense or an offense in which the victim was otherwise injured.

(11) ~~**[2.D.3.b(7)]**~~ The ~~offender~~ person is being sentenced ~~as an "engrained offender"~~ under Minn. Stat. § 609.3455, subd. 3a (mandatory sentence for certain engrained offenders).

(12) ~~**[2.D.3.b(8)]**~~ The ~~offender~~ person is being sentenced ~~as a "dangerous offender who commits a third violent crime"~~ under Minn. Stat. § 609.1095, subd. 2 (increased sentence for dangerous offender's third sequential violent crime).

(13) ~~**[2.D.3.b(9)]**~~ The ~~offender~~ person is being sentenced ~~as a "career offender"~~ under Minn. Stat. § 609.1095, subd. 4 (increased sentence for sixth sequential felony).

(14) ~~**[2.D.3.b(4)]**~~ The offense was a major economic offense~~, identified as~~. For this purpose, an economic offense is an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. ~~The presence of~~ A major economic offense is an economic offense in which two or more of the following circumstances ~~listed below is an aggravating factor with respect to the offense~~ were present:

(i) The offense involved multiple victims or multiple incidents per victim~~;~~.

(ii) The offense involved an attempted or actual monetary loss substantially greater than the usual offense or substantially greater than the minimum loss specified in the statutes~~;~~.

(iii) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time~~;~~.

(iv) The ~~defendant used his or her~~ offense involved the use of position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships~~; or~~ .

(v) The ~~defendant~~ person being sentenced has been involved in other conduct similar to the current offense as evidenced by the findings of civil or administrative law proceedings or the imposition of professional sanctions.

(15) ~~**[2.D.3.b(5)]**~~ The offense was a major controlled substance offense~~, identified as an offense or series of offenses related to trafficking in controlled substances under circumstances more onerous than the usual offense. The presence of~~ . A major controlled substance offense is a controlled substance offense in which two or more of the following circumstances ~~listed below is an aggravating factor with respect to the offense~~ were present:

(i) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to sell or transfer~~;~~.

(ii) The ~~offender~~ person being sentenced or an accomplice possessed equipment, drug paraphernalia, or monies evidencing the offense was committed as part of wholesale trafficking of a controlled substance~~;~~.

(iii) The offense involved the manufacture of controlled substances for use by other parties~~;~~.

(iv) The ~~offender~~ person being sentenced or an accomplice knowingly possessed a firearm or other dangerous weapon, as defined by Minn. Stat. § 609.02, during the commission of the offense~~;~~.

(v) The circumstances of the offense reveal the ~~offender~~ person being sentenced to have occupied a high position in the drug distribution hierarchy~~;~~.

(vi) The offense involved a high degree of sophistication or planning, ~~or~~ occurred over a lengthy period of time, or involved a broad geographic area of disbursement~~;~~.

(vii) The ~~offender~~ person being sentenced used ~~his or her~~ position or status to facilitate the commission of the offense, including ~~positions~~ a position of trust, ~~confidence~~ confidence, or fiduciary relationship ~~relationships~~ (e.g., pharmacist, physician, or other medical professional)~~;~~.

(viii) The offense involved separate acts of sale or possession of a controlled substance in three or more counties~~;~~.

(ix) The ~~offender~~ person being sentenced has a "prior conviction" for a "violent crime ~~of violence~~," as defined in Minn. Stat. § 609.1095, subd. 1~~(d)~~, other than a violation of or an attempt or conspiracy to violate a provision ~~under~~ of Minn. Stat. chapter 152~~, including attempt or conspiracy,~~ or ~~was convicted of~~ a similar ~~offense by~~ law of the United States or another state~~;~~.

(x) The offense involved the sale of a controlled substance to a minor or vulnerable adult~~; and~~ .

(xi) The ~~defendant, or an accomplice, manufactured, possessed or sold~~ offense involved the manufacture, possession, or sale of a controlled substance in a school zone, park zone, public housing zone, federal, state, or local correctional facility, or drug treatment facility.

Subd. 2. **~~[Comment 2.D.308]~~** ~~The aggravating factor involving bias motivation under section 2.D.3.b(11) cannot be used when sentencing an offender for a crime with an increased statutory maximum penalty under Minn. Stat. § 609.2233 (felony assault motivated by bias), or for a crime that was elevated to a felony offense because of bias motivation (e.g., Minn. Stat. §§ 609.2231, subd. 4 (fourth-degree assault); 609.595, subd. 1a(a) (criminal damage to property); 609.749, subd. 3(a)(1) (harassment)). The Commission intends that a penalty for a bias-motivated offense be subject to enhancement only once.~~ **Limitations.** Except as provided in subdivision 1, clauses (11) to (13), an aggravating factor may not be used as a reason for departure if the factor is based on:

(1) a fact that constitutes a necessary element of the current offense or of a sentencing enhancement; or

(2) conduct that could have formed, or did form, the basis of a separate offense.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.3.b & Comment 2.D.308; restructured 2027.*

CHAPTER 7

OFFENSE LISTS

7.10 [5.A] OFFENSE SEVERITY REFERENCE TABLE LEVELS OF OFFENSES ON THE STANDARD GRID.

Subdivision 1. (a) Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law. The offenses listed in this guideline are the offenses on the standard grid shown in guideline 3.10 and are ranked at the severity levels given.

(b) The offenses listed in guideline 7.60 (theft offenses) are also ranked on the standard grid and are incorporated by reference.

Subd. 2. The following offenses are ranked at severity level 11:

Severity Level	Offense Title	Statute Number
11		
	Adulteration resulting in death	Minn. Stat. § 609.687, subd. 3(1).
	Assault 1st in the first degree (Great Bodily Harm Upon upon an official by dangerous weapon or deadly force) resulting in great bodily harm	Minn. Stat. § 609.221, subd. 4.
	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By Shootings) in the second degree, intentional	Minn. Stat. § 609.19, subd. 1(1).
	Murder in the second degree, unintentional, while committing or attempting a drive-by shooting	Minn. Stat. § 609.19, subd. 1(2).
	Murder of an unborn child 2nd in the second degree, intentional	Minn. Stat. § 609.2662(1).

Subd. 3. The following offenses are ranked at severity level 10:

10		
	Assault 1st in the first degree (upon an official resulting in great bodily harm Upon Official)	Minn. Stat. § 609.221, subd. 3.
	Fleeing a peace officer (resulting in death)	Minn. Stat. § 609.487, subd. 4(a).
	Murder in the second degree, unintentional, while committing an assault contrary to a protective order	Minn. Stat. § 609.19, subd. 2(2).
	Murder 2nd Degree (Unintentional Murder) in the second degree, unintentional, while committing or attempting a felony	Minn. Stat. § 609.19, subd. 2(1).
	Murder 3rd Degree in the third degree while evincing a depraved mind	Minn. Stat. § 609.195(a).
	Murder of an unborn child 2nd in the second degree, unintentional	Minn. Stat. § 609.2662(2).

10	
	Murder of an unborn child ~~3rd~~ in the third degree, Minn. Stat. § 609.2663.

Subd. 4. The following offenses are ranked at severity level 9:

9	
	Assault ~~1st~~ in the first degree ~~(~~ upon an official by deadly force ~~Against Official)~~, Minn. Stat. § 609.221, subd. 2.
	Carjacking ~~1st~~ in the first degree, Minn. Stat. § 609.247, subd. 2.
	Causing the death of an unborn child in the commission of a crime, Minn. Stat. § 609.268, subd. 1.
	Coercion by private sexual image threat resulting in death, Minn. Stat. § 609.27, subd. 2(c).
	Criminal abuse of a vulnerable adult ~~(~~ resulting in death~~)~~, Minn. Stat. § 609.2325, subd. 3(1).
	Criminal vehicular homicide ~~(~~ after a qualified prior ~~Conviction)~~ driving offense, Minn. Stat. § 609.2112, subd. 1(b).
	Criminal vehicular operation ~~(~~ after a qualified prior driving offense resulting in death to an unborn child ~~, and Qualified Prior Conviction)~~, Minn. Stat. § 609.2114, subd. 1(b).
	~~Engage or Hire~~ Engaging a minor ~~to Engage~~ under age 14, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(a).
	Kidnapping ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.25, subd. 2(2)(ii).
	Labor trafficking ~~(~~ resulting in death~~)~~, Minn. Stat. § 609.282, subd. 1.
	Manslaughter in the first degree by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.20(2) or (5).
	Manslaughter ~~1st Degree~~ in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.20(1) ~~, (2) & (5)~~.
	Manslaughter of an unborn child in the first degree by violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.2664(2).
	Manslaughter of an unborn child ~~1st~~ in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.2664(1) ~~& (2)~~.
	Murder ~~3rd Degree~~ in the third degree resulting from a controlled substance, Minn. Stat. § 609.195(b).
	Witness tampering ~~with Witness~~, aggravated ~~1st~~ first-degree, Minn. Stat. § 609.498, subd. 1b.

Subd. 5. The following offenses are ranked at severity level 8:

8	
	Aggravated robbery ~~1st~~ in the first degree, Minn. Stat. § 609.245, subd. 1.
	Arson ~~1st~~ in the first degree, Minn. Stat. § 609.561.

8	
	Assault ~~1st~~ in the first degree ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.221, subd. 1.
	Assault of an unborn child ~~1st~~ in the first degree, Minn. Stat. § 609.267.
	Burglary ~~1st~~ in the first degree ~~(w/~~ with a weapon or assault~~)~~, Minn. Stat. § 609.582, subd. 1(b) or (c).
	Causing great bodily harm ~~Caused~~ by the distribution of drugs, Minn. Stat. § 609.228.
	Child torture, Minn. Stat. § 609.3775.
	Coercion by private sexual image threat resulting in great bodily harm, Minn. Stat. § 609.27, subd. 2(b).
	Criminal abuse of a vulnerable adult ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.2325, subd. 3(2).
	Criminal vehicular homicide, Minn. Stat. § 609.2112, subd. 1(a).
	Criminal vehicular operation ~~(~~ resulting in death to an unborn child~~)~~, Minn. Stat. § 609.2114, subd. 1(a).
	Deprivation of a vulnerable adult ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.233, subd. 3(1).
	Drive-by shooting ~~(~~toward a person or occupied motor vehicle or building~~)~~, Minn. Stat. § 609.66, subd. 1e(a)(2) or (3).
	Escape ~~with Violence from~~ from a felony offense by violence or threat, Minn. Stat. § 609.485, subd. 4(a)(1) & (b).
	Identity theft ~~(8~~ involving eight or more direct victims or loss of over $35,000~~)~~, Minn. Stat. § 609.527, subd. 3(5).
	Identity theft ~~(~~related to child sexual abuse material~~)~~, Minn. Stat. § 609.527, subd. 3(6).
	Kidnapping ~~(~~not ~~released~~ involving release in a safe place ~~or Victim Under 16)~~, Minn. Stat. § 609.25, subd. 2(2)(i) ~~or (iii)~~.
	Kidnapping of a child under age 16, Minn. Stat. § 609.25, subd. 2(2)(iii).
	Labor trafficking ~~(Minor Victim)~~ of a minor, Minn. Stat. § 609.282, subd. 1a(1).
	Labor trafficking ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.282, subd. 1a(3).
	Malicious punishment of a child ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.377, subd. 6.
	Manslaughter ~~1st Degree~~ in the first degree, intentional but under duress, Minn. Stat. § 609.20(3) ~~or (4)~~.
	Manslaughter in the first degree resulting from a controlled substance, Minn. Stat. § 609.20(4).
	Manslaughter in the second degree by child neglect or endangerment, Minn. Stat. § 609.205(5).
	Manslaughter ~~2nd Degree –~~ in the second degree by culpable negligence, Minn. Stat. § 609.205(1) ~~or (5)~~.

8	
	Manslaughter of an unborn child ~~1st~~ in the first degree, intentional but under duress, Minn. Stat. § 609.2664(3).
	Manslaughter of an unborn child ~~2nd~~ in the second degree by culpable negligence, Minn. Stat. § 609.2665(1).
	Medical assistance fraud ~~(~~ of over $1,000,000~~)~~, Minn. Stat. § 609.467, subd. 2(c).
	Placing a fictitious emergency call ~~(~~ resulting in great bodily harm or death~~)~~, Minn. Stat. § 609.78, subd. 2a(1).
	Possession of a machine gun, trigger activator, or conversion kit, Minn. Stat. § 609.67, subd. 2(a).
	Riot ~~1st~~ in the first degree, Minn. Stat. § 609.71, subd. 1.
	Wildfire arson ~~(Damage~~ damaging over 100 dwellings~~, Burns~~ or $250,000 in crops, or burning 1,500 acres or more~~, or Crops in Excess of $250,000)~~, Minn. Stat. § 609.5641, subd. 1a(c).

Subd. 6. The following offenses are ranked at severity level 7:

7	
	Assault ~~2nd~~ in the second degree ~~(~~ by dangerous weapon~~,~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.222, subd. 2.
	Carjacking ~~2nd~~ in the second degree, Minn. Stat. § 609.247, subd. 3.
	~~Felony~~ Driving while impaired ~~1st~~ in the first degree, Minn. Stat. § 169A.24.
	Financial exploitation of a vulnerable adult ~~(~~ of over $35,000~~)~~, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
	Labor trafficking ~~(~~ over an extended period of time~~)~~, Minn. Stat. § 609.282, subd. 1a(2).
	Theft of over $35,000 from a vulnerable adult ~~(Over $35,000)~~, Minn. Stat. § 609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3).
	Wildfire arson ~~(Damage~~ damaging over five dwellings~~, Burns~~ or $100,000 in crops, or burning 500 acres or more~~, or Crops in Excess of $100,000)~~, Minn. Stat. § 609.5641, subd. 1a(b).

Subd. 7. The following offenses are ranked at severity level 6:

6	
	Aggravated robbery ~~2nd~~ in the second degree, Minn. Stat. § 609.245, subd. 2.
	Assault ~~2nd~~ in the second degree ~~(~~ by dangerous weapon~~)~~, Minn. Stat. § 609.222, subd. 1.
	Burglary ~~1st~~ in the first degree ~~(~~ of an occupied dwelling~~)~~, Minn. Stat. § 609.582, subd. 1(a).
	Carjacking ~~3rd~~ in the third degree, Minn. Stat. § 609.247, subd. 4.
	Catalytic converter crime ~~(Over~~ involving more than 70 converters~~)~~, Minn. Stat. § 325E.21, subd. 6(b)(5).

6	
	Criminal vehicular operation ~~(by gross negligence resulting in~~ great bodily harm~~; Gross Negligence or While Impaired)~~, Minn. Stat. § 609.2113, subd. 1(1)~~, (2), (3), (4), (5) & (6)~~.
	Criminal vehicular operation ~~(by gross negligence resulting in~~ injury to an unborn child~~; Gross Negligence or While Impaired)~~, Minn. Stat. § 609.2114, subd. 2(1)~~, (2), (3), (4), (5) & (6)~~.
	Criminal vehicular operation while impaired resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(2) to (6).
	Criminal vehicular operation while impaired resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(2) to (6).
	Discharge of a firearm at or in an occupied transit vehicle~~/~~ or facility, Minn. Stat. § 609.855, subd. 5.
	Diversion of corporate property of over $35,000, Minn. Stat. § 609.52, subds. 2(a)(15) or (16) & 3(1).
	Explosive device or incendiary device crime, Minn. Stat. § 609.668, subd. 6.
	Fleeing a peace officer ~~(~~ resulting in great bodily harm~~)~~, Minn. Stat. § 609.487, subd. 4(b).
	Impersonating a peace officer with a firearm, Minn. Stat. § 609.4751, subd. 3(b).
	Kidnapping ~~(Safe Release/No Great Bodily Harm)~~, Minn. Stat. § 609.25, subd. 2(1).
	Labor trafficking, Minn. Stat. § 609.282, subd. 2.
	Medical assistance fraud ~~($100,001–~~ of over $100,000 but not over $1,000,000~~)~~, Minn. Stat. § 609.467, subd. 2(b).
	Offering ~~Counterfeit Currency (~~over $35,000~~)~~ in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(1).
	~~Certain Persons Not to Have Firearms~~ Possessing a firearm or ammunition after a crime of violence, Minn. Stat. § ~~624.713, subd. 2(b), or~~ 609.165, subd. 1b, or 624.713, subd. 2(b).
	~~Price Fixing/Collusive Bidding~~ Public contract bid rigging, Minn. Stat. § 325D.53, subd. 1(2)(a).
	Theft of over $35,000 by check, Minn. Stat. § 609.52, subds. 2(a)(3)~~, (4), (15), (16), & (19)~~(i) & 3(1).
	Theft of over $35,000 by deception, Minn. Stat. § 609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1).
	Theft of over $35,000 by swindle, Minn. Stat. § 609.52, subds. 2(a)(4) & 3(1).
	Unauthorized human services remunerations ~~(~~ of over $35,000~~)~~, Minn. Stat. § 609.542, subd. 4(1).
	Wage theft of over $35,000, Minn. Stat. § 609.52, subds. 2(a)(19) & 3(1).

Subd. 8. The following offenses are ranked at severity level 5:

5	
	Arson ~~2nd~~ in the second degree, Minn. Stat. § 609.562.
	Assault ~~3rd~~ in the third degree ~~(~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.223, subd. 1.
	Assault of an unborn child ~~2nd~~ in the second degree, Minn. Stat. § 609.2671.
	Burglary ~~2nd~~ in the second degree of a dwelling, bank, government building, religious establishment, historic property, or school, Minn. Stat. § 609.582, subd. 2(a)(1), (a)(2), or (b).
	Check forgery ~~(~~ of over $35,000~~)~~, Minn. Stat. § 609.631, subd. 4(1).
	Child neglect~~/~~ or endangerment, Minn. Stat. § 609.378.
	Criminal vehicular operation ~~(Great Bodily Harm;~~ involving leaving the scene or defective maintenance~~)~~ and resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(7) or (8).
	Criminal vehicular operation ~~(Injury to an Unborn Child;~~ involving leaving the scene or defective maintenance~~)~~ and resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(7) or (8).
	Deprivation of a vulnerable adult ~~(~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.233, subd. 3(2).
	Disrupting an emergency ~~Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)~~ call center system, Minn. Stat. § 609.78, subd. 2b(2).
	Domestic assault by strangulation, Minn. Stat. § 609.2247.
	~~Engage or Hire~~ Engaging a minor ~~to Engage~~ age 14 or 15, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(b).
	Explosive component, unlawful possession of, Minn. Stat. § 299F.79.
	Explosives, illegal transfer of, Minn. Stat. § 299F.82, subd. 1.
	Explosives, negligent discharge of ~~Explosive~~, Minn. Stat. § 299F.83.
	~~Possession or Use (Unauthorized) of~~ Explosives, unpermitted possession of, Minn. Stat. § ~~299F.79;~~ 299F.80, subd. 1~~; 299F.82, subd. 1~~.
	Financial exploitation of a vulnerable adult ~~(~~ of over $5,000~~)~~, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
	Financial transaction card fraud ~~(~~ of over $35,000~~)~~, Minn. Stat. § 609.821, subd. 3(a)(1)(i).
	Harassment ~~(3rd~~ as a third or subsequent ~~Violations)~~ offense, Minn. Stat. § 609.749, subd. 4(b).
	Impersonating a peace officer as a second violation, Minn. Stat. § 609.4751, subd. 3(a).
	~~Interference~~ Interfering with emergency communications, Minn. Stat. § 609.776.
	Manslaughter in the second degree by a loose animal known to be dangerous, Minn. Stat. § 609.205(4).

5	
	Manslaughter ~~2nd Degree – Hunting Accident~~ in the second degree by negligent hunting, Minn. Stat. § 609.205(2)~~, (3), or (4)~~.
	Manslaughter in the second degree by setting a dangerous device, Minn. Stat. § 609.205(3).
	Manslaughter of an unborn child ~~2nd~~ in the second degree other than by culpable negligence, Minn. Stat. § 609.2665(2), (3), or (4).
	Perjury in a felony trial or an explosives permit application, Minn. Stat. § 609.48, subd. 4(1).
	Price fixing~~/Collusive Bidding~~, market allocation, or bid suppression, Minn. Stat. § 325D.53, subd. 1(1) or (2)(b) or (c).
	Simple robbery, Minn. Stat. § 609.24.
	Stalking, Minn. Stat. § 609.749, subd. 5.
	Theft of over $5,000 from a vulnerable adult ~~(Over $5,000)~~, Minn. Stat. § 609.52, subd. 3a(b)(3).
	Transferring ~~Firearm to~~ to an ineligible person ~~(Aggravated)~~ a firearm later used in a crime of violence, Minn. Stat. § 624.7141, subd. 2.
	Wildfire arson ~~(~~ resulting in demonstrable bodily harm~~)~~, Minn. Stat. § 609.5641, subd. 1a(d).
	Witness tampering ~~with Witness~~ in the first degree, Minn. Stat. § 609.498, subd. 1a.

Subd. 9. The following offenses are ranked at severity level 4:

4	
	Adulteration resulting in bodily harm, Minn. Stat. § 609.687, subd. 3(2).
	Assault ~~3rd~~ in the third degree ~~(Child Abuse)~~ against a minor, Minn. Stat. § 609.223, subd. 2 or 3.
	Assault ~~5th~~ in the fifth degree ~~(3rd or Subsequent Violation)~~, Minn. Stat. § 609.224, subd. 4.
	Bribery, Minn. Stat. § 609.42~~; 90.41; 609.86~~.
	~~Bribery, Advancing Money, and Treating~~ Bribing a voter, Minn. Stat. § 211B.13.
	~~Bring~~ Bringing a dangerous weapon into ~~County~~ a jail, Minn. Stat. § 641.165, subd. 2(b).
	~~Bring~~ Bringing contraband into a state ~~Prison~~ correctional facility or hospital, Minn. Stat. § 243.55.
	Burglary ~~2nd~~ in the second degree ~~(Pharmacy/Tool)~~ of a pharmacy or while possessing a tool, Minn. Stat. § 609.582, subd. 2(a)(3) or (4).
	Burglary ~~3rd~~ in the third degree ~~(Nonresidential)~~ by entry of a building without consent, Minn. Stat. § 609.582, subd. 3(a).
	Causing injury ~~of~~ to an unborn child in the commission of a crime, Minn. Stat. § 609.268, subd. 2.
	Commercial bribery, Minn. Stat. § 609.86.

4	
	Criminal abuse of a vulnerable adult ~~(~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.2325, subd. 3(3).
	Domestic assault, Minn. Stat. § 609.2242, subd. 4.
	False imprisonment ~~(~~ of a child resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.255, subd. 3(c).
	Financial exploitation of a vulnerable adult ~~(~~ of $5,000 or less~~)~~, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
	Fleeing a peace officer ~~(~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.487, subd. 4(c).
	Grossly negligent ~~fires (~~ fire resulting in great bodily harm~~)~~, Minn. Stat. § 609.576, subd. 1(1).
	Harassment ~~(~~, aggravated ~~Violations)~~, Minn. Stat. § 609.749, subd. 3.
	Harassment ~~(2nd Violation)~~ as a second offense, Minn. Stat. § 609.749, subd. 4(a).
	Impersonating a peace officer with a vehicle or while exercising authority, Minn. Stat. § 609.4751, subd. 2.
	~~Interference~~ Interfering with a ~~Dead Body or Scene of Death~~ death scene or body, Minn. Stat. § 609.502, subd. 1(1).
	Making an emergency ~~Telephone Calls and Communications (3rd or Subsequent, Making Calls When~~ call with no emergency ~~Exists)~~ as a third or subsequent offense, Minn. Stat. § 609.78, subd. 2b(1).
	Malicious punishment of a child ~~(2nd~~ as a second or subsequent ~~Violation)~~ offense, Minn. Stat. § 609.377, subd. 3.
	Malicious punishment of a child ~~(~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.377, subd. 5.
	Malicious punishment of a child ~~(Bodily Harm)~~ under age 4, Minn. Stat. § 609.377, subd. 4.
	Organized retail theft ~~(~~ of over $5,000~~)~~, Minn. Stat. § 609.522, subd. 3(1).
	Perjury, Minn. Stat. § 609.48, subd. 4(2).
	Possessing a dangerous weapon, ammunition, or explosives in a courthouse ~~or Certain State Buildings~~ complex or Capitol Area building, Minn. Stat. § 609.66, subd. 1g.
	Possessing a dangerous ~~Weapons~~ weapon on school property, Minn. Stat. § 609.66, subd. 1d(a).
	Publishing personal information of a judicial official ~~(~~ resulting in bodily harm~~)~~, Minn. Stat. § 609.476, subd. 3.
	Receipt of stolen property by a precious metal ~~and~~ or scrap metal ~~Dealers, Receiving Stolen Goods (2nd~~ dealer as a second or subsequent ~~Violations)~~ offense, Minn. Stat. § 609.526.
	Receiving a stolen ~~Property (~~firearm~~)~~, Minn. Stat. §§ 609.53 & 609.52, subd. 3(1).
	Sports bookmaking, Minn. Stat. § 609.76, subd. 2.

4	
	Theft from the person of another, Minn. Stat. § 609.52.
	Theft of $5,000 or less from a vulnerable adult ~~($5,000 or Less)~~, Minn. Stat. § 609.52, subds. 3(3) & 3a(b)(3).
	Theft of a firearm, Minn. Stat. § 609.52, subd. 3(1).
	Theft of a motor vehicle, Minn. Stat. § 609.52, subd. 2(a)(1).
	Theft of a Schedule I or II controlled ~~substances~~ substance, Minn. Stat. § 609.52, subd. 3(2).
	Theft of an incendiary device, Minn. Stat. § 609.52, subd. 3(2).
	~~Threats of~~ Threatening violence ~~(Terror/Evacuation)~~, Minn. Stat. § 609.713, subd. 1.
	Timber scaler or state appraiser misconduct, Minn. Stat. § 90.41.
	Use of drugs to injure or facilitate crime, Minn. Stat. § 609.235.
	Violation of a domestic abuse no contact order, Minn. Stat. § 629.75, subd. 2(d).
	Violation of a financial exploitation protective order, Minn. Stat. § 609.2334, subd. 13(c).
	Violation of a harassment restraining order, Minn. Stat. § 609.748, subd. 6(d).
	Violation of an order for protection, Minn. Stat. § 518B.01, subd. 14(d).
	~~Security Violations (Over $2,500)~~ Violation of securities or commercial laws resulting in a loss of over $2,500, Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3~~(a) or (b)~~.

Subd. 10. The following offenses are ranked at severity level 3:

3	
	~~Patrons~~ Acting as a patron of prostitution ~~(2nd~~ as a second or subsequent ~~Violation)~~ offense, Minn. Stat. § 609.324, subd. 2(b).
	~~Depriving Another~~ Aggravated deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(2).
	Arson ~~3rd~~ in the third degree, Minn. Stat. § 609.563.
	Assault ~~4th~~ in the fourth degree, Minn. Stat. § 609.2231, subd. 1(c), 2(b), 3, or 3a~~, & 4(b)~~.
	Assault in the fourth degree motivated by bias, Minn. Stat. § 609.2231, subd. 4(b).
	~~Bringing Stolen Goods into State (Over $5,000), Minn. Stat. § 609.525.~~
	Burglary ~~3rd~~ in the third degree ~~(~~ by shoplifting contrary to a trespass notice~~, 2nd or Subsequent)~~, Minn. Stat. § 609.582, subd. 3(b).
	Catalytic converter crime ~~(11–70~~ involving 11 to 70 converters~~)~~, Minn. Stat. § 325E.21, subd. 6(b)(4).
	Check forgery ~~(~~ of over $2,500~~)~~, Minn. Stat. § 609.631, subd. 4(2).
	Coercion ~~(Threat~~ by threatening bodily harm~~)~~, Minn. Stat. § 609.27, subd. 1(1).
	Coercion ~~(Prop. Value~~ resulting in a gain or loss of $2,500 or more~~)~~, Minn. Stat. § 609.27, subd. ~~1(2), (3), (4), (5), & (6)~~ 2(a)(3).

3	
	Committing a gross misdemeanor while impersonating a peace officer, Minn. Stat. § 609.4751, subd. 4(a)(2).
	Computer damage ~~(~~ of over $2,500~~)~~, Minn. Stat. § 609.88.
	Computer theft ~~(~~ of over $2,500~~)~~, Minn. Stat. § 609.89.
	Criminal damage to property ~~(Risk Bodily Harm,~~ in the first degree to a public safety ~~Motor~~ vehicle~~)~~ or causing a risk of harm, Minn. Stat. § 609.595, subd. 1(1) or (2).
	Criminal vehicular operation ~~(~~ resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.2113, subd. 2.
	Damage or theft to energy transmission~~,~~ or telecommunications equipment, Minn. Stat. § 609.593.
	~~Damages; Illegal Molestation of Human Remains; Burials; Cemeteries~~ Damaging or disturbing human burial grounds or remains, Minn. Stat. § 307.08, subd. 2(a).
	Dangerous smoking, Minn. Stat. § 609.576, subd. 2.
	Disarming a peace officer, Minn. Stat. § 609.504.
	Drive-by shooting ~~(~~ toward an unoccupied motor vehicle or building~~)~~, Minn. Stat. § 609.66, subd. 1e(a)(1).
	Embezzlement of over $2,500 of public funds ~~(Over $2,500)~~, Minn. Stat. § 609.54(2).
	~~Engage or Hire~~ Engaging a minor ~~to Engage~~ age 16 or 17, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(c).
	Escape from ~~Civil Commitment, Sexually Dangerous Persons~~ a felony offense, Minn. Stat. § 609.485, subd. 4(a)(1).
	Escape from ~~Civil~~ custody or supervision under the Minnesota Commitment~~,~~ and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities, Minn. Stat. § 609.485, subd. 4(a)(5).
	Escape from electronic monitoring, Minn. Stat. § 609.485, subd. 4(f).
	Exhibiting a false traffic signal, Minn. Stat. § 609.851, subd. 2.
	False imprisonment ~~(Restraint)~~, Minn. Stat. § 609.255, subd. 2.
	False imprisonment ~~(~~ of a child resulting in demonstrable bodily harm~~)~~, Minn. Stat. § 609.255, subd. 3(b).
	Financial transaction card fraud ~~(~~ of over $2,500~~)~~, Minn. Stat. § 609.821, subd. ~~2(1)(2)(5)(6)(7)(8)~~ 3(a)(1)(ii).
	Gambling ~~taxes~~ tax evasion, Minn. Stat. § 297E.13, subd. 1 to 4.
	Identity theft ~~(4–7~~ involving four to seven direct victims or loss of over $2,500~~)~~, Minn. Stat. § 609.527, subd. 3(4).
	Insurance tax evasion, Minn. Stat. § 297I.90~~, subd. 1 or 2~~.
	Intentional release of a harmful substance, Minn. Stat. § 624.732, subd. 2.
	~~Rustling and~~ Livestock theft ~~(~~ of over $2,500~~)~~, Minn. Stat. § 609.551.
	Motor vehicle use without consent, Minn. Stat. § 609.52, subd. 2(a)(17).

3	
	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts, Minn. Stat. § 617.262, subd. 3(b).
	Nonconsensual dissemination of private sexual images, Minn. Stat. § 617.261, subd. 2(b).
	Obstructing legal process, arrest, ~~Firefighting, or Ambulance Service Personnel Crew~~ or a first responder, Minn. Stat. § 609.50, subd. 2(1).
	~~Dangerous Trespass,~~ Obstructing or tampering with a railroad ~~Tracks~~ track to injure or derail, Minn. Stat. § 609.85, subd. 1.
	Offering over $5,000 but not over $35,000 in counterfeit currency ~~($5,001–$35,000)~~, Minn. Stat. § 609.632, subds. 3 & 4(b)(2).
	Organized retail theft ~~($1,001–$5,000, or $501–$1,000 and Prior Convictions)~~ of $5,000 or less, Minn. Stat. § 609.522, subd. 3(2).
	Placing a fictitious emergency call ~~(~~resulting in substantial bodily harm~~)~~, Minn. Stat. § 609.78, subd. 2a(2).
	Possession of a code-~~-~~grabbing ~~Devices~~ device, Minn. Stat. § 609.586, subd. 2.
	Possession of a short-barreled shotgun, Minn. Stat. § 609.67, subd. 2(b).
	Possession of burglary or theft tools, Minn. Stat. § 609.59.
	Possession of shoplifting gear, Minn. Stat. § 609.521.
	Possession or sale of a stolen or counterfeit check involving four or more victims or a loss of over $2,500, Minn. Stat. § 609.528, subd. 3(4).
	Prohibited possession, use, or sale of tear gas ~~&~~ , a tear gas ~~Compounds;~~ compound, or an electronic incapacitation ~~Devices~~ device, Minn. Stat. § 624.731, subd. 8(a).
	~~Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (~~ Receipt of $1,000 or more~~)~~ in stolen property by a precious metal or scrap metal dealer, Minn. Stat. § 609.526, subd. 2(1).
	Receiving ~~Stolen Goods (~~over $5,000~~)~~ in stolen property, Minn. Stat. § 609.53.
	Sale of human remains, Minn. Stat. § 609.84.
	Sale or possession of a firearm suppressor ~~(~~in a public housing, school, or park zone~~)~~, Minn. Stat. § 609.66, subd. 1a(a)(1) & (b)(1).
	Surreptitious photography under or around clothing ~~(3rd~~ as a third or subsequent ~~Violation)~~ offense, Minn. Stat. § 609.746, subd. 1(j).
	Tampering with a fire alarm system ~~(Results in~~ resulting in bodily harm~~)~~, Minn. Stat. § 609.686, subd. 2.
	Tax evasion ~~Laws~~, Minn. Stat. § 289A.63.
	Telecommunications ~~and Information Services; Obtaining Services by~~ fraud ~~(~~of over $2,500~~)~~, Minn. Stat. § 609.893, subd. 1.
	Theft crimes ~~—~~of over $5,000: see ~~section 7: Theft Offense List~~ guideline 7.60 (theft offenses).
	Theft of a public ~~Records~~ record, Minn. Stat. § 609.52.

3	
	Theft of a Schedule III, IV, or V controlled ~~Substances~~ substance, Minn. Stat. § 609.52, subd. 3(3)(b).
	Theft of a trade secret, Minn. Stat. § 609.52, subd. 2(a)(8).
	~~Hinder Logging (~~ Tree spiking resulting in great bodily harm~~)~~, Minn. Stat. § 609.591, subd. 3(1).
	Unauthorized human services remunerations ~~(~~ of over $5,000~~)~~, Minn. Stat. § 609.542, subd. 4(2).
	~~Certain Persons Not to Have Firearms~~ Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor, Minn. Stat. § 624.713, subd. 2(a).
	Unauthorized presence in a hazardous military area, Minn. Stat. § 609.396, subd. 2.
	~~Security Violations ($2,500 or Less)~~ Violation of securities or commercial laws resulting in a loss of $2,500 or less, Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3~~(a) or (b)~~.

Subd. 11. The following offenses are ranked at severity level 2:

2	
	Aggravated forgery ~~(Misc. Non-Check)~~, Minn. Stat. § 609.625, 609.635, or 609.64.
	~~Counterfeited~~ Aggravated intellectual property counterfeiting, Minn. Stat. § 609.895, subd. 3(a).
	Bribery of a participant or official in a contest, Minn. Stat. § 609.825, subd. 2.
	~~Bringing Stolen Goods into State ($1,001-$5,000), Minn. Stat. § 609.525.~~
	~~Bringing Stolen Goods into State ($501-$1,000, w/Previous Conviction), Minn. Stat. § 609.525.~~
	Catalytic converter crime ~~(3-10~~ involving three to ten converters~~)~~, Minn. Stat. § 325E.21, subd. 6(b)(3).
	Cellular counterfeiting ~~1st~~ in the first degree, Minn. Stat. § 609.894, subd. 4.
	Check forgery ~~($251 -~~ of over $250 but not over $2,500~~)~~, Minn. Stat. § 609.631, subd. 4(3)(a).
	Coercion ~~(Prop. Value $301 -~~ resulting in a gain or loss of over $300 but less than $2,500~~)~~, Minn. Stat. § 609.27, subds. 1(2) to (6) & 2(a)(2).
	Computer damage ~~(~~ of $2,500 or less~~)~~, Minn. Stat. § 609.88.
	Computer theft ~~(~~ of $2,500 or less~~)~~, Minn. Stat. § 609.89.
	Criminal damage to property ~~(Service to Public, Over $1,000, Over $500 and Subsequent) .~~ in the first degree to a common carrier, of over $1,000, or of over $500 as a second or subsequent offense, Minn. Stat. § 609.595, subd. 1(3), (4), or (5).
	Discharge of a firearm ~~(~~ in a public housing, school, or park zone~~)~~, reckless, Minn. Stat. § 609.66, subd. 1a(a)~~(2) &~~ (3) & (b)(1).

2	
	Discharge of a firearm ~~(under dangerous circumstances,~~ intentional~~)~~, Minn. Stat. § 609.66, subd. 1a(a)(2).
	Electronic use of false pretense to obtain identity, Minn. Stat. § 609.527, subd. 5a.
	Embezzlement of ~~Public Funds (~~$2,500 or less~~)~~ of public funds, Minn. Stat. § 609.54(1).
	~~Duty~~ Failure to render aid ~~(~~ to a shooting victim suffering death or great bodily harm~~)~~, Minn. Stat. § 609.662, subd. 2(b)(1).
	Financial transaction card fraud ~~(~~ of $2,500 or less~~)~~, Minn. Stat. § 609.821, subd. ~~2(1)(2)(5)(6)(7)(8)~~ 3(a)(1)(iii) or (iv).
	Furnishing a dangerous weapon, recklessly, Minn. Stat. § 609.66, subd. 1c.
	Furnishing a firearm, airgun, ammunition, or explosive to a minor without parental consent, Minn. Stat. § 609.66, subd. 1b.
	~~Theft ($1,000 or Less;~~ Gross misdemeanor or misdemeanor theft creating a risk of harm~~)~~, Minn. Stat. § 609.52, subd. 3a(a)(1).
	Gross misdemeanor theft from a vulnerable adult, Minn. Stat. § 609.52, subds. 3(4) & 3a(b)(2).
	Grossly negligent ~~Fires (Damage~~ fire damaging $2,500 or more~~)~~, Minn. Stat. § 609.576, subd. 1(3)(iii).
	Identity theft ~~(2–3~~ involving two or three direct victims or ~~$501–~~ loss of over $500 but not over $2,500 ~~Loss)~~, Minn. Stat. § 609.527, subd. 3(3).
	Impersonating a peace officer, Minn. Stat. § 609.4751, subd. 1.
	Issuing a dishonored check ~~(~~ of over $500~~)~~, Minn. Stat. § 609.535, subd. 2a(a)(1).
	~~Accidents (Death)~~ Leaving the scene of a fatal collision caused by another driver, Minn. Stat. § 169.09, subd. 14(a)(1).
	~~Rustling and~~ Livestock theft ~~(~~ of over $300 but not over $2,500 ~~or Less)~~, Minn. Stat. § 609.551.
	Mail theft, Minn. Stat. § 609.529.
	~~Threats of Violence (~~ Making a bomb threat~~)~~, Minn. Stat. § 609.713, subd. 2.
	Medical assistance fraud ~~(~~ of $100,000 or less~~)~~, Minn. Stat. § 609.467, subd. 2(a).
	~~Failure to~~ Negligent control of a regulated animal~~,~~ resulting in great bodily harm or death, Minn. Stat. § 346.155, subd. 10(e).
	Offering ~~Counterfeit Currency (~~$5,000 or less~~)~~ in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(3).
	Possession or sale of a stolen or counterfeit check involving two or three victims or a loss of over $500 but not over $2,500, Minn. Stat. § 609.528, subd. 3(3).
	~~Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (~~ Receipt of less than $1,000~~)~~ in stolen property by a precious metal or scrap metal dealer, Minn. Stat. § 609.526, subd. 2(2).
	Receiving ~~Stolen Goods (~~$5,000 or less~~)~~ in stolen property, Minn. Stat. § 609.53.
	Residential mortgage fraud, Minn. Stat. § 609.822.

2	
	Riot ~~2nd~~ in the second degree, Minn. Stat. § 609.71, subd. 2.
	Sale or possession of a firearm suppressor, Minn. Stat. § 609.66, subd. 1a(a)(1).
	~~Telecommunications and Information Services; Facilitation of~~ Telecommunications fraud, facilitating, Minn. Stat. § 609.893, subd. 2.
	Telecommunications ~~and Information Services; Obtaining Services by~~ fraud ~~(~~ of $2,500 or less~~)~~, Minn. Stat. § 609.893, subd. 1.
	Theft crimes ~~—~~ of $5,000 or less: see ~~section 7: Theft Offense List~~ guideline 7.60 (theft offenses).
	Theft ~~(looting)~~ of $1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle, Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
	Transferring a firearm to an ineligible person, Minn. Stat. § 624.7141, subd. 1.
	~~Transfer~~ Transferring a pistol or semiautomatic assault weapon to a minor, Minn. Stat. § 624.7132, subd. 15(b).
	Unauthorized ~~Computer~~ access ~~(~~ to an electronic fund transfer terminal~~)~~, Minn. Stat. § 609.891, subd. 2(c).
	Unauthorized human services remunerations ~~(~~ of $5,000 or less~~)~~, Minn. Stat. § 609.542, subd. 4(3).
	Unlawful possession or use of a scanning device or reencoder, Minn. Stat. § 609.527, subd. 5b.
	Violation of charitable gambling ~~Regulations~~ laws, Minn. Stat. § 349.2127, subd. 1 to 6, or 349.22, subd. 4.
	Violation of precious metal ~~dealers, regulatory provisions~~ dealer laws, Minn. Stat. § 325F.743.
	Wildfire arson, Minn. Stat. § 609.5641, subd. 1a(a).

Subd. 12. The following offenses are ranked at severity level 1:

1	
	Aiding an offender to avoid arrest, Minn. Stat. § 609.495, subd. 1.
	Assaulting ~~or Harming~~ a police horse resulting in demonstrable bodily harm to the horse, Minn. Stat. § 609.597, subd. 3(3).
	~~False~~ Bill of lading fraud, Minn. Stat. ~~§ 228.45, 47, 49, 50, 51~~ chapter 228.
	Carrying a pistol without a permit ~~(Subsequent Violations)~~, Minn. Stat. § 624.714, subd. 1a.
	Carrying a semiautomatic assault weapon ~~in Public if~~ under age 21, Minn. Stat. § 624.7181, subd. 2.
	Cellular counterfeiting ~~2nd~~ in the second degree, Minn. Stat. § 609.894, subd. 3.
	Check forgery ~~(~~ of $250 or less~~)~~, Minn. Stat. § 609.631, subd. 4(3)(b).

