



# Sentencing Worksheets 101

Winter Series #1 – December 16, 2025

# Sentence Guidelines Policies Effective Date

## Guidelines used for the “current” offense

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

## Guidelines used for the “current” offense

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

Sentencing Guidelines Archive / +

mn.gov/sentencing-guidelines/abouttheguidelines/guidelines-archive/

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**MINNESOTA SENTENCING GUIDELINES COMMISSION**

# Website: mn.gov/sentencing-guidelines

The Guidelines | The Guidelines | Comprehensive Review | Research & Data | Education & Training | Forms

Home > The Guidelines > Sentencing Guidelines Archive

**Select “The Guidelines”**

**Select “Sentencing Guidelines Archive”**

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

**The Guidelines**

- 2025 Sentencing Guidelines & Commentary
- The Felony Sentencing Process
- How to Read the Grids
- Departing from the Presumptive Sentence
- Sentencing Guidelines Archive

**Previous Years Guidelines and Commentary**

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

**2024 Sentencing Guidelines**

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

**2024 Amendments**

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

**Sort**

Newest Oldest

**Archives**

2024 August

2023 2022 2021 2020 2019 2018 2017 2016 2015 2014

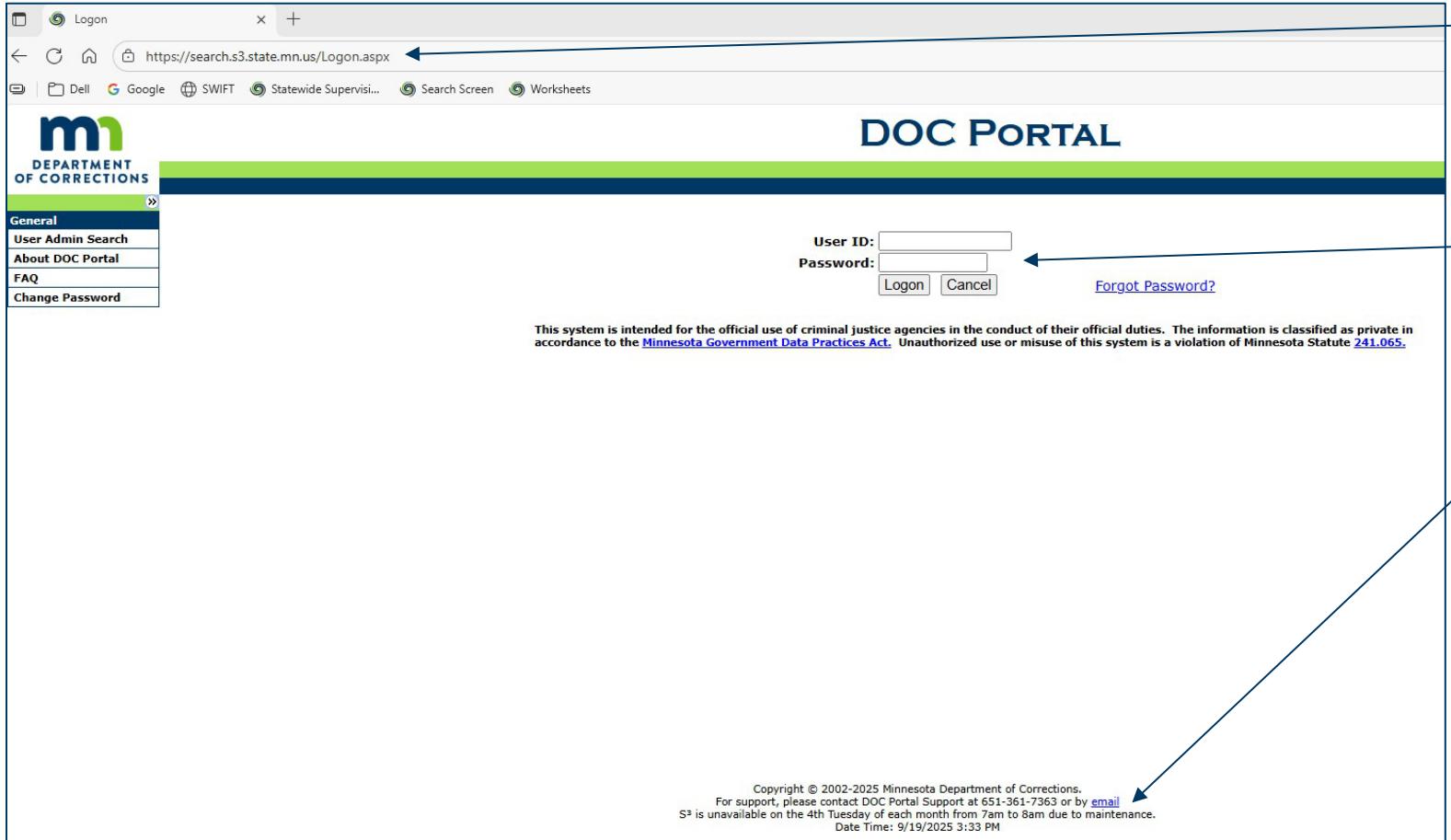
3

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

OFFENSES <i>SENTENCED BEFORE</i> 7/1/2023	OFFENSES <i>SENTENCED ON/AFTER</i> 7/1/2023
<ul style="list-style-type: none"><li>✓ Felony = 366 days, or 12 months and 1 day minimum</li><li>✓ Gross misd = 91 to 365 days (12 months maximum)</li><li>✓ Misdemeanor = not more than 90 days</li></ul>	<ul style="list-style-type: none"><li>✓ Felony = 365 days, or 12 months minimum</li><li>✓ Gross misd = 91 to 364 days</li><li>✓ Misdemeanor = not more than 90 days</li></ul>

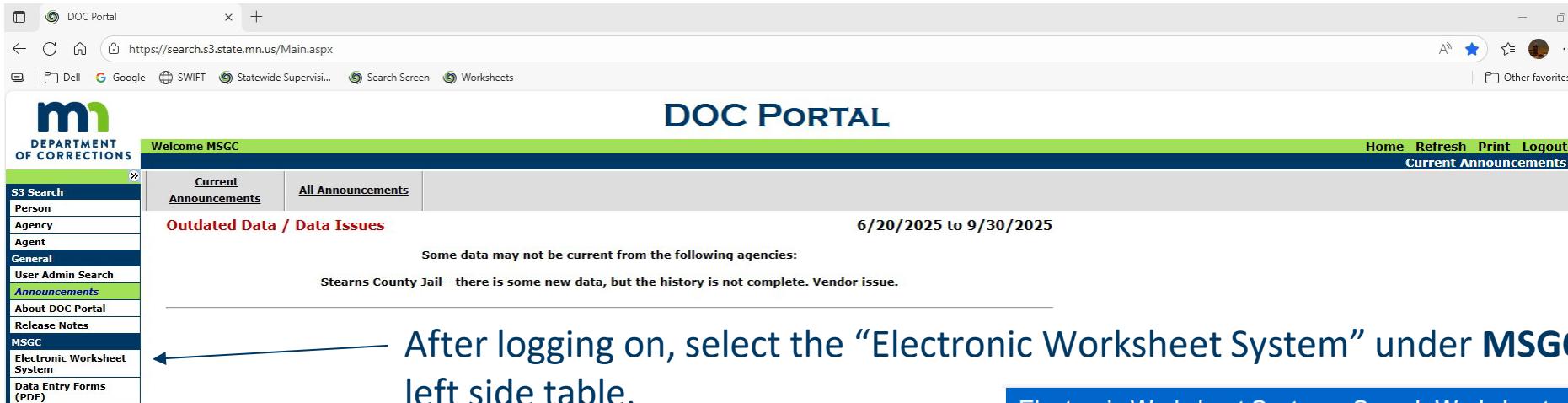
These changes to the statute apply only to MN offenses. The Guidelines still require that non-MN priors receive a 366 days minimum for felonies, making 365 days a gross misd.