1	
	Committing a crime with a bullet-resistant vest ~~During Commission of Crime~~, Minn. Stat. § 609.486.
	Committing a gross misdemeanor prostitution ~~crimes (Gross Misdemeanor Level) Committed~~ crime in ~~-~~ a school or park ~~Zones~~ zone, Minn. Stat. §§ 609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2).
	Criminal damage to property ~~Motivated by Bias~~ in the second degree, Minn. Stat. § 609.595, subd. 1a~~, (a)~~.
	Criminal use of ~~Real~~ cinema property ~~(Movie Pirating)~~ for recording, Minn. Stat. § 609.896.
	~~Depriving another~~ Deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(1).
	Discharge of a firearm at or in an unoccupied transit vehicle~~/~~ or facility, Minn. Stat. § 609.855, subd. 5.
	Discharge of a firearm ~~(~~ in a municipality, reckless~~)~~, Minn. Stat. § 609.66, subd. 1a(a)(3) & (b)(2).
	Distributing toxic alcohol as a beverage, Minn. Stat. § 340A.701, subd. 1(3).
	~~Fraudulent Drivers' Licenses and~~ Driver's license or identification ~~Cards~~ card fraud, Minn. Stat. § 609.652.
	Escape ~~from Civil Commitment~~ after a finding of not guilty by reason of mental illness or deficiency, Minn. Stat. § 609.485, subd. 4(a)(2).
	Escape from civil commitment as mentally ill and dangerous, Minn. Stat. § 609.485, subd. 4(a)(4).
	Failure to appear in court, Minn. Stat. § ~~609.49 or~~ 588.20, subd. 1, or 609.49.
	~~Duty~~ Failure to render aid ~~(~~ to a shooting victim suffering substantial bodily harm~~)~~, Minn. Stat. § 609.662, subd. 2(b)(2).
	False ~~Statement to Obtain~~ application for a firearm transferee permit, Minn. Stat. § 624.7131, subd. 11.
	False certification by a notary public, Minn. Stat. § 609.65(1).
	Financial transaction card ~~fraud~~ trafficking, Minn. Stat. § 609.821, subd. 2(3) or (4).
	Fleeing a peace officer, Minn. Stat. § 609.487, subd. 3.
	Forgery, Minn. Stat. § 609.63.
	Fuel tax ~~on Petroleum and Other Fuels (Willful~~ evasion~~)~~, Minn. Stat. § 296A.23, subd. 2.
	Furnishing alcohol to a minor resulting in death or great bodily harm, Minn. Stat. § 340A.701, subd. 1(4).
	~~Crime~~ Gross misdemeanor committed for the benefit of a gang, Minn. Stat. § 609.229, subd. 3(c).
	~~Counterfeited~~ Intellectual property counterfeiting, Minn. Stat. § 609.895, subd. 3(b).
	Interference with a transit operator, Minn. Stat. § 609.855, subd. 2(c)(1).

1	
	Interference with privacy ~~(2nd~~ against a minor victim or as a second ~~Violations or Minor Victim).~~ offense, Minn. Stat. § 609.746, subd. 1(g).
	~~Accidents (Great Bodily Harm)~~ Leaving the scene of a collision resulting in great bodily harm and caused by another driver, Minn. Stat. § 169.09, subd. 14(a)(2).
	Leaving the state to evade establishment of paternity, Minn. Stat. § 609.31.
	Liquor ~~taxation (Criminal Penalties)~~ tax evasion, Minn. Stat. § 297G.19, subd. 3, 4(c), or 5(c).
	~~Threats of Violence (~~ Menacingly displaying a replica firearm~~)~~ or BB gun, Minn. Stat. § 609.713, subd. 3(a).
	~~Altering Livestock Certificate~~ Misuse or alteration of a brand, Minn. Stat. § 35.824.
	Nonsupport of a spouse or child, Minn. Stat. § 609.375, subd. 2a.
	Organized retail theft ~~($501-$1,000, or $500 or Less and Prior Convictions) .~~ of $1,000 or less, Minn. Stat. § 609.522, subd. 3(3).
	~~False declaration~~ Perjury in a public assistance application, Minn. Stat. § 256.984.
	Placing a fictitious emergency call ~~(~~ for a response to the home of an official~~)~~, Minn. Stat. § 609.78, subd. 2c.
	~~Remove or Alter~~ Removal or alteration of a firearm's serial number ~~on Firearm~~, Minn. Stat. § 609.667.
	Sale of unauthorized cable ~~Communication Systems Interference~~ connection device, Minn. Stat. § 609.80, subd. 2.
	~~Fraudulent statements~~ Securities valuation or commercial transit fraud, Minn. Stat. § 609.645.
	State Lottery fraud of less than $35,000, Minn. Stat. § 609.651, subds. 1 & 4(a).
	Tampering with a fire alarm ~~(~~ system creating the potential for bodily harm~~)~~, Minn. Stat. § 609.686, subd. 2.
	Theft of $1,000 or less from an abandoned or vacant building ~~($1,000 or Less)~~, Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
	~~Fraudulent Instrument or Entry for Procuring a Certificate of~~ Title fraud, land certificate of, Minn. Stat. § 508.80.
	~~False Information - Certificate of~~ Title ~~Application~~ fraud, motor vehicle, Minn. Stat. § 168A.30, subd. 1.
	~~Certification for~~ Title ~~on~~ fraud, watercraft, Minn. Stat. § 86B.865, subd. 1.
	~~Unlawful Acts Involving Liquor~~ Unlawfully manufacturing or trafficking alcoholic beverages, Minn. Stat. § 340A.701, subd. 1(1) or (2).
	Violation of health insurance ~~regulations~~ laws, Minn. Stat. § 62A.41.
	Violation of money ~~transmitter regulations~~ transmission laws, Minn. Stat. § 53B.66.
	Violation of prize ~~Notices and Solicitations~~ disclosure and award requirements, Minn. Stat. § 325F.755~~, subd. 7~~.
	~~Voting Violations~~ Violation of voting laws, Minn. Stat. chapter 201, 203B, or 204C.

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.20 SEVERITY LEVELS OF OFFENSES ON THE SEX OFFENSE GRID.

Subdivision 1. ~~**[5.A]**~~ The offenses listed in this guideline are the offenses on the sex offense grid shown in guideline 3.20 and are ranked at the severity levels given.

Subd. 2. The following offenses are ranked at severity level A:

A	
	Criminal sexual conduct ~~1st~~ in the first degree, Minn. Stat. § 609.342.
	~~Aggravated~~ Sex trafficking ~~1st~~, aggravated first-degree, Minn. Stat. § 609.322, subd. 1(a) & (b).

Subd. 3. The following offenses are ranked at severity level B:

B	
	Criminal sexual conduct in the second degree by sexual contact of a minor under age 16 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.343, subd. 1a(h).
	Criminal sexual conduct ~~2nd~~ in the second degree by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice, Minn. Stat. § 609.343, subd. 1(a) to (e) or 1a(a) to (d) ~~(h)~~ or (i).
	~~Aggravated~~ Sex trafficking ~~2nd~~, aggravated second-degree, Minn. Stat. § 609.322, subds. 1a & 1(b).
	Sex trafficking ~~1st~~ in the first degree, Minn. Stat. § 609.322, subd. 1(a).

Subd. 4. The following offenses are ranked at severity level C:

C	
	Criminal sexual conduct ~~3rd~~ in the third degree by sexual penetration by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless, Minn. Stat. § 609.344, subd. 1(a) to (d) or 1a(c), (d), ~~(g),~~ (h), or (i).
	Criminal sexual conduct in the third degree by sexual penetration of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.344, subd. 1a(g).
	Dissemination of child sexual abuse material ~~(~~as a second or subsequent offense, by a predatory offender, or involving a child under age 14~~)~~, Minn. Stat. § 617.247, subd. 3(b).
	Sex trafficking ~~2nd~~ in the second degree, Minn. Stat. § 609.322, subd. 1a.
	Sexual extortion ~~(~~by sexual penetration~~)~~, Minn. Stat. § 609.3458, subd. 1(b).
	Use of minors in sexual performance or child sexual abuse material ~~(~~as a second or subsequent offense, by a predatory offender, or involving a child under age 14~~)~~, Minn. Stat. § 617.246, subd. 2(b), 3(b), or 4(b).

Subd. 5. The following offenses are ranked at severity level D:

D
Criminal sexual conduct ~~2nd~~ in the second degree by sexual contact of a minor under age 14, or of a minor under age 16 by a person in authority or with a significant relationship, Minn. Stat. § 609.343, subd. 1a(e), (f), or (g).
Criminal sexual conduct in the third degree by sexual penetration of a minor age 14 or 15 by a person more than 36 months older, Minn. Stat. § 609.344, subds. 1a(b) & 2(1).
Criminal sexual conduct ~~3rd~~ in the third degree by sexual penetration of a minor age 16 or 17 by a person in authority or with a significant relationship, Minn. Stat. § 609.344, subd. 1a~~(a)~~(e) or (f) ~~or subd. 1a(b) with ref. to subd. 2(1)~~.
Criminal sexual conduct in the third degree by sexual penetration of a minor under age 14 by a minor no more than 36 months older, Minn. Stat. § 609.344, subd. 1a(a).
Use of minors in sexual performance or child sexual abuse material, Minn. Stat. § 617.246, subd. 2(a), 3(a), or 4(a).

Subd. 6. The following offenses are ranked at severity level E:

E
Criminal sexual conduct ~~4th~~ in the fourth degree by sexual contact by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless, Minn. Stat. § 609.345, subd. 1(a) to (d) or 1a(c), (d), ~~(g),~~ (h), or (i).
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.345, subd. 1a(g).
Dissemination of child sexual abuse material, Minn. Stat. § 617.247, subd. 3(a).
Possession of child sexual abuse material ~~(~~ as a second or subsequent offense, by a predatory offender, or involving a child under age 14~~)~~, Minn. Stat. § 617.247, subd. 4(b).
Sexual extortion ~~(~~ by sexual contact~~)~~, Minn. Stat. § 609.3458, subd. 1(a).

Subd. 7. The following offenses are ranked at severity level F:

F
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older, Minn. Stat. § 609.345, subd. 1a(b).
Criminal sexual conduct ~~4th~~ in the fourth degree by sexual contact of a minor age 16 or 17 by a person in authority or with a significant relationship, Minn. Stat. § 609.345, subd. 1a~~(a)(b)~~(e) or (f).
Criminal sexual conduct in the fourth degree by sexual contact of a minor under age 14 by a minor no more than 36 months older, Minn. Stat. § 609.345, subd. 1a(a).

F	
	Criminal sexual conduct ~~5th~~ in the fifth degree ~~(2nd~~ as a second or subsequent ~~Violation)~~ offense, Minn. Stat. § 609.3451, subd. 3(b).

Subd. 8. The following offenses are ranked at severity level G:

G	
	Criminal sexual conduct ~~3rd~~ in the third degree ~~(Actor between 24 mos. and 36 mos.~~ by sexual penetration of a minor age 14 or 15 by a person more than 24 months, but not more than 36 months, older ~~than Complainant)~~, Minn. Stat. § 609.344, subds. 1a(b) & 2(2).
	Indecent exposure, Minn. Stat. § 617.23, subd. 3.
	Possession of child sexual abuse material, Minn. Stat. § 617.247, subd. 4(a).
	Sexual solicitation of a child, Minn. Stat. § 609.352, subd. 2.
	Sexual solicitation of a child by grooming, Minn. Stat. § 609.352, subd. 2c.
	Sexual solicitation of a child ~~–~~, electronic, Minn. Stat. § 609.352, subd. 2a.
	Sexual solicitation of a minor while in a position of authority, Minn. Stat. § 609.352, subd. 2d.
	Sexual solicitation of a student, Minn. Stat. § 609.352, subd. 2e.
	Using a surreptitious observation device ~~(~~ against a minor victim ~~and~~ with sexual intent~~)~~, Minn. Stat. § 609.746, subd. 1(h).

Subd. 9. The following offense is ranked at severity level H:

H	
	Criminal sexual conduct ~~5th~~ in the fifth degree ~~(~~ by nonconsensual sexual penetration~~)~~, Minn. Stat. § 609.3451, subd. 3(a).

Subd. 10. The following offense is ranked at severity level I:

I	
	Failure to register as a predatory offender, Minn. Stat. § 243.166, subd. 5(b) or (c).

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.30 SEVERITY LEVELS OF OFFENSES ON THE DRUG OFFENSE GRID.

Subdivision 1. ~~[5.A]~~ The offenses listed in this guideline are the offenses on the drug offense grid shown in guideline 3.30 and are ranked at the severity levels given.

Subd. 2. The following offenses are ranked at severity level D9:

D9
~~Aggravated~~ Controlled substance crime ~~1st Degree~~ , aggravated first-degree, Minn. Stat. § 152.021, subd. 2b.
Importing a controlled ~~substances Across State Borders~~ substance into Minnesota, Minn. Stat. § 152.0261.
~~Manufacture Any Amount of~~ Manufacturing methamphetamine, Minn. Stat. § 152.021, subd. 2a.

Subd. 3. The following offense is ranked at severity level D8:

D8
Controlled substance crime ~~1st~~ in the first degree, Minn. Stat. § 152.021, subd. 1 or 2.

Subd. 4. The following offense is ranked at severity level D7:

D7
Controlled substance crime ~~2nd~~ in the second degree, Minn. Stat. § 152.022.

Subd. 5. The following offense is ranked at severity level D6:

D6
Controlled substance crime ~~3rd~~ in the third degree, Minn. Stat. § 152.023.

Subd. 6. The following offense is ranked at severity level D5:

D5
Possession of substances with intent to manufacture methamphetamine, Minn. Stat. § 152.0262.

Subd. 7. The following offense is ranked at severity level D4:

D4
Controlled substance crime ~~4th~~ in the fourth degree, Minn. Stat. § 152.024.

Subd. 8. The following offenses are ranked at severity level D3:

D3
Exposing a child or vulnerable adult to methamphetamine or related chemicals, Minn. Stat. § 152.137, subd. 2(a) or (b).
Exposing a child to fentanyl, Minn. Stat. § 152.137, subd. 2(c).

D3
Theft or misuse of anhydrous ammonia ~~(Tamper/Theft/Transport)~~, Minn. Stat. § 152.136.

Subd. 9. The following offenses are ranked at severity level D2:

D2
Cannabis cultivation ~~1st~~ in the first degree, Minn. Stat. § 152.0265, subd. 1.
Cannabis possession ~~1st~~ in the first degree, Minn. Stat. § 152.0263, subd. 1.
Cannabis sale ~~1st~~ in the first degree, Minn. Stat. § 152.0264, subd. 1.
Controlled substance crime ~~5th~~ in the fifth degree, Minn. Stat. § 152.025, subd. 4(b).
~~Sale of~~ Synthetic ~~cannabinoids~~ cannabinoid sale, Minn. Stat. § 152.027, subd. 6(c).

Subd. 10. The following offense is ranked at severity level D1:

D1
~~Sale of a~~ Simulated controlled substance sale, Minn. Stat. § 152.097.

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.40 UNRANKED OFFENSES.

[5.A] The offenses listed in this guideline are not ranked by severity level. Guideline 2.20, subd. 3, governs the sentencing of unranked offenses. The following offenses are designated as unranked:

Unranked
~~Abortion, Minn. Stat. § 617.20; 617.22; 145.412 **[all repealed, 2023]**~~
Accomplice after the fact, Minn. Stat. § 609.495, subd. 3.
Adulteration, Minn. Stat. § 609.687, subd. 3(3).
Aiding suicide, Minn. Stat. § 609.215.
Altering an engrossed bill, Minn. Stat. § 3.191.
Animal fighting, Minn. Stat. § 343.31, subd. 1(a).
Assaulting ~~or Harming~~ a police horse resulting in more than demonstrable harm to the horse, Minn. Stat. § 609.597, subd. 3(1) or (2).
Bigamy, Minn. Stat. § 609.355.
~~Gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)~~ Cheating at gambling, Minn. Stat. § 609.76, subd. 3 to 7.
Cigarette and tobacco tax ~~and Regulation Violations~~ fraud, Minn. Stat. § 297F.20.
Concealing criminal proceeds~~; Engaging in Business~~, Minn. Stat. § 609.496 or 609.497.
~~Corrupting~~ Corruptly influencing a legislator, Minn. Stat. § 609.425.
Counterfeiting of currency ~~(Manufacturing or Printing/Means for False Reproduction)~~, Minn. Stat. § 609.632, subd. 1 or 2 ~~with subd. 4(a)~~.
~~Computer~~ Criminal use of encryption, Minn. Stat. § 609.8912.
Damage to property of critical public service facilities, utilities, ~~and~~ or pipelines, Minn. Stat. § 609.594.
~~Unlawful Conduct with~~ Destroying or removing documents ~~in Furtherance of~~ to further labor or sex trafficking, Minn. Stat. § 609.283.
Distributing or exhibiting an obscene ~~Materials; Distribution~~ work, Minn. Stat. § 617.241, subd. 4.
~~Insurance Fraud – Employment of~~ Employing runners in connection with motor vehicle insurance, Minn. Stat. § 609.612.
Escape ~~with Violence from~~ from a gross misdemeanor or misdemeanor offense by violence or threat, Minn. Stat. § 609.485, subd. 4(a)(3) & (b).
Failure to report danger to a child's health ~~(~~ resulting in death~~)~~, Minn. Stat. § 260E.08(c).
~~Falsely Impersonating Another~~ False impersonation in a marriage or judicial proceeding, Minn. Stat. § 609.83.
Female genital mutilation, Minn. Stat. § 609.2245.
Filing a fraudulent or improper financing ~~Statements~~ statement, Minn. Stat. § 609.7475.

Unranked
Harming a service animal ~~Providing Service~~, Minn. Stat. § 343.21, subd. 9(f) or (h).
Incest, Minn. Stat. § 609.365.
Issuing a receipt for goods ~~One Does~~ not ~~Have~~ warehoused, Minn. Stat. § 227.50.
Issuing ~~a Second~~ an unmarked duplicate negotiable warehouse receipt ~~Without "Duplicate" on It~~, Minn. Stat. § 227.52.
Killing or substantially harming a public safety dog, Minn. Stat. § 609.596, subd. 1.
Lawful gambling fraud, Minn. Stat. § 609.763.
~~Forced Execution of a Declaration~~ Living will fraud resulting in bodily harm, Minn. Stat. § 145B.105.
Manufacturing, possessing, or threatening to use a real ~~and~~ or simulated ~~Weapons~~ weapon of mass destruction, Minn. Stat. § 609.712.
Motor vehicle excise tax evasion, Minn. Stat. § 297B.10.
Obstructing state military forces in wartime, Minn. Stat. § 609.395.
Prediction market ~~–~~ advertising, Minn. Stat. § 609.7615, subd. 3.
Prediction market ~~–~~ ~~Operating~~ operation or ~~Facilitating~~ facilitation, Minn. Stat. § 609.7615, subd. 2.
Racketeering~~, Criminal Penalties (RICO)~~, Minn. Stat. § 609.904.
Refusal to assist the state auditor, Minn. Stat. § 6.53.
Residing in Minnesota in violation of the interstate supervision compact ~~violation~~, Minn. Stat. § 243.161.
State Lottery computer access, unauthorized, Minn. Stat. § 609.651, subd. 2.
State Lottery, filing a false statement with the, Minn. Stat. § 609.651, subd. 3.
State Lottery fraud of $35,000 or more, Minn. Stat. § 609.651, subds. 1 & 4(b)~~, or subd. 2 or 3~~.
Torture or cruelty to a pet or companion animal, Minn. Stat. § 343.21, subd. 9(c), (d), (g), or (i).
Treason, Minn. Stat. § 609.385.
Treason, misprision of ~~treason~~, Minn. Stat. § 609.39.
Unauthorized computer access ~~(~~ causing a grave risk or as a second or subsequent~~)~~ offense, Minn. Stat. § 609.891, subd. 2(a) or (b).
~~Collusive Bidding/Price Fixing~~ Unlawful group boycott, Minn. Stat. § 325D.53, subd. 1(3), 2, or 3.
Unlawful ~~transfers~~ transfer or ~~sales~~ sale ~~recordings~~ of a recording, Minn. Stat. § 325E.201.
~~Police Radios During Commission of~~ Use or possession of a police radio in a crime, Minn. Stat. § 609.856.
Use or possession of metal ~~-~~penetrating bullets in a crime, Minn. Stat. § 624.7191.

Unranked	
	Using deep fake technology to influence an election ~~(2nd or Subsequent Violation)~~, Minn. Stat. § 609.771, subd. 3(a)(1).
	Violation of corporate political contribution ~~violations~~ laws, Minn. Stat. § 211B.15.
	~~Hazardous Wastes~~ Violation of environmental laws, Minn. Stat. § 609.671.
	Violation of horse racing ~~– Prohibited Act~~ laws, Minn. Stat. § 240.25.
	~~Sale~~ Violation of membership camping ~~Contracts~~ laws, Minn. Stat. §§ 82A.13 & 82A.25.
	Violation of pipeline safety laws, Minn. Stat. chapter 299J.
	Violation of the Midwest Interstate Low-Level Radioactive Waste Compact~~; Enforcement of Compact and Laws~~, Minn. Stat. § 116C.835.
	~~Wire Communications Violations~~ Violation of the Privacy of Communications Act, Minn. Stat. § 626A.02, subd. 4, 626A.03, subd. 1~~(b)(ii)~~, or 626A.26, subd. 2(1)(ii).
	Violation of the Subdivided Land ~~Fraud~~ Sales Practices Act, Minn. Stat. § 83.43.
	Warning the subject of an investigation, Minn. Stat. § 609.4971.
	Warning the subject of surveillance or search, Minn. Stat. § 609.4975.

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.50 ~~[5.B] SEVERITY LEVEL~~ ALL OFFENSES BY STATUTORY CITATION.

(a) ~~Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.~~ This guideline lists, in order of Minnesota statutory citation, all offenses listed in guidelines 7.10 to 7.40, the theft offenses listed in guideline 7.60, and certain statutes whose sentences depend on an underlying offense. Each offense's severity ranking, or an indication that the offense is designated as unranked, is also displayed.

(b) For some offenses, applicable notes follow the ranking. "May exceed statutory max." means that, at some criminal history scores, the appropriate cell on the applicable grid may display a duration that exceeds the offense's statutory maximum penalty; see guideline 2.42, subd. 4, to determine the presumptive duration.

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
3.191	Altering an engrossed bill	Unranked
6.53	Refusal to assist the state auditor	Unranked
35.824	~~Altering Livestock Certificate~~ Misuse or alteration of a brand	1
53B.66	Violation of money ~~Transmitter Regulations~~ transmission laws	1
62A.41	Violation of health insurance ~~Regulations~~ laws	1
80A.68 ~~or~~ , 80B.10, subd. 1, or 80C.16, subd. 3~~(a)(b)~~	Violation of securities ~~Violation (~~ or commercial laws resulting in a loss of over $2,500~~)~~	4
80A.68 ~~or~~ , 80B.10, subd. 1, or 80C.16, subd. 3~~(a)(b)~~	Violation of securities ~~Violation (~~ or commercial laws resulting in a loss of $2,500 or less~~)~~	3
82A.13 & 82A.25	~~Sale~~ Violation of membership camping ~~Contracts~~ laws	Unranked
83.43	Violation of the Subdivided Land ~~Fraud~~ Sales Practices Act	Unranked
86B.865, subd. 1	~~Certification for~~ Watercraft title ~~on Watercraft~~ fraud	1
90.41~~, subd. 1~~	~~Bribery (~~ Timber scaler or state appraiser ~~and Scaler)~~ misconduct	4
116C.835	Violation of the Midwest Interstate Low-Level Radioactive Waste ~~Compact; Enforcement of~~ Compact ~~and Laws~~	Unranked
~~145.412~~	~~Abortion~~	~~Unranked~~
145B.105	~~Forced Execution of a Declaration~~ Living will fraud resulting in bodily harm	Unranked
152.021, subd. 1 or 2	First-degree controlled substance crime ~~1st Degree~~	D8

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
152.021, subd. 2a	~~Manufacture Any Amount of~~ Manufacturing methamphetamine	D9
152.021, subd. 2b	Aggravated first-degree controlled substance crime ~~1st Degree~~	D9
152.022	Second-degree controlled substance crime ~~2nd Degree~~ ~~* See section 2.C. and Appendix 1 to determine the presumptive disposition.~~	~~D7*~~ D7; see guideline 2.51
152.023	Third-degree controlled substance crime ~~3rd Degree~~	D6
152.024	Fourth-degree controlled substance crime ~~4th Degree~~	D4
152.025, subd. 4(b)	Fifth-degree controlled substance crime ~~5th Degree~~	D2
152.0261	Importing a controlled ~~Substances Across State Borders~~ substance into Minnesota	D9
152.0262	Possession of substances with intent to manufacture methamphetamine	D5
152.0263, subd. 1	First-degree cannabis possession ~~1st Degree~~	D2
152.0264, subd. 1	First-degree cannabis sale ~~1st Degree~~	D2
152.0265, subd. 1	First-degree cannabis cultivation ~~1st Degree~~	D2
152.027, subd. 6(c)	~~Sale of~~ Synthetic ~~Cannabinoids~~ cannabinoid sale	D2
152.097	~~Sale of~~ Simulated controlled substance sale	D1
152.136	Theft or misuse of anhydrous ammonia ~~(Tamper/Theft/Transport)~~	D3
152.137, subd. 2(a) or (b)	Exposing a child or vulnerable adult to methamphetamine or related chemicals	D3
152.137, subd. 2(c)	Exposing a child to fentanyl	D3
168A.30, subd. 1	~~False Information - Certificate of~~ Motor vehicle title ~~Application~~ fraud	1
169.09, subd. 14(a)(1)	~~Accidents (Death)~~ Leaving the scene of a fatal collision caused by another driver	2
169.09, subd. 14(a)(2)	~~Accidents (~~ Leaving the scene of a collision resulting in great bodily harm~~)~~ and caused by another driver	1
169A.24	~~Felony~~ First-degree driving while impaired ~~1st Degree~~ ~~* See section 2.C. and Appendix 1 to determine the presumptive disposition.~~	~~7*~~ 7; guideline 2.52 may apply

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
176.178	~~Workers~~ Workers' compensation fraud ~~(~~ of over $5,000~~)~~	3
176.178	~~Workers~~ Workers' compensation fraud ~~(~~ of $5,000 or less~~)~~	2
chapter 201, 203B, or 204C	Violation of voting ~~Violations~~ laws	1
211B.13	~~Bribery, Advancing Money, and Treating Prohibited~~ Bribing a voter	4
211B.15	Violation of corporate political contribution ~~Violations~~ laws	Unranked
227.50	Issuing a receipt for goods ~~One Does~~ not ~~Have~~ warehoused	Unranked
227.52	Issuing ~~a 2nd~~ an unmarked duplicate negotiable warehouse receipt ~~without "Duplicate" on it~~	Unranked
~~228.45, 47, 49, 50, 51~~ chapter 228	~~False~~ Bill of lading fraud	1
240.25	Violation of horse racing ~~(Prohibited Act)~~ laws	Unranked
243.161	Residing in Minnesota in violation of the interstate supervision compact ~~Violation~~	Unranked
243.166, subd. 5(b) or (c)	~~Registration of~~ Failure to register as a predatory ~~Offenders; Registration of Predatory Offenders (2nd or Subsequent Violations)~~ offender	I
243.55	Bringing contraband into a state ~~Prison~~ correctional facility or hospital	4
256.98	~~Welfare Fraud (~~ Wrongfully obtaining over $5,000~~)~~ in public assistance	3
256.98	~~Welfare Fraud (~~ Wrongfully obtaining $5,000 or less~~)~~ in public assistance	2
256.984	~~False Declaration~~ Perjury in a public assistance application	1
260E.08(c)	Failure to report danger to a child's health ~~(~~ resulting in death~~)~~	Unranked
268.182	Unemployment benefit fraud ~~(~~ of over $5,000~~)~~	3
268.182	Unemployment benefit fraud ~~(~~ of $5,000 or less~~)~~	2
268B.185~~, subd. 3(a)~~	Family and medical benefit fraud ~~(~~ of over $5,000~~)~~	3
268B.185~~, subd. 3(b)~~	Family and medical benefit fraud ~~(~~ of $5,000 or less~~)~~	2
289A.63	Tax evasion ~~Laws~~	3

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
296A.23, subd. 2	Fuel tax ~~on Petroleum and Other Fuels (Willful~~ evasion~~)~~	1
297B.10	Motor vehicle excise tax evasion	Unranked
297E.13, subd. 1 to 4	Gambling ~~Taxes~~ tax evasion	3
297F.20	Cigarette and tobacco tax ~~and Regulation Violations~~ fraud	Unranked
297G.19, subd. 3, 4(c), or 5(c)	Liquor ~~Taxation (Criminal Penalties)~~ tax evasion	1
297I.90~~, subd. 1 & 2~~	Insurance tax evasion	3
299F.79	~~Intent to Manufacture Explosives~~ Unlawful possession of an explosive component	5
299F.80, subd. 1	Unpermitted possession of explosives ~~Without Permit~~	5
299F.82, subd. 1	Illegal transfer of explosives	5
299F.83	Negligent discharge of ~~Explosive~~ explosives	5
chapter 299J	Violation of pipeline safety laws	Unranked
307.08, subd. 2(a)	~~Damages; Illegal Molestation of~~ Damaging or disturbing human ~~Remains; Burials; Cemeteries~~ burial grounds or remains	3
325D.53, subd. 1(1) or (2)(b) or (c)	Price ~~Fixing/Collusive Bidding~~ fixing, market allocation, or bid suppression	5
325D.53, subd. 1(2)(a)	~~Price Fixing/Collusive Bidding~~ Public contract bid rigging	6
325D.53, subd. 1(3), 2, or 3	~~Price Fixing/Collusive Bidding~~ Unlawful group boycott	Unranked
325E.201	Unlawful ~~Transfers or Sales of Recordings~~ transfer or sale of a recording	Unranked
325E.21, subd. 6(b)(3)	Catalytic converter crime ~~(3–10~~ involving three to ten converters~~)~~	2
325E.21, subd. 6(b)(4)	Catalytic converter crime ~~(11–70~~ involving 11 to 70 converters~~)~~	3
325E.21, subd. 6(b)(5)	Catalytic converter crime ~~(Over~~ involving more than 70 converters~~)~~	6
325F.743	Violation of precious metal ~~Dealers, Regulatory Provisions~~ dealer laws	2
325F.755~~, subd. 7~~	Violation of prize ~~Notices and Solicitations~~ disclosure and award requirements	1
340A.701, subd. 1(1) or (2)	~~Unlawful Acts Involving Liquor~~ Unlawfully manufacturing or trafficking alcoholic beverages	1

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
340A.701, subd. 1(3)	Distributing toxic alcohol as a beverage	1
340A.701, subd. 1(4)	Furnishing alcohol to a minor resulting in death or great bodily harm	1
343.21, subd. 9(c), (d), (g), or (i)	Torture or cruelty to a pet or companion animal	Unranked
343.21, subd. 9(f) or (h)	Harming a service animal ~~Providing Service~~	Unranked
343.31, subd. 1(a)	Animal fighting	Unranked
346.155, subd. 10(e)	~~Failure to~~ Negligent control of a regulated animal ~~(~~ resulting in great bodily harm or death~~)~~	2
349.2127, subd. 1 to 6, or 349.22, subd. 4	Violation of charitable gambling ~~Regulations~~ laws	2
393.07, subd. 10	~~Federal Food Stamp Program (~~ Wrongfully obtaining over $5,000~~)~~ in supplemental nutrition assistance	3
393.07, subd. 10	~~Federal Food Stamp Program (~~ Wrongfully obtaining $5,000 or less~~)~~ in supplemental nutrition assistance	2
471.392	False declaration of a claim ~~(~~ of over $5,000~~)~~ against a local government	3
471.392	False declaration of a claim ~~(~~ of $5,000 or less~~)~~ against a local government	2
508.80	~~Fraudulent Instrument or Entry for Procuring a~~ Land certificate of title fraud	1
514.02, subd. 1(b)	~~Non-payment for~~ Nonpayment of over $5,000 in real estate improvement ~~(Over $5,000; Proceeds of Payments; Acts Constituting Theft)~~ funds to those who contributed to the improvement	3
514.02, subd. 1(b)	~~Non-payment for Improvement (~~ Nonpayment of $5,000 or less ~~Proceeds of Payments; Acts Constituting Theft)~~ in real estate improvement funds to those who contributed to the improvement	2
518B.01, subd. 14(d)	Violation of an order for protection	4
588.20, subd. 1	Failure to appear in court	1
609.165, subd. 1b	~~Certain Persons Not to Have Firearms~~ Possessing a firearm or ammunition after a crime of violence	6
609.19, subd. 1(1)	~~Murder 2nd Degree (~~Intentional ~~Murder; Unintentional Drive-By-Shootings)~~ second-degree murder	11

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.19, subd. 1(2)	Unintentional second-degree murder while committing or attempting a drive-by shooting	11
609.19, subd. 2(1)	Unintentional second-degree murder ~~2nd Degree (Unintentional Murder)~~ while committing or attempting a felony	10
609.19, subd. 2(2)	Unintentional second-degree murder while committing an assault contrary to a protective order	10
609.195(a)	Third-degree murder ~~3rd Degree~~ while evincing a depraved mind	10
609.195(b)	Third-degree murder ~~3rd Degree~~ resulting from a controlled substance	9
609.20(1)~~, (2) & (5)~~	Intentional first-degree manslaughter ~~1st Degree~~ in the heat of passion	9
609.20(2) or (5)	First-degree manslaughter by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor	9
609.20(3) ~~& (4)~~	Intentional first-degree manslaughter ~~1st Degree~~ under duress	8
609.20(4)	First-degree manslaughter resulting from a controlled substance	8
609.205(1) ~~& (5)~~	Second-degree manslaughter ~~2nd Degree –~~ by culpable negligence	8
609.205(2)~~, (3) & (4)~~	Second-degree manslaughter ~~2nd Degree –~~ by negligent hunting ~~Accident~~	5
609.205(3)	Second-degree manslaughter by setting a dangerous device	5
609.205(4)	Second-degree manslaughter by a loose animal known to be dangerous	5
609.205(5)	Second-degree manslaughter by child neglect or endangerment	8
609.2112, subd. 1(a)	Criminal vehicular homicide	8
609.2112, subd. 1(b)	Criminal vehicular homicide ~~(~~ after a qualified prior ~~Conviction)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ driving offense	~~9**~~ 9; may exceed statutory max.

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.2113, subd. 1(1)~~, (2), (3), (4), (5) & (6)~~	Criminal vehicular operation ~~(Great Bodily Harm;~~ by gross negligence ~~or While Impaired)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ resulting in great bodily harm	~~6**~~ 6; may exceed statutory max.
609.2113, subd. 1(2) to (6)	Criminal vehicular operation while impaired resulting in great bodily harm	6
609.2113, subd. 1(7) or (8)	Criminal vehicular operation ~~(Great Bodily Harm;~~ involving leaving the scene or defective maintenance~~)~~ and resulting in great bodily harm	5
609.2113, subd. 2	Criminal vehicular operation ~~(~~ resulting in substantial bodily harm~~)~~	3
609.2114, subd. 1(a)	Criminal vehicular operation ~~(~~ resulting in death to an unborn child~~)~~	8
609.2114, subd. 1(b)	Criminal vehicular operation ~~(~~ after a qualified prior driving offense resulting in death to an unborn ~~Child, and Qualified Prior Conviction)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ child	~~9**~~ 9; may exceed statutory max.
609.2114, subd. 2(1)~~, (2), (3), (4), (5) & (6)~~	Criminal vehicular operation ~~(~~ by gross negligence resulting in injury to an unborn ~~Child; Gross Negligence or While Impaired)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ child	~~6**~~ 6; may exceed statutory max.
609.2114, subd. 2(2) to (6)	Criminal vehicular operation while impaired resulting in injury to an unborn child	6
609.2114, subd. 2(7) or (8)	Criminal vehicular operation ~~(Injury to an Unborn Child;~~ involving leaving the scene or defective maintenance~~)~~ and resulting in injury to an unborn child	5
609.215	Aiding suicide	Unranked
609.221, subd. 1	First-degree assault ~~1st Degree (~~ resulting in great bodily harm~~)~~	8
609.221, subd. 2	First-degree assault ~~1st Degree (~~ upon an official by deadly force ~~Against Official)~~	9

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.221, subd. 3	First-degree assault ~~1st Degree (~~ upon an official resulting in great bodily harm ~~Upon Official)~~	10
609.221, subd. 4	First-degree assault ~~1st Degree (Great Bodily Harm Upon~~ upon an official by dangerous weapon or deadly force~~)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ resulting in great bodily harm	~~11**~~ 11; may exceed statutory max.
609.222, subd. 1	Second-degree assault ~~2nd Degree (~~ by dangerous weapon~~)~~	6
609.222, subd. 2	Second-degree assault ~~2nd Degree (~~ by dangerous ~~Weapon,~~ weapon resulting in substantial bodily harm~~)~~	7
609.223, subd. 1	Third-degree assault ~~3rd Degree (~~ resulting in substantial bodily harm~~)~~ ~~*** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.~~	~~5***~~ 5; guideline 2.51 may apply
609.223, subd. 2 or 3	~~Assault 3rd Degree (Bodily Harm, Pattern of Child Abuse);~~ Third-degree assault ~~3rd Degree (Bodily Harm, Victim under 4)~~ against a minor	4
609.2231, subd. 1(c), 2(b), 3, or 3a	~~Assault 4th Degree (Peace Officer);~~ Fourth-degree assault ~~4th Degree (Firefighters and Medical Personnel); Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer); Assault 4th Degree (Secure Treatment Facility Personnel)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ ~~*** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.~~	~~3**,***~~ 3; may exceed statutory max.; guideline 2.51 may apply

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.2231, subd. 4(b)	Fourth-degree assault ~~4th Degree~~ motivated by bias ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~3**~~ 3; may exceed statutory max.
609.2233	Felony assault motivated by bias ~~[2] See section 2.G.10 to determine the presumptive sentence.~~	See ~~Note[2]~~ guideline 2.64
609.224, subd. 4	Fifth-degree assault ~~5th Degree (3rd or Subsequent Violation)~~	4
609.2241	Knowing transfer of a communicable disease ~~[3] See section 2.A.5 to determine the presumptive sentence.~~	See ~~Note[3]~~ guideline 2.20
609.2242, subd. 4	Domestic assault	4
609.2245	Female genital mutilation	Unranked
609.2247	Domestic assault by strangulation ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~5**~~ 5; may exceed statutory max.
609.228	Causing great bodily harm ~~Caused by~~ by the distribution of drugs	8
609.229, subd. 3(a)	Crime committed for the benefit of a gang ~~[4] See section 2.G.9 to determine the presumptive sentence.~~	See ~~Note[4]~~ guideline 2.65
609.229, subd. 3(c)	~~Crime~~ Gross misdemeanor committed for the benefit of a gang	1
609.2325, subd. 3(1)	Criminal abuse of a vulnerable adult ~~(~~ resulting in death~~)~~	9
609.2325, subd. 3(2)	Criminal abuse of a vulnerable adult ~~(~~ resulting in great bodily harm~~)~~	8
609.2325, subd. 3(3)	Criminal abuse of a vulnerable adult ~~(~~ resulting in substantial bodily harm~~)~~	4
609.233, subd. 3(1)	Deprivation of a vulnerable adult ~~(~~ resulting in great bodily harm~~)~~	8
609.233, subd. 3(2)	Deprivation of a vulnerable adult ~~(~~ resulting in substantial bodily harm~~)~~	5
609.2334, subd. 13(c)	Violation of a financial exploitation protective order	4

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult ~~(~~ of over $35,000~~)~~	7
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult ~~(~~ of over $5,000~~)~~	5
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult ~~(~~ of $5,000 or less~~)~~	4
609.235	Use of drugs to injure or facilitate crime	4
609.24	Simple robbery	5
609.245, subd. 1	First-degree aggravated robbery ~~1st Degree~~	8
609.245, subd. 2	Second-degree aggravated robbery ~~2nd Degree~~	6
609.247, subd. 2	First-degree carjacking ~~1st Degree~~	9
609.247, subd. 3	Second-degree carjacking ~~2nd Degree~~	7
609.247, subd. 4	Third-degree carjacking ~~3rd Degree~~	6
609.25, subd. 2(1)	Kidnapping ~~(Safe Release/No Great Bodily Harm)~~	6
609.25, subd. 2(2)(i)	Kidnapping ~~(~~not ~~Released~~ involving release in a safe place~~)~~	8
609.25, subd. 2(2)(ii)	Kidnapping ~~(~~ resulting in great bodily harm~~)~~	9
609.25, subd. 2(2)(iii)	Kidnapping ~~(Victim~~ of a child under ~~16)~~ age 16	8
609.255, subd. 2	False imprisonment ~~(Restraint)~~	3
609.255, subd. 3(b)	False imprisonment ~~(~~ of a child resulting in demonstrable bodily harm~~)~~	3
609.255, subd. 3(c)	False imprisonment ~~(~~ of a child resulting in substantial bodily harm~~)~~	4
609.26, subd. 6(a)(1)	~~Depriving Another of Cust.~~ Deprivation of custodial or parental rights	1
609.26, subd. 6(a)(2)	~~Depriving Another of Cust.~~ Aggravated deprivation of custodial or parental rights	3
609.2662(1)	Intentional second-degree murder of an unborn child ~~2nd Degree~~	11
609.2662(2)	Unintentional second-degree murder of an unborn child ~~2nd Degree~~	10
609.2663	Third-degree murder of an unborn child ~~3rd Degree~~	10
609.2664(1) ~~& (2)~~	Intentional first-degree manslaughter of an unborn child ~~1st Degree~~ in the heat of passion	9
609.2664(2)	First-degree manslaughter of an unborn child by violent misdemeanor or gross misdemeanor	9

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.2664(3)	Intentional first-degree manslaughter of an unborn child ~~1st Degree~~ under duress	8
609.2665(1)	Second-degree manslaughter of an unborn child ~~2nd Degree~~ by culpable negligence	8
609.2665(2), (3), or (4)	Second-degree manslaughter of an unborn child ~~2nd Degree~~ other than by culpable negligence	5
609.267	First-degree assault of an unborn child ~~1st Degree~~	8
609.2671	Second-degree assault of an unborn child ~~2nd Degree~~	5
609.268, subd. 1	Causing the death of an unborn child in ~~Comm. of~~ the commission of a crime	9
609.268, subd. 2	Causing injury ~~of~~ to an unborn child in ~~Comm.~~ the commission of a crime	4
609.27, subd. 1(1)	Coercion ~~(Threat~~ by threatening bodily harm~~)~~	3
609.27, ~~subd.~~ subds. 1(2)~~, (3), (4), (5),~~ to (6) & ~~(6)~~ 2(a)(2)	Coercion ~~(Prop. Value $301-$2,500)~~ resulting in a gain or loss of over $300 but less than $2,500	2
609.27, subd. ~~1(2),~~ 2(a)(3)~~, (4), (5), & (6)~~	Coercion ~~(Prop. Value~~ resulting in a gain or loss of $2,500 or more~~)~~	3
609.27, subd. 2(b)	Coercion by private sexual image threat resulting in great bodily harm	8
609.27, subd. 2(c)	Coercion by private sexual image threat resulting in death	9
609.282, subd. 1	Labor trafficking ~~(~~ resulting in death~~)~~	9
609.282, subd. 1a(1)	Labor trafficking ~~(~~ of a minor ~~Victim)~~	8
609.282, subd. 1a(2)	Labor trafficking ~~(~~ over an extended period of time~~)~~	7
609.282, subd. 1a(3)	Labor trafficking ~~(~~ resulting in great bodily harm~~)~~	8
609.282, subd. 2	Labor trafficking	6
609.283	~~Unlawful Conduct with~~ Destroying or removing documents ~~in Furtherance of~~ to further labor or sex trafficking	Unranked
609.31	Leaving the state to evade establishment of paternity	1
609.322, subd. 1(a)	First-degree sex trafficking ~~1st Degree~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~B**~~ B; may exceed statutory max.

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking ~~1st Degree~~	A
609.322, subd. 1a	Second-degree sex trafficking ~~2nd Degree~~	C
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking ~~2nd Degree~~	B
609.324, subd. 1(a)	~~Engage or Hire~~ Engaging a minor ~~to Engage~~ under age 14, or a person believed to be so, in prostitution	9
609.324, subd. 1(b)	~~Engage or Hire~~ Engaging a minor ~~to Engage~~ age 14 or 15, or a person believed to be so, in prostitution	5
609.324, subd. 1(c)	~~Engage or Hire~~ Engaging a minor ~~to Engage~~ age 16 or 17, or a person believed to be so, in prostitution	3
609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2)	Committing a gross misdemeanor prostitution ~~Crimes (Gross Misd. Level) Committed in~~ crime in a school or park ~~Zones~~ zone	1
609.324, subd. 2(b)	~~Patrons~~ Acting as a patron of prostitution ~~(2nd~~ as a second or subsequent ~~Violation)~~ offense	3
609.342	First-degree criminal sexual conduct ~~1st Degree~~	A
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	Second-degree criminal sexual conduct by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice	B
609.343, subd. 1a(e), (f), or (g)	Second-degree criminal sexual conduct ~~2nd Degree~~ by sexual contact of a minor under age 14, or of a minor under age 16 by a person in authority or with a significant relationship	D
609.343, subd. ~~1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)~~ 1a(h)~~(i)~~	Second-degree criminal sexual conduct ~~2nd Degree~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ by sexual contact of a minor under age 16 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	~~B**~~ B; may exceed statutory max.
609.344, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)	Third-degree criminal sexual conduct by sexual penetration by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless	C

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.344, subd. 1a(a)	Third-degree criminal sexual conduct ~~3rd Degree (By Definition Perpetrator Must be a Juvenile)~~ by sexual penetration of a minor under age 14 by a minor no more than 36 months older	D
609.344, subds. 1a~~(e)(f) or subd. 1a~~(b) ~~with ref. to subd.~~& 2(1)	Third-degree criminal sexual conduct ~~3rd Degree~~ by sexual penetration of a minor age 14 or 15 by a person more than 36 months older	D
609.344, subds. 1a(b) & 2(2)	Third-degree criminal sexual conduct ~~3rd Degree (Actor between~~ by sexual penetration of a minor age 14 or 15 by a person more than 24 ~~mos. and~~ months, but not more than 36 ~~mos.~~ months, older ~~than Complainant)~~	G
609.344, subd. 1a(e) or (f)	Third-degree criminal sexual conduct by sexual penetration of a minor age 16 or 17 by a person in authority or with a significant relationship	D
609.344, subd. ~~1(a)(b)(c)(d) & 1a(c)(d)~~ 1a(g)~~(h)(i)~~	Third-degree criminal sexual conduct ~~3rd Degree ** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ by sexual penetration of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	~~C**~~ C; may exceed statutory max.
609.345, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)	Fourth-degree criminal sexual conduct by sexual contact by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless	E
609.345, subd. 1a(a)	Fourth-degree criminal sexual conduct ~~4th Degree (By Definition Perpetrator Must be a Juvenile)~~ by sexual contact of a minor under age 14 by a minor no more than 36 months older	F
609.345, subd. 1a(b)~~(e)(f)~~	Fourth-degree criminal sexual conduct ~~4th Degree~~ by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older	F
609.345, subd. 1a(e) or (f)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 16 or 17 by a person in authority or with a significant relationship	F

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.345, subd. ~~1(a)(b)(c)(d) & 1a(c)(d)~~ 1a(g)~~(h)(i)~~	Fourth-degree criminal sexual conduct ~~4th Degree~~ by sexual contact of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	E
609.3451, subd. 3(a)	Fifth-degree criminal sexual conduct ~~5th Degree (~~ by nonconsensual sexual penetration~~)~~	H
609.3451, subd. 3(b)	Fifth-degree criminal sexual conduct ~~5th Degree (2nd~~ as a second or subsequent ~~Violation)~~ offense	F
609.3453	Criminal sexual predatory conduct ~~[6] See section 2.G.8 to determine the presumptive sentence.~~	See ~~Note[6]~~ guideline 2.64
609.3458, subd. 1(a)	Sexual extortion ~~(~~ by sexual contact~~)~~	E
609.3458, subd. 1(b)	Sexual extortion ~~(~~ by sexual penetration~~)~~	C
609.352, subd. 2	Sexual solicitation of a child	G
609.352, subd. 2a	Electronic sexual solicitation of a child	G
609.352, subd. 2c	Sexual solicitation of a child by grooming	G
609.352, subd. 2d	Sexual solicitation of a minor while in a position of authority	G
609.352, subd. 2e	Sexual solicitation of a student	G
609.355	Bigamy	Unranked
609.365	Incest	Unranked
609.375, subd. 2a	Nonsupport of a spouse or child	1
609.377, subd. 3	Malicious punishment of a child ~~(2nd~~ as a second or subsequent ~~Violation)~~ offense	4
609.377, subd. 4	Malicious punishment of a child ~~(Bodily Harm)~~ under age 4	4
609.377, subd. 5	Malicious punishment of a child ~~(~~ resulting in substantial bodily harm~~)~~	4
609.377, subd. 6	Malicious punishment of a child ~~(~~ resulting in great bodily harm~~)~~	8
609.3775	Child torture	8
609.378	Child ~~Neglect/Endangerment~~ neglect or endangerment	5
609.385	Treason	Unranked
609.39	Misprision of treason	Unranked
609.395	Obstructing state military forces in wartime	Unranked

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.396, subd. 2	Unauthorized presence in a hazardous military area	3
609.42~~, subd. 1, all sections~~	Bribery	4
609.425	~~Corrupting~~ Corruptly influencing a legislator	Unranked
609.445	Failure to pay over state funds ~~(~~ totaling over $5,000~~)~~	3
609.445	Failure to pay over state funds ~~(~~ totaling $5,000 or less~~)~~	2
609.455	Permitting a false ~~Claims~~ claim of over $5,000 against a government ~~(Over $5,000)~~	3
609.455	Permitting a false ~~Claims against Government (~~ claim of $5,000 or less~~)~~ against a government	2
609.465	Presenting a false ~~Claims to~~ claim of over $5,000 to a public officer ~~(Over $5,000)~~ or body	3
609.465	Presenting a false ~~Claims to~~ claim of $5,000 or less to a public officer ~~($5,000 or Less)~~ or body	2
609.467, subd. 2(a)	Medical assistance fraud ~~(~~ of $100,000 or less~~)~~	2
609.467, subd. 2(b)	Medical assistance fraud ~~($100,001–$1,000,000)~~ of over $100,000 but not over $1,000,000	6
609.467, subd. 2(c)	Medical assistance fraud ~~(More Than~~ of over $1,000,000~~)~~	8
609.4751, subd. 1	Impersonating a peace officer ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~2**~~ 2; may exceed statutory max.
609.4751, subd. 2	Impersonating a peace officer with a vehicle or while exercising authority	4
609.4751, subd. 3(a)	Impersonating a peace officer as a second violation	5
609.4751, subd. 3(b)	Impersonating a peace officer with a firearm	6
609.4751, subd. 4(a)(2)	Committing a gross misdemeanor while impersonating a peace officer	3
609.4751, subd. 4(a)(3)	Committing a felony while impersonating a peace officer ~~[5] See section 2.G.14 to determine the presumptive sentence.~~	See ~~Note[5]~~ guideline 2.65
609.476, subd. 3	Publishing personal information of a judicial official ~~(~~ resulting in bodily harm~~)~~	4

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.48, subd. 4(1)	Perjury ~~(~~in a felony trial~~)~~ or an explosives permit application	5
609.48, subd. 4(2)	Perjury ~~(Other Trial)~~	4
609.485, subd. 4(a)(1)	Escape from a felony offense ~~7 See section 2.C and Appendix 1 to determine the presumptive disposition for an escape from an executed sentence.~~	~~3~~7 3; guideline 2.52 may apply
609.485, subd. 4(a)(1) & (b)	Escape ~~with Violence from~~ from a felony offense by violence or threat	8
609.485, subd. 4(a)(2)	~~Escape,~~ Escape after a finding of not guilty by reason of mental illness ~~*** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.~~ or deficiency	~~1***~~ 1
609.485, subd. 4(a)(3) & (b)	Escape ~~with Violence from~~ from a gross misdemeanor or misdemeanor offense by violence or threat	Unranked
609.485, subd. 4(a)(4)	Escape from civil commitment ~~*** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.~~ as mentally ill and dangerous	~~1***~~ 1
609.485, subd. 4(a)(5)	Escape from ~~Civil Commitment,~~ custody or supervision under the Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities	3
609.485, subd. 4(f)	Escape from electronic monitoring	3
609.486	Committing a crime with a bullet-resistant vest ~~During Crime~~	1
609.487, subd. 3	Fleeing a peace officer	1
609.487, subd. 4(a)	Fleeing a peace officer ~~(~~resulting in death~~)~~	10
609.487, subd. 4(b)	Fleeing a peace officer ~~(~~resulting in great bodily harm~~)~~	6
609.487, subd. 4(c)	Fleeing a peace officer ~~(~~resulting in substantial bodily harm~~)~~	4
609.49	Failure to appear in court	1

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.493	Solicitation of mentally impaired persons ~~[8] See section 2.G.3 to determine the presumptive sentence.~~	See ~~Note[8]~~ guideline 2.62
609.494, subd. 2(b)	Solicitation of juveniles ~~[8] See section 2.G.3 to determine the presumptive sentence.~~	See ~~Note[8]~~ guideline 2.62
609.495, subd. 1	Aiding an offender to avoid arrest	1
609.495, subd. 3	Accomplice after the fact	Unranked
609.495, subd. 4	Taking responsibility for criminal acts ~~[9] See section 2.G.6 to determine the presumptive sentence.~~	See ~~Note[9]~~ guideline 2.62
609.496 or 609.497	Concealing criminal ~~Proceeds; Engaging in Business~~ proceeds	Unranked
609.4971	Warning the subject of an investigation	Unranked
609.4975	Warning the subject of surveillance or search	Unranked
609.498, subd. 1a	~~Tampering with a~~ First-degree witness ~~1st Degree~~ tampering	5
609.498, subd. 1b	~~Tampering with a~~ Aggravated first-degree witness ~~Aggravated 1st Degree~~ tampering	9
609.50, subd. 2(1)	Obstructing legal process, arrest, ~~Firefighting, or Ambulance Service Personnel Crew~~ or a first responder	3
609.502, subd. 1(1)	~~Interference~~ Interfering with a ~~Dead Body or Scene of Death~~ death scene or body	4
609.504	Disarming a peace officer	3
609.52 ~~all sections[10]~~	Theft of over $5,000 in public funds ~~(Over $5,000) [10] Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).~~	3
609.52 ~~all sections[10]~~	Theft of ~~Public Funds (~~$5,000 or less~~)~~ ~~[10] Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).~~ in public funds	2
609.52 ~~all sections[10]~~	Theft from the person ~~[10] Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).~~ of another	4

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.52~~ all sections[10]~~	Theft of a public ~~Records [10] Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).~~ record	3
609.52, subd. 2(a)(1)	Theft ~~(~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(1)	Theft ~~(~~ of $5,000 or less~~)~~	2
609.52, subd. 2(a)(1)	Theft of a motor vehicle ~~[11] See Comment 2.A.05 for commentary on motor vehicle offense severity levels.~~	~~4[11]~~ 4; see guideline 2.25
609.52, subd. 2(a)(2)	Taking pledged property ~~(~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(2)	Taking pledged property ~~(~~ of $5,000 or less~~)~~	2
609.52, ~~subd.~~ subds. 2(a)(3) ~~with subd.~~ (i) & 3(1)	Theft ~~by Check/False Representation (Over $35,000)~~ of over $35,000 by check	6
609.52, subd. 2(a)(3)(i)	Theft of over $5,000 by check ~~($5,001 - $35,000)~~	3
609.52, subd. 2(a)(3)(i)	Theft ~~by Check (~~ of $5,000 or less~~)~~ by check	2
609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1)	Theft of over $35,000 by deception	6
609.52, subd. 2(a)(3)~~(ii–iv)~~ or 2(a)(3)(ii) to (iv)	Theft ~~by False Representation ($5,001-$35,000)~~ of over $5,000 by deception	3
609.52, subd. 2(a)(3)~~(ii–iv)~~ or 2(a)(3)(ii) to (iv)	Theft ~~by False Representation (~~ of $5,000 or less~~)~~ by deception	2
609.52, subds. 2(a)(4) & 3(1)	Theft ~~by Trick (Over $35,000)~~ of over $35,000 by swindle	6
609.52, subd. 2(a)(4)	Theft ~~by Trick ($5,001-$35,000)~~ of over $5,000 by swindle	3
609.52, subd. 2(a)(4)	Theft ~~by Trick (~~ of $5,000 or less~~)~~ by swindle	2
609.52, subd. 2(a)(5)	Temporary theft ~~(~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(5)	Temporary theft ~~(~~ of $5,000 or less~~)~~	2
609.52, subd. 2(a)(6)	Refusing to return lost property ~~(~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(6)	Refusing to return lost property ~~(~~ of $5,000 or less~~)~~	2
609.52, subd. 2(a)(7)	Theft of over $5,000 from coin~~-~~-operated ~~Machine (Over $5,000)~~ machines	3

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(7)	Theft of $5,000 or less from coin-operated ~~Machine ($5,000 or Less)~~ machines	2
609.52, subd. 2(a)(8)	Theft of a trade secret	3
609.52, subd. 2(a)(9)	Theft of leased property ~~(~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(9)	Theft of leased property ~~(~~ of $5,000 or less~~)~~	2
609.52, subd. 2(a)(10) or (11)	Altering the serial number ~~(~~ of property of over $5,000~~)~~	3
609.52, subd. 2(a)(10) or (11)	Altering the serial number ~~(~~ of property of $5,000 or less~~)~~	2
609.52, subd. 2(a)(12)	Theft of cable ~~TV Services (~~ television service of over $5,000~~)~~	3
609.52, subd. 2(a)(12)	Theft of cable ~~TV Services (~~ television service of $5,000 or less~~)~~	2
609.52, subd. 2(a)(13)	Theft of services ~~(~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(13)	Theft of services ~~(~~ of $5,000 or less~~)~~	2
609.52, subd. 2(a)(14)	Theft of ~~Telecommunication Services (~~ telecommunications service of over $5,000~~)~~	3
609.52, subd. 2(a)(14)	Theft of ~~Telecommunication Services (~~ telecommunications service of $5,000 or less~~)~~	2
609.52, subds. 2(a)(15) or (16) & 3(1)	Diversion of corporate property ~~(~~ of over $35,000~~)~~	6
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property ~~($5,001 - $35,000)~~ of over $5,000	3
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property ~~($5,000,~~ of $5,000 or less~~)~~	2
609.52, subd. 2(a)(17)~~[10]~~	Motor vehicle use without consent ~~[11] See Comment 2.A.05 for commentary on motor vehicle offense severity levels.~~ ~~[10] Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).~~	~~3[11]~~ 3; see guideline 2.25
609.52, subd. 2(a)(18)	Theft of retail motor fuel ~~from Retailer (~~ of over $5,000~~)~~	3
609.52, subd. 2(a)(18)	Theft of retail motor fuel ~~from Retailer (~~ of $5,000 or less~~)~~	2
609.52, subds. 2(a)(19) & 3(1)	Wage theft ~~(~~ of over $35,000~~)~~	6
609.52, subd. 2(a)(19)	Wage theft ~~($5,001-$35,000)~~ of over $5,000	3
609.52, subd. 2(a)(19)	Wage theft ~~(~~ of $5,000 or less~~)~~	2

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3)	Theft of over $35,000 from a vulnerable adult ~~(Over $35,000)~~	7
609.52, subd. 3(1)	Theft of a firearm	4
609.52, subd. 3(2)	Theft of a Schedule I or II controlled ~~Substances~~ substance	4
609.52, subd. 3(2)	Theft of an incendiary device	4
609.52, ~~subds. 3(2) &~~ subd. 3a(b)(3)	Theft of over $5,000 from a vulnerable adult ~~(Over $5,000)~~	5
609.52, subds. 3(3) & 3a(b)(3)	Theft of $5,000 or less from a vulnerable adult ~~($5,000 or Less)~~	4
609.52, subd. 3(3)(b)	Theft of a Schedule III, IV, or V controlled ~~Substances~~ substance	3
609.52, ~~all sections[10]~~ subd. 3(3)(d)(iii)	Theft ~~(Looting)~~ ~~[10] Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).~~ of $1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle	2
609.52, subd. 3(3)(d)(iii)	Theft of $1,000 or less from an abandoned or vacant building ~~($1,000 or Less)~~	1
609.52, subds. 3(4) & 3a(b)(2)	Gross misdemeanor theft from a vulnerable adult	2
609.52, subd. 3a(a)(1)	~~Theft ($1,000, or Less;~~ Gross misdemeanor or misdemeanor theft creating a risk of harm~~)~~	2
609.52, subd. 3a(a)(2)	Felony theft ~~(Over $1,000;~~ creating a risk of harm~~); Theft ($501-$1,000, and Prior Conviction; Risk of Harm)~~ ~~[12] See Guidelines section 2.A.2 to determine the severity level.~~	See ~~Note[12]~~ guideline 2.25
609.521	Possession of shoplifting gear	3
609.522, subd. 3(1)	Organized retail theft ~~(~~ of over $5,000~~)~~	4
609.522, subd. 3(2)	Organized retail theft ~~($1,001–$5,000, or $501–$1,000 and Prior Convictions)~~ of $5,000 or less	3
609.522, subd. 3(3)	Organized retail theft ~~($501–$1,000, or $500~~ of $1,000 or less ~~and Prior Convictions)~~	1
609.525 ~~all sections~~	Bringing over $5,000 in stolen ~~Goods~~ property into the state ~~(Over $5,000)~~	3

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.525~~ all sections~~	Bringing $5,000 or less in stolen~~ Goods~~ property into~~ State ($1,001-$5,000); Bringing Stolen Goods into~~ the state~~ ($501-$1,000, w/Previous Conviction)~~	2
609.526	Receipt of stolen property by a precious metal~~ and~~ or scrap metal~~ Dealers, Receiving Stolen Goods (2nd~~ dealer as a second or subsequent~~ Violations)~~ offense	4
609.526, subd. 2(1)	Receipt of $1,000 or more in stolen property by a precious metal~~ and~~ or scrap metal~~ Dealers, Receiving Stolen Goods ($1,000 or More)~~ dealer	3
609.526, subd. 2(2)	Receipt of less than $1,000 in stolen property by a precious metal~~ and~~ or scrap metal~~ Dealers, Receiving Stolen Goods (Less than $1,000)~~ dealer	2
609.527, subd. 3(3)	Identity theft ~~(2–3~~ involving two or three direct victims or ~~$501–$2,500 Loss)~~ loss of over $500 but not over $2,500	2
609.527, subd. 3(4)	Identity theft ~~(4–7~~ involving four to seven direct victims or loss of over $2,500~~)~~	3
609.527, subd. 3(5)	Identity theft ~~(8~~ involving eight or more direct victims or loss of over $35,000~~)~~	8
609.527, subd. 3(6)	Identity theft ~~(~~related to child sexual abuse material~~)~~	8
609.527, subd. 5a	Electronic use of false pretense to obtain identity	2
609.527, subd. 5b	Unlawful possession or use of a scanning device or reencoder	2
609.528, subd. 3(3)	Possession or sale of a stolen or counterfeit check involving two or three victims or a loss of over $500 but not over $2,500	2
609.528, subd. 3(4)	Possession or sale of a stolen or counterfeit check involving four or more victims or a loss of over $2,500	3
609.529	Mail theft	2
609.53	Receiving over $5,000 in stolen~~ Goods (Over $5,000)~~ property	3
609.53	Receiving ~~Stolen Goods (~~$5,000 or less~~)~~ in stolen property	2
609.53 & 609.52, subd. 3(1)	Receiving a stolen ~~Property (~~firearm~~)~~	4
609.535, subd. 2a(a)(1)	Issuing a dishonored check ~~(~~ of over $500~~)~~	2

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.54~~, all sections~~ (1)	Embezzlement of $2,500 or less of public funds ~~($2,500 or Less)~~	2
609.54~~, all sections~~ (2)	Embezzlement of over $2,500 of public funds ~~(Over $2,500)~~	3
609.542, subd. 4(1)	Unauthorized human services remunerations ~~(~~ of over $35,000~~)~~	6
609.542, subd. 4(2)	Unauthorized human services remunerations ~~(~~ of over $5,000~~)~~	3
609.542, subd. 4(3)	Unauthorized human services ~~Remunerations (~~ remunerations of $5,000 or less~~)~~	2
609.551 ~~all sections~~	~~Rustling of Livestock (~~ Livestock theft of over $2,500~~)~~	3
609.551 ~~all sections~~	~~Rustling of Livestock (~~ Livestock theft of over $300 but not over $2,500 ~~or Less)~~	2
609.561 ~~all sections~~	First-degree arson ~~1st Degree~~	8
609.562	Second-degree arson ~~2nd Degree~~	5
609.563 ~~all sections~~	Third-degree arson ~~3rd Degree~~	3
609.5641, subd. 1a(a)	Wildfire arson	2
609.5641, subd. 1a(b)	Wildfire arson ~~(Damage~~ damaging over five ~~Dwellings, Burns~~ dwellings or $100,000 in crops, or burning 500 acres or ~~More, or Crops in Excess of $100,000)~~ more	7
609.5641, subd. 1a(c)	Wildfire arson ~~(Damage~~ damaging over 100 ~~Dwellings, Burns~~ dwellings or $250,000 in crops, or burning 1,500 acres or ~~More, or Crops in Excess of $250,000)~~ more	8
609.5641, subd. 1a(d)	Wildfire arson ~~(~~ resulting in demonstrable bodily harm~~)~~	5
609.576, subd. 1(1)	Grossly negligent ~~Fires (~~ fire resulting in great bodily harm~~)~~	4
609.576, subd. 1(3)(iii)	Grossly negligent ~~Fires (Damage~~ fire damaging $2,500 or more~~)~~	2
609.576, subd. 2	Dangerous smoking	3
609.582, subd. 1(a)	First-degree burglary ~~1st Degree (~~ of an occupied dwelling~~)~~ ~~[13] See section 2.C.3.b and Appendix 1 to determine the presumptive disposition.~~	~~6[13]~~ 6; guideline 2.52 may apply
609.582, subd. 1(b) or (c)	First-degree burglary ~~1st Degree (w/Weapon~~ with a weapon or assault~~)~~	8

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.582, subd. 2(a)(1), (a)(2), or (b)	~~Burglary 2nd Degree (Dwelling/Bank);~~ Second-degree burglary ~~2nd Degree (~~ of a dwelling, bank, government building, religious ~~Est.,~~ establishment, historic property, or school ~~Building)~~	5
609.582, subd. 2(a)(3) or (4)	Second-degree burglary ~~2nd Degree (Pharmacy/Tool)~~ of a pharmacy or while possessing a tool	4
609.582, subd. 3(a)	Third-degree burglary ~~3rd Degree (Nonresidential)~~ by entry of a building without consent	4
609.582, subd. 3(b)	Third-degree burglary ~~3rd Degree (~~ by shoplifting contrary to a trespass ~~Notice, 2nd or Subsequent)~~ notice	3
609.586, subd. 2	Possession of ~~Code Grabbing Devices~~ a code-grabbing device	3
609.59	Possession of burglary or theft tools	3
609.591, subd. 3(1)	~~Hinder Logging (~~ Tree spiking resulting in great bodily harm~~)~~	3
609.593	Damage or theft ~~(~~ to energy transmission or telecommunications~~)~~ equipment	3
609.594	Damage to property ~~(~~ of critical public service ~~Facilities~~ facilities, utilities, ~~and~~ or pipelines~~)~~	Unranked
609.595, subd. 1(1) or (2)	First-degree criminal damage to property ~~(Risk Bodily Harm,~~ to a public safety ~~Motor Vehicle)~~ vehicle or causing a risk of harm	3
609.595, subd. 1(3), (4), or (5)	First-degree criminal damage to property ~~(Service to Public,~~ to a common carrier, of over $1,000, or of over $500 ~~and~~ as a second or subsequent~~)~~ offense	2
609.595, subd. 1a~~(a)~~	Second-degree criminal damage to property ~~(Motivated by Bias)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~1**~~ 1; may exceed statutory max.
609.596, subd. 1	Killing or substantially harming a public safety dog	Unranked
609.597, subd. 3(1) or (2)	Assaulting ~~or Harming~~ a police horse resulting in more than demonstrable harm to the horse	Unranked

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.597, subd. 3(3)	Assaulting ~~or Harming~~ a police horse ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ resulting in demonstrable bodily harm to the horse	~~1**~~ 1; may exceed statutory max.
609.611 ~~all sections~~	~~Defrauding Insurer (~~ Insurance fraud of over $5,000~~)~~	3
609.611 ~~all sections~~	~~Defrauding Insurer (~~ Insurance fraud of $5,000 or less~~)~~	2
609.612	~~Insurance Fraud (Employment of~~ Employing runners~~)~~ in connection with motor vehicle insurance	Unranked
609.615 ~~all sections~~	~~Defeating Security on Realty (~~ Impairing the value of secured real property by over $5,000~~)~~	3
609.615 ~~all sections~~	~~Defeating Security on Realty (~~ Impairing the value of secured real property by $5,000 or less~~)~~	2
609.62 ~~all sections~~	Defeating a security ~~on Personalty (~~ interest of over $5,000~~)~~ on personal property	3
609.62 ~~all sections~~	Defeating a security ~~on Personalty (~~ interest of $5,000 or less~~)~~ on personal property	2
609.625 ~~all sections~~, 609.635, or 609.64	Aggravated forgery ~~(Non-Check); Obtaining Signature by False Pretense; Recording, Filing of Forged Instrument~~	2
609.63 ~~all sections~~	Forgery	1
609.631, subd. 4(1)	Check forgery ~~(~~ of over $35,000~~)~~	5
609.631, subd. 4(2)	Check forgery ~~(~~ of over $2,500~~)~~	3
609.631, subd. 4(3)(a)	Check forgery ~~($251-$2,500)~~ of over $250 but not over $2,500	2
609.631, subd. 4(3)(b)	Check forgery ~~(~~ of $250 or less~~)~~	1
609.632, subd. 1 ~~& 2 with subd. 4(a)~~ or 2	Counterfeiting of currency ~~(Manufacturing or Printing/Means for False Reproduction)~~	Unranked
609.632, subds. 3 & 4(b)(1)	Offering over $35,000 in counterfeit currency ~~(Over $35,000)~~	6
609.632, subds. 3 & 4(b)(2)	Offering over $5,000 but not over $35,000 in counterfeit currency ~~($5,001- $35,000)~~	3
609.632, subds. 3 & 4(b)(3)	Offering ~~Counterfeit Currency (~~$5,000 or less~~)~~ in counterfeit currency	2

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.645	~~Fraudulent Statements~~ Securities valuation or commercial transit fraud	1
609.65(1)	False certification by a notary public	1
609.651, subds. 1 & 4(a)	State Lottery fraud of less than $35,000	1
609.651, ~~subd.~~ subds. 1 ~~with~~ & 4(b) ~~and subd. 2 & 3~~	State Lottery fraud of $35,000 or more	Unranked
609.651, subd. 2	Unauthorized State Lottery computer access	Unranked
609.651, subd. 3	Filing a false statement with the State Lottery	Unranked
609.652	~~Fraudulent Drivers' Licenses and~~ Driver's license or identification ~~Cards~~ card fraud	1
609.66, subd. 1a(a)(1)	Sale or possession of a firearm suppressor	2
609.66, subd. 1a(a)(1) & (b)(1)	Sale or possession of a firearm suppressor ~~(~~ in a public housing, ~~School~~ school, or park zone~~)~~	3
609.66, subd. 1a(a)(2)	Intentional discharge of a firearm ~~(Intentional)~~ under dangerous circumstances	2
609.66, subd. 1a(a)~~(2)~~(3) & ~~(3)~~(b)(1)	Reckless discharge of a firearm ~~(~~ in a public housing, ~~School~~ school, or park zone~~)~~	2
609.66, subd. 1a(a)(3) & (b)(2)	Reckless discharge of a firearm ~~(Reckless)~~ in a municipality	1
609.66, subd. 1b	Furnishing ~~Firearm~~ a firearm, airgun, ammunition, or explosive to a minor without parental consent	2
609.66, subd. 1c	Recklessly furnishing a dangerous weapon	2
609.66, subd. 1d(a)	Possessing a dangerous ~~Weapons~~ weapon on school property	4
609.66, subd. 1e(a)(1)	Drive-by shooting ~~(~~ toward an unoccupied motor vehicle or building~~)~~	3
609.66, subd. 1e(a)(2) or (3)	Drive-by shooting ~~(~~toward a person or occupied motor vehicle or building~~)~~	8
609.66, subd. 1g	~~Weapon in Courthouse/Certain State Buildings~~ Possessing a dangerous weapon, ammunition, or explosives in a courthouse complex or Capitol Area building	4
609.662, subd. 2(b)(1)	~~Duty~~ Failure to render aid ~~(~~ to a shooting victim suffering death or great bodily harm~~)~~	2

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.662, subd. 2(b)(2)	~~Duty~~ Failure to render aid ~~(~~ to a shooting victim suffering substantial bodily harm~~)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~1**~~ 1; may exceed statutory max.
609.667	~~Remove or Alter~~ Removal or alteration of a firearm's serial number ~~on Firearm~~	1
609.668, subd. 6	Explosive ~~Devices/Incendiary Devices~~ device or incendiary device crime	6
609.67, subd. 2(a)	Possession of a machine gun, trigger activator, or conversion kit	8
609.67, subd. 2(b)	Possession of a short-barreled shotgun	3
609.671	~~Hazardous Wastes~~ Violation of environmental laws	Unranked
609.686, subd. 2	Tampering ~~w/~~ with a fire alarm system ~~(Results in~~ resulting in bodily harm~~)~~	3
609.686, subd. 2	Tampering ~~w/~~ with a fire alarm system ~~(~~ creating the potential for bodily harm~~)~~	1
609.687, subd. 3(1)	Adulteration resulting in death	11
609.687, subd. 3(2)	Adulteration resulting in bodily harm	4
609.687, subd. 3(3)	Adulteration	Unranked
609.71, subd. 1	First-degree riot ~~1st Degree~~	8
609.71, subd. 2	Second-degree riot ~~2nd Degree~~	2
609.712	~~Real/Simulated Weapons~~ Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction	Unranked
609.713, subd. 1	~~Threats of~~ Threatening violence ~~(Terror/Evacuation)~~	4
609.713, subd. 2	~~Threats of Violence (~~ Making a bomb threat~~)~~	2
609.713, subd. 3(a)	~~Threats of Violence (~~ Menacingly displaying a replica firearm~~)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ or BB gun	~~1**~~ 1; may exceed statutory max.
609.714	Offense in furtherance of terrorism ~~[14] See section 2.G.7 to determine the presumptive sentence.~~	See ~~Note[14]~~ guideline 2.64

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.746, subd. 1(g)	Interference with privacy ~~(2nd~~ against a minor victim or as a second or subsequent ~~Violation or Minor Victim)~~ offense	1
609.746, subd. 1(h)	Using a surreptitious observation device ~~(~~ against a minor victim ~~and~~ with sexual intent~~)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~G**~~ G; may exceed statutory max.
609.746, subd. 1(j)	Surreptitious photography under or around clothing ~~(3rd~~ as a third or subsequent ~~Violation)~~ offense	3
609.7475	Filing a fraudulent or improper financing ~~Statements~~ statement	Unranked
609.748, subd. 6(d)	Violation of a harassment restraining order	4
609.749, subd. 3~~(a)(b)~~	~~Harassment (~~Aggravated ~~Violations)~~ harassment	4
609.749, subd. 4(a)	Harassment ~~(2nd Violation)~~ as a second offense	4
609.749, subd. 4(b)	Harassment ~~(3rd~~ as a third or subsequent ~~Violations)~~ offense	5
609.749, subd. 5	Stalking	5
609.76, subd. 2	Sports bookmaking	4
609.76, subd. 3 to 7	Cheating at gambling ~~Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)~~	Unranked
609.7615, subd. 2	~~Operating or Facilitating a Prediction Market~~ Prediction market operation or facilitation	Unranked
609.7615, subd. 3	~~Advertising a~~ Prediction market advertising	Unranked
609.763	Lawful gambling fraud	Unranked
609.771, subd. 3(a)(1)	Using deep fake technology to influence an election ~~(2nd or Subsequent Violation)~~	Unranked
609.776	~~Interference~~ Interfering with emergency communications ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~5**~~ 5; may exceed statutory max.
609.78, subd. 2a(1)	Placing a fictitious emergency call ~~(~~ resulting in great bodily harm or death~~)~~	8

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.78, subd. 2a(2)	Placing a fictitious emergency call ~~(~~ resulting in substantial bodily harm~~)~~	3
609.78, subd. 2b(1)	Making an emergency ~~Telephone Calls and Communications (3rd or Subsequent, Making Calls When~~ call with no emergency ~~Exists)~~ as a third or subsequent offense	4
609.78, subd. 2b(2)	Disrupting an emergency ~~Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)~~ call center system	5
609.78, subd. 2c	Placing a fictitious emergency call ~~(~~ for a response to the home of an official~~)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~1**~~ 1; may exceed statutory max.
609.80, subd. 2	Sale of unauthorized cable ~~Communication Systems Interference~~ connection device	1
609.816	Wrongful employment at a child care center ~~(~~ involving over $5,000~~)~~	3
609.816	Wrongful employment at a child care center ~~(~~ involving $5,000 or less~~)~~	2
609.82 ~~all sections~~	Fraud in obtaining credit ~~(~~ of over $5,000~~)~~	3
609.82 ~~all sections~~	Fraud in obtaining credit ~~(~~ of $5,000 or less~~)~~	2
609.821, subd. 2(3) or (4)	Financial transaction card ~~Fraud~~ trafficking	1
609.821, subd. 3(a)(1)(i)	Financial transaction card fraud ~~(~~ of over $35,000~~)~~	5
609.821, subd. ~~2~~ 3(a)(1)~~(2)(5)(6)(7)(8)~~(ii)	Financial transaction card fraud ~~(~~ of over $2,500~~)~~	3
609.821, subd. ~~2~~ 3(a)(1)~~(2)(5)(6)(7)(8)~~(iii) or (iv)	Financial transaction card fraud ~~(~~ of $2,500 or less~~)~~	2
609.822	Residential mortgage fraud	2
609.825, subd. 2	Bribery of a participant or official in a contest	2
609.83	~~Falsely Impersonating Another~~ False impersonation in a marriage or judicial proceeding	Unranked
609.84	Sale of human remains	3

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
609.85~~ (1)~~, subd. 1	~~Dangerous Trespass,~~ Obstructing or tampering with a railroad~~ Tracks~~ track to injure or derail	3
609.851, subd. 2	Exhibiting a false traffic signal	3
609.855, subd. 2(c)(1)	Interference with a transit operator	1
609.855, subd. 5	Discharge of a firearm at or in an occupied transit ~~Vehicle/Facility~~ vehicle or facility	6
609.855, subd. 5	Discharge of a firearm at or in an unoccupied transit ~~Vehicle/Facility~~ vehicle or facility	1
609.856	~~Police Radios During Commission of~~ Use or possession of a police radio in a crime	Unranked
609.86	Commercial bribery	4
609.88	Computer damage ~~(~~ of over $2,500~~)~~	3
609.88	Computer damage ~~(~~ of $2,500 or less~~)~~	2
609.89	Computer theft ~~(~~ of over $2,500~~)~~	3
609.89	Computer theft ~~(~~ of $2,500 or less~~)~~	2
609.891, subd. 2(a) or (b)	Unauthorized computer access ~~(~~ causing a grave risk or as a second or subsequent~~)~~ offense	Unranked
609.891, subd. 2(c)	Unauthorized ~~Computer~~ access ~~(~~ to an electronic fund transfer terminal~~)~~	2
609.8912	~~Computer~~ Criminal use of encryption	Unranked
609.893, subd. 1	Telecommunications ~~and Information Services; Obtaining Services by~~ fraud ~~(~~ of over $2,500~~)~~	3
609.893, subd. 1	Telecommunications ~~and Information Services; Obtaining Services by~~ fraud ~~(~~ of $2,500 or less~~)~~	2
609.893, subd. 2	~~Telecommunications and Information Services; Facilitation of~~ Facilitating telecommunications fraud	2
609.894, subd. 3	Second-degree cellular counterfeiting ~~2nd Degree~~	1
609.894, subd. 4	First-degree cellular counterfeiting ~~1st Degree~~	2
609.895, subd. 3(a)	~~Counterfeited~~ Aggravated intellectual property counterfeiting	2
609.895, subd. 3(b)	~~Counterfeited~~ Intellectual property counterfeiting	1
609.896	Criminal use of ~~Real~~ cinema property ~~(Movie Pirating)~~ for recording	1
609.904	Racketeering ~~(RICO)~~	Unranked
~~617.20~~	~~Abortion~~	~~Unranked~~
~~617.22~~	~~Abortion~~	~~Unranked~~

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
617.23, subd. 3	Indecent exposure	G
617.241, subd. 4	Distributing or exhibiting an obscene ~~Materials - Distribution~~ work	Unranked
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material	D
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material ~~(Subsequent, by~~ as a second or subsequent offense, by a predatory offender, or involving a child under ~~14)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ age 14	~~C**~~ C; may exceed statutory max.
617.247, subd. 3(a)	Dissemination of child sexual abuse material ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~E**~~ E; may exceed statutory max.
617.247, subd. 3(b)	Dissemination of child sexual abuse material ~~(Subsequent, by~~ as a second or subsequent offense, by a predatory offender, or involving a child under ~~14)~~ ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~ age 14	~~C**~~ C; may exceed statutory max.
617.247, subd. 4(a)	Possession of child sexual abuse material	G
617.247, subd. 4(b)	Possession of child sexual abuse material ~~(Subsequent, by~~ as a second or subsequent offense, by a predatory offender, or involving a child under ~~14)~~ age 14	E
617.261, subd. 2(b)	Nonconsensual dissemination of private sexual images	3
617.262, subd. 3(b)	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts	3
624.713, subd. 2(a)	~~Certain Persons Not to Have Firearms~~ Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor	3

~~Statute Number~~ Minn. Stat. Section	Offense Title	Severity Level
624.713, subd. 2(b)	~~Certain Persons Not to Have Firearms~~ Possessing a firearm or ammunition after a crime of violence	6
624.7131, subd. 11	False ~~Statement to Obtain~~ application for a firearm transferee permit	1
624.7132, subd. 15(b)	~~Transfer~~ Transferring a pistol ~~to~~ or semiautomatic assault weapon to a minor	2
624.714, subd. 1a	Carrying a pistol without a permit ~~(Subsequent Violations)~~	1
624.7141, subd. 1	Transferring a firearm to an ineligible person ~~** See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.~~	~~2**~~ 2; may exceed statutory max.
624.7141, subd. 2	Transferring ~~Firearm to~~ to an ineligible person ~~(Aggravated)~~ a firearm later used in a crime of violence	5
624.7181, subd. 2	Carrying a semiautomatic assault weapon ~~in Public (~~under ~~21)~~ age 21	1
624.7191	~~Metal Penetrating~~ Use or possession of metal-penetrating bullets in a crime	Unranked
624.731, subd. 8(a)	Prohibited possession, use, or sale of tear ~~Gas and~~ gas, a tear gas ~~Compounds;~~ compound, or an electronic incapacitation ~~devices~~ device	3
624.732, subd. 2	Intentional release of a harmful substance	3
626A.02, subd. 4~~;~~, 626A.03, subd. 1~~(b)(ii);~~ or 626A.26, subd. 2(1)(ii)	~~Wire~~ Violation of the Privacy of Communications ~~Violations~~ Act	Unranked
629.75, subd. 2(d)	Violation of a domestic abuse no contact order	4
641.165, subd. 2(b)	~~Bring~~ Bringing a dangerous weapon into ~~County~~ a jail	4

History: *2026 Minn. Sentencing Guidelines & Commentary 5.B; restructured 2027.*

7.60 [7] THEFT OFFENSE LIST OFFENSES.

Subdivision 1. It is recommended that (a) This guideline contains the theft offense list cited for the theft crimes ($5,000 or less and over $5,000) in guideline 7.10 (severity levels of offenses on the standard grid). The Guidelines treat the following property crimes be treated listed in this guideline similarly. Below is the Theft Offense List cited for the Theft Crimes ($5,000 or less and over $5,000) in section 5.A Offense Severity Reference Table. The severity level for these offenses is based on the monetary amount of the conviction offense, as cited below. The monetary amount is contained in the penalty statute as cited below:

(b) **Severity level 2.** When the monetary value of the theft crime is $5,000 or less, the severity level is 2. the For many of these offenses, the penalty statute is Minn. Stat. § 609.52, subdivision subd. 3(3)(a) or another provision of subd. 3(3).

(c) **Severity level 3.** When the monetary value of the theft crime is over $5,000, the severity level is 3. the For many of these offenses, the penalty statute is Minn. Stat. § 609.52, subdivision subd. 3(2).

Subd. 2. See guideline 2.25 for further instructions on the use of this guideline.

Subd. 3. The theft offense list follows.

Statute Number Minn. Stat. Section	Theft Offense Title
176.178	Workers Workers' compensation fraud
256.98	Wrongfully obtaining public assistance
268.182	Unemployment benefit fraud
268B.185	Family and medical benefit fraud
393.07, subd. 10	Federal Food Stamp Program Wrongfully obtaining supplemental nutrition assistance
471.392	False declaration of a claim against a local government
514.02, subd. 1(b)	Non-payment for Nonpayment of real estate improvement (Proceeds of Payments; Acts Constituting Theft) funds to those who contributed to the improvement
609.445	Failure to pay over state funds
609.455	Permitting a false Claims claim against a government
609.465	Presenting a false Claims to claim to a public officer or body
609.52	Theft of public funds
609.52, subd. 2(a)(1)	Theft
609.52, subd. 2(a)(2)	Taking pledged property
609.52, subd. 2(a)(3)(i)	Theft by check
609.52, subd. 2(a)(3) or 2(a)(3)(ii), (iii), or to (iv)	Theft by False Representation deception
609.52, subd. 2(a)(4)	Theft by Trick swindle

~~Statute Number~~ Minn. Stat. Section	Theft Offense ~~Title~~
609.52, subd. 2(a)(5)	Temporary theft
609.52, subd. 2(a)(6)	Refusing to return lost property
609.52, subd. 2(a)(7)	Theft from coin-~~-~~operated machines
609.52, subd. 2(a)(9)	Theft of leased property
609.52, subd. 2(a)(10) or (11)	Altering serial number
609.52, subd. 2(a)(12)	Theft of cable ~~TV Services~~ television service
609.52, subd. 2(a)(13)	Theft of services
609.52, subd. 2(a)(14)	Theft of telecommunications ~~services~~ service
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property
609.52, subd. 2(a)(18)	Theft of retail motor fuel
609.52, subd. 2(a)(19)	Wage theft
609.525	Bringing stolen property into the state
609.53	Receiving stolen property
609.611	~~Defrauding Insurer~~ Insurance fraud
609.615	~~Defeating Security on Realty~~ Impairing the value of secured real property
609.62	Defeating a security ~~on Personalty~~ interest on personal property
609.816	Wrongful employment at a child care center
609.82	Fraud in obtaining credit

History: *2026 Minn. Sentencing Guidelines & Commentary 7; restructured 2027.*

7.80 [8] SEVERE VIOLENT ~~OFFENSE LIST~~ OFFENSES.