# Access to the Electronic Worksheet System (EWS)



1. Access EWS through the DOC Portal at <https://search.s3.state.mn.us>
2. Input your User ID and Password to log onto the system and select Logon
3. If you have technical issues using the system, contact DOC at [Portal.Support.DOC@state.mn.us](mailto:Portal.Support.DOC@state.mn.us)

# Starting a worksheet on EWS



DOC Portal

https://search.s3.state.mn.us/Main.aspx

DOC PORTAL

Welcome MSGC

Home Refresh Print Logout

Current Announcements

Current Announcements All Announcements

Outdated Data / Data Issues

Some data may not be current from the following agencies:

6/20/2025 to 9/30/2025

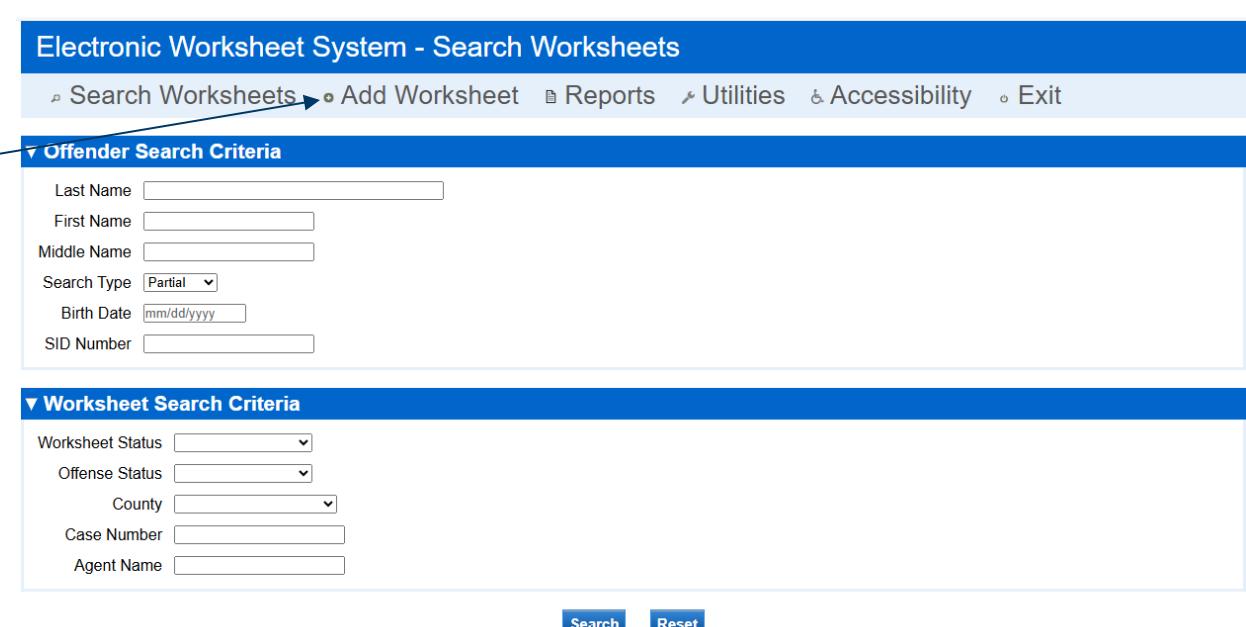
Stearns County Jail - there is some new data, but the history is not complete. Vendor issue.

MSGC

- S3 Search
- Person
- Agency
- Agent
- General
- User Admin Search
- Announcements
- About DOC Portal
- Release Notes
- MSGC
- Electronic Worksheet System
- Data Entry Forms (PDF)

After logging on, select the “Electronic Worksheet System” under MSGC from the left side table.

This will bring up the **Electronic Worksheet System- Search Worksheets** page. Select “Add Worksheet” to begin a new EWS.



Electronic Worksheet System - Search Worksheets

Search Worksheets Add Worksheet Reports Utilities Accessibility Exit

Offender Search Criteria

Last Name:   
First Name:   
Middle Name:   
Search Type:  Partial  
Birth Date:  mm/dd/yyyy  
SID Number:

Worksheet Search Criteria

Worksheet Status:   
Offense Status:   
County:   
Case Number:   
Agent Name:

Search Reset

# Starting the worksheet

## Electronic Worksheet System - Begin Worksheet

### Agency

Entered By: MSGC Training      User Phone: (651)757-1728      User Email: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)

\* Agency:

\* Agent:  [Manually Enter Agent Information](#)

\* Agent Email: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)

Agent Telephone: (651)757-1728

[Agent Email/Telephone Incorrect?](#)

Expected Sentencing Date:

### Court Case

**Get Court Case:** The 'Get Court Case' service retrieves available court case data from the MN Court Information System (MNCIS) and enters it into the 'offender' and 'offense' portion of your worksheet. To use the service, enter a valid court case number and click 'Get Court Case'. Afterwards, you will be able to manually add information to your worksheet not available from the Courts.