Each of the following is a ~~"~~severe violent offense~~"~~ within the meaning of ~~section 2.G.13~~ guideline 2.65, subd. 3. For each offense, attempt or conspiracy is included, as is an equivalent non-Minnesota felony ~~from a jurisdiction other than Minnesota~~ offense within the meaning of guideline 2.36.

~~Statute Number~~ Minn. Stat. Section	Severe Violent Offense ~~Title~~
609.185	First-degree murder ~~1st Degree~~
609.19	Second-degree murder ~~2nd Degree~~
609.195(a)	~~Murder 3rd Degree (Depraved Mind)~~ Third-degree murder while evincing a depraved mind
609.221	First-degree assault ~~1st Degree~~
609.222, subd. 2	Second-degree assault ~~2nd Degree (Dangerous Weapon,~~ by dangerous weapon resulting in substantial bodily harm~~)~~
609.245, subd. 1	First-degree aggravated robbery ~~1st Degree~~
609.247, subd. 2	First-degree carjacking ~~1st Degree~~
609.25, subd. 2(2)(i)	Kidnapping ~~(Great Bodily Harm/Not Released~~ not involving release in a safe ~~Place/Victim Under 16)~~ place
609.25, subd. 2(2)(ii)	Kidnapping resulting in great bodily harm
609.25, subd. 2(2)(iii)	Kidnapping of a child under age 16
609.2661	First-degree murder of an unborn child ~~1st Degree~~
609.2662	Second-degree murder of an unborn child ~~2nd Degree~~
609.2663	Third-degree murder of an unborn child ~~3rd Degree~~
609.282, subd. 1	Labor trafficking ~~(~~ resulting in death~~)~~
609.282, subd. 1a(1)	Labor trafficking ~~(~~ of a minor ~~Victim)~~
609.282, subd. 1a(3)	Labor trafficking ~~(~~ resulting in great bodily harm~~)~~
609.322, subd. 1(a)	First-degree sex trafficking ~~1st Degree~~
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking ~~1st Degree~~
609.322, subds. 1a & 1(b)(2) or (3)	Aggravated second-degree sex trafficking ~~2nd Degree (~~ resulting in bodily ~~Harm/Debt Bondage/Forced~~ harm or involving more than 180 days of debt bondage or forced services~~)~~
609.342, subd. 1(a) to (e) or 1a(a) to (d) or (i)	First-degree criminal sexual conduct ~~1st Degree~~ by sexual penetration using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	Second-degree criminal sexual conduct ~~2nd Degree~~ by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice

~~Statute Number~~ Minn. Stat. Section	Severe Violent Offense ~~Title~~
609.498, subd. 1b	~~Tampering with Witness,~~ Aggravated ~~1st Degree~~ first-degree witness tampering
609.561, subd. 1 or 2	First-degree arson ~~1st Degree~~ of a dwelling or an occupied building
609.66, subd. 1e(a)(2) or (3)	Drive-by shooting ~~(~~toward a person or occupied motor vehicle or building~~)~~

History: *2026 Minn. Sentencing Guidelines & Commentary 8; restructured 2027.*

7.90 [6] PERMISSIVELY CONSECUTIVE OFFENSES ELIGIBLE FOR PERMISSIVE CONSECUTIVE SENTENCES.

Convictions for attempted offenses or offenses listed in this guideline, including attempts, conspiracies to commit offenses listed below, and equivalent non-Minnesota felony offenses, are eligible for permissive permissively consecutive sentences as well as convictions for completed offenses. Under section 2.F.2.a(1)(i), it is permissive for a current felony conviction to run consecutively to a prior felony sentence from a jurisdiction other than Minnesota if the non-Minnesota conviction is for a crime that is equivalent to a crime listed below. under the conditions set forth in guideline 2.73. **[2.F.2.a(1)(i)]** A non-Minnesota conviction is equivalent to a crime on the this list in section 6 if it would both be defined as a felony in Minnesota, and received a sentence that in Minnesota would be a felony-level sentence, including the equivalent of a stay of imposition.

Statute Number Minn. Stat. Section	**Offense Title Eligible for Permissively Consecutive Sentencing**
152.021, subd. 2a	Manufacture any Amount of Manufacturing methamphetamine
152.021, subd. 2b(2), & 152.01, subd. 24(8)	Aggravated first-degree controlled substance Crime 1st Degree, sale to a minor or vulnerable adult
152.022, subd. 1(6)(5)	Sells Cocaine/Narcotic to Minor/Employs Second-degree controlled substance sale to or with a minor
152.023, subd. 1(3)	Sells Sch. I,II,III to Third-degree controlled substance sale to a minor (not Narcotic)
152.023, subd. 1(4)	Sells Sch. I,II,III Employs Third-degree controlled substance sale with a minor (not Narcotic)
152.024, subd. 1(2)	Schedule IV or V to Fourth-degree controlled substance sale to a minor
152.024, subd. 1(3)	Employs Fourth-degree controlled substance sale with a minor to Sell Schedule IV or V
152.0261, subd. 1a	Employing Using a minor to import a controlled Substances substance into Minnesota
152.137, subd. 2(a) or (b)	Exposing a child or vulnerable adult to methamphetamine or related chemicals
152.137, subd. 2(c)	Exposing a child to fentanyl
169.09, subd. 14(a)(1)	Accidents (Death) Leaving the scene of a fatal collision caused by another driver
169.09, subd. 14(a)(2)	Accidents (Leaving the scene of a collision resulting in great bodily harm) and caused by another driver
169A.24	DWI 1st Degree First-degree driving while impaired
243.166, subd. 5(b) or (c)	Registration of Failure to register as a predatory Offenders; Registration of Predatory Offenders (2nd or subsequent) offender

~~Statute Number~~ Minn. Stat. Section	Offense ~~Title~~ Eligible for Permissively Consecutive Sentencing
518B.01, subd. 14(d)	Violation of an order for protection
609.185	First-degree murder ~~1st Degree~~
609.19	Second-degree murder ~~2nd Degree~~
609.195	Third-degree murder ~~3rd Degree~~
609.20	First-degree manslaughter ~~1st Degree~~
609.205	Second-degree manslaughter ~~2nd Degree~~
609.2112~~, subd. 1~~	Criminal vehicular homicide
609.2113, subd. 1	Criminal vehicular operation ~~(~~ resulting in great bodily harm~~)~~
609.2113, subd. 2	Criminal vehicular operation ~~(~~ resulting in substantial bodily harm~~)~~
609.2114, subd. 1	Criminal vehicular operation ~~(~~ resulting in death to an unborn child~~)~~
609.2114, subd. 2	Criminal vehicular operation ~~(Injury~~ resulting in injury to an unborn child~~)~~
609.215	Aiding suicide
609.221	First-degree assault ~~1st Degree~~
609.222	Second-degree assault ~~2nd Degree~~
609.223	Third-degree assault ~~3rd Degree~~
609.2231	Fourth-degree assault ~~4th Degree~~
609.224, subd. 4	Fifth-degree assault ~~5th Degree (3rd or Subsequent Violation)~~
609.2241	Knowing transfer of a communicable disease
609.2242, subd. 4	Domestic assault
609.2245	Female genital mutilation
609.2247	Domestic assault by strangulation
609.228	Causing great bodily harm ~~Caused by~~ by the distribution of drugs
609.229, subd. 3	Crime committed for the benefit of a gang
609.2325, subd. 3(1)	Criminal abuse of a vulnerable adult ~~(~~ resulting in death~~)~~
609.2325, subd. 3(2)	Criminal abuse of a vulnerable adult ~~(~~ resulting in great bodily harm~~)~~
609.2325, subd. 3(3)	Criminal abuse of a vulnerable adult ~~(~~ resulting in substantial bodily harm~~)~~
609.233, subd. 3(1)	Deprivation of a vulnerable adult resulting in great bodily harm
609.233, subd. 3(2)	Deprivation of a vulnerable adult resulting in substantial bodily harm

~~Statute Number~~ Minn. Stat. Section	Offense ~~Title~~ Eligible for Permissively Consecutive Sentencing
609.235	Use of drugs to injure or facilitate crime
609.24	Simple robbery
609.245, subd. 1	First-degree aggravated robbery ~~1st Degree~~
609.245, subd. 2	Second-degree aggravated robbery ~~2nd Degree~~
609.247	Carjacking
609.25	Kidnapping
609.255	False imprisonment
609.2661	~~Consp./At.~~ First-degree murder of an unborn child ~~1st Degree~~
609.2662	Second-degree murder of an unborn child ~~2nd Degree~~
609.2663	Third-degree murder of an unborn child ~~3rd Degree~~
609.2664	First-degree manslaughter of an unborn child ~~1st Degree~~
609.2665	Second-degree manslaughter of an unborn child ~~2nd Degree~~
609.267	First-degree assault of an unborn child ~~1st Degree~~
609.2671	Second-degree assault of an unborn child ~~2nd Degree~~
609.268	~~Death or Injury~~ Causing injury to or the death of an unborn child in ~~Comm. of~~ the commission of a crime
609.282	Labor trafficking
609.322, subd. 1(a)	First-degree sex trafficking ~~1st Degree~~
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking ~~1st Degree~~
609.322, subd. 1a	Second-degree sex trafficking ~~2nd Degree~~
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking ~~2nd Degree~~
609.324, subd. 1(a)	~~Engage or Hire a Minor to Engage in Prostitution~~ Engaging a minor under age 14, or a person believed to be so, in prostitution
609.324, subd. 1(b)	~~Engage or Hire a Minor to Engage in Prostitution~~ Engaging a minor age 14 or 15, or a person believed to be so, in prostitution
609.324, subd. 1(c)	~~Engage or Hire a Minor to Engage in Prostitution~~ Engaging a minor age 16 or 17, or a person believed to be so, in prostitution
609.342	First-degree criminal sexual conduct ~~1st Degree~~
609.343	Second-degree criminal sexual conduct ~~2nd Degree~~
609.344	Third-degree criminal sexual conduct ~~3rd Degree~~
609.345	Fourth-degree criminal sexual conduct ~~4th Degree~~
609.3451	Fifth-degree criminal sexual conduct ~~5th Degree~~
609.3453	Criminal sexual predatory conduct

~~Statute Number~~ Minn. Stat. Section	Offense ~~Title~~ Eligible for Permissively Consecutive Sentencing
609.3458	Sexual extortion
609.352, subd. 2	Sexual solicitation of a child
609.352, subd. 2a	Electronic sexual solicitation of a child
609.352, subd. 2c	Sexual solicitation of a child by grooming
609.352, subd. 2d	Sexual solicitation of a minor while in a position of authority
609.352, subd. 2e	Sexual solicitation of a student
609.365	Incest
609.377	Malicious punishment of a child
609.3775	Child torture
609.378	Child ~~Neglect/Endangerment~~ neglect or endangerment
609.476, subd. 3	Publishing personal information of a judicial official ~~(~~ resulting in bodily harm~~)~~
609.485, ~~subd.~~ subd. 4(a)(1) & ~~4~~(b)	Escape ~~with Violence from~~ from a felony offense by violence or threat
609.485, subd. 4(a)(3) & (b)	Escape ~~with~~ from a gross misdemeanor or misdemeanor offense by violence ~~from GM or Misd. Offense~~ or threat
609.487, subd. 3	Fleeing a peace officer
609.487, subd. 4(a)	Fleeing a peace officer ~~(~~resulting in death~~)~~
609.487, subd. 4(b)	Fleeing a peace officer ~~(~~ resulting in great bodily harm~~)~~
609.487, subd. 4(c)	Fleeing a peace officer ~~(~~ resulting in substantial bodily harm~~)~~
609.498, subd. 1a	~~Tampering with a~~ First-degree witness ~~in the 1st Degree~~ tampering
609.498, subd. 1b	~~Tampering with a Witness,~~ Aggravated ~~1st Degree~~ first-degree witness tampering
609.502, subd. 1(1)	~~Interference with a Dead Body or Scene of Death~~ Interfering with a death scene or body
609.527	Identity theft
609.561	First-degree arson ~~in the 1st Degree~~
609.5641, subd. 1a(b)	Wildfire arson ~~(Damage~~ damaging over five ~~Dwellings, Burns~~ dwellings or $100,000 in crops, or burning 500 acres or ~~More, or Crops in Excess of $100,000)~~ more
609.5641, subd. 1a(c)	Wildfire arson ~~(Damage~~ damaging over 100 ~~Dwellings, Burns~~ dwellings or $250,000 in crops, or burning 1,500 acres or ~~More, or Crops in Excess of $250,000)~~ more
609.5641, subd. 1a(d)	Wildfire arson ~~(~~ resulting in demonstrable bodily harm~~)~~

~~Statute Number~~ Minn. Stat. Section	Offense ~~Title~~ Eligible for Permissively Consecutive Sentencing
609.582, subd. 1	~~Burglary 1st Degree of Occupied Dwelling;~~ First-degree burglary ~~1st Degree with Dangerous Weapon; Burglary 1st Degree with Assault~~
609.582, subd. 2(a)(1) or (2)	~~Burglary 2nd Degree – Dwelling;~~ Second-degree burglary ~~2nd Degree –~~ of a dwelling or bank
609.591, subd. 3(1)	~~Hinder Logging (~~ Tree spiking resulting in great bodily harm~~)~~
609.594, subd. 2	Damage to property of critical public service ~~Facilities~~ facilities, utilities, or pipelines
609.66, subd. 1e	Drive-by shooting
609.662, subd. 2(b)(1)	~~Duty~~ Failure to render aid ~~(~~ to a shooting victim suffering death or great bodily harm~~)~~
609.662, subd. 2(b)(2)	~~Duty~~ Failure to render aid ~~(~~ to a shooting victim suffering substantial bodily harm~~)~~
609.671	~~Hazardous Wastes~~ Violation of environmental laws
609.687, subd. 3(1)	Adulteration resulting in death
609.687, subd. 3(2)	Adulteration resulting in bodily harm
609.71, subd. 1	First-degree riot ~~1st Degree~~
609.712	~~Real/Simulated Weapons~~ Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction
609.713, subd. 1	~~Threats of~~ Threatening violence ~~(Terror/Evacuation)~~
609.713, subd. 2	~~Threats of Violence (~~ Making a bomb threat~~)~~
609.713, subd. 3(a)	~~Threats of Violence (~~ Menacingly displaying a replica firearm~~)~~ or BB gun
609.714~~, subd. 2~~	~~Crimes Committed~~ Offense in furtherance of terrorism
609.746, subd. 1(h)	Using a surreptitious observation device ~~(~~ against a minor victim ~~and~~ with sexual intent~~)~~
609.746, subd. 1(j)	Surreptitious photography under or around clothing ~~(3rd~~ as a third or subsequent ~~Violation)~~ offense
609.748, subd. 6(d)	Violation of a harassment restraining order
609.749, subd. 3	~~Harassment (~~Aggravated ~~Violations)~~ harassment
609.749, subd. 4	Harassment ~~(~~ as a second or subsequent ~~Violations)~~ offense
609.749, subd. 5	Stalking
609.78, subd. 2a	Placing a fictitious emergency call ~~(~~ resulting in substantial bodily harm, great bodily harm, or death~~)~~
609.78, subd. 2b(2)	Disrupting an emergency ~~Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple~~

~~Statute Number~~ Minn. Stat. Section	Offense ~~Title~~ Eligible for Permissively Consecutive Sentencing
	~~Communication Devices or Electronic Means)~~ call center system
609.855, subd. 2(c)(1)	Interference with a transit operator
609.855, subd. 5	Discharge of a firearm at or in an occupied transit ~~Vehicle/Facility~~ vehicle or facility
617.23, subd. 3	Indecent exposure
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material ~~(Subsequent, by~~ as a second or subsequent offense, by a predatory offender, or involving a child under ~~14)~~ age 14
617.247, subd. 3(a)	Dissemination of child sexual abuse material
617.247, subd. 3(b)	Dissemination of child sexual abuse material ~~(Subsequent, by~~ as a second or subsequent offense, by a predatory offender, or involving a child under ~~14)~~ age 14
617.247, subd. 4(a)	Possession of child sexual abuse material
617.247, subd. 4(b)	Possession of child sexual abuse material ~~(Subsequent, by~~ as a second or subsequent offense, by a predatory offender, or involving a child under ~~14)~~ age 14
617.261, subd. 2(b)	Nonconsensual dissemination of private sexual images
617.262, subd. 3(b)	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts
624.7191	~~Metal Penetrating~~ Use or possession of metal-penetrating bullets in a crime
624.732, subd. 2	Intentional release of a harmful substance
629.75, subd. 2(d)	Violation of a domestic abuse no contact order

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.2.a(1)(i) & 6; restructured 2027.*

APPENDICES

APPENDIX 1. 2026 SENTENCING GUIDELINES REFERENCE TABLE.

The following table shows how various sections of the 2026 Guidelines correspond to the various guidelines within the restructured 2027 Sentencing Guidelines. The reverse information—the 2026 origin of a current guideline—is found on the history line at the end of each guideline.

2026 Sections	2027 Guidelines
1.A	1.10
1.B	1.50
1.B.13	1.10
2	1.20 & 2.10
2.A.1	2.20
2.A.2	2.25
2.A.3	2.20
2.A.4	2.20
2.A.5	2.20
Comment 2.A.05	2.25
2.B	2.30
2.B.1	2.31
2.B.2	*(removed in 2026)*
2.B.3	2.32
2.B.4	*(removed in 2026)*
2.B.5	2.36
2.B.6	*(removed in 2026)*
2.B.7	2.35
2.B.7.a	2.32
2.C.1	2.40
2.C.1.a	2.41
2.C.1.b & c	2.42
2.C.2	2.61
2.C.3	2.51
2.C.3.a	2.63
2.C.3.b	2.51 & 2.52
2.C.3.c(1)	2.63
2.C.3.c(2)	2.51 & 2.63
2.C.3.d & e	2.51 & 2.52
2.D.1	6.10
2.D.1.e & f	6.20
Comment 2.D.105	6.10
2.D.2	6.30
2.D.3.a	6.40
2.D.3.b	6.50
Comment 2.D.308	6.50
2.E.1	2.51, 2.62, & 2.63
2.E.2	2.51
2.E.2.a	2.63
2.E.2.b	2.51 & 2.63
2.E.2.c	2.63
2.E.2.d	2.51
2.E.2.e	2.63
2.E.3	5.20
2.E.4	1.20
2.F	2.70, 2.71, & 2.75
2.F.1	2.72
2.F.1.b	2.51, 2.52, & 2.72
2.F.2	2.73
2.F.2.a(1)(i)	7.90
2.F.2.a(2)	2.55 & 2.73
Comment 2.F.205	2.73
2.F.3	2.74
2.F.4	2.75
2.G.1	2.60 & 2.66
Comment 2.G.01	2.62
2.G.2 to 6	2.62
2.G.7	2.64
2.G.8	2.64
2.G.9.a	2.51
2.G.9.b	2.65
2.G.10	2.64
2.G.11	*(removed in 2026)*
2.G.12	2.43 & 2.62
2.G.13	2.65
2.G.14	2.65
3.A.1	4.10
3.A.2	4.20
3.B	4.30
3.C	5.10
3.D	1.20
3.E	5.30
3.F	5.40
3.G	1.30
4.A	3.10
4.B	3.20
4.C	3.30
5.A	7.10, 7.20, 7.30, & 7.40
5.B	2.20 & 7.50
6	7.90
7	7.60
8	7.80
Appendix 1 (part)	2.63
NEW	1.40 & 2.50

MINNESOTA SENTENCING GUIDELINES

CHAPTER 1

PURPOSE; APPLICABILITY; DEFINITIONS

1.10 PURPOSE AND PRINCIPLES.

Subdivision 1. **Purpose.** The purpose of the Sentencing Guidelines is to establish rational and consistent sentencing standards that promote public safety, reduce sentencing disparity, and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the criminal history of the person being sentenced.

Subd. 2. **Principles.** (a) The principles in this subdivision describe the ideals embodied in the Sentencing Guidelines.

(b) In establishing and modifying the Sentencing Guidelines, public safety is the Commission's primary consideration. Public safety includes consideration of the long-term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5. Sentences that work to reduce future crimes and victimizations through means such as rehabilitation, deterrence, incapacitation, and effective community supervision further public safety. In some cases, public safety is furthered by reasonable caution in the choice of sanctions that could hinder reintegration into the law-abiding community.

(c) Sentencing should be neutral with respect to the race, gender, social, or economic status of those convicted of felonies.

(d) The severity of the sanction should increase in direct proportion to an increase in offense severity, criminal history, or both. This promotes a rational and consistent sentencing policy. Proportionate sentence severity is measured against the blameworthiness of the person being sentenced and the harms done, or risked, to victims and the community in the current offense.

(e) The weight given to the criminal history score advances the Guidelines' goals of public safety and proportionality. The score reflects policy judgments that prior convictions are an important indicator of a person's risk of recidivism, and that they may add to the blameworthiness of the commission of the current offense. The criminal history score is not meant to impose cumulative penalties for prior offenses that have previously been punished.

(f) Commitment to the Commissioner of Corrections is the most severe sanction that can be imposed for a felony conviction, but it is not the only significant sanction available to the court.

(g) Because state and local correctional facility capacity is finite, confinement should be imposed only for those convicted of more serious offenses or who have longer criminal histories. To ensure such usage of finite resources, sanctions used in sentencing those

convicted of felonies should be the least restrictive necessary to achieve the purposes of the sentence.

(h) Although the Sentencing Guidelines are advisory to the court, the presumptive sentences are deemed appropriate for all typical cases sharing criminal history and offense severity characteristics. Therefore, departures from the presumptive sentences established in the Sentencing Guidelines may be made only when the court can identify and articulate substantial and compelling circumstances that justify a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 1.A & 1.B.13; restructured 2027.*

1.20 APPLICABILITY.

Subdivision 1. **Applicability in general.** (a) The Sentencing Guidelines apply to all adult sentences for convictions of felonies committed on or after May 1, 1980.

(b) The Sentencing Guidelines in effect on the date the conviction offense took place (see guideline 1.30) determine the presumptive sentence, except that:

(1) if multiple offenses are an element of the conviction offense, the date of the conviction offense must be determined by the factfinder; and

(2) if offenses have been aggregated as permitted by statute, the date of the earliest offense must be used as the date of the conviction offense.

Subd. 2. **Applicability to juveniles.** The Sentencing Guidelines apply when determining:

(1) whether a juvenile may be certified as an adult pursuant to Minn. Stat. § 260B.125, subds. 3(2) and 4(1) and (2);

(2) the presumptive sentence for a juvenile certified as an adult under Minn. Stat. § 260B.125;

(3) whether the proceeding may be designated as an extended jurisdiction juvenile (EJJ) prosecution pursuant to Minn. Stat. § 260B.130, subd. 1(2); or

(4) the presumptive duration of the stayed adult sentence pronounced as part of an EJJ disposition imposed under Minn. Stat. § 260B.130, subd. 4(a)(2).

Subd. 3. **Life sentences.** (a) The Sentencing Guidelines do not apply to a mandatory life sentence under Minn. Stat. § 609.106, 609.185, or 609.2661.

(b) Regarding a mandatory life sentence under Minn. Stat. § 609.3455, the Sentencing Guidelines:

(1) do not apply to a sentence of life without the possibility of release imposed under subd. 2; and

(2) apply to a life sentence imposed under subd. 3 or 4 only to the extent described in guideline 2.63, subd. 4.

(c) Regarding Minn. Stat. § 609.385 (treason), see guideline 7.40 (unranked offenses).

History: *2026 Minn. Sentencing Guidelines & Commentary 2, 2.E.4, & 3.D; restructured 2027.*

1.30 EFFECTIVE DATE OF POLICY CHANGES.

Subdivision 1. **Policy modifications; effective date.** (a) Except as provided in paragraph (b), modifications to chapters 1 to 7 of the Sentencing Guidelines, and associated commentary and appendices, apply to offenses with a date of offense on or after the specified modification effective date.

(b) Pursuant to the amelioration doctrine, Sentencing Guidelines modifications that mitigate punishment apply to all cases whose conviction was not final as of the specified modification effective date, unless the legislature has made a clear statement of its intent to abrogate the doctrine.

(c) Pursuant to court rules and appellate decisions, a conviction becomes final when the district court has entered judgment of conviction and has imposed or stayed a sentence and every avenue of appellate review, whether by direct appeal or by petition for discretionary review by the Supreme Court of Minnesota or the Supreme Court of the United States, has either not been pursued in time or has been exhausted.

Subd. 2. **Commentary and appendices; effective date.** Changes and clarifications to commentary and appendices relating to existing Guidelines policy apply to those sentenced on or after the specified effective date.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.G; restructured 2027.*

1.40 CONSTRUCTION.

(a) Commentary and appendices are advisory and not binding on the courts.

(b) The following are mere catchwords to indicate the contents of the matter that follows, and are not part of the Guidelines:

(1) headnotes printed in boldface type before chapters, subchapters, guidelines, subdivisions, paragraphs, and clauses; and

(2) example offenses printed in italics before the severity levels on the sentencing grids.

History: *Adopted 2027.*

1.50 DEFINITIONS.

Subdivision 1. **Applicability.** As used in these Sentencing Guidelines, the following terms have the meanings given.

Subd. 2. **Applicable grid.** "Applicable grid" means, for an offense listed in guideline 7.10, 7.20, or 7.30, the standard grid, the sex offense grid, or the drug offense grid, respectively. For an unranked offense, the applicable grid is the grid containing the severity level assigned by the court under guideline 2.20, subd. 3. When an offense includes a sentence modifier, such as attempt or conspiracy, the applicable grid is the grid applicable to the underlying offense, except that, for an attempt or conspiracy to commit first-degree murder, the applicable grid is found in guideline 2.43.

Subd. 3. **Commission.** "Commission," when capitalized but not the first word of a sentence, means the Minnesota Sentencing Guidelines Commission.

Subd. 4. **Commitment.** "Commitment" is the act of sentencing someone to the custody of the Commissioner of Corrections.

Subd. 5. **Concurrent sentence.** "Concurrent sentence" means that multiple sentences must be served at the same time.

Subd. 6. **Consecutive sentence.** "Consecutive sentence" means that multiple sentences must be served one after the other in the manner described in guidelines 2.70 to 2.75.

Subd. 7. **Conviction.** "Conviction" has the meaning given in Minn. Stat. § 609.02, subd. 5.

Subd. 8. **Criminal history score.** "Criminal history score" means the total number of points assigned to a person based on the criminal history factors detailed in guidelines 2.30 to 2.36. The horizontal axis on the applicable grid represents the criminal history score.

Subd. 9. **Current offense; current conviction offense.** "Current offense" or "current conviction offense" means the Minnesota felony offense for which a person is, for the first time after conviction, receiving a stayed or imposed sentence, and to which the Guidelines are being applied.

Subd. 10. **Departure.** "Departure" means a pronounced sentence other than the presumptive sentence recommended in chapter 2. A departure may take the form of a dispositional departure, a durational departure, or a departure from a policy in guidelines 2.70 to 2.75 (concurrent and consecutive sentences). One sentence may include any combination of these departures.

Subd. 11. **Departure report.** "Departure report" means the form referred to in Minn. R. Crim. P. 27.03, subd. 4(C), which must, when the court pronounces a sentence that is a departure, be completed by the court and submitted to the Sentencing Guidelines Commission within 15 days after sentencing.

Subd. 12. **Dispositional departure.** "Dispositional departure" means a disposition ordered by the court that is different from the disposition recommended in chapter 2. A dispositional departure includes:

(1) an aggravated dispositional departure, which occurs when chapter 2 recommends a stayed sentence but the court pronounces an executed prison sentence; and

(2) a mitigated dispositional departure, which occurs when chapter 2 recommends an executed prison sentence but the court stays the sentence.

Subd. 13. **Durational departure.** "Durational departure" means a sentence ordered by the court with a prison duration that is not within the presumptive duration recommended in chapter 2. A durational departure includes:

(1) an aggravated durational departure, which occurs when the court pronounces a prison duration that is longer than the presumptive duration; and

(2) a mitigated durational departure, which occurs when the court pronounces a prison sentence that is shorter than the presumptive duration, including a stayed or imposed misdemeanor or gross misdemeanor sentence.

Subd. 14. [Reserved.]

Subd. 15. **Executed sentence.** "Executed sentence" means the total period of time for which a court commits a person to the custody of the Commissioner of Corrections (*i.e.*, sends the person to prison). Under Minn. Stat. § 244.101, for those committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, an executed sentence consists of the following two parts:

(1) a minimum term of imprisonment equal to two-thirds of the executed sentence; and

(2) a maximum supervised release term equal to one-third of the executed sentence less any applicable disciplinary confinement period. A supervised release term is a period of mandatory community supervision served immediately following the end of the term of imprisonment.

Subd. 16. **Extended jurisdiction juvenile (EJJ).** "Extended jurisdiction juvenile" means a child who, under the procedures in Minn. Stat. § 260B.130, has been given a stayed adult sentence and a juvenile disposition, and for whom jurisdiction of the juvenile court may continue until the child's 21st birthday.

Subd. 17. **Factfinder; finder of fact.** "Factfinder" or "finder of fact" means the person or body who determines the facts in the case. The factfinder or finder of fact may be either the court or the jury.

Subd. 18. **Guidelines.** "Guidelines," when capitalized but not the first word of a sentence, means these Minnesota Sentencing Guidelines.

Subd. 19. **Local confinement.** "Local confinement" means a term of incarceration required to be served in a local facility. Under Minn. Stat. § 609.135, subd. 4, a court may order up to one year of local confinement as a condition of probation.

Subd. 20. **Mandatory minimum.** "Mandatory minimum" means the shortest length of imprisonment specified in statute that the court must impose on a person convicted of a specified felony offense.

Subd. 21. **Non-Minnesota.** "Non-Minnesota" means not governed by the law of the State of Minnesota as applied by a court established or authorized under the Minnesota Constitution, article VI. The term includes, without limitation, the application of Minnesota law by a tribal court, a court-martial, or a court of the United States.

Subd. 22. **Presumptive sentence.** (a) "Presumptive sentence" means the sentence provided and recommended by chapter 2. Some presumptive sentences include provisions regarding concurrent and consecutive sentencing (see guidelines 2.70 to 2.75), but every presumptive sentence includes the following:

(1) a presumptive disposition, which is either a presumptive commitment or a presumptively stayed sentence; and

(2) a presumptive duration, which consists of the presumptive fixed sentence length, in months, and a presumptive range.

(b) Pursuant to Minn. Stat. § 244.09, subd. 5(2), the durations of the presumptive range extend from 15 percent shorter than the presumptive fixed sentence (the "lower range") to 20 percent longer than the presumptive fixed sentence (the "upper range"). The presumptive

duration must not exceed the statutory maximum, be shorter than any mandatory minimum that applies, or be shorter than 12 months.

Subd. 23. **Sentence modifier.** "Sentence modifier" means a statute or Guidelines policy that aids in defining the punishment for the underlying offense. A sentence modifier can affect either the presumptive duration or the presumptive disposition, or both. See guidelines 2.50 to 2.66 for policies relating to determining the presumptive sentence for offenses that include a sentence modifier.

Subd. 24. **Sentencing Guidelines grid; grid.** "Sentencing Guidelines grid" or "grid" means any of the tables that display presumptive sentences for felony offenses according to the severity level of the offense (vertical axis) and criminal history score of the person being sentenced (horizontal axis). The grids include:

(1) the standard grid, guideline 3.10, which displays the presumptive sentences for felony offenses listed in guideline 7.10;

(2) the sex offense grid, guideline 3.20, which displays the presumptive sentences for criminal sexual conduct, other sex offenses, and failure to register as a predatory offender, as listed in guideline 7.20;

(3) the drug offense grid, guideline 3.30, which displays the presumptive sentences for controlled substance crime and related offenses, as listed in guideline 7.30; and

(4) a special one-row grid for attempt or conspiracy to commit first-degree murder, as provided in guideline 2.43.

Subd. 25. **Severity level.** (a) "Severity level" means the ranking the Commission assigns to a felony offense to indicate its seriousness. The Commission assigns a ranking to each felony offense listed in guidelines 7.10 to 7.30 as follows:

(1) offenses on the standard grid are assigned severity levels 11 (high) to 1 (low) in guideline 7.10;

(2) offenses on the sex offense grid are assigned severity levels A (high) to I (low) in guideline 7.20; and

(3) offenses on the drug offense grid are assigned severity levels D9 (high) to D1 (low) in guideline 7.30.

(b) The vertical axis on the applicable grid represents the severity level of the conviction offense. The Commission deems offenses at the same severity level to be equally serious.

Subd. 26. **Statutory maximum.** "Statutory maximum" means the maximum sentence duration provided for an offense in statute (*e.g.*, "imprisonment for not more than 15 years").

Subd. 27. **Stayed sentence.** "Stayed sentence" means a sentence for a felony conviction primarily served in the community rather than in the custody of the Commissioner of Corrections. A stayed sentence may be accomplished in either of the following ways:

(1) A stay of imposition occurs when the court accepts and records a finding or plea of guilty, but, rather than impose (or pronounce) a prison sentence, the court stays imposition of the sentence. If the person successfully completes the stay, the case is discharged, and the

conviction is deemed a misdemeanor under Minn. Stat. § 609.13 and is included in criminal history under guideline 2.32.

(2) A stay of execution occurs when the court accepts and records a finding or plea of guilty and imposes (or pronounces) a prison sentence, but, rather than execute the sentence and send the person to prison, the court stays execution of the imposed sentence. If the person successfully completes the stay, the case is discharged, but the person continues to have a record of a felony conviction, which is included in criminal history under guideline 2.31.

History: *2026 Minn. Sentencing Guidelines & Commentary 1.B; restructured 2027.*

CHAPTER 2

DETERMINING THE PRESUMPTIVE SENTENCE

2.10 PRESUMPTIVE SENTENCE IN GENERAL.

The presumptive sentence is generally found in the cell of the appropriate grid located at the intersection of the criminal history score and the severity level.

History: *2026 Minn. Sentencing Guidelines & Commentary 2; restructured 2027.*

OFFENSE SEVERITY

2.20 DETERMINING OFFENSE SEVERITY.

Subdivision 1. **General rule.** The applicable offense severity level is the level assigned to the conviction offense, not the charging offense. The severity level for each felony offense is found in guidelines 7.10 to 7.30 (severity levels by grid) and restated in guideline 7.50 (all offenses by statutory citation).

Subd. 2. **Life sentences.** Offenses for which the punishment by law is a mandatory life sentence, including first-degree murder, have not been assigned a severity level; see guidelines 1.20, subd. 3, and 2.43.

Subd. 3. **Unranked offenses.** (a) The offenses listed in guideline 7.40 are designated as unranked offenses. If an offense is omitted from guidelines 7.10 to 7.30 and 7.50, the offense is considered unranked.

(b) When sentencing an unranked offense, the court must assign an appropriate severity level for the offense and specify on the record why that particular level was assigned. The court may consider, but is not limited to, the following factors:

(1) the gravity of the specific conduct underlying the unranked offense;

(2) the severity level assigned to any ranked offense with elements that are similar to the elements of the unranked offense;

(3) the conduct of and severity level assigned to others sentenced for the same unranked offense; and

(4) the severity level assigned to others engaged in similar conduct.

Subd. 4. **Attempts, conspiracies, and similar statutes.** (a) The severity level for a current offense that includes a sentence modifier, such as attempt or conspiracy, is the severity level of the underlying offense. The presumptive duration for these offenses must be adjusted pursuant to guidelines 2.62 to 2.65.

(b) The severity level for knowing transfer of a communicable disease under Minn. Stat. § 609.2241 is the severity level of the underlying offense.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.A.1, 2.A.3 to 5, & 5.B; restructured 2027.*

2.25 OFFENSE SEVERITY FOR THEFT OFFENSES.

Subdivision 1. **Theft offenses with an assigned severity level.** If guideline 7.10 assigns a specific severity level to the current offense, the specific severity level applies. Thus, for example, regardless of value:

(1) permanent theft of a motor vehicle is ranked at severity level 4 if the conviction is under the general theft statute, Minn. Stat. § 609.52, subd. 2(a)(1), and the offense involves theft of a motor vehicle; and

(2) motor vehicle use without consent is ranked at severity level 3 if the conviction is under Minn. Stat. § 609.52, subd. 2(a)(17).

Subd. 2. **Theft offense list.** For offenses listed in guideline 7.60 (theft offenses) that are not assigned a specific severity level in guideline 7.10, the severity level is either:

(1) severity level 2 when the monetary value is $5,000 or less; or

(2) severity level 3 when the monetary value exceeds $5,000.

Subd. 3. **Theft creating a risk of harm.** If Minn. Stat. § 609.52, subd. 3a(a)(2), applies to a felony theft offense, the severity level ranking is elevated by one severity level from that established in subdivisions 1 and 2.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.A.2 & Comment 2.A.05; restruc-tured 2027.*

CRIMINAL HISTORY

2.30 CRIMINAL HISTORY SCORE.

The horizontal axis divides the Sentencing Guidelines grids into columns based on possible criminal history scores. An individual's criminal history score is the sum of points from eligible:

(1) prior felonies; and

(2) prior misdemeanors and gross misdemeanors.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B; restructured 2027.*

2.31 POINTS FROM PRIOR FELONIES.

Subdivision 1. **Eligible prior felonies.** (a) Except as provided in subdivision 2, each felony conviction is eligible for inclusion in the criminal history score if, before the current sentencing, a felony sentence was stayed or imposed or a stay of imposition of sentence was given for the conviction.

(b) For the purpose of this guideline, the imposition of an adult criminal sentence as part of the disposition of an extended jurisdiction juvenile (EJJ) prosecution is a felony conviction.

Subd. 2. **Eligibility; exceptions and limitations.** (a) The following exceptions and limitations apply to subdivision 1.

(b) **No conviction.** An offense for which a judgment of guilty has not been entered before the current sentencing, such as a stay of adjudication or continuance for dismissal, is not a prior felony conviction for the purpose of this guideline.

(c) **Non-felony sentence.** A prior felony conviction where the imposed sentence was within the limits provided by law for a misdemeanor or gross misdemeanor under Minn. Stat. § 609.13, subd. 1(1), is not a prior felony conviction for the purpose of this guideline, but is an eligible prior misdemeanor or gross misdemeanor conviction under guideline 2.32, subd. 2.

(d) **Discharged stay of imposition.** If, before the current sentencing, a prior stay of imposition for a felony conviction is deemed to be a misdemeanor under Minn. Stat. § 609.13, subd. 1(2), due to discharge without a prison sentence, the prior stay of imposition is not a prior felony conviction for the purpose of this guideline, but is an eligible misdemeanor conviction under guideline 2.32, subd. 2.

(e) **Decayed offenses.** A prior felony conviction is not eligible for inclusion in the criminal history score if, before the date of the current offense, either of the following occurred:

(1) the prior felony sentence or stay of imposition expired or was discharged without being executed and a period of ten years elapsed after the date of the initial sentence following the prior conviction; or

(2) the prior felony sentence was executed and a period of ten years elapsed after the date of expiration of the sentence.

(f) **Previous court appearances resulting in multiple sentences.** When multiple felony sentences were imposed in a previous court appearance, the following limitations apply:

(1) **Multiple sentences for a single course of conduct.** If multiple sentences for a single course of conduct were imposed under Minn. Stat. § 152.137, 609.585, or 609.251, only the offense at the highest severity level is eligible for inclusion in the criminal history score.

(2) **Multiple victims in a single course of conduct.** If multiple sentences arose from a single course of conduct involving multiple victims, only the two offenses at the highest severity levels are eligible for inclusion in the criminal history score.

Subd. 3. **Felony point values.** (a) Each eligible prior felony conviction is assigned a felony point value as provided in paragraph (c) or (d), as applicable.

(b) A prior felony conviction's point value is based on the prior felony's severity level in effect at the time the current offense was committed. Guidelines 2.35 and 2.36 govern the treatment of changed and non-Minnesota offenses. The severity level of a prior felony that included a sentence modifier, such as attempt or conspiracy, is the severity level of the prior underlying offense.

(c) **Current offense on standard grid or drug offense grid.** If the current offense is not on the sex offense grid, the felony point value assigned to each eligible prior felony conviction is determined by its grid and severity level, as follows:

Standard Grid Severity Level	Sex Offense Grid Severity Level	Drug Offense Grid Severity Level	Felony Point Value
9, 10, 11, or first-degree murder	A	D8 or D9	2 points
6, 7, or 8	B, C, D, or E	D6 or D7	1-1/2 points
3, 4, or 5	F or G; or I if a second or subsequent offense	D3, D4, or D5	1 point
1 or 2	H; or I if a first offense	D1 or D2	1/2 point

(d) **Current offense on sex offense grid.** if the current offense is on the sex offense grid, the felony point value assigned to each eligible prior felony conviction is determined by its grid and severity level, as follows:

Standard Grid Severity Level	Sex Offense Grid Severity Level	Drug Offense Grid Severity Level	Felony Point Value
(Not applicable)	A	*(Not applicable)*	3 points
9, 10, 11, or first-degree murder	B or C	D8 or D9	2 points
6, 7, or 8	D or E	D6 or D7	1-1/2 points
3, 4, or 5	F, G, or H; or I if a second or subsequent offense	D3, D4, or D5	1 point
1 or 2	I if a first offense	D1 or D2	1/2 point

Subd. 4. **Multiple current sentences.** Multiple offenses sentenced at the same time before the same court must be sentenced in the order in which they occurred. As each eligible felony offense is sentenced, it is included in the criminal history of the next offense to be sentenced except as follows:

(1) **Multiple sentences for a single course of conduct.** When multiple current convictions arise from a single course of conduct and the court is imposing multiple sentences on the same day under Minn. Stat. § 152.137, 609.585, or 609.251, the conviction and sentence for the offense sentenced earlier does not increase the criminal history score for the offense sentenced later.

(2) **Multiple victims in a single course of conduct.** When multiple current convictions arise out of a single course of conduct in which there were multiple victims, only the two offenses at the highest severity levels are included in the criminal history of the next offense to be sentenced.

Subd. 5. **Felony point total.** The total number of felony points in the criminal history score is the sum of the felony point values of all eligible felony convictions. If this sum results in a partial point, the total number of felony points must be rounded down to the nearest whole number.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.1; restructured 2027.*

2.32 POINT FROM PRIOR GROSS MISDEMEANORS AND MISDEMEANORS.

Subdivision 1. **Gross misdemeanor and misdemeanor point calculation.** The existence of four or more eligible misdemeanor or gross misdemeanor convictions under the provisions of subdivision 2 contributes one point to the criminal history score. There is no partial point for fewer than four eligible convictions, and no more than one criminal history point may result from this guideline.

Subd. 2. **Eligible prior misdemeanor or gross misdemeanor convictions.** Except as provided in subdivision 3, each conviction of any of the following offenses is an eligible misdemeanor or gross misdemeanor conviction if, before the current sentencing, a stayed or imposed sentence or stay of imposition was given for the conviction:

(1) a "targeted misdemeanor," as defined in Minn. Stat. § 299C.10, subd. 1(e);

(2) a non-traffic gross misdemeanor;

(3) any of the following traffic gross misdemeanors: driving while impaired, refusal to submit to a chemical test, or reckless driving;

(4) any felony where the imposed sentence was within the limits provided by law for a misdemeanor or gross misdemeanor under Minn. Stat. § 609.13, subd. 1(1); or

(5) any felony that is deemed to be a misdemeanor under Minn. Stat. § 609.13, subd. 1(2), due to discharge of a prior stay of imposition without a prison sentence.

Subd. 3. **Exceptions and limitations.** (a) Each of the following is not an eligible misdemeanor or gross misdemeanor conviction:

(1) any prior misdemeanor or gross misdemeanor conviction if seven years have elapsed between the date of the initial sentence following the prior conviction and the date of the current offense;

(2) any gross misdemeanor conviction resulting in a misdemeanor sentence for an offense not defined as a targeted misdemeanor under Minn. Stat. § 299C.10, subd. 1(e);

(3) any prior misdemeanor or gross misdemeanor conviction used to enhance the current offense to a felony;

(4) any conviction for a misdemeanor or gross misdemeanor driving while impaired (DWI) committed while age 16 or 17 and processed in adult court under Minn. Stat. § 260B.225, subds. 3 and 8.

(b) **Limitation; multiple sentences for a single course of conduct.** If multiple sentences for a single course of conduct were imposed under Minn. Stat. § 152.137, 609.585, or 609.251, no

more than one of the offenses may contribute to the criminal history score pursuant to subdivision 1.

(c) **Limitation; multiple victims in a single course of conduct.** If multiple offenses were sentenced arising from a single course of conduct involving multiple victims, no more than two of the offenses may contribute to the criminal history score pursuant to subdivision 1.

Subd. 4. **Petty misdemeanors.** Offenses that are petty misdemeanors by statute, or that are certified as or deemed to be petty misdemeanors under Minn. R. Crim. P. 23, must not be used to compute the criminal history score.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.3 & 2.B.7.a; restructured 2027.*

2.35 DETERMINING OFFENSE LEVELS FOR PRIOR OFFENSES.

Subdivision 1. **Classification of prior offense.** The classification of a prior offense as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony is determined by current Minnesota offense definitions (see Minn. Stat. § 609.02, subds. 2 to 4a) and sentencing policies.

Subd. 2. **Monetary threshold.** When a monetary threshold determines the offense classification, the monetary threshold in effect when the prior offense was committed, not the current threshold, determines the offense classification in calculating the criminal history score.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.7; restructured 2027.*

2.36 CONVICTIONS FROM JURISDICTIONS OTHER THAN MINNESOTA.

Subdivision 1. **In general.** The state has the burden of proving the facts at sentencing necessary to justify consideration of a non-Minnesota conviction in the criminal history score, and the court must make the final determination as to whether and how a prior non-Minnesota conviction should be counted in the criminal history score. The court should consider, but is not limited to, the factors in subdivisions 2 to 5, below. Guidelines 2.31 to 2.36 govern the use of these convictions.

Subd. 2. **How to count.** (a) Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The section in which to count the non-Minnesota offense in criminal history depends on:

(1) whether the offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; and

(2) the sentence imposed.

(b) An offense may be counted as a felony only if it would both be defined as a felony in Minnesota, and the offender received a sentence of 366 days or more, which includes the equivalent of a stay of imposition. The offense definitions in effect when the current Minnesota offense was committed govern the designation of non-Minnesota convictions as felonies, gross misdemeanors, or misdemeanors.

Subd. 3. **Assigning felony point values.** Guideline 2.31 governs the point value assigned to a prior non-Minnesota felony conviction, which must be based on the severity level of the equivalent Minnesota felony offense.

Subd. 4. **Federal offenses; no Minnesota equivalent.** Federal felony offenses that received a sentence that in Minnesota would be a felony-level sentence, but for which no comparable Minnesota offense exists, must receive a weight of one in computing the criminal history score.

Subd. 5. **Juvenile offenses from other jurisdictions.** Minnesota law governs the inclusion in the criminal history score of a prior felony offense from a non-Minnesota jurisdiction committed by a person who was under 18 years old. The prior can be included only if the factfinder determines that it is an offense for which the person would have been certified to adult court if it had occurred in Minnesota.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.B.5; restructured 2027.*

PRESUMPTIVE SENTENCE

2.40 FINDING THE PRESUMPTIVE SENTENCE.

The presumptive sentence for a felony conviction is found in the appropriate cell on the applicable grid located at the intersection of the criminal history score (horizontal axis) and the severity level (vertical axis). The current conviction offense determines the severity level. The criminal history score is computed according to guidelines 2.30 to 2.36.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.1; restructured 2027.*

2.41 PRESUMPTIVE DISPOSITION.

(a) Each cell in the Sentencing Guidelines grids is either shaded or not shaded. Shading indicates whether the presumptive disposition is a stayed or executed sentence.

(b) If the appropriate cell on the applicable grid is not shaded, the presumptive disposition is commitment and the sentence should be executed.

(c) If the appropriate cell on the applicable grid is shaded, the presumptive disposition is a stayed sentence and the sentence should be stayed unless a policy in guidelines 2.50 to 2.55 applies. Chapter 4 governs conditions of stayed sentences.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.1.a; restructured 2027.*

2.42 PRESUMPTIVE DURATION.

Subdivision 1. **Display of presumptive sentence and range.** Each cell on the grids provides a fixed presumptive sentence duration. As required by Minn. Stat. § 244.09, each cell also provides a presumptive range of time for that sentence. The court may sentence within that range without the sentence being a durational departure.

Subd. 2. **Sentence of one year and one day.** If a cell, or other Guidelines policy, provides a fixed sentence duration of 12 months, a sentence duration of one year and one day is permissible without departure.

Subd. 3. **Modifications.** The presumptive duration may be modified as described in guidelines 2.60 to 2.66.

Subd. 4. **Statutory maximum sentence.** A sentence must not exceed the statutory maximum sentence for the conviction offense. To the extent the appropriate cell on the applicable grid

indicates a sentence that would exceed the statutory maximum, the statutory maximum must be used as the presumptive duration.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.1.b & c; restructured 2027.*

2.43 ATTEMPT OR CONSPIRACY TO COMMIT FIRST-DEGREE MURDER.

Subdivision 1. **Presumptive sentences.** For an attempt or conspiracy to commit either first-degree murder under Minn. Stat. § 609.185 or first-degree murder of an unborn child under Minn. Stat. § 609.2661, the presumptive disposition is commitment. The presumptive durations are as follows:

CONVICTION OFFENSE	CRIMINAL HISTORY SCORE							Custody status
	0	1	2	3	4	5	6 or more	
Attempt or conspiracy to commit murder 1st degree	180 *153–216*	190 *162–228*	200 *170–240*	210 *179–240**	220 *187–240**	230 *196–240**	240 *204–240**	+10

Subd. 2. **Notes.** In this grid, an asterisk indicates that the statutory maximum penalty limits the upper end of the range. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. See guideline 2.61 for an explanation of the custody status column.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.12; restructured 2027.*

MODIFYING THE PRESUMPTIVE DISPOSITION

2.50 MODIFYING A PRESUMPTIVE DISPOSITION FROM A STAY TO COMMITMENT.

(a) **Dispositional modifiers.** Notwithstanding guideline 2.41 (presumptive disposition), when a policy in guideline 2.51 or 2.52 applies to the current offense, the presumptive disposition is commitment.

(b) **Dispositional departure.** Granting a stay of imposition or stay of execution to a sentence modified under guideline 2.51 or 2.52 is a dispositional departure.

(c) **Presumptive duration not altered.** A modification to the presumptive disposition under guidelines 2.50 to 2.55 does not alter the presumptive duration established in guidelines 2.42 and 2.60 to 2.66.

History: *Adopted 2027.*

2.51 STATUTES THAT MODIFY THE PRESUMPTIVE DISPOSITION.

Subdivision 1. **General rule.** (a) When a statute requires imprisonment for one year or more, the presumptive disposition is commitment, regardless of whether the statute provides a process for waiver of the imprisonment requirement. A stay of imposition or stay of execution pursuant to such a waiver process is a dispositional departure.

(b) Statutes that require imprisonment for one year or more may also modify the presumptive duration (see guideline 2.63, mandatory minimum durations).

(c) This guideline lists statutes that require imprisonment for one year or more. If such a statute applies to an offense for which guideline 2.41 already presumes commitment, however, the statute is not listed because its requirement does not modify the presumptive disposition.

Subd. 2. **Specific statutes.** Statutes that modify the presumptive disposition include, but are not limited to, the following:

(1) **Second-degree controlled substance crime as a subsequent controlled substance conviction.** If Minn. Stat. § 152.022, subd. 3(b), applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(2) **Third sequential violent felony.** If Minn. Stat. § 609.1095, subd. 3, applies, the presumptive disposition is commitment.

(3) **Certain offenses involving firearms, other dangerous weapons, or ammunition.** If Minn. Stat. § 609.11, subd. 4 or 5, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) also applies.

(4) **Assaults against secure treatment facility personnel.** If Minn. Stat. § 609.2231, subd. 3a(d), applies, the presumptive disposition is commitment.

(5) **Assaults committed while confined.** If Minn. Stat. § 609.2232(a), (b)(1), (b)(2), or (b)(3) applies, the presumptive disposition for the assault is commitment. Guideline 2.72 or 2.73 (presumptively or permissively consecutive sentences) may also apply.

(6) **Crimes committed for the benefit of a gang.** If Minn. Stat. § 609.229, subd. 4, applies, the presumptive disposition is commitment. Guideline 2.65 (other policies that add to the presumptive duration) also applies.

(7) **Repeat or egregious sex offenses.** If Minn. Stat. § 609.3455, subd. 3, 4, or 10, applies, the presumptive disposition is commitment. Guideline 2.63 (mandatory minimum durations) may also apply.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.3, 2.C.3.b, c(2), d, & e, 2.E.1, 2.E.2, 2.E.2.b & d, 2.F.1.b, & 2.G.9.a; restructured 2027.*

2.52 GUIDELINES POLICIES THAT MODIFY THE PRESUMPTIVE DISPOSITION.

Subdivision 1. **Repeat first-degree DWI.** (a) If the current conviction is for first-degree driving while impaired (DWI) and a court stayed or imposed a felony sentence for a felony DWI, criminal vehicular homicide, or criminal vehicular operation before commission of the current offense, the presumptive disposition is commitment.

(b) A prior felony DWI or criminal vehicular homicide or operation conviction qualifies even if it has decayed for criminal history purposes as set forth in guideline 2.31.

(c) As used in this subdivision, criminal vehicular homicide and criminal vehicular operation include the offenses listed in Minn. Stat. § 169A.24, subd. 1(3).

Subd. 2. **Repeat burglary of an occupied dwelling.** (a) If the current conviction offense is burglary of an occupied dwelling (Minn. Stat. § 609.582, subd. 1(a)) and a court stayed or imposed a felony sentence for a felony burglary before commission of the current offense, the presumptive disposition is commitment.

(b) A prior burglary conviction qualifies even if it has decayed for criminal history purposes as set forth in guideline 2.31.

Subd. 3. **Escape.** If the current conviction offense is escape from an executed sentence, the presumptive disposition is commitment. Guideline 2.72 (presumptively consecutive sentences) also applies.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.3.b, d, & e, & 2.F.1.b; restructured 2027.*

2.55 PERMISSIVE COMMITMENT FOR CERTAIN CONSECUTIVE OFFENSES.

It is not a dispositional departure to execute a sentence, regardless of whether the appropriate cell on the applicable grid indicates that the sentence should be stayed, if the court imposes the sentence consecutively to an executed sentence for a different offense pursuant to guideline 2.73, subd. 6.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.2.a(2); restructured 2027.*

MODIFYING THE PRESUMPTIVE DURATION

2.60 MODIFYING THE PRESUMPTIVE DURATION IN GENERAL.

(a) **Durational modifiers.** When a policy in guidelines 2.61 to 2.66 applies to the current offense, the presumptive duration established in guideline 2.42 must be modified accordingly.

(b) **Order of application.** If more than one of the policies in guidelines 2.61 to 2.66 apply to the current offense, they must be applied in the order in which they are displayed in the Guidelines.

(c) **Durational departure.** Ordering a prison sentence that is not within the presumptive duration as established in guidelines 2.42 and 2.60 to 2.66 is a durational departure.

(d) **Presumptive disposition not altered.** A modification to the presumptive duration under guidelines 2.60 to 2.66 does not alter the presumptive disposition established in guidelines 2.41 and 2.50 to 2.55.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.1; restructured 2027.*

2.61 CUSTODY STATUS AT THE TIME OF THE OFFENSE.

Subdivision 1. **Definitions.** (a) As used in this guideline, the following terms have the meanings given.

(b) "Custody status" means a qualifying status that:

(1) followed entry of a guilty plea, guilty verdict, or conviction for a qualifying offense; and

(2) was in effect at any time when the person being sentenced committed the current offense.

(c) "Qualifying status" means any of the following:

(1) probation;

(2) parole;

(3) supervised release;

(4) conditional release following release from an executed prison sentence (see conditional release terms listed in guideline 5.20);

(5) release pending sentencing;

(6) confinement in a jail, workhouse, or prison pending or after sentencing; or

(7) escape from confinement following an executed sentence.

(d) "Qualifying offense" means:

(1) a felony offense that is:

(i) assigned a severity level of 3 or greater on the standard grid;

(ii) assigned a severity level of D3 or greater on the drug offense grid;

(iii) listed in guideline 7.20 (offenses on the sex offense grid); or

(iv) an equivalent non-Minnesota felony offense within the meaning of guideline 2.36; or

(2) first-degree murder, including first-degree murder of an unborn child, whether completed, an attempt, a conspiracy, or an equivalent non-Minnesota felony offense within the meaning of guideline 2.36.

(e) "Sex offense" means:

(1) a felony offense listed in guideline 7.20 other than failure to register as a predatory offender, Minn. Stat. § 243.166; or

(2) an equivalent non-Minnesota felony offense within the meaning of guideline 2.36.

Subd. 2. **Durational increase.** The presumptive duration of the current sentence must be increased when the person being sentenced was under a custody status for a qualifying offense at the time the person committed the current offense. The increase is shown in the custody status column at the end of the grid row for the severity level of the current offense.

Subd. 3. **Special durational increase for sex offenses with sex-offense custody status.** Notwithstanding subdivision 2, the presumptive duration of the current offense must be increased by double the amount shown in the custody status column at the end of the grid row for the severity level of the current offense if:

(1) the current offense is a sex offense; and

(2) the person being sentenced was, at the time of the current offense, under a custody status for a felony sex offense.

Subd. 4. **Exceptions.** (a) This guideline does not apply to:

(1) commitment for treatment or examination under Minn. R. Crim. P. 20; or

(2) custody ordered by a juvenile court for other than an EJJ conviction.

(b) A prior felony conviction that resulted in a non-felony sentence (misdemeanor or gross misdemeanor) is not a qualifying offense or a sex offense within the meaning of this guideline.

(c) This guideline does not apply to a presumptively or permissively consecutive sentence pursuant to guideline 2.72 or 2.73.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.2; restructured 2027.*

2.62 POLICIES THAT REDUCE THE PRESUMPTIVE DURATION BY HALF.

Subdivision 1. **In general.** (a) Except as provided in paragraph (c), when the current offense is any of the following, the presumptive duration must be modified to be half the presumptive duration applicable to the underlying offense:

(1) an attempt to commit the underlying offense, in violation of Minn. Stat. § 609.17;

(2) a conspiracy to commit the underlying offense, in violation of Minn. Stat. § 609.175;

(3) soliciting a mentally impaired person to commit the underlying offense, in violation of Minn. Stat. § 609.493, subd. 2(b);

(4) soliciting or conspiring with a minor to commit the underlying offense, in violation of Minn. Stat. § 609.494, subd. 2(b); or

(5) assuming responsibility for the underlying offense, in violation of Minn. Stat. § 609.495, subd. 4.

(b) **Applicability to certain sex offenses.** Paragraph (a) applies to an attempt or conspiracy to commit sex trafficking or criminal sexual conduct, notwithstanding Minn. Stat. §§ 609.322, subd. 1(c), 609.342, subd. 2(b), and 609.343, subd. 2(b). These provisions are statutorily created presumptive sentences, not mandatory minimums.

(c) **Exceptions.** Paragraph (a) does not apply to:

(1) a conspiracy to commit a controlled substance offense under Minn. Stat. § 152.096; or

(2) the presumptive duration for an attempt or conspiracy to commit first-degree murder established by guideline 2.43.

Subd. 2. **Calculation.** If the application of this guideline produces a presumptive sentence involving a half month, the presumptive sentence, in months, will be expressed as a decimal whose fractional part is 0.5.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.E.1, 2.G.2 to 6, 2.G.12, & Comment 2.G.01; restructured 2027.*

2.63 MANDATORY MINIMUM DURATIONS.

Subdivision 1. **General rule.** (a) The presumptive duration must be increased, as necessary, to the length of any applicable statutorily specified minimum duration. A pronounced sentence shorter than an applicable mandatory minimum is a mitigated durational departure.

(b) Paragraph (a) applies regardless of whether the mandatory minimum statute:

(1) requires that the minimum prison sentence be executed; or

(2) provides a process for waiver of the mandatory minimum.

(c) A mandatory minimum may also modify the presumptive disposition; see guideline 2.51.

Subd. 2. **Specific statutes.** The following list of mandatory minimums, which may not be exhaustive, omits statutes that will not increase a presumptive grid duration by more than one day:

(1) **Certain first-degree drug offenses.** Although the presumptive fixed sentence does not change, the lower range displayed on the drug offense grid must be excluded from the presumptive duration, and a pronounced sentence shorter than the presumptive fixed sentence is a mitigated durational departure, when the current offense is:

(i) first-degree controlled substance crime and the penalty statute is Minn. Stat. § 152.021, subd. 3(c) (related to sale or possession of at least 100 grams or 500 dosage units of certain controlled substances); or

(ii) aggravated first-degree controlled substance crime, pursuant to Minn. Stat. § 152.021, subd. 3(d).

(2) **Subsequent controlled substance conviction.** When the current offense is a "subsequent controlled substance conviction," as defined in Minn. Stat. § 152.01, subd. 16a, the minimum presumptive duration is:

(i) 48 months when the current offense is first-degree controlled substance crime, pursuant to Minn. Stat. § 152.021, subd. 3(b); or

(ii) 36 months when the current offense is second-degree controlled substance crime, pursuant to Minn. Stat. § 152.022, subd. 3(b). Guideline 2.51 also applies.

(3) **First-degree DWI.** When the current offense is first-degree driving while impaired, the minimum presumptive duration is 36 months, pursuant to Minn. Stat. § 169A.276. The court must not stay imposition or adjudication of the sentence, but may stay execution. Guideline 5.20 (conditional release terms) also applies.

(4) **Second- or third-degree murder after a heinous crime conviction.** When there is a previous "heinous crime" conviction, as defined in Minn. Stat. §§ 609.106 and 609.107, the presumptive duration is:

(i) 480 months when the current offense is second-degree murder; or

(ii) 300 months when the current offense is third-degree murder.

(5) **Certain offenses involving firearms, other dangerous weapons, or ammunition.** When the current offense is listed in Minn. Stat. § 609.11, subd. 9, and Minn. Stat. § 609.11, subd. 4 or 5, applies, the minimum presumptive duration is 12 months and one day, 36 months, or 60 months, depending on the applicable provision. Guideline 2.51 also applies.

(6) **First-degree assault against an official.** When the current offense is a first-degree assault against a peace officer, prosecuting attorney, judge, or correctional employee, the minimum presumptive duration is 300, 180, or 120 months, depending on the applicable provision of Minn. Stat. § 609.221, subd. 5.

(7) **Repeat sex offenses.** When Minn. Stat. § 609.3455, subd. 10, applies to the current offense, the minimum presumptive duration is 36 months. Guideline 2.51 also applies.

Subd. 3. **Controlled substance offenses involving a dangerous weapon.** When the current offense is a first- or second-degree controlled substance crime involving the possession of a firearm or use of another dangerous weapon as described in Minn. Stat. § 609.11, subd. 4 or 5, the minimum presumptive duration, as required by Minn. Stat. § 609.11, subd. 5a, is:

(1) the sum of the minimum presumptive durations described in subdivision 2, clauses (1)(ii) and (5), when the current offense is an aggravated first-degree controlled substance crime under Minn. Stat. § 152.021, subd. 2b(2); or

(2) the sum of the minimum presumptive durations described in subdivision 2, clauses (2) and (5), when the current offense is a subsequent controlled substance conviction. If a mandatory minimum described in subdivision 2, clause (1), applies and is longer than the mandatory minimum described in this clause, this clause does not apply.

Subd. 4. **Certain repeat or egregious sex offenses.** When Minn. Stat. § 609.3455, subd. 3 or 4, requires a life sentence for the current offense, the court must specify a minimum term of imprisonment that must be served before possible consideration for release, pursuant to Minn. Stat. § 609.3455, subd. 5. The minimum term of imprisonment must be based on the presumptive sentence that would apply under this chapter if the life sentence were not mandatory. Guidelines 2.51 and 5.20 also apply.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.C.3.a & c, 2.E.1, 2.E.2.a to c & e, & Appendix 1; restructured 2027.*

2.64 POLICIES THAT INCREASE THE PRESUMPTIVE DURATION BY A PERCENTAGE.

Subdivision 1. **In general.** When the current offense is any of the following, the presumptive duration applicable to the underlying offense must be modified to increase by the specified percentage:

(1) **Felony assault motivated by bias.** For a first-, second-, or third-degree assault for which the maximum penalty has been increased under Minn. Stat. § 609.2233, the presumptive duration applicable to the underlying assault must be increased by 25 percent.

(2) **Criminal sexual predatory conduct.** For a "predatory crime," as defined in Minn. Stat. § 609.341, subd. 22, for which the maximum penalty has been increased under Minn. Stat. § 609.3453, the presumptive duration applicable to the underlying predatory crime must be increased by:

(i) 25 percent; or

(ii) 50 percent, if the violation was committed by a person with a "previous sex offense conviction," as defined in Minn. Stat. § 609.3455, subd. 1.

(3) **Crime committed in furtherance of terrorism.** For a crime committed to further terrorism under Minn. Stat. § 609.714, the presumptive duration applicable to the underlying offense must be increased by 50 percent.

Subd. 2. **Rounding rule.** If, after the increase or increases required by this guideline, the resulting duration is not a whole number of months, the presumptive duration must be:

(1) rounded down to the nearest whole number of months, if the fractional part is less than one-half month; or

(2) expressed, in months, as a decimal whose fractional part is 0.5, if the fractional part is equal to or greater than one-half month.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.7, 8, & 10; restructured 2027.*

2.65 OTHER POLICIES THAT ADD TO THE PRESUMPTIVE DURATION.

Subdivision 1. **Crime committed for the benefit of a gang.** (a) For a crime for which the maximum penalty has been increased under Minn. Stat. § 609.229, subd. 3(a), the presumptive duration applicable to the underlying offense must be increased as described in this subdivision. Guideline 2.51 (statutes that modify the presumptive disposition) also applies.

(b) If the offense does not involve a victim or if the victim was age 18 or older, the presumptive duration must be increased by:

(1) 12 months, if the underlying crime was completed; or

(2) six months, if the underlying crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

(c) If the offense involves a victim under age 18, the presumptive duration must be increased by:

(1) 24 months, if the underlying crime was completed; or

(2) 12 months, if the underlying crime was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 2. **Crime committed while impersonating a peace officer.** For a crime committed while falsely impersonating a peace officer under Minn. Stat. § 609.4751, subd. 4(a)(3), the presumptive duration applicable to the underlying crime must be increased by:

(1) 12 months, if the underlying offense was completed; or

(2) six months, if the underlying offense was an attempt under Minn. Stat. § 609.17 or conspiracy under Minn. Stat. § 609.175.

Subd. 3. **Second or subsequent severe violent offense.** (a) As used in this subdivision, the following terms have the meanings given:

(1) “Prior severe violent offense conviction” means a conviction of a severe violent offense that was adjudicated before the commission of the current offense, except that neither of the following is a prior severe violent offense conviction:

(i) an offense excluded from criminal history score computation under guideline 2.31, subd. 2(e) (decayed offenses); or

(ii) a conviction that resulted in a non-felony sentence (see guideline 2.31, subd. 2(c)) that was imposed before the current offense date.

(2) "Second or subsequent severe violent offense" means that the person being sentenced for the current offense had been adjudicated guilty of one or more prior severe violent offense convictions.

(3) "Severe violent offense" means an offense listed in guideline 7.80 (severe violent offenses). The term includes an attempt, a conspiracy, or an equivalent non-Minnesota felony offense within the meaning of guideline 2.36. A current offense listed in guideline 1.20, subd. 3 (life sentences), is not a severe violent offense.

(b) Except as provided in paragraph (c), if the current offense is a second or subsequent severe violent offense, the presumptive duration must be increased as follows:

(1) by 12 months, if the person has one prior severe violent offense conviction;

(2) by 18 months, if the person has two prior severe violent offense convictions; or

(3) by 24 months, if the person has three or more prior severe violent offense convictions.

(c) If the current severe violent offense is an attempted offense under Minn. Stat. § 609.17 or a conspiracy to commit an offense under Minn. Stat. § 609.175, the increase to the presumptive duration must be one-half the number of months provided in paragraph (b).

(d) This subdivision does not apply to a consecutive sentence under guideline 2.72 or 2.73.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.9.b, 13, & 14; restructured 2027.*

2.66 FINAL CALCULATION OF PRESUMPTIVE DURATIONS.

Subdivision 1. **Durational constraints.** (a) The presumptive duration must not be less than 12 months.

(b) The presumptive duration must not exceed the statutory maximum penalty.

Subd. 2. **Durational conformity.** If the presumptive fixed duration violates subdivision 1 after application of other relevant guidelines, the presumptive fixed duration must be modified to the extent necessary to conform to subdivision 1.

Subd. 3. **Presumptive range calculation.** (a) The lower end of the presumptive range is the longest of the following three durations, rounded up, if necessary, to the nearest whole month:

(1) 15 percent below the presumptive fixed duration;

(2) 12 months; or

(3) any mandatory minimum duration that applies (see guideline 2.63).

(b) The upper end of the presumptive range is the shorter of the following two durations, rounded down, if necessary, to the nearest whole month:

(1) 20 percent above the presumptive fixed duration; or

(2) the statutory maximum penalty.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.G.1; restructured 2027.*

CONCURRENT AND CONSECUTIVE SENTENCES

2.70 CONCURRENT SENTENCES PRESUMPTIVE; EXCEPTIONS.

Concurrent sentences are presumptive for both convictions of multiple current offenses and when there is a prior felony sentence that has not expired or been discharged unless:

(1) consecutive sentencing is presumptive under guideline 2.72; or

(2) consecutive sentencing is permissive under guideline 2.73.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F; restructured 2027.*

2.71 CONSECUTIVE SENTENCES; GENERAL REQUIREMENTS.

Subdivision 1. **In general.** Guidelines 2.70 to 2.75 set forth the criteria for imposing consecutive sentences. Imposition of a consecutive sentence in any situation not described in these guidelines is a departure.

Subd. 2. **Order of sentences.** When imposing consecutive sentences, the court must sentence the offenses in the order in which they occurred.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F; restructured 2027.*

2.72 PRESUMPTIVELY CONSECUTIVE SENTENCES.

Subdivision 1. **Criteria.** Consecutive sentences are presumptive (required under the Guidelines) only in the situations specified in subdivision 2 or 6. The presumptive duration of a presumptively consecutive sentence is determined by subdivision 7.

Subd. 2. **General requirements.** (a) Sentences are presumptively consecutive when the presumptive disposition of the current offense is commitment and, at the time of the current offense, the person:

(1) was serving an executed term of state imprisonment, disciplinary confinement, or reimprisonment, in which case the sentence for the current offense is presumptively consecutive to that sentence;

(2) was on escape status from an executed term of state imprisonment, disciplinary confinement, or reimprisonment, in which case the sentence for the current offense is presumptively consecutive to that sentence; or

(3) was incarcerated at a local correctional facility, the current offense is an assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy, and there is an executed sentence associated with the person's incarceration to which the court can consecutively sentence the current offense. In this case, the sentence for the current offense is presumptively consecutive to the executed sentence associated with the person's incarceration.

(b) The presumptive disposition of the current offense is commitment if:

(1) calculation of the person's criminal history score under guidelines 2.30 to 2.36 and application of the criteria in guidelines 2.41 and 2.50 to 2.52 establish a presumptive disposition of commitment;

(2) the current offense is an escape from an executed sentence (see guideline 2.52, subd. 3); or

(3) the current offense is a felony assault committed by an inmate serving an executed term of imprisonment (see guideline 2.51, subd. 2(5)).

Subd. 3. **Exception when concurrent sentence is longer.** If a sentence is presumptively consecutive under subdivision 2 but the total time to serve in prison would be longer if a concurrent sentence were imposed, a concurrent sentence, rather than a consecutive sentence, is presumptive. Otherwise, a concurrent sentence is a departure.

Subd. 4. **Consecutive sentences for multiple offenses.** When the court pronounces sentences for multiple offenses, each new offense with a presumptively consecutive sentence will be sentenced at a criminal history score of 1. The new offenses will run concurrently to each other, but consecutively to the prior offense. Permissively consecutive sentencing under guideline 2.73 is not a departure if it would result in a longer sentence than the sentence resulting from the application of this subdivision.

Subd. 5. **Departure factor.** If there is evidence that the person being sentenced has provided substantial and material assistance in the detection or prosecution of crime, the court may depart from the presumptively consecutive sentence and impose a concurrent sentence.

Subd. 6. **First-degree driving while impaired.** (a) Pursuant to Minn. Stat. § 169A.28, subd. 1, the court must impose a consecutive sentence for first-degree driving while impaired (DWI) when:

(1) the person has a prior unexpired misdemeanor, gross misdemeanor, or felony DWI sentence; and

(2) the disposition for the current offense will be probation, and not commitment.

(b) If the court pronounces a consecutive sentence, the presumptive duration is based on a criminal history score of 1. Any pronounced probationary jail time should be served consecutively to any remaining time to be served on the prior DWI offense.

Subd. 7. **Calculating presumptive duration.** For each felony offense sentenced consecutively to one or more other felony offenses under this guideline, the presumptive duration is the duration in the appropriate cell on the applicable grid at a criminal history score of 1, or the mandatory minimum for the offense (see guideline 2.63), whichever is longer. A consecutive sentence at any other duration is a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.1; restructured 2027.*

2.73 PERMISSIVELY CONSECUTIVE SENTENCES.

Subdivision 1. **Criteria; calculating presumptive disposition.** (a) Consecutive sentences are permissive (may be given without departure) only in the situations specified in this guideline.

The presumptive duration of a permissively consecutive sentence is determined by subdivision 7.

(b) To determine whether an offense's presumptive disposition is commitment under subdivision 2, 3, or 4, the court must apply the person's criminal history score under guidelines 2.30 to 2.36 to the criteria in guidelines 2.41 and 2.50 to 2.52. In the case of a prior offense, the court must apply the applicable provisions of the Minnesota Sentencing Guidelines in effect when the prior offense was committed.

Subd. 2. **Current and prior listed felonies; presumptive commitment required.** The current offense may be sentenced consecutively to a prior felony sentence that has not expired or been discharged if:

(1) both the current offense and the prior offense are listed in guideline 7.90 (permissively consecutive offenses);

(2) the presumptive disposition for the current offense is commitment; and

(3) the presumptive disposition for the prior offense was also commitment.

Subd. 3. **Multiple current convictions for listed felonies; presumptive commitment required.** (a) Except as provided in paragraph (b), multiple current felony convictions for crimes listed in guideline 7.90 may be sentenced consecutively to each other if the presumptive disposition for each is commitment.

(b) Paragraph (a) does not apply when:

(1) the multiple current felony convictions involve one victim and a single course of conduct; and

(2) the court is giving an aggravated durational departure on any of the current conviction offenses.

Subd. 4. **Felony conviction after escape; non-executed sentence; presumptive commitment required.** When a person in custody for a non-executed felony sentence escapes from custody and commits the current offense before return to custody, and if the presumptive disposition for the current offense is commitment, the current offense may be sentenced consecutively to the sentence for the escape or for the offense for which the person was confined.

Subd. 5. **Consecutive stayed sentence; departure.** If the court pronounces a consecutive stayed sentence under subdivision 2, 3, or 4, the stayed sentence is a mitigated dispositional departure, but the consecutive nature of the sentence is not a departure. The consecutive stayed sentence begins when the person being sentenced completes the term of imprisonment and is placed on supervised release.

Subd. 6. **Other offenses; presumptive commitment not required.** (a) A consecutive sentence is permissive in any circumstance described in this subdivision. If such a sentence is consecutive to an executed sentence, it is not a dispositional departure to execute the consecutive sentence.

(b) **Felony escape.** For felony escape from lawful custody, as described in Minn. Stat. § 609.485, not involving escape from an executed term of state imprisonment, disciplinary

confinement, or reimprisonment (see guideline 2.72, subd. 2(a)(2)), the escape may be sentenced consecutively to the sentence for which the person was confined.

(c) **Felony conviction after escape; executed sentence.** A conviction for a new felony crime committed while on felony escape from lawful custody, as described in Minn. Stat. § 609.485, from an executed felony sentence, may be sentenced consecutively to the sentence for the escape.

(d) **Felony assault in a local jail or workhouse.** Unless the conviction is already presumptively consecutive under guideline 2.72, subd. 2(a)(3), a conviction for felony assault committed while in a local jail or workhouse may be sentenced consecutively to any other executed prison sentence if the presumptive disposition for the other offense was commitment under guidelines 2.41 and 2.50 to 2.52.

(e) **Fleeing a police officer; criminal sexual conduct.** As punishment for two crimes committed as part of the same conduct, the court may, pursuant to Minn. Stat. § 609.035, subds. 5 and 6, sentence the later crime consecutively to the earlier crime if one of the crimes is:

(1) fleeing a peace officer in a motor vehicle, as described in Minn. Stat. § 609.487; or

(2) first- through fourth-degree criminal sexual conduct, as described in Minn. Stat. §§ 609.342 to 609.345, with force or violence.

Subd. 7. **Calculating presumptive duration.** For each felony offense sentenced consecutively to one or more other felony offenses under this guideline, the presumptive duration is the duration in the appropriate cell on the applicable grid at a criminal history score of 0, or the mandatory minimum duration for the offense (see guideline 2.63), whichever is longer. A consecutive sentence at any other duration is a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.2 & Comment 2.F.205; restructured 2027.*

2.74 MODIFYING CONSECUTIVE SENTENCES.

Subdivision 1. **Modifying presumptive disposition.** Guidelines 2.50 to 2.55 (policies that modify the presumptive disposition) apply to consecutive sentences established by guidelines 2.72 and 2.73.

Subd. 2. **Modifying presumptive duration.** Except as provided in subdivision 3, the presumptive durations established by guidelines 2.72 and 2.73 are subject to modification by the policies contained within guidelines 2.60 to 2.66.

Subd. 3. **Exceptions.** The following policies do not modify presumptive durations established by guidelines 2.72 and 2.73:

(1) guideline 2.61 (custody status at the time of the offense); and

(2) guideline 2.65, subd. 3 (second or subsequent severe violent offense).

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.3; restructured 2027.*

2.75 ADMINISTRATION OF CONSECUTIVE SENTENCES.

Subdivision 1. **Jail credit.** Guideline 5.10 establishes policies for applying jail credit when sentencing consecutively.

Subd. 2. **Supervised release calculation.** (a) If a court orders execution of two or more consecutive sentences at the same time, the Commissioner of Corrections must aggregate the sentence durations into a single fixed sentence. The aggregate term of imprisonment must be served before the aggregate supervised release period.

(b) If a court orders execution of a sentence that must be served consecutively to a sentence that was executed at an earlier time or by a different court, and the person being sentenced has not yet been placed on supervised release for the earlier executed sentence, the Commissioner of Corrections must aggregate both terms of imprisonment into a single, fixed term of imprisonment. The person will serve the longer of the two supervised release terms.

(c) If a court orders execution of a sentence that must be served consecutively to a sentence executed at an earlier time, and the consecutive sentence begins after the supervised release date for the earlier sentence, any remaining supervised release term from the earlier sentence is tolled while the person serves the consecutive term of imprisonment. The person will serve what remains of the previously tolled supervised release term or the supervised release term for the consecutive sentence, whichever is longer.

Subd. 3. **Pre-Guidelines cases.** If a court imposes a sentence that must be served consecutively to an offense committed before May 1, 1980, the consecutive sentence begins after completion of any incarceration arising from the prior sentence.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F & 2.F.4; restructured 2027.*

CHAPTER 3

SENTENCING GUIDELINES GRIDS

3.10 STANDARD GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.10. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may include local confinement. See guideline 2.61 for an explanation of the custody status column.

SEVERITY LEVEL OF CONVICTION OFFENSE *Example offenses listed in italics*		**CRIMINAL HISTORY SCORE**							**Custody status**
		0	**1**	**2**	**3**	**4**	**5**	**6 or more**	
Murder 2nd degree (intentional)	**11**	306 *261–367*	326 *278–391*	346 *295–415*	366 *312–439*	386 *329–463*	406 *346–480**	426 *363–480**	+20
Murder 2nd degree (unintentional)	**10**	150 *128–180*	165 *141–198*	180 *153–216*	195 *166–234*	210 *179–252*	225 *192–270*	240 *204–288*	+15
Murder 3rd degree (drugs); Carjacking 1st degree	**9**	86 *74–103*	98 *84–117*	110 *94–132*	122 *104–146*	134 *114–160*	146 *125–175*	158 *135–189*	+12
Agg. robbery 1st degree; Assault 1st degree	**8**	48 *41–57*	58 *50–69*	68 *58–81*	78 *67–93*	88 *75–105*	98 *84–117*	108 *92–129*	+10
DWI 1st degree; Assault 2nd degree (weapon & SBH)	**7**	36 *31–43*	42 *36–50*	48 *41–57*	54 *46–64*	60 *51–72*	66 *57–79*	72 *62–86*	+6
Ineligibly possess firearm; Assault 2nd deg. (weapon)	**6**	21 *18–25*	27 *23–32*	33 *29–39*	39 *34–46*	45 *39–54*	51 *44–61*	57 *49–68*	+6
Assault 3rd degree (SBH); Burglary 2nd deg. (dwelling)	**5**	18 *16–21*	23 *20–27*	28 *24–33*	33 *29–39*	38 *33–45*	43 *37–51*	48 *41–57*	+5
Felony domestic assault; Violate no-contact order	**4**	12 *12–14*	15 *13–18*	18 *16–21*	21 *18–25*	24 *21–28*	27 *23–32*	30 *26–36*	+3
Assault 4th degree; Vehicle use without consent	**3**	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	23 *20–27*	+2
Theft of $5,000 or less; Check forgery ($251–$2,500)	**2**	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	+2
Fleeing a peace officer in a motor vehicle	**1**	12 *12–14*	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	+2

Subd. 2. **Note.** In the standard grid, an asterisk indicates that the upper end of the range is limited by the statutory maximum penalty.

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the standard grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12	8	4	78	52	26
13	8-2/3	4-1/3	86	57-1/3	28-2/3
15	10	5	88	58-2/3	29-1/3
17	11-1/3	5-2/3	98	65-1/3	32-2/3
18	12	6	108	72	36
19	12-2/3	6-1/3	110	73-1/3	36-2/3
21	14	7	122	81-1/3	40-2/3
23	15-1/3	7-2/3	134	89-1/3	44-2/3
24	16	8	146	97-1/3	48-2/3
27	18	9	150	100	50
28	18-2/3	9-1/3	158	105-1/3	52-2/3
30	20	10	165	110	55
33	22	11	180	120	60
36	24	12	190	126-2/3	63-1/3
38	25-1/3	12-2/3	195	130	65
39	26	13	200	133-1/3	66-2/3
42	28	14	210	140	70
43	28-2/3	14-1/3	220	146-2/3	73-1/3
45	30	15	225	150	75
48	32	16	230	153-1/3	76-2/3
51	34	17	240	160	80
54	36	18	306	204	102
57	38	19	326	217-1/3	108-2/3
58	38-2/3	19-1/3	346	230-2/3	115-1/3
60	40	20	366	244	122
66	44	22	386	257-1/3	128-2/3
68	45-1/3	22-2/3	406	270-2/3	135-1/3
72	48	24	426	284	142

History: *2026 Minn. Sentencing Guidelines & Commentary 4.A; restructured 2027.*

3.20 SEX OFFENSE GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.20. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may include local confinement. See guideline 2.61 for an explanation of the custody status column.

SEVERITY LEVEL OF CONVICTION OFFENSE *Example offenses listed in italics*		**CRIMINAL HISTORY SCORE**							**Custody status**
		0	**1**	**2**	**3**	**4**	**5**	**6 or more**	
Criminal sexual conduct (CSC) 1st degree	**A**	144 *144[2]–172*	156 *144[2]–187*	168 *144[2]–201*	180 *153–216*	234 *199–280*	306 *261–360[3]*	360 *306–360[3]*	+18
CSC 2nd degree, contact by harm/force	**B**	90 *90[2]–108*	110 *94–132*	130 *111–156*	150 *128–180*	195 *166–234*	255 *217–306*	300 *255–360*	+15
CSC 3rd degree, penetration by coercion	**C**	48 *41–57*	62 *53–74*	76 *65–91*	90 *77–108*	117 *100–140*	153 *131–183*	180 *153–216*	+9
CSC 3rd degree, penetration of child 14–15	**D**	36 *31–43*	48 *41–57*	60 *51–72*	70 *60–84*	91 *78–109*	119 *102–142*	140 *119–168*	+7
CSC 4th degree, contact by coercion	**E**	24 *21–28*	36 *31–43*	48 *41–57*	60 *51–72*	78 *67–93*	102 *87–120[3]*	120 *102–120[3]*	+6
CSC 4th degree, contact of child 14–15	**F**	18 *16–21*	27 *23–32*	36 *31–43*	45 *39–54*	59 *51–70*	77 *66–92*	84 *72–100*	+4
Possession of child sexual abuse material	**G**	15 *13–18*	20 *17–24*	25 *22–30*	30 *26–36*	39 *34–46*	51 *44–60[3]*	60 *51–60[3]*	+3
CSC 5th degree, nonconsensual penetration	**H**	12 *12–14*	14 *12–16*	16 *14–19*	18 *16–21*	24 *21–24[3]*	24[3] *24–24*	24[3] *24–24*	+2
Failure to register as a predatory offender	**I**	12[1] *12[1]–14*	14 *12[1]–16*	16 *14–19*	18 *16–21*	24 *21–28*	30 *26–36*	36 *31–43*	+2

Subd. 2. **Notes.** The following notes apply to the sex offense grid:

(a) Superscript number 1 indicates that the duration is subject to a one year and one day mandatory minimum penalty under Minn. Stat. § 243.166, subd. 5(b).

(b) Superscript number 2 indicates that, because sex trafficking is not subject to a minimum statutory presumptive sentence of 90 or 144 months, the standard range of 15 percent lower and 20 percent higher than the fixed duration applies. For severity level A, criminal history scores 0, 1, and 2, the ranges are 123–172, 133–187, and 143–201, respectively. For severity level B, criminal history score 0, the range is 77–108.

(c) Superscript number 3 indicates that the upper end of the range is limited by the statutory maximum penalty. For severity level H, however, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum penalty at criminal history scores above 4.

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the sex offense grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	84	56	28
14	9-1/3	4-2/3	90	60	30
15	10	5	91	60-2/3	30-1/3
16	10-2/3	5-1/3	102	68	34
18	12	6	110	73-1/3	36-2/3
20	13-1/3	6-2/3	117	78	39
24	16	8	119	79-1/3	39-2/3
25	16-2/3	8-1/3	120	80	40
27	18	9	130	86-2/3	43-1/3
30	20	10	140	93-1/3	46-2/3
36	24	12	144	96	48
39	26	13	150	100	50
40	26-2/3	13-1/3	153	102	51
45	30	15	156	104	52
48	32	16	168	112	56
51	34	17	180	120	60
59	39-1/3	19-2/3	195	130	65
60	40	20	234	156	78
62	41-1/3	20-2/3	255	170	85
70	46-2/3	23-1/3	300	200	100
76	50-2/3	25-1/3	306	204	102
77	51-1/3	25-2/3	360	240	120
78	52	26			

History: *2026 Minn. Sentencing Guidelines & Commentary 4.B; restructured 2027.*

3.30 DRUG OFFENSE GRID.

Subdivision 1. **Grid.** This grid must be used for all offenses listed in guideline 7.30. Presumptive sentence lengths are in months. Italicized numbers within the grid denote the presumptive range, within which the court may sentence without the sentence being a departure. The shaded area of the grid denotes a presumptively stayed sentence, except as provided in guidelines 2.50 to 2.55. Stayed felony sentences may include local confinement. See guideline 2.61 for an explanation of the custody status column.

SEVERITY LEVEL OF CONVICTION OFFENSE *Example offenses listed in italics*		**CRIMINAL HISTORY SCORE**							**Custody status**
		0	**1**	**2**	**3**	**4**	**5**	**6 or more**	
Aggravated controlled substance crime 1st deg.	**D9**	86 *74*–103*	98 *84*–117*	110 *94*–132*	122 *104*–146*	134 *114*–160*	146 *125*–175*	158 *135*–189*	+12
Controlled substance crime 1st degree	**D8**	65 *56*–78*	75 *64*–90*	85 *73*–102*	95 *81*–114*	105 *90*–126*	115 *98*–138*	125 *107*–150*	+10
Controlled substance crime 2nd degree	**D7**	48 *41–57*	58 *50–69*	68 *58–81*	78 *67–93*	88 *75–105*	98 *84–117*	108 *92–129*	+10
Controlled substance crime 3rd degree	**D6**	21 *18–25*	27 *23–32*	33 *29–39*	39 *34–46*	45 *39–54*	51 *44–61*	57 *49–68*	+6
Possess meth precursors with intent to manufacture	**D5**	18 *16–21*	23 *20–27*	28 *24–33*	33 *29–39*	38 *33–45*	43 *37–51*	48 *41–57*	+5
Controlled substance crime 4th degree	**D4**	12 *12–14*	15 *13–18*	18 *16–21*	21 *18–25*	24 *21–28*	27 *23–32*	30 *26–36*	+3
Meth/fentanyl crimes involving children	**D3**	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	23 *20–27*	+2
Controlled substance crime 5th degree	**D2**	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	21 *18–25*	+2
Sale of simulated controlled substance	**D1**	12 *12–14*	12 *12–14*	12 *12–14*	13 *12–15*	15 *13–18*	17 *15–20*	19 *17–22*	+2

Subd. 2. **Note.** In the drug offense grid, an asterisk indicates that the lower range may not apply. See guideline 2.63, subd. 2(1).

Subd. 3. **Explanation of sentence.** (a) When a court pronounces an executed sentence for an offense committed after July 31, 1993, Minn. Stat. § 244.101 requires the court to explain, in addition to the total length of the executed sentence, the amounts of time the defendant will serve in prison and on supervised release, absent any disciplinary confinement. The statute also requires a warning that the amount of time actually served in prison may be extended for disciplinary offenses, potentially resulting in up to the entire executed sentence being served in prison.

(b) To assist the court in complying with this statute, the following table displays, in months, the specified minimum term of imprisonment (two-thirds of the executed sentence) and specified maximum supervised release term (one-third of the executed sentence) for each fixed presumptive duration found on the drug offense grid.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12	8	4	58	38-2/3	19-1/3
13	8-2/3	4-1/3	65	43-1/3	21-2/3
15	10	5	68	45-1/3	22-2/3
17	11-1/3	5-2/3	75	50	25
18	12	6	78	52	26
19	12-2/3	6-1/3	85	56-2/3	28-1/3
21	14	7	86	57-1/3	28-2/3
23	15-1/3	7-2/3	88	58-2/3	29-1/3
24	16	8	95	63-1/3	31-2/3
27	18	9	98	65-1/3	32-2/3
28	18-2/3	9-1/3	105	70	35
30	20	10	108	72	36
33	22	11	110	73-1/3	36-2/3
38	25-1/3	12-2/3	115	76-2/3	38-1/3
39	26	13	122	81-1/3	40-2/3
43	28-2/3	14-1/3	125	83-1/3	41-2/3
45	30	15	134	89-1/3	44-2/3
48	32	16	146	97-1/3	48-2/3
51	34	17	158	105-1/3	52-2/3
57	38	19			

History: *2026 Minn. Sentencing Guidelines & Commentary 4.C; restructured 2027.*

CHAPTER 4

STAYED SENTENCES

4.10 METHOD OF GRANTING STAYED SENTENCES.

Subdivision 1. **In general.** When the court orders a stayed sentence, the court may pronounce a stay of execution or a stay of imposition. The court must pronounce the length of the stay, which may exceed the duration of the presumptive prison sentence but not the maximum length of stay established in Minn. Stat. § 609.135, subd. 2. The court may establish appropriate conditions subject to the considerations in guideline 4.20.

Subd. 2. **Stay of execution.** When ordering a stay of execution, the court must pronounce the prison sentence duration, but its execution is stayed. The presumptive duration is established in chapter 2.

Subd. 3. **Stay of imposition.** (a) When ordering a stay of imposition, the court must not pronounce a prison sentence duration, and the imposition of the sentence is stayed.

(b) The Commission recommends that stays of imposition be used for those convicted of lower severity offenses and who have low criminal history scores. The Commission further recommends that those convicted of felonies be given one stay of imposition, although for very low severity offenses, a second stay of imposition may be appropriate.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.A.1; restructured 2027.*

4.20 CONDITIONS OF STAYED SENTENCES.

Subdivision 1. **Penal objectives.** (a) While the Commission has chosen not to develop specific guidelines for the conditions of stayed sentences, it recognizes that there are several penal objectives to be considered in establishing conditions of stayed sentences, including:

(1) deterrence;

(2) public condemnation of criminal conduct;

(3) public safety;

(4) rehabilitation;

(5) restitution;

(6) retribution; and

(7) risk reduction.

(b) The Commission also recognizes that the relative importance of these objectives may vary with the characteristics of both the offense and the person being sentenced, and that multiple objectives may be present in any given sentence. The Commission urges courts to utilize the least restrictive conditions of stayed sentences that are consistent with the objectives of the sanction.

Subd. 2. **Principles.** The Commission further urges courts to consider the following principles in establishing the conditions of stayed sentences:

(1) **Retribution.** If retribution is an important objective of the stayed sentence, the severity of the retributive sanction should be proportional to the severity of the offense and the prior criminal record of the person being sentenced. A period of confinement in a local jail or correctional facility may be appropriate.

(2) **Rehabilitation.** If rehabilitation is an important objective of the stayed sentence, the court should make full use of available local programs and resources. The absence of a rehabilitative resource, in general, should not be a basis for enhancing the retributive objective in sentencing and, in particular, should not be the basis for more extensive use of incarceration than is justified on other grounds.

(3) **Restitution.** The Commission urges courts to make expanded use of restitution and community work orders as conditions of a stayed sentence, especially for those with short criminal histories who are convicted of property crimes, although the use of these conditions in other cases may be appropriate.

(4) **Supervision.** Supervised probation should be a primary condition of stayed sentences.

(5) **Fines.** If fines are imposed, the Commission urges the expanded use of day fines, which standardize the financial impact of the sanction among those with different income levels.

(6) **Work release and community-based programs.** The Commission has chosen not to establish specific guidelines relating to work release programs in local facilities or community-based residential and nonresidential programs.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.A.2; restructured 2027.*

4.30 REVOCATION OF STAYED SENTENCES.

Subdivision 1. The Commission views revocation of a stayed sentence and commitment to be justified when:

(1) there has been a conviction for a new felony for which the Guidelines recommend prison; or

(2) there have been continued violations of conditions of the stay despite the court's use of expanded and more onerous conditions.

Subd. 2. (a) The decision to revoke a stayed sentence should not be undertaken lightly.

(b) Great restraint should be exercised in imprisoning those originally convicted of low severity level offenses or who have short prior criminal histories. For these people, the Commission urges continuance of the stay and use of more restrictive and onerous conditions, such as periods of local confinement.

(c) Less judicial tolerance is urged for those who were convicted of a more severe offense or who had a longer criminal history.

(d) For both groups, however, the court should not reflexively order imprisonment for non-criminal violations of probationary conditions.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.B; restructured 2027.*

CHAPTER 5

RELATED POLICIES

5.10 JAIL CREDIT.

Subdivision 1. **In general.** In order to promote the goals of the Sentencing Guidelines, it is important to ensure that jail credit is consistently applied. The court must assure that the record accurately reflects all time spent in custody, including examinations under Minn. R. Crim. P. 20 or 27.03, subd. 1(B), for the offense or behavioral incident for which the person is being sentenced. Minnesota statutes, rules of criminal procedure, relevant court decisions, and these Guidelines determine how jail credit is applied.

Subd. 2. **Applying jail credit.** (a) To uphold the proportionality of sentencing, jail credit must be applied as described in this subdivision.

(b) The Commissioner of Corrections must deduct jail credit from the sentence imposed by subtracting the time from the specified minimum term of imprisonment. If there is any remaining time, it must be subtracted from the specified maximum period of supervised release.

(c) To avoid double credit when applying jail credit to consecutive sentences, the court must apply the jail credit to the first sentence only.

(d) To avoid creating a concurrent sentence when sentencing a current offense consecutively to a prior offense for which the person being sentenced is already serving time in a prison or jail, the court must not apply jail credit from the prior offense to the current offense.

(e) When revoking a stayed sentence and committing the person, the court must order jail credit that reflects time spent in confinement as a condition of the stayed sentence.

(f) Jail credit must be awarded at the rate of one day for each day served for time spent in confinement under Huber Law (Minn. Stat. § 631.425).

History: *2026 Minn. Sentencing Guidelines & Commentary 3.C; restructured 2027.*

5.20 CONDITIONAL RELEASE TERMS.

Several Minnesota statutes provide for mandatory conditional release terms that must be served upon release from prison. The court must pronounce the following statutory conditional release term when sentencing an applicable offense:

(1) Minn. Stat. § 169A.276, subd. 1(d) (five-year conditional release for first-degree driving while impaired);

(2) Minn. Stat. § 243.166, subd. 5a (ten-year conditional release for failure to register as a predatory offender at risk level III);

(3) Minn. Stat. § 609.2231, subd. 3a(e) (five-year conditional release for fourth-degree assault against secure treatment facility personnel);

(4) Minn. Stat. § 609.3455, subds. 6 and 8 (ten-year conditional release for first- through fourth-degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct);

(5) Minn. Stat. § 609.3455, subds. 7 and 8 (lifetime conditional release after life sentences for certain repeat and egregious sex offenses);

(6) Minn. Stat. § 617.246, subd. 7 (five-year conditional release for use of minors in sexual performance or child sexual abuse material); and

(7) Minn. Stat. § 617.247, subd. 9 (five-year conditional release for child sexual abuse material offenses).

History: *2026 Minn. Sentencing Guidelines & Commentary 2.E.3; restructured 2027.*

5.30 PRESENTENCE MENTAL OR PHYSICAL EXAMINATIONS FOR SEX OFFENSES.

The Commission recommends that, under Minn. R. Crim. P. 27.03, subd. 1(B)(1)(b), the court order a physical or mental examination of a person being sentenced as a supplement to the presentence investigation required by Minn. Stat. § 609.115 when the person is convicted:

(1) under Minn. Stat. § 609.342 (first-degree criminal sexual conduct), 609.343 (second-degree criminal sexual conduct), 609.344 (third-degree criminal sexual conduct), 609.345 (fourth-degree criminal sexual conduct), or 609.365 (incest); or

(2) of an attempt, as described in Minn. Stat. § 609.17, to commit an act prohibited by Minn. Stat. § 609.342 (first-degree criminal sexual conduct) or 609.344 (third-degree criminal sexual conduct).

History: *2026 Minn. Sentencing Guidelines & Commentary 3.E; restructured 2027.*

5.40 MILITARY VETERANS.

Subdivision 1. Under Minn. Stat. § 609.115, subd. 10, the court must inquire whether a person convicted of a crime is currently serving in or is a veteran of the armed forces of the United States, and if so, may take further action as permitted by that provision.

Subd. 2. Minn. Stat. § 609.1056 provides deferred judgment procedures for United States military service members or veterans in connection with certain criminal offenses related to service-related disorders.

History: *2026 Minn. Sentencing Guidelines & Commentary 3.F; restructured 2027.*

CHAPTER 6

DEPARTURES FROM THE GUIDELINES

6.10 DEPARTURES IN GENERAL.

Subdivision 1. **Departures from the presumptive sentence.** (a) The sentences provided in chapter 2 are presumed to be appropriate for the crimes to which they apply. The court must pronounce a sentence of the applicable disposition and within the applicable prison range unless there exist identifiable, substantial, and compelling circumstances to support a departure.

(b) The court may depart from the presumptive disposition or duration provided in the Guidelines, and stay or impose a sentence that it deems to be more appropriate than the presumptive sentence. A departure is not controlled by the Guidelines, but rather, is an exercise of judicial discretion constrained by statute or case law.

(c) Departures with respect to disposition and duration are separate decisions, each requiring written departure reasons. A court may depart from the presumptive disposition without departing from the presumptive duration, and vice versa.

(d) When imposing a sentence that is an aggravated departure, the court should pronounce a sentence proportional to the severity of the crime for which the sentence is imposed and the criminal history of the person being sentenced, and take into consideration the purposes and underlying principles of the Guidelines (guideline 1.10).

Subd. 2. **Sentences within misdemeanor or gross misdemeanor limits.** (a) A pronounced sentence for a felony conviction that is shorter than the appropriate prison range on the applicable grid, as determined by chapter 2, including a stayed or imposed gross misdemeanor or misdemeanor sentence, is a mitigated durational departure.

(b) Under Minn. Stat. § 609.13, if a court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross misdemeanor or misdemeanor. The sentence is a mitigated durational departure because it is below the presumptive range, which cannot be below 12 months.

(c) If the prosecutor amends the charge to a gross misdemeanor or misdemeanor offense prior to conviction, a gross misdemeanor or misdemeanor sentence will not be a departure because the sentence will be consistent with the level of the charge. When the prosecutor amends the charge, the prosecutor must amend it to an existing gross misdemeanor or misdemeanor offense.

Subd. 3. **Departure reasons; report.** (a) Because departures are by definition exceptions to the Guidelines, the departure factors in this chapter are advisory, except as otherwise established by case law.

(b) In exercising the discretion to depart from a presumptive sentence, the court must disclose in writing or on the record the particular substantial and compelling circumstances that make the departure more appropriate than the presumptive sentence. The reasons must

be stated in the sentencing order or recorded in the departure report and filed with the Commission.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.1 & Comment 2.D.105; restruc-tured 2027.*

6.20 SPECIAL PROCEDURAL CIRCUMSTANCES.

(a) **Stay of execution; EJJ prosecution.** A stay of execution of an adult criminal sentence in an extended jurisdiction juvenile (EJJ) prosecution under Minn. Stat. § 260B.130, subd. 4(a)(2), is not a mitigated dispositional departure.

(b) **Demand for execution.** A sentence executed pursuant to the person's right to demand execution is not an aggravated dispositional departure.

(c) **Revoked stay of adjudication.** When a felony stay of adjudication is vacated and conviction is entered, the Guidelines must then be applied. To the extent that the sentence pronounced immediately following a revocation of a stay of adjudication is contrary to the Guidelines presumptive sentence, as determined by chapter 2, that sentence is a departure.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.1.e & f; restruc-tured 2027.*

6.30 FACTORS THAT SHOULD NOT BE USED AS REASONS FOR DEPARTURE.

The following should not be used as a reason for departure:

(1) race;

(2) sex;

(3) an employment factor, including:

(i) occupation;

(ii) employment history;

(iii) employment at time of the offense or sentencing; or

(iv) impact of the sentence on profession or occupation;

(4) a social factor, including:

(i) educational attainment;

(ii) living arrangements at time of the offense or sentencing;

(iii) length of residence; or

(iv) marital status; or

(5) the exercise of a constitutional right during the adjudication process.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.2; restructured 2027.*

6.40 FACTORS THAT MAY BE USED AS REASONS FOR MITIGATED DEPARTURE.

Subdivision 1. **Mitigating factors.** The following is a nonexclusive list of mitigating factors that may be used as reasons for departure:

(1) The victim was an aggressor in the incident.

(2) The person being sentenced played a minor or passive role in the crime or participated under circumstances of coercion or duress.

(3) The person being sentenced, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicating drugs or alcohol does not fall within the purview of this factor.

(4) Other substantial grounds exist that tend to excuse or mitigate the culpability of the person being sentenced, although not amounting to a defense.

(5) The court is ordering an alternative placement under Minn. Stat. § 609.1055 for a person with a serious and persistent mental illness.

(6) The person being sentenced is particularly amenable to probation. This factor may, but need not, be supported by the fact that the person is particularly amenable to a relevant program of individualized treatment in a probationary setting.

(7) In the case of a conviction for a controlled substance offense, the person being sentenced is found by the district court to be particularly amenable to probation based on adequate evidence that the person has a substance use disorder and has been accepted by, and can respond to, a treatment program in accordance with Minn. Stat. § 152.152.

(8) The person being sentenced is a qualifying United States military service member or veteran and the court determines that the person meets the criteria for particular amenability to probation found in Minn. Stat. § 609.1056, subd. 4.

(9) The person being sentenced has no prior criminal conviction or stay of adjudication. A criminal history score of zero is not sufficient to qualify for this factor. This departure factor is not available if the current offense is ranked at severity level 10 or 11 on the standard grid or is ranked on the sex offense grid.

(10) The presumptive sentence is a commitment but not a mandatory minimum sentence, and either of the following is true:

(i) the current conviction offense is at severity level 1 or severity level 2 and all prior felony sentences were received during fewer than three separate court appearances; or

(ii) the current conviction offense is at severity level 3 or severity level 4 and all prior felony sentences were received during one court appearance.

Subd. 2. **Providing substantial and material assistance.** Guideline 2.72, subd. 5, contains a special mitigating factor applicable to certain consecutive-sentence departures.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.3.a; restructured 2027.*

6.50 FACTORS THAT MAY BE USED AS REASONS FOR AGGRAVATED DEPARTURE.

Subdivision 1. **Aggravating factors.** The following is a nonexclusive list of aggravating factors that may be used as reasons for departure:

(1) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity, and the person being sentenced knew or should have known of this vulnerability.

(2) The victim was treated with particular cruelty for which the individual being sentenced should be held responsible.

(3) The offense was committed in a place where the victim had an expectation of privacy.

(4) The offense was committed in the presence of a child.

(5) The person being sentenced intentionally deceived a minor victim into believing the person was also a minor in order to facilitate the commission of the offense as described in Minn. Stat. § 609.099.

(6) The person being sentenced used another's identity without authorization to commit a crime. This aggravating factor may not be used when use of another's identity is an element of the offense.

(7) The person being sentenced intentionally selected the victim or the property against which the offense was committed, in whole or in substantial part, because of the victim's, the property owner's, or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in Minn. Stat. § 363A.03.

(8) The person being sentenced committed, for hire, a crime against the person.

(9) The person being sentenced committed the crime as part of a group of three or more individuals who all actively participated in the crime.

(10) The offense was a criminal sexual conduct offense or an offense in which the victim was otherwise injured, and the person being sentenced has a prior felony conviction for a criminal sexual conduct offense or an offense in which the victim was otherwise injured.

(11) The person is being sentenced under Minn. Stat. § 609.3455, subd. 3a (mandatory sentence for certain engrained offenders).

(12) The person is being sentenced under Minn. Stat. § 609.1095, subd. 2 (increased sentence for dangerous offender's third sequential violent crime).

(13) The person is being sentenced under Minn. Stat. § 609.1095, subd. 4 (increased sentence for sixth sequential felony).

(14) The offense was a major economic offense. For this purpose, an economic offense is an illegal act or series of illegal acts committed by other than physical means and by concealment

or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. A major economic offense is an economic offense in which two or more of the following circumstances were present:

(i) The offense involved multiple victims or multiple incidents per victim.

(ii) The offense involved an attempted or actual monetary loss substantially greater than the usual offense or substantially greater than the minimum loss specified in the statutes.

(iii) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time.

(iv) The offense involved the use of position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships.

(v) The person being sentenced has been involved in other conduct similar to the current offense as evidenced by the findings of civil or administrative law proceedings or the imposition of professional sanctions.

(15) The offense was a major controlled substance offense. A major controlled substance offense is a controlled substance offense in which two or more of the following circumstances were present:

(i) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to sell or transfer.

(ii) The person being sentenced or an accomplice possessed equipment, drug paraphernalia, or monies evidencing the offense was committed as part of wholesale trafficking of a controlled substance.

(iii) The offense involved the manufacture of controlled substances for use by other parties.

(iv) The person being sentenced or an accomplice knowingly possessed a firearm or other dangerous weapon, as defined by Minn. Stat. § 609.02, during the commission of the offense.

(v) The circumstances of the offense reveal the person being sentenced to have occupied a high position in the drug distribution hierarchy.

(vi) The offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement.

(vii) The person being sentenced used position or status to facilitate the commission of the offense, including a position of trust, confidence, or fiduciary relationship (e.g., pharmacist, physician, or other medical professional).

(viii) The offense involved separate acts of sale or possession of a controlled substance in three or more counties.

(ix) The person being sentenced has a "prior conviction" for a "violent crime," as defined in Minn. Stat. § 609.1095, subd. 1, other than a violation of or an attempt or conspiracy to violate a provision of Minn. Stat. chapter 152 or a similar law of the United States or another state.

(x) The offense involved the sale of a controlled substance to a minor or vulnerable adult.

(xi) The offense involved the manufacture, possession, or sale of a controlled substance in a school zone, park zone, public housing zone, federal, state, or local correctional facility, or drug treatment facility.

Subd. 2. **Limitations.** Except as provided in subdivision 1, clauses (11) to (13), an aggravating factor may not be used as a reason for departure if the factor is based on:

(1) a fact that constitutes a necessary element of the current offense or of a sentencing enhancement; or

(2) conduct that could have formed, or did form, the basis of a separate offense.

History: *2026 Minn. Sentencing Guidelines & Commentary 2.D.3.b & Comment 2.D.308; restructured 2027.*

CHAPTER 7

OFFENSE LISTS

7.10 SEVERITY LEVELS OF OFFENSES ON THE STANDARD GRID.

Subdivision 1. (a) The offenses listed in this guideline are the offenses on the standard grid shown in guideline 3.10 and are ranked at the severity levels given.

(b) The offenses listed in guideline 7.60 (theft offenses) are also ranked on the standard grid and are incorporated by reference.

Subd. 2. The following offenses are ranked at severity level 11:

11	
	Adulteration resulting in death, Minn. Stat. § 609.687, subd. 3(1).
	Assault in the first degree upon an official by dangerous weapon or deadly force resulting in great bodily harm, Minn. Stat. § 609.221, subd. 4.
	Murder in the second degree, intentional, Minn. Stat. § 609.19, subd. 1(1).
	Murder in the second degree, unintentional, while committing or attempting a drive-by shooting, Minn. Stat. § 609.19, subd. 1(2).
	Murder of an unborn child in the second degree, intentional, Minn. Stat. § 609.2662(1).

Subd. 3. The following offenses are ranked at severity level 10:

10	
	Assault in the first degree upon an official resulting in great bodily harm, Minn. Stat. § 609.221, subd. 3.
	Fleeing a peace officer resulting in death, Minn. Stat. § 609.487, subd. 4(a).
	Murder in the second degree, unintentional, while committing an assault contrary to a protective order, Minn. Stat. § 609.19, subd. 2(2).
	Murder in the second degree, unintentional, while committing or attempting a felony, Minn. Stat. § 609.19, subd. 2(1).
	Murder in the third degree while evincing a depraved mind, Minn. Stat. § 609.195(a).
	Murder of an unborn child in the second degree, unintentional, Minn. Stat. § 609.2662(2).
	Murder of an unborn child in the third degree, Minn. Stat. § 609.2663.

Subd. 4. The following offenses are ranked at severity level 9:

9	
	Assault in the first degree upon an official by deadly force, Minn. Stat. § 609.221, subd. 2.
	Carjacking in the first degree, Minn. Stat. § 609.247, subd. 2.

9
Causing the death of an unborn child in the commission of a crime, Minn. Stat. § 609.268, subd. 1.
Coercion by private sexual image threat resulting in death, Minn. Stat. § 609.27, subd. 2(c).
Criminal abuse of a vulnerable adult resulting in death, Minn. Stat. § 609.2325, subd. 3(1).
Criminal vehicular homicide after a qualified prior driving offense, Minn. Stat. § 609.2112, subd. 1(b).
Criminal vehicular operation after a qualified prior driving offense resulting in death to an unborn child, Minn. Stat. § 609.2114, subd. 1(b).
Engaging a minor under age 14, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(a).
Kidnapping resulting in great bodily harm, Minn. Stat. § 609.25, subd. 2(2)(ii).
Labor trafficking resulting in death, Minn. Stat. § 609.282, subd. 1.
Manslaughter in the first degree by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.20(2) or (5).
Manslaughter in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.20(1).
Manslaughter of an unborn child in the first degree by violent misdemeanor or gross misdemeanor, Minn. Stat. § 609.2664(2).
Manslaughter of an unborn child in the first degree, intentional but in the heat of passion, Minn. Stat. § 609.2664(1).
Murder in the third degree resulting from a controlled substance, Minn. Stat. § 609.195(b).
Witness tampering, aggravated first-degree, Minn. Stat. § 609.498, subd. 1b.

Subd. 5. The following offenses are ranked at severity level 8:

8
Aggravated robbery in the first degree, Minn. Stat. § 609.245, subd. 1.
Arson in the first degree, Minn. Stat. § 609.561.
Assault in the first degree resulting in great bodily harm, Minn. Stat. § 609.221, subd. 1.
Assault of an unborn child in the first degree, Minn. Stat. § 609.267.
Burglary in the first degree with a weapon or assault, Minn. Stat. § 609.582, subd. 1(b) or (c).
Causing great bodily harm by the distribution of drugs, Minn. Stat. § 609.228.
Child torture, Minn. Stat. § 609.3775.
Coercion by private sexual image threat resulting in great bodily harm, Minn. Stat. § 609.27, subd. 2(b).

8	
	Criminal abuse of a vulnerable adult resulting in great bodily harm, Minn. Stat. § 609.2325, subd. 3(2).
	Criminal vehicular homicide, Minn. Stat. § 609.2112, subd. 1(a).
	Criminal vehicular operation resulting in death to an unborn child, Minn. Stat. § 609.2114, subd. 1(a).
	Deprivation of a vulnerable adult resulting in great bodily harm, Minn. Stat. § 609.233, subd. 3(1).
	Drive-by shooting toward a person or occupied motor vehicle or building, Minn. Stat. § 609.66, subd. 1e(a)(2) or (3).
	Escape from a felony offense by violence or threat, Minn. Stat. § 609.485, subd. 4(a)(1) & (b).
	Identity theft involving eight or more direct victims or loss of over $35,000, Minn. Stat. § 609.527, subd. 3(5).
	Identity theft related to child sexual abuse material, Minn. Stat. § 609.527, subd. 3(6).
	Kidnapping not involving release in a safe place, Minn. Stat. § 609.25, subd. 2(2)(i).
	Kidnapping of a child under age 16, Minn. Stat. § 609.25, subd. 2(2)(iii).
	Labor trafficking of a minor, Minn. Stat. § 609.282, subd. 1a(1).
	Labor trafficking resulting in great bodily harm, Minn. Stat. § 609.282, subd. 1a(3).
	Malicious punishment of a child resulting in great bodily harm, Minn. Stat. § 609.377, subd. 6.
	Manslaughter in the first degree, intentional but under duress, Minn. Stat. § 609.20(3).
	Manslaughter in the first degree resulting from a controlled substance, Minn. Stat. § 609.20(4).
	Manslaughter in the second degree by child neglect or endangerment, Minn. Stat. § 609.205(5).
	Manslaughter in the second degree by culpable negligence, Minn. Stat. § 609.205(1).
	Manslaughter of an unborn child in the first degree, intentional but under duress, Minn. Stat. § 609.2664(3).
	Manslaughter of an unborn child in the second degree by culpable negligence, Minn. Stat. § 609.2665(1).
	Medical assistance fraud of over $1,000,000, Minn. Stat. § 609.467, subd. 2(c).
	Placing a fictitious emergency call resulting in great bodily harm or death, Minn. Stat. § 609.78, subd. 2a(1).
	Possession of a machine gun, trigger activator, or conversion kit, Minn. Stat. § 609.67, subd. 2(a).
	Riot in the first degree, Minn. Stat. § 609.71, subd. 1.
	Wildfire arson damaging over 100 dwellings or $250,000 in crops, or burning 1,500 acres or more, Minn. Stat. § 609.5641, subd. 1a(c).

Subd. 6. The following offenses are ranked at severity level 7:

7
Assault in the second degree by dangerous weapon resulting in substantial bodily harm, Minn. Stat. § 609.222, subd. 2.
Carjacking in the second degree, Minn. Stat. § 609.247, subd. 3.
Driving while impaired in the first degree, Minn. Stat. § 169A.24.
Financial exploitation of a vulnerable adult of over $35,000, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
Labor trafficking over an extended period of time, Minn. Stat. § 609.282, subd. 1a(2).
Theft of over $35,000 from a vulnerable adult, Minn. Stat. § 609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3).
Wildfire arson damaging over five dwellings or $100,000 in crops, or burning 500 acres or more, Minn. Stat. § 609.5641, subd. 1a(b).

Subd. 7. The following offenses are ranked at severity level 6:

6
Aggravated robbery in the second degree, Minn. Stat. § 609.245, subd. 2.
Assault in the second degree by dangerous weapon, Minn. Stat. § 609.222, subd. 1.
Burglary in the first degree of an occupied dwelling, Minn. Stat. § 609.582, subd. 1(a).
Carjacking in the third degree, Minn. Stat. § 609.247, subd. 4.
Catalytic converter crime involving more than 70 converters, Minn. Stat. § 325E.21, subd. 6(b)(5).
Criminal vehicular operation by gross negligence resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(1).
Criminal vehicular operation by gross negligence resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(1).
Criminal vehicular operation while impaired resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(2) to (6).
Criminal vehicular operation while impaired resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(2) to (6).
Discharge of a firearm at or in an occupied transit vehicle or facility, Minn. Stat. § 609.855, subd. 5.
Diversion of corporate property of over $35,000, Minn. Stat. § 609.52, subds. 2(a)(15) or (16) & 3(1).
Explosive device or incendiary device crime, Minn. Stat. § 609.668, subd. 6.
Fleeing a peace officer resulting in great bodily harm, Minn. Stat. § 609.487, subd. 4(b).
Impersonating a peace officer with a firearm, Minn. Stat. § 609.4751, subd. 3(b).
Kidnapping, Minn. Stat. § 609.25, subd. 2(1).
Labor trafficking, Minn. Stat. § 609.282, subd. 2.

6
Medical assistance fraud of over $100,000 but not over $1,000,000, Minn. Stat. § 609.467, subd. 2(b).
Offering over $35,000 in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(1).
Possessing a firearm or ammunition after a crime of violence, Minn. Stat. § 609.165, subd. 1b, or 624.713, subd. 2(b).
Public contract bid rigging, Minn. Stat. § 325D.53, subd. 1(2)(a).
Theft of over $35,000 by check, Minn. Stat. § 609.52, subds. 2(a)(3)(i) & 3(1).
Theft of over $35,000 by deception, Minn. Stat. § 609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1).
Theft of over $35,000 by swindle, Minn. Stat. § 609.52, subds. 2(a)(4) & 3(1).
Unauthorized human services remunerations of over $35,000, Minn. Stat. § 609.542, subd. 4(1).
Wage theft of over $35,000, Minn. Stat. § 609.52, subds. 2(a)(19) & 3(1).

Subd. 8. The following offenses are ranked at severity level 5:

5
Arson in the second degree, Minn. Stat. § 609.562.
Assault in the third degree resulting in substantial bodily harm, Minn. Stat. § 609.223, subd. 1.
Assault of an unborn child in the second degree, Minn. Stat. § 609.2671.
Burglary in the second degree of a dwelling, bank, government building, religious establishment, historic property, or school, Minn. Stat. § 609.582, subd. 2(a)(1), (a)(2), or (b).
Check forgery of over $35,000, Minn. Stat. § 609.631, subd. 4(1).
Child neglect or endangerment, Minn. Stat. § 609.378.
Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in great bodily harm, Minn. Stat. § 609.2113, subd. 1(7) or (8).
Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in injury to an unborn child, Minn. Stat. § 609.2114, subd. 2(7) or (8).
Deprivation of a vulnerable adult resulting in substantial bodily harm, Minn. Stat. § 609.233, subd. 3(2).
Disrupting an emergency call center system, Minn. Stat. § 609.78, subd. 2b(2).
Domestic assault by strangulation, Minn. Stat. § 609.2247.
Engaging a minor age 14 or 15, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(b).
Explosive component, unlawful possession of, Minn. Stat. § 299F.79.
Explosives, illegal transfer of, Minn. Stat. § 299F.82, subd. 1.
Explosives, negligent discharge of, Minn. Stat. § 299F.83.

5
Explosives, unpermitted possession of, Minn. Stat. § 299F.80, subd. 1.
Financial exploitation of a vulnerable adult of over $5,000, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
Financial transaction card fraud of over $35,000, Minn. Stat. § 609.821, subd. 3(a)(1)(i).
Harassment as a third or subsequent offense, Minn. Stat. § 609.749, subd. 4(b).
Impersonating a peace officer as a second violation, Minn. Stat. § 609.4751, subd. 3(a).
Interfering with emergency communications, Minn. Stat. § 609.776.
Manslaughter in the second degree by a loose animal known to be dangerous, Minn. Stat. § 609.205(4).
Manslaughter in the second degree by negligent hunting, Minn. Stat. § 609.205(2).
Manslaughter in the second degree by setting a dangerous device, Minn. Stat. § 609.205(3).
Manslaughter of an unborn child in the second degree other than by culpable negligence, Minn. Stat. § 609.2665(2), (3), or (4).
Perjury in a felony trial or an explosives permit application, Minn. Stat. § 609.48, subd. 4(1).
Price fixing, market allocation, or bid suppression, Minn. Stat. § 325D.53, subd. 1(1) or (2)(b) or (c).
Simple robbery, Minn. Stat. § 609.24.
Stalking, Minn. Stat. § 609.749, subd. 5.
Theft of over $5,000 from a vulnerable adult, Minn. Stat. § 609.52, subd. 3a(b)(3).
Transferring to an ineligible person a firearm later used in a crime of violence, Minn. Stat. § 624.7141, subd. 2.
Wildfire arson resulting in demonstrable bodily harm, Minn. Stat. § 609.5641, subd. 1a(d).
Witness tampering in the first degree, Minn. Stat. § 609.498, subd. 1a.

Subd. 9. The following offenses are ranked at severity level 4:

4
Adulteration resulting in bodily harm, Minn. Stat. § 609.687, subd. 3(2).
Assault in the third degree against a minor, Minn. Stat. § 609.223, subd. 2 or 3.
Assault in the fifth degree, Minn. Stat. § 609.224, subd. 4.
Bribery, Minn. Stat. § 609.42.
Bribing a voter, Minn. Stat. § 211B.13.
Bringing a dangerous weapon into a jail, Minn. Stat. § 641.165, subd. 2(b).
Bringing contraband into a state correctional facility or hospital, Minn. Stat. § 243.55.
Burglary in the second degree of a pharmacy or while possessing a tool, Minn. Stat. § 609.582, subd. 2(a)(3) or (4).

4	
	Burglary in the third degree by entry of a building without consent, Minn. Stat. § 609.582, subd. 3(a).
	Causing injury to an unborn child in the commission of a crime, Minn. Stat. § 609.268, subd. 2.
	Commercial bribery, Minn. Stat. § 609.86.
	Criminal abuse of a vulnerable adult resulting in substantial bodily harm, Minn. Stat. § 609.2325, subd. 3(3).
	Domestic assault, Minn. Stat. § 609.2242, subd. 4.
	False imprisonment of a child resulting in substantial bodily harm, Minn. Stat. § 609.255, subd. 3(c).
	Financial exploitation of a vulnerable adult of $5,000 or less, Minn. Stat. § 609.2335, subd. 1, clause (1) or (2)(i).
	Fleeing a peace officer resulting in substantial bodily harm, Minn. Stat. § 609.487, subd. 4(c).
	Grossly negligent fire resulting in great bodily harm, Minn. Stat. § 609.576, subd. 1(1).
	Harassment, aggravated, Minn. Stat. § 609.749, subd. 3.
	Harassment as a second offense, Minn. Stat. § 609.749, subd. 4(a).
	Impersonating a peace officer with a vehicle or while exercising authority, Minn. Stat. § 609.4751, subd. 2.
	Interfering with a death scene or body, Minn. Stat. § 609.502, subd. 1(1).
	Making an emergency call with no emergency as a third or subsequent offense, Minn. Stat. § 609.78, subd. 2b(1).
	Malicious punishment of a child as a second or subsequent offense, Minn. Stat. § 609.377, subd. 3.
	Malicious punishment of a child resulting in substantial bodily harm, Minn. Stat. § 609.377, subd. 5.
	Malicious punishment of a child under age 4, Minn. Stat. § 609.377, subd. 4.
	Organized retail theft of over $5,000, Minn. Stat. § 609.522, subd. 3(1).
	Perjury, Minn. Stat. § 609.48, subd. 4(2).
	Possessing a dangerous weapon, ammunition, or explosives in a courthouse complex or Capitol Area building, Minn. Stat. § 609.66, subd. 1g.
	Possessing a dangerous weapon on school property, Minn. Stat. § 609.66, subd. 1d(a).
	Publishing personal information of a judicial official resulting in bodily harm, Minn. Stat. § 609.476, subd. 3.
	Receipt of stolen property by a precious metal or scrap metal dealer as a second or subsequent offense, Minn. Stat. § 609.526.
	Receiving a stolen firearm, Minn. Stat. §§ 609.53 & 609.52, subd. 3(1).
	Sports bookmaking, Minn. Stat. § 609.76, subd. 2.

4
Theft from the person of another, Minn. Stat. § 609.52.
Theft of $5,000 or less from a vulnerable adult, Minn. Stat. § 609.52, subds. 3(3) & 3a(b)(3).
Theft of a firearm, Minn. Stat. § 609.52, subd. 3(1).
Theft of a motor vehicle, Minn. Stat. § 609.52, subd. 2(a)(1).
Theft of a Schedule I or II controlled substance, Minn. Stat. § 609.52, subd. 3(2).
Theft of an incendiary device, Minn. Stat. § 609.52, subd. 3(2).
Threatening violence, Minn. Stat. § 609.713, subd. 1.
Timber scaler or state appraiser misconduct, Minn. Stat. § 90.41.
Use of drugs to injure or facilitate crime, Minn. Stat. § 609.235.
Violation of a domestic abuse no contact order, Minn. Stat. § 629.75, subd. 2(d).
Violation of a financial exploitation protective order, Minn. Stat. § 609.2334, subd. 13(c).
Violation of a harassment restraining order, Minn. Stat. § 609.748, subd. 6(d).
Violation of an order for protection, Minn. Stat. § 518B.01, subd. 14(d).
Violation of securities or commercial laws resulting in a loss of over $2,500, Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3.

Subd. 10. The following offenses are ranked at severity level 3:

3
Acting as a patron of prostitution as a second or subsequent offense, Minn. Stat. § 609.324, subd. 2(b).
Aggravated deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(2).
Arson in the third degree, Minn. Stat. § 609.563.
Assault in the fourth degree, Minn. Stat. § 609.2231, subd. 1(c), 2(b), 3, or 3a.
Assault in the fourth degree motivated by bias, Minn. Stat. § 609.2231, subd. 4(b).
Burglary in the third degree by shoplifting contrary to a trespass notice, Minn. Stat. § 609.582, subd. 3(b).
Catalytic converter crime involving 11 to 70 converters, Minn. Stat. § 325E.21, subd. 6(b)(4).
Check forgery of over $2,500, Minn. Stat. § 609.631, subd. 4(2).
Coercion by threatening bodily harm, Minn. Stat. § 609.27, subd. 1(1).
Coercion resulting in a gain or loss of $2,500 or more, Minn. Stat. § 609.27, subd. 2(a)(3).
Committing a gross misdemeanor while impersonating a peace officer, Minn. Stat. § 609.4751, subd. 4(a)(2).
Computer damage of over $2,500, Minn. Stat. § 609.88.

3	
	Computer theft of over $2,500, Minn. Stat. § 609.89.
	Criminal damage to property in the first degree to a public safety vehicle or causing a risk of harm, Minn. Stat. § 609.595, subd. 1(1) or (2).
	Criminal vehicular operation resulting in substantial bodily harm, Minn. Stat. § 609.2113, subd. 2.
	Damage or theft to energy transmission or telecommunications equipment, Minn. Stat. § 609.593.
	Damaging or disturbing human burial grounds or remains, Minn. Stat. § 307.08, subd. 2(a).
	Dangerous smoking, Minn. Stat. § 609.576, subd. 2.
	Disarming a peace officer, Minn. Stat. § 609.504.
	Drive-by shooting toward an unoccupied motor vehicle or building, Minn. Stat. § 609.66, subd. 1e(a)(1).
	Embezzlement of over $2,500 of public funds, Minn. Stat. § 609.54(2).
	Engaging a minor age 16 or 17, or a person believed to be so, in prostitution, Minn. Stat. § 609.324, subd. 1(c).
	Escape from a felony offense, Minn. Stat. § 609.485, subd. 4(a)(1).
	Escape from custody or supervision under the Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities, Minn. Stat. § 609.485, subd. 4(a)(5).
	Escape from electronic monitoring, Minn. Stat. § 609.485, subd. 4(f).
	Exhibiting a false traffic signal, Minn. Stat. § 609.851, subd. 2.
	False imprisonment, Minn. Stat. § 609.255, subd. 2.
	False imprisonment of a child resulting in demonstrable bodily harm, Minn. Stat. § 609.255, subd. 3(b).
	Financial transaction card fraud of over $2,500, Minn. Stat. § 609.821, subd. 3(a)(1)(ii).
	Gambling tax evasion, Minn. Stat. § 297E.13, subd. 1 to 4.
	Identity theft involving four to seven direct victims or loss of over $2,500, Minn. Stat. § 609.527, subd. 3(4).
	Insurance tax evasion, Minn. Stat. § 297I.90.
	Intentional release of a harmful substance, Minn. Stat. § 624.732, subd. 2.
	Livestock theft of over $2,500, Minn. Stat. § 609.551.
	Motor vehicle use without consent, Minn. Stat. § 609.52, subd. 2(a)(17).
	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts, Minn. Stat. § 617.262, subd. 3(b).
	Nonconsensual dissemination of private sexual images, Minn. Stat. § 617.261, subd. 2(b).
	Obstructing legal process, arrest, or a first responder, Minn. Stat. § 609.50, subd. 2(1).

3	
	Obstructing or tampering with a railroad track to injure or derail, Minn. Stat. § 609.85, subd. 1.
	Offering over $5,000 but not over $35,000 in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(2).
	Organized retail theft of $5,000 or less, Minn. Stat. § 609.522, subd. 3(2).
	Placing a fictitious emergency call resulting in substantial bodily harm, Minn. Stat. § 609.78, subd. 2a(2).
	Possession of a code-grabbing device, Minn. Stat. § 609.586, subd. 2.
	Possession of a short-barreled shotgun, Minn. Stat. § 609.67, subd. 2(b).
	Possession of burglary or theft tools, Minn. Stat. § 609.59.
	Possession of shoplifting gear, Minn. Stat. § 609.521.
	Possession or sale of a stolen or counterfeit check involving four or more victims or a loss of over $2,500, Minn. Stat. § 609.528, subd. 3(4).
	Prohibited possession, use, or sale of tear gas, a tear gas compound, or an electronic incapacitation device, Minn. Stat. § 624.731, subd. 8(a).
	Receipt of $1,000 or more in stolen property by a precious metal or scrap metal dealer, Minn. Stat. § 609.526, subd. 2(1).
	Receiving over $5,000 in stolen property, Minn. Stat. § 609.53.
	Sale of human remains, Minn. Stat. § 609.84.
	Sale or possession of a firearm suppressor in a public housing, school, or park zone, Minn. Stat. § 609.66, subd. 1a(a)(1) & (b)(1).
	Surreptitious photography under or around clothing as a third or subsequent offense, Minn. Stat. § 609.746, subd. 1(j).
	Tampering with a fire alarm system resulting in bodily harm, Minn. Stat. § 609.686, subd. 2.
	Tax evasion, Minn. Stat. § 289A.63.
	Telecommunications fraud of over $2,500, Minn. Stat. § 609.893, subd. 1.
	Theft crimes of over $5,000: see guideline 7.60 (theft offenses).
	Theft of a public record, Minn. Stat. § 609.52.
	Theft of a Schedule III, IV, or V controlled substance, Minn. Stat. § 609.52, subd. 3(3)(b).
	Theft of a trade secret, Minn. Stat. § 609.52, subd. 2(a)(8).
	Tree spiking resulting in great bodily harm, Minn. Stat. § 609.591, subd. 3(1).
	Unauthorized human services remunerations of over $5,000, Minn. Stat. § 609.542, subd. 4(2).
	Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor, Minn. Stat. § 624.713, subd. 2(a).
	Unauthorized presence in a hazardous military area, Minn. Stat. § 609.396, subd. 2.

3	
	Violation of securities or commercial laws resulting in a loss of $2,500 or less, Minn. Stat. § 80A.68, 80B.10, subd. 1, or 80C.16, subd. 3.

Subd. 11. The following offenses are ranked at severity level 2:

2	
	Aggravated forgery, Minn. Stat. § 609.625, 609.635, or 609.64.
	Aggravated intellectual property counterfeiting, Minn. Stat. § 609.895, subd. 3(a).
	Bribery of a participant or official in a contest, Minn. Stat. § 609.825, subd. 2.
	Catalytic converter crime involving three to ten converters, Minn. Stat. § 325E.21, subd. 6(b)(3).
	Cellular counterfeiting in the first degree, Minn. Stat. § 609.894, subd. 4.
	Check forgery of over $250 but not over $2,500, Minn. Stat. § 609.631, subd. 4(3)(a).
	Coercion resulting in a gain or loss of over $300 but less than $2,500, Minn. Stat. § 609.27, subds. 1(2) to (6) & 2(a)(2).
	Computer damage of $2,500 or less, Minn. Stat. § 609.88.
	Computer theft of $2,500 or less, Minn. Stat. § 609.89.
	Criminal damage to property in the first degree to a common carrier, of over $1,000, or of over $500 as a second or subsequent offense, Minn. Stat. § 609.595, subd. 1(3), (4), or (5).
	Discharge of a firearm in a public housing, school, or park zone, reckless, Minn. Stat. § 609.66, subd. 1a(a)(3) & (b)(1).
	Discharge of a firearm under dangerous circumstances, intentional, Minn. Stat. § 609.66, subd. 1a(a)(2).
	Electronic use of false pretense to obtain identity, Minn. Stat. § 609.527, subd. 5a.
	Embezzlement of $2,500 or less of public funds, Minn. Stat. § 609.54(1).
	Failure to render aid to a shooting victim suffering death or great bodily harm, Minn. Stat. § 609.662, subd. 2(b)(1).
	Financial transaction card fraud of $2,500 or less, Minn. Stat. § 609.821, subd. 3(a)(1)(iii) or (iv).
	Furnishing a dangerous weapon, recklessly, Minn. Stat. § 609.66, subd. 1c.
	Furnishing a firearm, airgun, ammunition, or explosive to a minor without parental consent, Minn. Stat. § 609.66, subd. 1b.
	Gross misdemeanor or misdemeanor theft creating a risk of harm, Minn. Stat. § 609.52, subd. 3a(a)(1).
	Gross misdemeanor theft from a vulnerable adult, Minn. Stat. § 609.52, subds. 3(4) & 3a(b)(2).
	Grossly negligent fire damaging $2,500 or more, Minn. Stat. § 609.576, subd. 1(3)(iii).
	Identity theft involving two or three direct victims or loss of over $500 but not over $2,500, Minn. Stat. § 609.527, subd. 3(3).

2	
	Impersonating a peace officer, Minn. Stat. § 609.4751, subd. 1.
	Issuing a dishonored check of over $500, Minn. Stat. § 609.535, subd. 2a(a)(1).
	Leaving the scene of a fatal collision caused by another driver, Minn. Stat. § 169.09, subd. 14(a)(1).
	Livestock theft of over $300 but not over $2,500, Minn. Stat. § 609.551.
	Mail theft, Minn. Stat. § 609.529.
	Making a bomb threat, Minn. Stat. § 609.713, subd. 2.
	Medical assistance fraud of $100,000 or less, Minn. Stat. § 609.467, subd. 2(a).
	Negligent control of a regulated animal resulting in great bodily harm or death, Minn. Stat. § 346.155, subd. 10(e).
	Offering $5,000 or less in counterfeit currency, Minn. Stat. § 609.632, subds. 3 & 4(b)(3).
	Possession or sale of a stolen or counterfeit check involving two or three victims or a loss of over $500 but not over $2,500, Minn. Stat. § 609.528, subd. 3(3).
	Receipt of less than $1,000 in stolen property by a precious metal or scrap metal dealer, Minn. Stat. § 609.526, subd. 2(2).
	Receiving $5,000 or less in stolen property, Minn. Stat. § 609.53.
	Residential mortgage fraud, Minn. Stat. § 609.822.
	Riot in the second degree, Minn. Stat. § 609.71, subd. 2.
	Sale or possession of a firearm suppressor, Minn. Stat. § 609.66, subd. 1a(a)(1).
	Telecommunications fraud, facilitating, Minn. Stat. § 609.893, subd. 2.
	Telecommunications fraud of $2,500 or less, Minn. Stat. § 609.893, subd. 1.
	Theft crimes of $5,000 or less: see guideline 7.60 (theft offenses).
	Theft of $1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle, Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
	Transferring a firearm to an ineligible person, Minn. Stat. § 624.7141, subd. 1.
	Transferring a pistol or semiautomatic assault weapon to a minor, Minn. Stat. § 624.7132, subd. 15(b).
	Unauthorized access to an electronic fund transfer terminal, Minn. Stat. § 609.891, subd. 2(c).
	Unauthorized human services remunerations of $5,000 or less, Minn. Stat. § 609.542, subd. 4(3).
	Unlawful possession or use of a scanning device or reencoder, Minn. Stat. § 609.527, subd. 5b.
	Violation of charitable gambling laws, Minn. Stat. § 349.2127, subd. 1 to 6, or 349.22, subd. 4.
	Violation of precious metal dealer laws, Minn. Stat. § 325F.743.
	Wildfire arson, Minn. Stat. § 609.5641, subd. 1a(a).

Subd. 12. The following offenses are ranked at severity level 1:

1	
	Aiding an offender to avoid arrest, Minn. Stat. § 609.495, subd. 1.
	Assaulting a police horse resulting in demonstrable bodily harm to the horse, Minn. Stat. § 609.597, subd. 3(3).
	Bill of lading fraud, Minn. Stat. chapter 228.
	Carrying a pistol without a permit, Minn. Stat. § 624.714, subd. 1a.
	Carrying a semiautomatic assault weapon under age 21, Minn. Stat. § 624.7181, subd. 2.
	Cellular counterfeiting in the second degree, Minn. Stat. § 609.894, subd. 3.
	Check forgery of $250 or less, Minn. Stat. § 609.631, subd. 4(3)(b).
	Committing a crime with a bullet-resistant vest, Minn. Stat. § 609.486.
	Committing a gross misdemeanor prostitution crime in a school or park zone, Minn. Stat. §§ 609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2).
	Criminal damage to property in the second degree, Minn. Stat. § 609.595, subd. 1a.
	Criminal use of cinema property for recording, Minn. Stat. § 609.896.
	Deprivation of custodial or parental rights, Minn. Stat. § 609.26, subd. 6(a)(1).
	Discharge of a firearm at or in an unoccupied transit vehicle or facility, Minn. Stat. § 609.855, subd. 5.
	Discharge of a firearm in a municipality, reckless, Minn. Stat. § 609.66, subd. 1a(a)(3) & (b)(2).
	Distributing toxic alcohol as a beverage, Minn. Stat. § 340A.701, subd. 1(3).
	Driver's license or identification card fraud, Minn. Stat. § 609.652.
	Escape after a finding of not guilty by reason of mental illness or deficiency, Minn. Stat. § 609.485, subd. 4(a)(2).
	Escape from civil commitment as mentally ill and dangerous, Minn. Stat. § 609.485, subd. 4(a)(4).
	Failure to appear in court, Minn. Stat. § 588.20, subd. 1, or 609.49.
	Failure to render aid to a shooting victim suffering substantial bodily harm, Minn. Stat. § 609.662, subd. 2(b)(2).
	False application for a firearm transferee permit, Minn. Stat. § 624.7131, subd. 11.
	False certification by a notary public, Minn. Stat. § 609.65(1).
	Financial transaction card trafficking, Minn. Stat. § 609.821, subd. 2(3) or (4).
	Fleeing a peace officer, Minn. Stat. § 609.487, subd. 3.
	Forgery, Minn. Stat. § 609.63.
	Fuel tax evasion, Minn. Stat. § 296A.23, subd. 2.
	Furnishing alcohol to a minor resulting in death or great bodily harm, Minn. Stat. § 340A.701, subd. 1(4).

1	
	Gross misdemeanor committed for the benefit of a gang, Minn. Stat. § 609.229, subd. 3(c).
	Intellectual property counterfeiting, Minn. Stat. § 609.895, subd. 3(b).
	Interference with a transit operator, Minn. Stat. § 609.855, subd. 2(c)(1).
	Interference with privacy against a minor victim or as a second or subsequent offense, Minn. Stat. § 609.746, subd. 1(g).
	Leaving the scene of a collision resulting in great bodily harm and caused by another driver, Minn. Stat. § 169.09, subd. 14(a)(2).
	Leaving the state to evade establishment of paternity, Minn. Stat. § 609.31.
	Liquor tax evasion, Minn. Stat. § 297G.19, subd. 3, 4(c), or 5(c).
	Menacingly displaying a replica firearm or BB gun, Minn. Stat. § 609.713, subd. 3(a).
	Misuse or alteration of a brand, Minn. Stat. § 35.824.
	Nonsupport of a spouse or child, Minn. Stat. § 609.375, subd. 2a.
	Organized retail theft of $1,000 or less, Minn. Stat. § 609.522, subd. 3(3).
	Perjury in a public assistance application, Minn. Stat. § 256.984.
	Placing a fictitious emergency call for a response to the home of an official, Minn. Stat. § 609.78, subd. 2c.
	Removal or alteration of a firearm's serial number, Minn. Stat. § 609.667.
	Sale of unauthorized cable connection device, Minn. Stat. § 609.80, subd. 2.
	Securities valuation or commercial transit fraud, Minn. Stat. § 609.645.
	State Lottery fraud of less than $35,000, Minn. Stat. § 609.651, subds. 1 & 4(a).
	Tampering with a fire alarm system creating the potential for bodily harm, Minn. Stat. § 609.686, subd. 2.
	Theft of $1,000 or less from an abandoned or vacant building, Minn. Stat. § 609.52, subd. 3(3)(d)(iii).
	Title fraud, land certificate of, Minn. Stat. § 508.80.
	Title fraud, motor vehicle, Minn. Stat. § 168A.30, subd. 1.
	Title fraud, watercraft, Minn. Stat. § 86B.865, subd. 1.
	Unlawfully manufacturing or trafficking alcoholic beverages, Minn. Stat. § 340A.701, subd. 1(1) or (2).
	Violation of health insurance laws, Minn. Stat. § 62A.41.
	Violation of money transmission laws, Minn. Stat. § 53B.66.
	Violation of prize disclosure and award requirements, Minn. Stat. § 325F.755.
	Violation of voting laws, Minn. Stat. chapter 201, 203B, or 204C.

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.20 SEVERITY LEVELS OF OFFENSES ON THE SEX OFFENSE GRID.

Subdivision 1. The offenses listed in this guideline are the offenses on the sex offense grid shown in guideline 3.20 and are ranked at the severity levels given.

Subd. 2. The following offenses are ranked at severity level A:

A	
	Criminal sexual conduct in the first degree, Minn. Stat. § 609.342.
	Sex trafficking, aggravated first-degree, Minn. Stat. § 609.322, subd. 1(a) & (b).

Subd. 3. The following offenses are ranked at severity level B:

B	
	Criminal sexual conduct in the second degree by sexual contact of a minor under age 16 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.343, subd. 1a(h).
	Criminal sexual conduct in the second degree by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice, Minn. Stat. § 609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i).
	Sex trafficking, aggravated second-degree, Minn. Stat. § 609.322, subds. 1a & 1(b).
	Sex trafficking in the first degree, Minn. Stat. § 609.322, subd. 1(a).

Subd. 4. The following offenses are ranked at severity level C:

C	
	Criminal sexual conduct in the third degree by sexual penetration by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless, Minn. Stat. § 609.344, subd. 1(a) to (d) or 1a(c), (d), (h), or (i).
	Criminal sexual conduct in the third degree by sexual penetration of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.344, subd. 1a(g).
	Dissemination of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14, Minn. Stat. § 617.247, subd. 3(b).
	Sex trafficking in the second degree, Minn. Stat. § 609.322, subd. 1a.
	Sexual extortion by sexual penetration, Minn. Stat. § 609.3458, subd. 1(b).
	Use of minors in sexual performance or child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14, Minn. Stat. § 617.246, subd. 2(b), 3(b), or 4(b).

Subd. 5. The following offenses are ranked at severity level D:

D
Criminal sexual conduct in the second degree by sexual contact of a minor under age 14, or of a minor under age 16 by a person in authority or with a significant relationship, Minn. Stat. § 609.343, subd. 1a(e), (f), or (g).
Criminal sexual conduct in the third degree by sexual penetration of a minor age 14 or 15 by a person more than 36 months older, Minn. Stat. § 609.344, subds. 1a(b) & 2(1).
Criminal sexual conduct in the third degree by sexual penetration of a minor age 16 or 17 by a person in authority or with a significant relationship, Minn. Stat. § 609.344, subd. 1a(e) or (f).
Criminal sexual conduct in the third degree by sexual penetration of a minor under age 14 by a minor no more than 36 months older, Minn. Stat. § 609.344, subd. 1a(a).
Use of minors in sexual performance or child sexual abuse material, Minn. Stat. § 617.246, subd. 2(a), 3(a), or 4(a).

Subd. 6. The following offenses are ranked at severity level E:

E
Criminal sexual conduct in the fourth degree by sexual contact by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless, Minn. Stat. § 609.345, subd. 1(a) to (d) or 1a(c), (d), (h), or (i).
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts, Minn. Stat. § 609.345, subd. 1a(g).
Dissemination of child sexual abuse material, Minn. Stat. § 617.247, subd. 3(a).
Possession of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14, Minn. Stat. § 617.247, subd. 4(b).
Sexual extortion by sexual contact, Minn. Stat. § 609.3458, subd. 1(a).

Subd. 7. The following offenses are ranked at severity level F:

F
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older, Minn. Stat. § 609.345, subd. 1a(b).
Criminal sexual conduct in the fourth degree by sexual contact of a minor age 16 or 17 by a person in authority or with a significant relationship, Minn. Stat. § 609.345, subd. 1a(e) or (f).
Criminal sexual conduct in the fourth degree by sexual contact of a minor under age 14 by a minor no more than 36 months older, Minn. Stat. § 609.345, subd. 1a(a).

F	
	Criminal sexual conduct in the fifth degree as a second or subsequent offense, Minn. Stat. § 609.3451, subd. 3(b).

Subd. 8. The following offenses are ranked at severity level G:

G	
	Criminal sexual conduct in the third degree by sexual penetration of a minor age 14 or 15 by a person more than 24 months, but not more than 36 months, older, Minn. Stat. § 609.344, subds. 1a(b) & 2(2).
	Indecent exposure, Minn. Stat. § 617.23, subd. 3.
	Possession of child sexual abuse material, Minn. Stat. § 617.247, subd. 4(a).
	Sexual solicitation of a child, Minn. Stat. § 609.352, subd. 2.
	Sexual solicitation of a child by grooming, Minn. Stat. § 609.352, subd. 2c.
	Sexual solicitation of a child, electronic, Minn. Stat. § 609.352, subd. 2a.
	Sexual solicitation of a minor while in a position of authority, Minn. Stat. § 609.352, subd. 2d.
	Sexual solicitation of a student, Minn. Stat. § 609.352, subd. 2e.
	Using a surreptitious observation device against a minor victim with sexual intent, Minn. Stat. § 609.746, subd. 1(h).

Subd. 9. The following offense is ranked at severity level H:

H	
	Criminal sexual conduct in the fifth degree by nonconsensual sexual penetration, Minn. Stat. § 609.3451, subd. 3(a).

Subd. 10. The following offense is ranked at severity level I:

I	
	Failure to register as a predatory offender, Minn. Stat. § 243.166, subd. 5(b) or (c).

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.30 SEVERITY LEVELS OF OFFENSES ON THE DRUG OFFENSE GRID.

Subdivision 1. The offenses listed in this guideline are the offenses on the drug offense grid shown in guideline 3.30 and are ranked at the severity levels given.

Subd. 2. The following offenses are ranked at severity level D9:

D9
Controlled substance crime, aggravated first-degree, Minn. Stat. § 152.021, subd. 2b.
Importing a controlled substance into Minnesota, Minn. Stat. § 152.0261.
Manufacturing methamphetamine, Minn. Stat. § 152.021, subd. 2a.

Subd. 3. The following offense is ranked at severity level D8:

D8
Controlled substance crime in the first degree, Minn. Stat. § 152.021, subd. 1 or 2.

Subd. 4. The following offense is ranked at severity level D7:

D7
Controlled substance crime in the second degree, Minn. Stat. § 152.022.

Subd. 5. The following offense is ranked at severity level D6:

D6
Controlled substance crime in the third degree, Minn. Stat. § 152.023.

Subd. 6. The following offense is ranked at severity level D5:

D5
Possession of substances with intent to manufacture methamphetamine, Minn. Stat. § 152.0262.

Subd. 7. The following offense is ranked at severity level D4:

D4
Controlled substance crime in the fourth degree, Minn. Stat. § 152.024.

Subd. 8. The following offenses are ranked at severity level D3:

D3
Exposing a child or vulnerable adult to methamphetamine or related chemicals, Minn. Stat. § 152.137, subd. 2(a) or (b).
Exposing a child to fentanyl, Minn. Stat. § 152.137, subd. 2(c).
Theft or misuse of anhydrous ammonia, Minn. Stat. § 152.136.

Subd. 9. The following offenses are ranked at severity level D2:

D2
Cannabis cultivation in the first degree, Minn. Stat. § 152.0265, subd. 1.
Cannabis possession in the first degree, Minn. Stat. § 152.0263, subd. 1.
Cannabis sale in the first degree, Minn. Stat. § 152.0264, subd. 1.
Controlled substance crime in the fifth degree, Minn. Stat. § 152.025, subd. 4(b).
Synthetic cannabinoid sale, Minn. Stat. § 152.027, subd. 6(c).

Subd. 10. The following offense is ranked at severity level D1:

D1
Simulated controlled substance sale, Minn. Stat. § 152.097.

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.40 UNRANKED OFFENSES.

The offenses listed in this guideline are not ranked by severity level. Guideline 2.20, subd. 3, governs the sentencing of unranked offenses. The following offenses are designated as unranked:

Unranked
Accomplice after the fact, Minn. Stat. § 609.495, subd. 3.
Adulteration, Minn. Stat. § 609.687, subd. 3(3).
Aiding suicide, Minn. Stat. § 609.215.
Altering an engrossed bill, Minn. Stat. § 3.191.
Animal fighting, Minn. Stat. § 343.31, subd. 1(a).
Assaulting a police horse resulting in more than demonstrable harm to the horse, Minn. Stat. § 609.597, subd. 3(1) or (2).
Bigamy, Minn. Stat. § 609.355.
Cheating at gambling, Minn. Stat. § 609.76, subd. 3 to 7.
Cigarette and tobacco tax fraud, Minn. Stat. § 297F.20.
Concealing criminal proceeds, Minn. Stat. § 609.496 or 609.497.
Corruptly influencing a legislator, Minn. Stat. § 609.425.
Counterfeiting of currency, Minn. Stat. § 609.632, subd. 1 or 2.
Criminal use of encryption, Minn. Stat. § 609.8912.
Damage to property of critical public service facilities, utilities, or pipelines, Minn. Stat. § 609.594.
Destroying or removing documents to further labor or sex trafficking, Minn. Stat. § 609.283.
Distributing or exhibiting an obscene work, Minn. Stat. § 617.241, subd. 4.
Employing runners in connection with motor vehicle insurance, Minn. Stat. § 609.612.
Escape from a gross misdemeanor or misdemeanor offense by violence or threat, Minn. Stat. § 609.485, subd. 4(a)(3) & (b).
Failure to report danger to a child's health resulting in death, Minn. Stat. § 260E.08(c).
False impersonation in a marriage or judicial proceeding, Minn. Stat. § 609.83.
Female genital mutilation, Minn. Stat. § 609.2245.
Filing a fraudulent or improper financing statement, Minn. Stat. § 609.7475.
Harming a service animal, Minn. Stat. § 343.21, subd. 9(f) or (h).
Incest, Minn. Stat. § 609.365.
Issuing a receipt for goods not warehoused, Minn. Stat. § 227.50.
Issuing an unmarked duplicate negotiable warehouse receipt, Minn. Stat. § 227.52.
Killing or substantially harming a public safety dog, Minn. Stat. § 609.596, subd. 1.
Lawful gambling fraud, Minn. Stat. § 609.763.

Unranked
Living will fraud resulting in bodily harm, Minn. Stat. § 145B.105.
Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction, Minn. Stat. § 609.712.
Motor vehicle excise tax evasion, Minn. Stat. § 297B.10.
Obstructing state military forces in wartime, Minn. Stat. § 609.395.
Prediction market advertising, Minn. Stat. § 609.7615, subd. 3.
Prediction market operation or facilitation, Minn. Stat. § 609.7615, subd. 2.
Racketeering, Minn. Stat. § 609.904.
Refusal to assist the state auditor, Minn. Stat. § 6.53.
Residing in Minnesota in violation of the interstate supervision compact, Minn. Stat. § 243.161.
State Lottery computer access, unauthorized, Minn. Stat. § 609.651, subd. 2.
State Lottery, filing a false statement with the, Minn. Stat. § 609.651, subd. 3.
State Lottery fraud of $35,000 or more, Minn. Stat. § 609.651, subds. 1 & 4(b).
Torture or cruelty to a pet or companion animal, Minn. Stat. § 343.21, subd. 9(c), (d), (g), or (i).
Treason, Minn. Stat. § 609.385.
Treason, misprision of, Minn. Stat. § 609.39.
Unauthorized computer access causing a grave risk or as a second or subsequent offense, Minn. Stat. § 609.891, subd. 2(a) or (b).
Unlawful group boycott, Minn. Stat. § 325D.53, subd. 1(3), 2, or 3.
Unlawful transfer or sale of a recording, Minn. Stat. § 325E.201.
Use or possession of a police radio in a crime, Minn. Stat. § 609.856.
Use or possession of metal-penetrating bullets in a crime, Minn. Stat. § 624.7191.
Using deep fake technology to influence an election, Minn. Stat. § 609.771, subd. 3(a)(1).
Violation of corporate political contribution laws, Minn. Stat. § 211B.15.
Violation of environmental laws, Minn. Stat. § 609.671.
Violation of horse racing laws, Minn. Stat. § 240.25.
Violation of membership camping laws, Minn. Stat. §§ 82A.13 & 82A.25.
Violation of pipeline safety laws, Minn. Stat. chapter 299J.
Violation of the Midwest Interstate Low-Level Radioactive Waste Compact, Minn. Stat. § 116C.835.
Violation of the Privacy of Communications Act, Minn. Stat. § 626A.02, subd. 4, 626A.03, subd. 1, or 626A.26, subd. 2(1)(ii).
Violation of the Subdivided Land Sales Practices Act, Minn. Stat. § 83.43.
Warning the subject of an investigation, Minn. Stat. § 609.4971.

Unranked
Warning the subject of surveillance or search, Minn. Stat. § 609.4975.

History: *2026 Minn. Sentencing Guidelines & Commentary 5.A; restructured 2027.*

7.50 ALL OFFENSES BY STATUTORY CITATION.

(a) This guideline lists, in order of Minnesota statutory citation, all offenses listed in guidelines 7.10 to 7.40, the theft offenses listed in guideline 7.60, and certain statutes whose sentences depend on an underlying offense. Each offense's severity ranking, or an indication that the offense is designated as unranked, is also displayed.

(b) For some offenses, applicable notes follow the ranking. "May exceed statutory max." means that, at some criminal history scores, the appropriate cell on the applicable grid may display a duration that exceeds the offense's statutory maximum penalty; see guideline 2.42, subd. 4, to determine the presumptive duration.

Minn. Stat. Section	Offense Title	Severity Level
3.191	Altering an engrossed bill	Unranked
6.53	Refusal to assist the state auditor	Unranked
35.824	Misuse or alteration of a brand	1
53B.66	Violation of money transmission laws	1
62A.41	Violation of health insurance laws	1
80A.68, 80B.10, subd. 1, or 80C.16, subd. 3	Violation of securities or commercial laws resulting in a loss of over $2,500	4
80A.68, 80B.10, subd. 1, or 80C.16, subd. 3	Violation of securities or commercial laws resulting in a loss of $2,500 or less	3
82A.13 & 82A.25	Violation of membership camping laws	Unranked
83.43	Violation of the Subdivided Land Sales Practices Act	Unranked
86B.865, subd. 1	Watercraft title fraud	1
90.41	Timber scaler or state appraiser misconduct	4
116C.835	Violation of the Midwest Interstate Low-Level Radioactive Waste Compact	Unranked
145B.105	Living will fraud resulting in bodily harm	Unranked
152.021, subd. 1 or 2	First-degree controlled substance crime	D8
152.021, subd. 2a	Manufacturing methamphetamine	D9
152.021, subd. 2b	Aggravated first-degree controlled substance crime	D9
152.022	Second-degree controlled substance crime	D7; see guideline 2.51
152.023	Third-degree controlled substance crime	D6
152.024	Fourth-degree controlled substance crime	D4
152.025, subd. 4(b)	Fifth-degree controlled substance crime	D2
152.0261	Importing a controlled substance into Minnesota	D9
152.0262	Possession of substances with intent to manufacture methamphetamine	D5

Minn. Stat. Section	Offense Title	Severity Level
152.0263, subd. 1	First-degree cannabis possession	D2
152.0264, subd. 1	First-degree cannabis sale	D2
152.0265, subd. 1	First-degree cannabis cultivation	D2
152.027, subd. 6(c)	Synthetic cannabinoid sale	D2
152.097	Simulated controlled substance sale	D1
152.136	Theft or misuse of anhydrous ammonia	D3
152.137, subd. 2(a) or (b)	Exposing a child or vulnerable adult to methamphetamine or related chemicals	D3
152.137, subd. 2(c)	Exposing a child to fentanyl	D3
168A.30, subd. 1	Motor vehicle title fraud	1
169.09, subd. 14(a)(1)	Leaving the scene of a fatal collision caused by another driver	2
169.09, subd. 14(a)(2)	Leaving the scene of a collision resulting in great bodily harm and caused by another driver	1
169A.24	First-degree driving while impaired	7; guideline 2.52 may apply
176.178	Workers' compensation fraud of over $5,000	3
176.178	Workers' compensation fraud of $5,000 or less	2
chapter 201, 203B, or 204C	Violation of voting laws	1
211B.13	Bribing a voter	4
211B.15	Violation of corporate political contribution laws	Unranked
227.50	Issuing a receipt for goods not warehoused	Unranked
227.52	Issuing an unmarked duplicate negotiable warehouse receipt	Unranked
chapter 228	Bill of lading fraud	1
240.25	Violation of horse racing laws	Unranked
243.161	Residing in Minnesota in violation of the interstate supervision compact	Unranked
243.166, subd. 5(b) or (c)	Failure to register as a predatory offender	I
243.55	Bringing contraband into a state correctional facility or hospital	4
256.98	Wrongfully obtaining over $5,000 in public assistance	3
256.98	Wrongfully obtaining $5,000 or less in public assistance	2
256.984	Perjury in a public assistance application	1

Minn. Stat. Section	Offense Title	Severity Level
260E.08(c)	Failure to report danger to a child's health resulting in death	Unranked
268.182	Unemployment benefit fraud of over $5,000	3
268.182	Unemployment benefit fraud of $5,000 or less	2
268B.185	Family and medical benefit fraud of over $5,000	3
268B.185	Family and medical benefit fraud of $5,000 or less	2
289A.63	Tax evasion	3
296A.23, subd. 2	Fuel tax evasion	1
297B.10	Motor vehicle excise tax evasion	Unranked
297E.13, subd. 1 to 4	Gambling tax evasion	3
297F.20	Cigarette and tobacco tax fraud	Unranked
297G.19, subd. 3, 4(c), or 5(c)	Liquor tax evasion	1
297I.90	Insurance tax evasion	3
299F.79	Unlawful possession of an explosive component	5
299F.80, subd. 1	Unpermitted possession of explosives	5
299F.82, subd. 1	Illegal transfer of explosives	5
299F.83	Negligent discharge of explosives	5
chapter 299J	Violation of pipeline safety laws	Unranked
307.08, subd. 2(a)	Damaging or disturbing human burial grounds or remains	3
325D.53, subd. 1(1) or (2)(b) or (c)	Price fixing, market allocation, or bid suppression	5
325D.53, subd. 1(2)(a)	Public contract bid rigging	6
325D.53, subd. 1(3), 2, or 3	Unlawful group boycott	Unranked
325E.201	Unlawful transfer or sale of a recording	Unranked
325E.21, subd. 6(b)(3)	Catalytic converter crime involving three to ten converters	2
325E.21, subd. 6(b)(4)	Catalytic converter crime involving 11 to 70 converters	3
325E.21, subd. 6(b)(5)	Catalytic converter crime involving more than 70 converters	6
325F.743	Violation of precious metal dealer laws	2
325F.755	Violation of prize disclosure and award requirements	1
340A.701, subd. 1(1) or (2)	Unlawfully manufacturing or trafficking alcoholic beverages	1

Minn. Stat. Section	Offense Title	Severity Level
340A.701, subd. 1(3)	Distributing toxic alcohol as a beverage	1
340A.701, subd. 1(4)	Furnishing alcohol to a minor resulting in death or great bodily harm	1
343.21, subd. 9(c), (d), (g), or (i)	Torture or cruelty to a pet or companion animal	Unranked
343.21, subd. 9(f) or (h)	Harming a service animal	Unranked
343.31, subd. 1(a)	Animal fighting	Unranked
346.155, subd. 10(e)	Negligent control of a regulated animal resulting in great bodily harm or death	2
349.2127, subd. 1 to 6, or 349.22, subd. 4	Violation of charitable gambling laws	2
393.07, subd. 10	Wrongfully obtaining over $5,000 in supplemental nutrition assistance	3
393.07, subd. 10	Wrongfully obtaining $5,000 or less in supplemental nutrition assistance	2
471.392	False declaration of a claim of over $5,000 against a local government	3
471.392	False declaration of a claim of $5,000 or less against a local government	2
508.80	Land certificate of title fraud	1
514.02, subd. 1(b)	Nonpayment of over $5,000 in real estate improvement funds to those who contributed to the improvement	3
514.02, subd. 1(b)	Nonpayment of $5,000 or less in real estate improvement funds to those who contributed to the improvement	2
518B.01, subd. 14(d)	Violation of an order for protection	4
588.20, subd. 1	Failure to appear in court	1
609.165, subd. 1b	Possessing a firearm or ammunition after a crime of violence	6
609.19, subd. 1(1)	Intentional second-degree murder	11
609.19, subd. 1(2)	Unintentional second-degree murder while committing or attempting a drive-by shooting	11
609.19, subd. 2(1)	Unintentional second-degree murder while committing or attempting a felony	10
609.19, subd. 2(2)	Unintentional second-degree murder while committing an assault contrary to a protective order	10

Minn. Stat. Section	Offense Title	Severity Level
609.195(a)	Third-degree murder while evincing a depraved mind	10
609.195(b)	Third-degree murder resulting from a controlled substance	9
609.20(1)	Intentional first-degree manslaughter in the heat of passion	9
609.20(2) or (5)	First-degree manslaughter by assault, malicious punishment of a child, or other violent misdemeanor or gross misdemeanor	9
609.20(3)	Intentional first-degree manslaughter under duress	8
609.20(4)	First-degree manslaughter resulting from a controlled substance	8
609.205(1)	Second-degree manslaughter by culpable negligence	8
609.205(2)	Second-degree manslaughter by negligent hunting	5
609.205(3)	Second-degree manslaughter by setting a dangerous device	5
609.205(4)	Second-degree manslaughter by a loose animal known to be dangerous	5
609.205(5)	Second-degree manslaughter by child neglect or endangerment	8
609.2112, subd. 1(a)	Criminal vehicular homicide	8
609.2112, subd. 1(b)	Criminal vehicular homicide after a qualified prior driving offense	9; may exceed statutory max.
609.2113, subd. 1(1)	Criminal vehicular operation by gross negligence resulting in great bodily harm	6; may exceed statutory max.
609.2113, subd. 1(2) to (6)	Criminal vehicular operation while impaired resulting in great bodily harm	6
609.2113, subd. 1(7) or (8)	Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in great bodily harm	5
609.2113, subd. 2	Criminal vehicular operation resulting in substantial bodily harm	3
609.2114, subd. 1(a)	Criminal vehicular operation resulting in death to an unborn child	8
609.2114, subd. 1(b)	Criminal vehicular operation after a qualified prior driving offense resulting in death to an unborn child	9; may exceed statutory max.

Minn. Stat. Section	Offense Title	Severity Level
609.2114, subd. 2(1)	Criminal vehicular operation by gross negligence resulting in injury to an unborn child	6; may exceed statutory max.
609.2114, subd. 2(2) to (6)	Criminal vehicular operation while impaired resulting in injury to an unborn child	6
609.2114, subd. 2(7) or (8)	Criminal vehicular operation involving leaving the scene or defective maintenance and resulting in injury to an unborn child	5
609.215	Aiding suicide	Unranked
609.221, subd. 1	First-degree assault resulting in great bodily harm	8
609.221, subd. 2	First-degree assault upon an official by deadly force	9
609.221, subd. 3	First-degree assault upon an official resulting in great bodily harm	10
609.221, subd. 4	First-degree assault upon an official by dangerous weapon or deadly force resulting in great bodily harm	11; may exceed statutory max.
609.222, subd. 1	Second-degree assault by dangerous weapon	6
609.222, subd. 2	Second-degree assault by dangerous weapon resulting in substantial bodily harm	7
609.223, subd. 1	Third-degree assault resulting in substantial bodily harm	5; guideline 2.51 may apply
609.223, subd. 2 or 3	Third-degree assault against a minor	4
609.2231, subd. 1(c), 2(b), 3, or 3a	Fourth-degree assault	3; may exceed statutory max.; guideline 2.51 may apply
609.2231, subd. 4(b)	Fourth-degree assault motivated by bias	3; may exceed statutory max.
609.2233	Felony assault motivated by bias	See guideline 2.64
609.224, subd. 4	Fifth-degree assault	4
609.2241	Knowing transfer of a communicable disease	See guideline 2.20
609.2242, subd. 4	Domestic assault	4
609.2245	Female genital mutilation	Unranked
609.2247	Domestic assault by strangulation	5; may exceed statutory max.
609.228	Causing great bodily harm by the distribution of drugs	8

Minn. Stat. Section	Offense Title	Severity Level
609.229, subd. 3(a)	Crime committed for the benefit of a gang	See guideline 2.65
609.229, subd. 3(c)	Gross misdemeanor committed for the benefit of a gang	1
609.2325, subd. 3(1)	Criminal abuse of a vulnerable adult resulting in death	9
609.2325, subd. 3(2)	Criminal abuse of a vulnerable adult resulting in great bodily harm	8
609.2325, subd. 3(3)	Criminal abuse of a vulnerable adult resulting in substantial bodily harm	4
609.233, subd. 3(1)	Deprivation of a vulnerable adult resulting in great bodily harm	8
609.233, subd. 3(2)	Deprivation of a vulnerable adult resulting in substantial bodily harm	5
609.2334, subd. 13(c)	Violation of a financial exploitation protective order	4
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult of over $35,000	7
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult of over $5,000	5
609.2335, subd. 1, clause (1) or (2)(i)	Financial exploitation of a vulnerable adult of $5,000 or less	4
609.235	Use of drugs to injure or facilitate crime	4
609.24	Simple robbery	5
609.245, subd. 1	First-degree aggravated robbery	8
609.245, subd. 2	Second-degree aggravated robbery	6
609.247, subd. 2	First-degree carjacking	9
609.247, subd. 3	Second-degree carjacking	7
609.247, subd. 4	Third-degree carjacking	6
609.25, subd. 2(1)	Kidnapping	6
609.25, subd. 2(2)(i)	Kidnapping not involving release in a safe place	8
609.25, subd. 2(2)(ii)	Kidnapping resulting in great bodily harm	9
609.25, subd. 2(2)(iii)	Kidnapping of a child under age 16	8
609.255, subd. 2	False imprisonment	3
609.255, subd. 3(b)	False imprisonment of a child resulting in demonstrable bodily harm	3
609.255, subd. 3(c)	False imprisonment of a child resulting in substantial bodily harm	4

Minn. Stat. Section	Offense Title	Severity Level
609.26, subd. 6(a)(1)	Deprivation of custodial or parental rights	1
609.26, subd. 6(a)(2)	Aggravated deprivation of custodial or parental rights	3
609.2662(1)	Intentional second-degree murder of an unborn child	11
609.2662(2)	Unintentional second-degree murder of an unborn child	10
609.2663	Third-degree murder of an unborn child	10
609.2664(1)	Intentional first-degree manslaughter of an unborn child in the heat of passion	9
609.2664(2)	First-degree manslaughter of an unborn child by violent misdemeanor or gross misdemeanor	9
609.2664(3)	Intentional first-degree manslaughter of an unborn child under duress	8
609.2665(1)	Second-degree manslaughter of an unborn child by culpable negligence	8
609.2665(2), (3), or (4)	Second-degree manslaughter of an unborn child other than by culpable negligence	5
609.267	First-degree assault of an unborn child	8
609.2671	Second-degree assault of an unborn child	5
609.268, subd. 1	Causing the death of an unborn child in the commission of a crime	9
609.268, subd. 2	Causing injury to an unborn child in the commission of a crime	4
609.27, subd. 1(1)	Coercion by threatening bodily harm	3
609.27, subds. 1(2) to (6) & 2(a)(2)	Coercion resulting in a gain or loss of over $300 but less than $2,500	2
609.27, subd. 2(a)(3)	Coercion resulting in a gain or loss of $2,500 or more	3
609.27, subd. 2(b)	Coercion by private sexual image threat resulting in great bodily harm	8
609.27, subd. 2(c)	Coercion by private sexual image threat resulting in death	9
609.282, subd. 1	Labor trafficking resulting in death	9
609.282, subd. 1a(1)	Labor trafficking of a minor	8
609.282, subd. 1a(2)	Labor trafficking over an extended period of time	7
609.282, subd. 1a(3)	Labor trafficking resulting in great bodily harm	8
609.282, subd. 2	Labor trafficking	6

Minn. Stat. Section	Offense Title	Severity Level
609.283	Destroying or removing documents to further labor or sex trafficking	Unranked
609.31	Leaving the state to evade establishment of paternity	1
609.322, subd. 1(a)	First-degree sex trafficking	B; may exceed statutory max.
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking	A
609.322, subd. 1a	Second-degree sex trafficking	C
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking	B
609.324, subd. 1(a)	Engaging a minor under age 14, or a person believed to be so, in prostitution	9
609.324, subd. 1(b)	Engaging a minor age 14 or 15, or a person believed to be so, in prostitution	5
609.324, subd. 1(c)	Engaging a minor age 16 or 17, or a person believed to be so, in prostitution	3
609.324, subd. 1a or 2(a), & 609.3242, subd. 2(2)	Committing a gross misdemeanor prostitution crime in a school or park zone	1
609.324, subd. 2(b)	Acting as a patron of prostitution as a second or subsequent offense	3
609.342	First-degree criminal sexual conduct	A
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	Second-degree criminal sexual conduct by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice	B
609.343, subd. 1a(e), (f), or (g)	Second-degree criminal sexual conduct by sexual contact of a minor under age 14, or of a minor under age 16 by a person in authority or with a significant relationship	D
609.343, subd. 1a(h)	Second-degree criminal sexual conduct by sexual contact of a minor under age 16 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	B; may exceed statutory max.
609.344, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)	Third-degree criminal sexual conduct by sexual penetration by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless	C

Minn. Stat. Section	Offense Title	Severity Level
609.344, subd. 1a(a)	Third-degree criminal sexual conduct by sexual penetration of a minor under age 14 by a minor no more than 36 months older	D
609.344, subds. 1a(b) & 2(1)	Third-degree criminal sexual conduct by sexual penetration of a minor age 14 or 15 by a person more than 36 months older	D
609.344, subds. 1a(b) & 2(2)	Third-degree criminal sexual conduct by sexual penetration of a minor age 14 or 15 by a person more than 24 months, but not more than 36 months, older	G
609.344, subd. 1a(e) or (f)	Third-degree criminal sexual conduct by sexual penetration of a minor age 16 or 17 by a person in authority or with a significant relationship	D
609.344, subd. 1a(g)	Third-degree criminal sexual conduct by sexual penetration of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	C; may exceed statutory max.
609.345, subd. 1(a) to (d) or 1a(c), (d), (h), or (i)	Fourth-degree criminal sexual conduct by sexual contact by force or coercion, by a person in a prohibited occupational relationship, or of a person who is impaired, incapacitated, or helpless	E
609.345, subd. 1a(a)	Fourth-degree criminal sexual conduct by sexual contact of a minor under age 14 by a minor no more than 36 months older	F
609.345, subd. 1a(b)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 14 or 15 by a person in authority or more than 36 months older	F
609.345, subd. 1a(e) or (f)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 16 or 17 by a person in authority or with a significant relationship	F
609.345, subd. 1a(g)	Fourth-degree criminal sexual conduct by sexual contact of a minor age 16 or 17 by a person with a significant relationship using force or coercion, causing injury, or by multiple, prolonged acts	E
609.3451, subd. 3(a)	Fifth-degree criminal sexual conduct by nonconsensual sexual penetration	H
609.3451, subd. 3(b)	Fifth-degree criminal sexual conduct as a second or subsequent offense	F
609.3453	Criminal sexual predatory conduct	See guideline 2.64
609.3458, subd. 1(a)	Sexual extortion by sexual contact	E

Minn. Stat. Section	Offense Title	Severity Level
609.3458, subd. 1(b)	Sexual extortion by sexual penetration	C
609.352, subd. 2	Sexual solicitation of a child	G
609.352, subd. 2a	Electronic sexual solicitation of a child	G
609.352, subd. 2c	Sexual solicitation of a child by grooming	G
609.352, subd. 2d	Sexual solicitation of a minor while in a position of authority	G
609.352, subd. 2e	Sexual solicitation of a student	G
609.355	Bigamy	Unranked
609.365	Incest	Unranked
609.375, subd. 2a	Nonsupport of a spouse or child	1
609.377, subd. 3	Malicious punishment of a child as a second or subsequent offense	4
609.377, subd. 4	Malicious punishment of a child under age 4	4
609.377, subd. 5	Malicious punishment of a child resulting in substantial bodily harm	4
609.377, subd. 6	Malicious punishment of a child resulting in great bodily harm	8
609.3775	Child torture	8
609.378	Child neglect or endangerment	5
609.385	Treason	Unranked
609.39	Misprision of treason	Unranked
609.395	Obstructing state military forces in wartime	Unranked
609.396, subd. 2	Unauthorized presence in a hazardous military area	3
609.42	Bribery	4
609.425	Corruptly influencing a legislator	Unranked
609.445	Failure to pay over state funds totaling over $5,000	3
609.445	Failure to pay over state funds totaling $5,000 or less	2
609.455	Permitting a false claim of over $5,000 against a government	3
609.455	Permitting a false claim of $5,000 or less against a government	2
609.465	Presenting a false claim of over $5,000 to a public officer or body	3
609.465	Presenting a false claim of $5,000 or less to a public officer or body	2
609.467, subd. 2(a)	Medical assistance fraud of $100,000 or less	2

Minn. Stat. Section	Offense Title	Severity Level
609.467, subd. 2(b)	Medical assistance fraud of over $100,000 but not over $1,000,000	6
609.467, subd. 2(c)	Medical assistance fraud of over $1,000,000	8
609.4751, subd. 1	Impersonating a peace officer	2; may exceed statutory max.
609.4751, subd. 2	Impersonating a peace officer with a vehicle or while exercising authority	4
609.4751, subd. 3(a)	Impersonating a peace officer as a second violation	5
609.4751, subd. 3(b)	Impersonating a peace officer with a firearm	6
609.4751, subd. 4(a)(2)	Committing a gross misdemeanor while impersonating a peace officer	3
609.4751, subd. 4(a)(3)	Committing a felony while impersonating a peace officer	See guideline 2.65
609.476, subd. 3	Publishing personal information of a judicial official resulting in bodily harm	4
609.48, subd. 4(1)	Perjury in a felony trial or an explosives permit application	5
609.48, subd. 4(2)	Perjury	4
609.485, subd. 4(a)(1)	Escape from a felony offense	3; guideline 2.52 may apply
609.485, subd. 4(a)(1) & (b)	Escape from a felony offense by violence or threat	8
609.485, subd. 4(a)(2)	Escape after a finding of not guilty by reason of mental illness or deficiency	1
609.485, subd. 4(a)(3) & (b)	Escape from a gross misdemeanor or misdemeanor offense by violence or threat	Unranked
609.485, subd. 4(a)(4)	Escape from civil commitment as mentally ill and dangerous	1
609.485, subd. 4(a)(5)	Escape from custody or supervision under the Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities	3
609.485, subd. 4(f)	Escape from electronic monitoring	3
609.486	Committing a crime with a bullet-resistant vest	1
609.487, subd. 3	Fleeing a peace officer	1
609.487, subd. 4(a)	Fleeing a peace officer resulting in death	10
609.487, subd. 4(b)	Fleeing a peace officer resulting in great bodily harm	6

Minn. Stat. Section	Offense Title	Severity Level
609.487, subd. 4(c)	Fleeing a peace officer resulting in substantial bodily harm	4
609.49	Failure to appear in court	1
609.493	Solicitation of mentally impaired persons	See guideline 2.62
609.494, subd. 2(b)	Solicitation of juveniles	See guideline 2.62
609.495, subd. 1	Aiding an offender to avoid arrest	1
609.495, subd. 3	Accomplice after the fact	Unranked
609.495, subd. 4	Taking responsibility for criminal acts	See guideline 2.62
609.496 or 609.497	Concealing criminal proceeds	Unranked
609.4971	Warning the subject of an investigation	Unranked
609.4975	Warning the subject of surveillance or search	Unranked
609.498, subd. 1a	First-degree witness tampering	5
609.498, subd. 1b	Aggravated first-degree witness tampering	9
609.50, subd. 2(1)	Obstructing legal process, arrest, or a first responder	3
609.502, subd. 1(1)	Interfering with a death scene or body	4
609.504	Disarming a peace officer	3
609.52	Theft of over $5,000 in public funds	3
609.52	Theft of $5,000 or less in public funds	2
609.52	Theft from the person of another	4
609.52	Theft of a public record	3
609.52, subd. 2(a)(1)	Theft of over $5,000	3
609.52, subd. 2(a)(1)	Theft of $5,000 or less	2
609.52, subd. 2(a)(1)	Theft of a motor vehicle	4; see guideline 2.25
609.52, subd. 2(a)(2)	Taking pledged property of over $5,000	3
609.52, subd. 2(a)(2)	Taking pledged property of $5,000 or less	2
609.52, subds. 2(a)(3)(i) & 3(1)	Theft of over $35,000 by check	6
609.52, subd. 2(a)(3)(i)	Theft of over $5,000 by check	3
609.52, subd. 2(a)(3)(i)	Theft of $5,000 or less by check	2

Minn. Stat. Section	Offense Title	Severity Level
609.52, subds. 2(a)(3) or 2(a)(3)(ii) to (iv) & 3(1)	Theft of over $35,000 by deception	6
609.52, subd. 2(a)(3) or 2(a)(3)(ii) to (iv)	Theft of over $5,000 by deception	3
609.52, subd. 2(a)(3) or 2(a)(3)(ii) to (iv)	Theft of $5,000 or less by deception	2
609.52, subds. 2(a)(4) & 3(1)	Theft of over $35,000 by swindle	6
609.52, subd. 2(a)(4)	Theft of over $5,000 by swindle	3
609.52, subd. 2(a)(4)	Theft of $5,000 or less by swindle	2
609.52, subd. 2(a)(5)	Temporary theft of over $5,000	3
609.52, subd. 2(a)(5)	Temporary theft of $5,000 or less	2
609.52, subd. 2(a)(6)	Refusing to return lost property of over $5,000	3
609.52, subd. 2(a)(6)	Refusing to return lost property of $5,000 or less	2
609.52, subd. 2(a)(7)	Theft of over $5,000 from coin-operated machines	3
609.52, subd. 2(a)(7)	Theft of $5,000 or less from coin-operated machines	2
609.52, subd. 2(a)(8)	Theft of a trade secret	3
609.52, subd. 2(a)(9)	Theft of leased property of over $5,000	3
609.52, subd. 2(a)(9)	Theft of leased property of $5,000 or less	2
609.52, subd. 2(a)(10) or (11)	Altering the serial number of property of over $5,000	3
609.52, subd. 2(a)(10) or (11)	Altering the serial number of property of $5,000 or less	2
609.52, subd. 2(a)(12)	Theft of cable television service of over $5,000	3
609.52, subd. 2(a)(12)	Theft of cable television service of $5,000 or less	2
609.52, subd. 2(a)(13)	Theft of services of over $5,000	3
609.52, subd. 2(a)(13)	Theft of services of $5,000 or less	2
609.52, subd. 2(a)(14)	Theft of telecommunications service of over $5,000	3
609.52, subd. 2(a)(14)	Theft of telecommunications service of $5,000 or less	2
609.52, subds. 2(a)(15) or (16) & 3(1)	Diversion of corporate property of over $35,000	6
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property of over $5,000	3
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property of $5,000 or less	2

Minn. Stat. Section	Offense Title	Severity Level
609.52, subd. 2(a)(17)	Motor vehicle use without consent	3; see guideline 2.25
609.52, subd. 2(a)(18)	Theft of retail motor fuel of over $5,000	3
609.52, subd. 2(a)(18)	Theft of retail motor fuel of $5,000 or less	2
609.52, subds. 2(a)(19) & 3(1)	Wage theft of over $35,000	6
609.52, subd. 2(a)(19)	Wage theft of over $5,000	3
609.52, subd. 2(a)(19)	Wage theft of $5,000 or less	2
609.52, subd. 2(a)(3), (4), (15), (16), or (19), with subds. 3(1) & 3a(b)(3)	Theft of over $35,000 from a vulnerable adult	7
609.52, subd. 3(1)	Theft of a firearm	4
609.52, subd. 3(2)	Theft of a Schedule I or II controlled substance	4
609.52, subd. 3(2)	Theft of an incendiary device	4
609.52, subd. 3a(b)(3)	Theft of over $5,000 from a vulnerable adult	5
609.52, subds. 3(3) & 3a(b)(3)	Theft of $5,000 or less from a vulnerable adult	4
609.52, subd. 3(3)(b)	Theft of a Schedule III, IV, or V controlled substance	3
609.52, subd. 3(3)(d)(iii)	Theft of $1,000 or less from a burning building or from an area of destruction caused by civil disaster, riot, bombing, or nearby battle	2
609.52, subd. 3(3)(d)(iii)	Theft of $1,000 or less from an abandoned or vacant building	1
609.52, subds. 3(4) & 3a(b)(2)	Gross misdemeanor theft from a vulnerable adult	2
609.52, subd. 3a(a)(1)	Gross misdemeanor or misdemeanor theft creating a risk of harm	2
609.52, subd. 3a(a)(2)	Felony theft creating a risk of harm	See guideline 2.25
609.521	Possession of shoplifting gear	3
609.522, subd. 3(1)	Organized retail theft of over $5,000	4
609.522, subd. 3(2)	Organized retail theft of $5,000 or less	3
609.522, subd. 3(3)	Organized retail theft of $1,000 or less	1
609.525	Bringing over $5,000 in stolen property into the state	3
609.525	Bringing $5,000 or less in stolen property into the state	2

Minn. Stat. Section	Offense Title	Severity Level
609.526	Receipt of stolen property by a precious metal or scrap metal dealer as a second or subsequent offense	4
609.526, subd. 2(1)	Receipt of $1,000 or more in stolen property by a precious metal or scrap metal dealer	3
609.526, subd. 2(2)	Receipt of less than $1,000 in stolen property by a precious metal or scrap metal dealer	2
609.527, subd. 3(3)	Identity theft involving two or three direct victims or loss of over $500 but not over $2,500	2
609.527, subd. 3(4)	Identity theft involving four to seven direct victims or loss of over $2,500	3
609.527, subd. 3(5)	Identity theft involving eight or more direct victims or loss of over $35,000	8
609.527, subd. 3(6)	Identity theft related to child sexual abuse material	8
609.527, subd. 5a	Electronic use of false pretense to obtain identity	2
609.527, subd. 5b	Unlawful possession or use of a scanning device or reencoder	2
609.528, subd. 3(3)	Possession or sale of a stolen or counterfeit check involving two or three victims or a loss of over $500 but not over $2,500	2
609.528, subd. 3(4)	Possession or sale of a stolen or counterfeit check involving four or more victims or a loss of over $2,500	3
609.529	Mail theft	2
609.53	Receiving over $5,000 in stolen property	3
609.53	Receiving $5,000 or less in stolen property	2
609.53 & 609.52, subd. 3(1)	Receiving a stolen firearm	4
609.535, subd. 2a(a)(1)	Issuing a dishonored check of over $500	2
609.54(1)	Embezzlement of $2,500 or less of public funds	2
609.54(2)	Embezzlement of over $2,500 of public funds	3
609.542, subd. 4(1)	Unauthorized human services remunerations of over $35,000	6
609.542, subd. 4(2)	Unauthorized human services remunerations of over $5,000	3
609.542, subd. 4(3)	Unauthorized human services remunerations of $5,000 or less	2
609.551	Livestock theft of over $2,500	3

Minn. Stat. Section	Offense Title	Severity Level
609.551	Livestock theft of over $300 but not over $2,500	2
609.561	First-degree arson	8
609.562	Second-degree arson	5
609.563	Third-degree arson	3
609.5641, subd. 1a(a)	Wildfire arson	2
609.5641, subd. 1a(b)	Wildfire arson damaging over five dwellings or $100,000 in crops, or burning 500 acres or more	7
609.5641, subd. 1a(c)	Wildfire arson damaging over 100 dwellings or $250,000 in crops, or burning 1,500 acres or more	8
609.5641, subd. 1a(d)	Wildfire arson resulting in demonstrable bodily harm	5
609.576, subd. 1(1)	Grossly negligent fire resulting in great bodily harm	4
609.576, subd. 1(3)(iii)	Grossly negligent fire damaging $2,500 or more	2
609.576, subd. 2	Dangerous smoking	3
609.582, subd. 1(a)	First-degree burglary of an occupied dwelling	6; guideline 2.52 may apply
609.582, subd. 1(b) or (c)	First-degree burglary with a weapon or assault	8
609.582, subd. 2(a)(1), (a)(2), or (b)	Second-degree burglary of a dwelling, bank, government building, religious establishment, historic property, or school	5
609.582, subd. 2(a)(3) or (4)	Second-degree burglary of a pharmacy or while possessing a tool	4
609.582, subd. 3(a)	Third-degree burglary by entry of a building without consent	4
609.582, subd. 3(b)	Third-degree burglary by shoplifting contrary to a trespass notice	3
609.586, subd. 2	Possession of a code-grabbing device	3
609.59	Possession of burglary or theft tools	3
609.591, subd. 3(1)	Tree spiking resulting in great bodily harm	3
609.593	Damage or theft to energy transmission or telecommunications equipment	3
609.594	Damage to property of critical public service facilities, utilities, or pipelines	Unranked
609.595, subd. 1(1) or (2)	First-degree criminal damage to property to a public safety vehicle or causing a risk of harm	3

Minn. Stat. Section	Offense Title	Severity Level
609.595, subd. 1(3), (4), or (5)	First-degree criminal damage to property to a common carrier, of over $1,000, or of over $500 as a second or subsequent offense	2
609.595, subd. 1a	Second-degree criminal damage to property	1; may exceed statutory max.
609.596, subd. 1	Killing or substantially harming a public safety dog	Unranked
609.597, subd. 3(1) or (2)	Assaulting a police horse resulting in more than demonstrable harm to the horse	Unranked
609.597, subd. 3(3)	Assaulting a police horse resulting in demonstrable bodily harm to the horse	1; may exceed statutory max.
609.611	Insurance fraud of over $5,000	3
609.611	Insurance fraud of $5,000 or less	2
609.612	Employing runners in connection with motor vehicle insurance	Unranked
609.615	Impairing the value of secured real property by over $5,000	3
609.615	Impairing the value of secured real property by $5,000 or less	2
609.62	Defeating a security interest of over $5,000 on personal property	3
609.62	Defeating a security interest of $5,000 or less on personal property	2
609.625, 609.635, or 609.64	Aggravated forgery	2
609.63	Forgery	1
609.631, subd. 4(1)	Check forgery of over $35,000	5
609.631, subd. 4(2)	Check forgery of over $2,500	3
609.631, subd. 4(3)(a)	Check forgery of over $250 but not over $2,500	2
609.631, subd. 4(3)(b)	Check forgery of $250 or less	1
609.632, subd. 1 or 2	Counterfeiting of currency	Unranked
609.632, subds. 3 & 4(b)(1)	Offering over $35,000 in counterfeit currency	6
609.632, subds. 3 & 4(b)(2)	Offering over $5,000 but not over $35,000 in counterfeit currency	3
609.632, subds. 3 & 4(b)(3)	Offering $5,000 or less in counterfeit currency	2
609.645	Securities valuation or commercial transit fraud	1
609.65(1)	False certification by a notary public	1

Minn. Stat. Section	Offense Title	Severity Level
609.651, subds. 1 & 4(a)	State Lottery fraud of less than $35,000	1
609.651, subds. 1 & 4(b)	State Lottery fraud of $35,000 or more	Unranked
609.651, subd. 2	Unauthorized State Lottery computer access	Unranked
609.651, subd. 3	Filing a false statement with the State Lottery	Unranked
609.652	Driver's license or identification card fraud	1
609.66, subd. 1a(a)(1)	Sale or possession of a firearm suppressor	2
609.66, subd. 1a(a)(1) & (b)(1)	Sale or possession of a firearm suppressor in a public housing, school, or park zone	3
609.66, subd. 1a(a)(2)	Intentional discharge of a firearm under dangerous circumstances	2
609.66, subd. 1a(a)(3) & (b)(1)	Reckless discharge of a firearm in a public housing, school, or park zone	2
609.66, subd. 1a(a)(3) & (b)(2)	Reckless discharge of a firearm in a municipality	1
609.66, subd. 1b	Furnishing a firearm, airgun, ammunition, or explosive to a minor without parental consent	2
609.66, subd. 1c	Recklessly furnishing a dangerous weapon	2
609.66, subd. 1d(a)	Possessing a dangerous weapon on school property	4
609.66, subd. 1e(a)(1)	Drive-by shooting toward an unoccupied motor vehicle or building	3
609.66, subd. 1e(a)(2) or (3)	Drive-by shooting toward a person or occupied motor vehicle or building	8
609.66, subd. 1g	Possessing a dangerous weapon, ammunition, or explosives in a courthouse complex or Capitol Area building	4
609.662, subd. 2(b)(1)	Failure to render aid to a shooting victim suffering death or great bodily harm	2
609.662, subd. 2(b)(2)	Failure to render aid to a shooting victim suffering substantial bodily harm	1; may exceed statutory max.
609.667	Removal or alteration of a firearm's serial number	1
609.668, subd. 6	Explosive device or incendiary device crime	6
609.67, subd. 2(a)	Possession of a machine gun, trigger activator, or conversion kit	8
609.67, subd. 2(b)	Possession of a short-barreled shotgun	3
609.671	Violation of environmental laws	Unranked

Minn. Stat. Section	Offense Title	Severity Level
609.686, subd. 2	Tampering with a fire alarm system resulting in bodily harm	3
609.686, subd. 2	Tampering with a fire alarm system creating the potential for bodily harm	1
609.687, subd. 3(1)	Adulteration resulting in death	11
609.687, subd. 3(2)	Adulteration resulting in bodily harm	4
609.687, subd. 3(3)	Adulteration	Unranked
609.71, subd. 1	First-degree riot	8
609.71, subd. 2	Second-degree riot	2
609.712	Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction	Unranked
609.713, subd. 1	Threatening violence	4
609.713, subd. 2	Making a bomb threat	2
609.713, subd. 3(a)	Menacingly displaying a replica firearm or BB gun	1; may exceed statutory max.
609.714	Offense in furtherance of terrorism	See guideline 2.64
609.746, subd. 1(g)	Interference with privacy against a minor victim or as a second or subsequent offense	1
609.746, subd. 1(h)	Using a surreptitious observation device against a minor victim with sexual intent	G; may exceed statutory max.
609.746, subd. 1(j)	Surreptitious photography under or around clothing as a third or subsequent offense	3
609.7475	Filing a fraudulent or improper financing statement	Unranked
609.748, subd. 6(d)	Violation of a harassment restraining order	4
609.749, subd. 3	Aggravated harassment	4
609.749, subd. 4(a)	Harassment as a second offense	4
609.749, subd. 4(b)	Harassment as a third or subsequent offense	5
609.749, subd. 5	Stalking	5
609.76, subd. 2	Sports bookmaking	4
609.76, subd. 3 to 7	Cheating at gambling	Unranked
609.7615, subd. 2	Prediction market operation or facilitation	Unranked
609.7615, subd. 3	Prediction market advertising	Unranked
609.763	Lawful gambling fraud	Unranked
609.771, subd. 3(a)(1)	Using deep fake technology to influence an election	Unranked

Minn. Stat. Section	Offense Title	Severity Level
609.776	Interfering with emergency communications	5; may exceed statutory max.
609.78, subd. 2a(1)	Placing a fictitious emergency call resulting in great bodily harm or death	8
609.78, subd. 2a(2)	Placing a fictitious emergency call resulting in substantial bodily harm	3
609.78, subd. 2b(1)	Making an emergency call with no emergency as a third or subsequent offense	4
609.78, subd. 2b(2)	Disrupting an emergency call center system	5
609.78, subd. 2c	Placing a fictitious emergency call for a response to the home of an official	1; may exceed statutory max.
609.80, subd. 2	Sale of unauthorized cable connection device	1
609.816	Wrongful employment at a child care center involving over $5,000	3
609.816	Wrongful employment at a child care center involving $5,000 or less	2
609.82	Fraud in obtaining credit of over $5,000	3
609.82	Fraud in obtaining credit of $5,000 or less	2
609.821, subd. 2(3) or (4)	Financial transaction card trafficking	1
609.821, subd. 3(a)(1)(i)	Financial transaction card fraud of over $35,000	5
609.821, subd. 3(a)(1)(ii)	Financial transaction card fraud of over $2,500	3
609.821, subd. 3(a)(1)(iii) or (iv)	Financial transaction card fraud of $2,500 or less	2
609.822	Residential mortgage fraud	2
609.825, subd. 2	Bribery of a participant or official in a contest	2
609.83	False impersonation in a marriage or judicial proceeding	Unranked
609.84	Sale of human remains	3
609.85, subd. 1	Obstructing or tampering with a railroad track to injure or derail	3
609.851, subd. 2	Exhibiting a false traffic signal	3
609.855, subd. 2(c)(1)	Interference with a transit operator	1
609.855, subd. 5	Discharge of a firearm at or in an occupied transit vehicle or facility	6
609.855, subd. 5	Discharge of a firearm at or in an unoccupied transit vehicle or facility	1

Minn. Stat. Section	Offense Title	Severity Level
609.856	Use or possession of a police radio in a crime	Unranked
609.86	Commercial bribery	4
609.88	Computer damage of over $2,500	3
609.88	Computer damage of $2,500 or less	2
609.89	Computer theft of over $2,500	3
609.89	Computer theft of $2,500 or less	2
609.891, subd. 2(a) or (b)	Unauthorized computer access causing a grave risk or as a second or subsequent offense	Unranked
609.891, subd. 2(c)	Unauthorized access to an electronic fund transfer terminal	2
609.8912	Criminal use of encryption	Unranked
609.893, subd. 1	Telecommunications fraud of over $2,500	3
609.893, subd. 1	Telecommunications fraud of $2,500 or less	2
609.893, subd. 2	Facilitating telecommunications fraud	2
609.894, subd. 3	Second-degree cellular counterfeiting	1
609.894, subd. 4	First-degree cellular counterfeiting	2
609.895, subd. 3(a)	Aggravated intellectual property counterfeiting	2
609.895, subd. 3(b)	Intellectual property counterfeiting	1
609.896	Criminal use of cinema property for recording	1
609.904	Racketeering	Unranked
617.23, subd. 3	Indecent exposure	G
617.241, subd. 4	Distributing or exhibiting an obscene work	Unranked
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material	D
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14	C; may exceed statutory max.
617.247, subd. 3(a)	Dissemination of child sexual abuse material	E; may exceed statutory max.
617.247, subd. 3(b)	Dissemination of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14	C; may exceed statutory max.
617.247, subd. 4(a)	Possession of child sexual abuse material	G
617.247, subd. 4(b)	Possession of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14	E

Minn. Stat. Section	Offense Title	Severity Level
617.261, subd. 2(b)	Nonconsensual dissemination of private sexual images	3
617.262, subd. 3(b)	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts	3
624.713, subd. 2(a)	Unauthorized possession of a pistol, semiautomatic assault weapon, or ammunition by a minor	3
624.713, subd. 2(b)	Possessing a firearm or ammunition after a crime of violence	6
624.7131, subd. 11	False application for a firearm transferee permit	1
624.7132, subd. 15(b)	Transferring a pistol or semiautomatic assault weapon to a minor	2
624.714, subd. 1a	Carrying a pistol without a permit	1
624.7141, subd. 1	Transferring a firearm to an ineligible person	2; may exceed statutory max.
624.7141, subd. 2	Transferring to an ineligible person a firearm later used in a crime of violence	5
624.7181, subd. 2	Carrying a semiautomatic assault weapon under age 21	1
624.7191	Use or possession of metal-penetrating bullets in a crime	Unranked
624.731, subd. 8(a)	Prohibited possession, use, or sale of tear gas, a tear gas compound, or an electronic incapacitation device	3
624.732, subd. 2	Intentional release of a harmful substance	3
626A.02, subd. 4, 626A.03, subd. 1, or 626A.26, subd. 2(1)(ii)	Violation of the Privacy of Communications Act	Unranked
629.75, subd. 2(d)	Violation of a domestic abuse no contact order	4
641.165, subd. 2(b)	Bringing a dangerous weapon into a jail	4

History: *2026 Minn. Sentencing Guidelines & Commentary 5.B; restructured 2027.*

7.60 THEFT OFFENSES.

Subdivision 1. (a) This guideline contains the theft offense list cited for the theft crimes ($5,000 or less and over $5,000) in guideline 7.10 (severity levels of offenses on the standard grid). The Guidelines treat the property crimes listed in this guideline similarly. The severity level for these offenses is based on the monetary amount of the conviction offense, as cited below.

(b) **Severity level 2.** When the monetary value of the theft crime is $5,000 or less, the severity level is 2. For many of these offenses, the penalty statute is Minn. Stat. § 609.52, subd. 3(3)(a) or another provision of subd. 3(3).

(c) **Severity level 3.** When the monetary value of the theft crime is over $5,000, the severity level is 3. For many of these offenses, the penalty statute is Minn. Stat. § 609.52, subd. 3(2).

Subd. 2. See guideline 2.25 for further instructions on the use of this guideline.

Subd. 3. The theft offense list follows.

Minn. Stat. Section	Theft Offense
176.178	Workers' compensation fraud
256.98	Wrongfully obtaining public assistance
268.182	Unemployment benefit fraud
268B.185	Family and medical benefit fraud
393.07, subd. 10	Wrongfully obtaining supplemental nutrition assistance
471.392	False declaration of a claim against a local government
514.02, subd. 1(b)	Nonpayment of real estate improvement funds to those who contributed to the improvement
609.445	Failure to pay over state funds
609.455	Permitting a false claim against a government
609.465	Presenting a false claim to a public officer or body
609.52	Theft of public funds
609.52, subd. 2(a)(1)	Theft
609.52, subd. 2(a)(2)	Taking pledged property
609.52, subd. 2(a)(3)(i)	Theft by check
609.52, subd. 2(a)(3) or 2(a)(3)(ii) to (iv)	Theft by deception
609.52, subd. 2(a)(4)	Theft by swindle
609.52, subd. 2(a)(5)	Temporary theft
609.52, subd. 2(a)(6)	Refusing to return lost property
609.52, subd. 2(a)(7)	Theft from coin-operated machines
609.52, subd. 2(a)(9)	Theft of leased property

Minn. Stat. Section	Theft Offense
609.52, subd. 2(a)(10) or (11)	Altering serial number
609.52, subd. 2(a)(12)	Theft of cable television service
609.52, subd. 2(a)(13)	Theft of services
609.52, subd. 2(a)(14)	Theft of telecommunications service
609.52, subd. 2(a)(15) or (16)	Diversion of corporate property
609.52, subd. 2(a)(18)	Theft of retail motor fuel
609.52, subd. 2(a)(19)	Wage theft
609.525	Bringing stolen property into the state
609.53	Receiving stolen property
609.611	Insurance fraud
609.615	Impairing the value of secured real property
609.62	Defeating a security interest on personal property
609.816	Wrongful employment at a child care center
609.82	Fraud in obtaining credit

History: *2026 Minn. Sentencing Guidelines & Commentary 7; restructured 2027.*

7.80 SEVERE VIOLENT OFFENSES.

Each of the following is a severe violent offense within the meaning of guideline 2.65, subd. 3. For each offense, attempt or conspiracy is included, as is an equivalent non-Minnesota felony offense within the meaning of guideline 2.36.

Minn. Stat. Section	Severe Violent Offense
609.185	First-degree murder
609.19	Second-degree murder
609.195(a)	Third-degree murder while evincing a depraved mind
609.221	First-degree assault
609.222, subd. 2	Second-degree assault by dangerous weapon resulting in substantial bodily harm
609.245, subd. 1	First-degree aggravated robbery
609.247, subd. 2	First-degree carjacking
609.25, subd. 2(2)(i)	Kidnapping not involving release in a safe place
609.25, subd. 2(2)(ii)	Kidnapping resulting in great bodily harm
609.25, subd. 2(2)(iii)	Kidnapping of a child under age 16
609.2661	First-degree murder of an unborn child
609.2662	Second-degree murder of an unborn child
609.2663	Third-degree murder of an unborn child
609.282, subd. 1	Labor trafficking resulting in death
609.282, subd. 1a(1)	Labor trafficking of a minor
609.282, subd. 1a(3)	Labor trafficking resulting in great bodily harm
609.322, subd. 1(a)	First-degree sex trafficking
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking
609.322, subds. 1a & 1(b)(2) or (3)	Aggravated second-degree sex trafficking resulting in bodily harm or involving more than 180 days of debt bondage or forced services
609.342, subd. 1(a) to (e) or 1a(a) to (d) or (i)	First-degree criminal sexual conduct by sexual penetration using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice
609.343, subd. 1(a) to (e) or 1a(a) to (d) or (i)	Second-degree criminal sexual conduct by sexual contact using force or a dangerous weapon, causing injury or fear of great harm, or with an accomplice
609.498, subd. 1b	Aggravated first-degree witness tampering
609.561, subd. 1 or 2	First-degree arson of a dwelling or an occupied building
609.66, subd. 1e(a)(2) or (3)	Drive-by shooting toward a person or occupied motor vehicle or building

History: *2026 Minn. Sentencing Guidelines & Commentary 8; restructured 2027.*

7.90 PERMISSIVELY CONSECUTIVE OFFENSES.

Convictions for offenses listed in this guideline, including attempts, conspiracies, and equivalent non-Minnesota felony offenses, are eligible for permissively consecutive sentences under the conditions set forth in guideline 2.73. A non-Minnesota conviction is equivalent to a crime on this list if it would both be defined as a felony in Minnesota, and received a sentence that in Minnesota would be a felony-level sentence, including the equivalent of a stay of imposition.

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
152.021, subd. 2a	Manufacturing methamphetamine
152.021, subd. 2b(2), & 152.01, subd. 24(8)	Aggravated first-degree controlled substance sale to a minor or vulnerable adult
152.022, subd. 1(5)	Second-degree controlled substance sale to or with a minor
152.023, subd. 1(3)	Third-degree controlled substance sale to a minor
152.023, subd. 1(4)	Third-degree controlled substance sale with a minor
152.024, subd. 1(2)	Fourth-degree controlled substance sale to a minor
152.024, subd. 1(3)	Fourth-degree controlled substance sale with a minor
152.0261, subd. 1a	Using a minor to import a controlled substance into Minnesota
152.137, subd. 2(a) or (b)	Exposing a child or vulnerable adult to methamphetamine or related chemicals
152.137, subd. 2(c)	Exposing a child to fentanyl
169.09, subd. 14(a)(1)	Leaving the scene of a fatal collision caused by another driver
169.09, subd. 14(a)(2)	Leaving the scene of a collision resulting in great bodily harm and caused by another driver
169A.24	First-degree driving while impaired
243.166, subd. 5(b) or (c)	Failure to register as a predatory offender
518B.01, subd. 14(d)	Violation of an order for protection
609.185	First-degree murder
609.19	Second-degree murder
609.195	Third-degree murder
609.20	First-degree manslaughter
609.205	Second-degree manslaughter
609.2112	Criminal vehicular homicide
609.2113, subd. 1	Criminal vehicular operation resulting in great bodily harm
609.2113, subd. 2	Criminal vehicular operation resulting in substantial bodily harm
609.2114, subd. 1	Criminal vehicular operation resulting in death to an unborn child

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.2114, subd. 2	Criminal vehicular operation resulting in injury to an unborn child
609.215	Aiding suicide
609.221	First-degree assault
609.222	Second-degree assault
609.223	Third-degree assault
609.2231	Fourth-degree assault
609.224, subd. 4	Fifth-degree assault
609.2241	Knowing transfer of a communicable disease
609.2242, subd. 4	Domestic assault
609.2245	Female genital mutilation
609.2247	Domestic assault by strangulation
609.228	Causing great bodily harm by the distribution of drugs
609.229, subd. 3	Crime committed for the benefit of a gang
609.2325, subd. 3(1)	Criminal abuse of a vulnerable adult resulting in death
609.2325, subd. 3(2)	Criminal abuse of a vulnerable adult resulting in great bodily harm
609.2325, subd. 3(3)	Criminal abuse of a vulnerable adult resulting in substantial bodily harm
609.233, subd. 3(1)	Deprivation of a vulnerable adult resulting in great bodily harm
609.233, subd. 3(2)	Deprivation of a vulnerable adult resulting in substantial bodily harm
609.235	Use of drugs to injure or facilitate crime
609.24	Simple robbery
609.245, subd. 1	First-degree aggravated robbery
609.245, subd. 2	Second-degree aggravated robbery
609.247	Carjacking
609.25	Kidnapping
609.255	False imprisonment
609.2661	First-degree murder of an unborn child
609.2662	Second-degree murder of an unborn child
609.2663	Third-degree murder of an unborn child
609.2664	First-degree manslaughter of an unborn child
609.2665	Second-degree manslaughter of an unborn child
609.267	First-degree assault of an unborn child

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.2671	Second-degree assault of an unborn child
609.268	Causing injury to or the death of an unborn child in the commission of a crime
609.282	Labor trafficking
609.322, subd. 1(a)	First-degree sex trafficking
609.322, subd. 1(a) & (b)	Aggravated first-degree sex trafficking
609.322, subd. 1a	Second-degree sex trafficking
609.322, subds. 1a & 1(b)	Aggravated second-degree sex trafficking
609.324, subd. 1(a)	Engaging a minor under age 14, or a person believed to be so, in prostitution
609.324, subd. 1(b)	Engaging a minor age 14 or 15, or a person believed to be so, in prostitution
609.324, subd. 1(c)	Engaging a minor age 16 or 17, or a person believed to be so, in prostitution
609.342	First-degree criminal sexual conduct
609.343	Second-degree criminal sexual conduct
609.344	Third-degree criminal sexual conduct
609.345	Fourth-degree criminal sexual conduct
609.3451	Fifth-degree criminal sexual conduct
609.3453	Criminal sexual predatory conduct
609.3458	Sexual extortion
609.352, subd. 2	Sexual solicitation of a child
609.352, subd. 2a	Electronic sexual solicitation of a child
609.352, subd. 2c	Sexual solicitation of a child by grooming
609.352, subd. 2d	Sexual solicitation of a minor while in a position of authority
609.352, subd. 2e	Sexual solicitation of a student
609.365	Incest
609.377	Malicious punishment of a child
609.3775	Child torture
609.378	Child neglect or endangerment
609.476, subd. 3	Publishing personal information of a judicial official resulting in bodily harm
609.485, subd. 4(a)(1) & (b)	Escape from a felony offense by violence or threat
609.485, subd. 4(a)(3) & (b)	Escape from a gross misdemeanor or misdemeanor offense by violence or threat
609.487, subd. 3	Fleeing a peace officer

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.487, subd. 4(a)	Fleeing a peace officer resulting in death
609.487, subd. 4(b)	Fleeing a peace officer resulting in great bodily harm
609.487, subd. 4(c)	Fleeing a peace officer resulting in substantial bodily harm
609.498, subd. 1a	First-degree witness tampering
609.498, subd. 1b	Aggravated first-degree witness tampering
609.502, subd. 1(1)	Interfering with a death scene or body
609.527	Identity theft
609.561	First-degree arson
609.5641, subd. 1a(b)	Wildfire arson damaging over five dwellings or $100,000 in crops, or burning 500 acres or more
609.5641, subd. 1a(c)	Wildfire arson damaging over 100 dwellings or $250,000 in crops, or burning 1,500 acres or more
609.5641, subd. 1a(d)	Wildfire arson resulting in demonstrable bodily harm
609.582, subd. 1	First-degree burglary
609.582, subd. 2(a)(1) or (2)	Second-degree burglary of a dwelling or bank
609.591, subd. 3(1)	Tree spiking resulting in great bodily harm
609.594, subd. 2	Damage to property of critical public service facilities, utilities, or pipelines
609.66, subd. 1e	Drive-by shooting
609.662, subd. 2(b)(1)	Failure to render aid to a shooting victim suffering death or great bodily harm
609.662, subd. 2(b)(2)	Failure to render aid to a shooting victim suffering substantial bodily harm
609.671	Violation of environmental laws
609.687, subd. 3(1)	Adulteration resulting in death
609.687, subd. 3(2)	Adulteration resulting in bodily harm
609.71, subd. 1	First-degree riot
609.712	Manufacturing, possessing, or threatening to use a real or simulated weapon of mass destruction
609.713, subd. 1	Threatening violence
609.713, subd. 2	Making a bomb threat
609.713, subd. 3(a)	Menacingly displaying a replica firearm or BB gun
609.714	Offense in furtherance of terrorism
609.746, subd. 1(h)	Using a surreptitious observation device against a minor victim with sexual intent

Minn. Stat. Section	Offense Eligible for Permissively Consecutive Sentencing
609.746, subd. 1(j)	Surreptitious photography under or around clothing as a third or subsequent offense
609.748, subd. 6(d)	Violation of a harassment restraining order
609.749, subd. 3	Aggravated harassment
609.749, subd. 4	Harassment as a second or subsequent offense
609.749, subd. 5	Stalking
609.78, subd. 2a	Placing a fictitious emergency call resulting in substantial bodily harm, great bodily harm, or death
609.78, subd. 2b(2)	Disrupting an emergency call center system
609.855, subd. 2(c)(1)	Interference with a transit operator
609.855, subd. 5	Discharge of a firearm at or in an occupied transit vehicle or facility
617.23, subd. 3	Indecent exposure
617.246, subd. 2(a), 3(a), or 4(a)	Use of minors in sexual performance or child sexual abuse material
617.246, subd. 2(b), 3(b), or 4(b)	Use of minors in sexual performance or child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14
617.247, subd. 3(a)	Dissemination of child sexual abuse material
617.247, subd. 3(b)	Dissemination of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14
617.247, subd. 4(a)	Possession of child sexual abuse material
617.247, subd. 4(b)	Possession of child sexual abuse material as a second or subsequent offense, by a predatory offender, or involving a child under age 14
617.261, subd. 2(b)	Nonconsensual dissemination of private sexual images
617.262, subd. 3(b)	Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts
624.7191	Use or possession of metal-penetrating bullets in a crime
624.732, subd. 2	Intentional release of a harmful substance
629.75, subd. 2(d)	Violation of a domestic abuse no contact order

History: *2026 Minn. Sentencing Guidelines & Commentary 2.F.2.a(1)(i) & 6; restructured 2027.*

APPENDICES

APPENDIX 1. 2026 SENTENCING GUIDELINES REFERENCE TABLE.

The following table shows how various sections of the 2026 Guidelines correspond to the various guidelines within the restructured 2027 Sentencing Guidelines. The reverse information—the 2026 origin of a current guideline—is found on the history line at the end of each guideline.

2026 Sections	2027 Guidelines
1.A	1.10
1.B	1.50
1.B.13	1.10
2	1.20 & 2.10
2.A.1	2.20
2.A.2	2.25
2.A.3	2.20
2.A.4	2.20
2.A.5	2.20
Comment 2.A.05	2.25
2.B	2.30
2.B.1	2.31
2.B.2	*(removed in 2026)*
2.B.3	2.32
2.B.4	*(removed in 2026)*
2.B.5	2.36
2.B.6	*(removed in 2026)*
2.B.7	2.35
2.B.7.a	2.32
2.C.1	2.40
2.C.1.a	2.41
2.C.1.b & c	2.42
2.C.2	2.61
2.C.3	2.51
2.C.3.a	2.63
2.C.3.b	2.51 & 2.52
2.C.3.c(1)	2.63
2.C.3.c(2)	2.51 & 2.63
2.C.3.d & e	2.51 & 2.52
2.D.1	6.10

2026 Sections	2027 Guidelines
2.D.1.e & f	6.20
Comment 2.D.105	6.10
2.D.2	6.30
2.D.3.a	6.40
2.D.3.b	6.50
Comment 2.D.308	6.50
2.E.1	2.51, 2.62, & 2.63
2.E.2	2.51
2.E.2.a	2.63
2.E.2.b	2.51 & 2.63
2.E.2.c	2.63
2.E.2.d	2.51
2.E.2.e	2.63
2.E.3	5.20
2.E.4	1.20
2.F	2.70, 2.71, & 2.75
2.F.1	2.72
2.F.1.b	2.51, 2.52, & 2.72
2.F.2	2.73
2.F.2.a(1)(i)	7.90
2.F.2.a(2)	2.55 & 2.73
Comment 2.F.205	2.73
2.F.3	2.74
2.F.4	2.75
2.G.1	2.60 & 2.66
Comment 2.G.01	2.62
2.G.2 to 6	2.62

2026 Sections	2027 Guidelines
2.G.7	2.64
2.G.8	2.64
2.G.9.a	2.51
2.G.9.b	2.65
2.G.10	2.64
2.G.11	*(removed in 2026)*
2.G.12	2.43 & 2.62
2.G.13	2.65
2.G.14	2.65
3.A.1	4.10
3.A.2	4.20
3.B	4.30
3.C	5.10
3.D	1.20
3.E	5.30
3.F	5.40
3.G	1.30
4.A	3.10
4.B	3.20
4.C	3.30
5.A	7.10, 7.20, 7.30, & 7.40
5.B	2.20 & 7.50
6	7.90
7	7.60
8	7.80
Appendix 1 (part)	2.63
NEW	1.40 & 2.50