Preparing more than one worksheet? Make sure you get court case information in the order that the offenses are being sentenced.

\* County:  \* Court Case Number:  [Get Court Case](#)

Pre-Plea    Criminal History Summary [?](#)

\* Conviction/Plea Date:

### Court Case boxes

- **Pre-Plea:** use for single counts or multiple counts or cases with *different* dates.
- **Criminal History Summary (CHS):** use when there are multiple counts and there has not been direction on what will be sentenced to provide the parties with the criminal score only. This can be turned into a worksheet after it is determined what will be sentenced.
- **Conviction/Plea Date:** this will populate when the "Get Court Case" option is used and should only be changed if the information is not accurate.

### Electronic Worksheet System – Begin Worksheet

- Agency and Agent information will auto populate. If that information is missing or incorrect, use the manual entry options and contact your agencies CSTS administrator (that is where S3 gets the information).
- Entering a date in the Sentencing Date box will help with *Hernandizing* when there are multiple cases/counts being sentenced, but it is also how MSGC prioritizes worksheet review.

### The "Get Court Case" function

- Start by selecting the County from the drop-down box and entering the case number.
- Then use the "Get Court Case" option to start a worksheet or Criminal History Summary.
- By using this function, as opposed to entering the information manually, the data captured will be the information contained on MGA for the case, specifically the name, DOB, and when available, the Conviction/Plea Date the defendant was sentenced under. That is the data that MSGC uses.

# Starting a worksheet – Get Court Case

## Electronic Worksheet System - Get Case

### Get Case - Court Information

The court system has returned the following information.

Court Case: [REDACTED] Count: 1 County: [REDACTED]  
Offender: [REDACTED] Birth Date: [REDACTED] Gender: **Male**  
Offense Title: **Theft-Take/Use/Transfer Movable Prop-No Consent**  
Offense Date: **3/25/2024** Conviction Date: **5/22/2024** SID: [REDACTED]

Is this the court case information you want to use?

**OK**   **Cancel**

- The information returned will be the specific offense information, including the conviction/plea date when available.
- If there is more than one count, a dropdown box will appear, and the correct count being sentenced can be selected.
- Click OK to download the information or Cancel if you need to start again.

# Starting a worksheet

Electronic Worksheet System - Begin Worksheet

**Agency**

Entered By: MSGC Training      User Phone: (651)757-1728      User Email: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)

\* Agency:

\* Agent:

\* Agent Email: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us)

Agent Telephone: (651)757-1728      [Agent Email/Telephone Incorrect?](#)

Expected Sentencing Date:

**Court Case**

Get Court Case: The 'Get Court Case' service retrieves available court case data from the MN Court Information System (MNCIS) and enters it into the 'offender' and 'offense' portion of your worksheet. To use the service, enter a valid court case number and click 'Get Court Case'. Afterwards, you will be able to manually add information to your worksheet not available from the Courts.

Preparing more than one worksheet? Make sure you get court case information in the order that the offenses are being sentenced.

\*County:  \* Court Case Number:

Pre-Plea    Criminal History Summary [?](#)

\* Conviction/Plea Date:

**Offender**

\* Last Name:  First Name:  Middle Name:  Suffix:

\* Birth Date:  SID Number:

\* Gender:  <<< \*Race:  <<< \*Ethnicity:  <<<

## Electronic Worksheet System – Begin Worksheet

- Agency and Agent information will auto populate. If it does not, it can be entered manually, but you will receive a message instructing you to contact your CSTS administrator to verify that your information has been entered.
- Entering a date in the Sentencing Date box will help with *Herndizing* when there are multiple cases/counts being sentenced, but it is also how MSGC prioritizes worksheet review.

## Court Case

- Always using "Get Court Case" to start a worksheet or criminal history summary.
- By using this function, as opposed to entering the information manually, the data captured will be the information contained on MGA for the case, specifically the name, DOB, and if available, the Conviction/Plea Date the defendant was sentenced under. That is the data that MSGC uses.

## Offender

- The name, DOB, and SID Number will auto populate
- The gender, race, and ethnicity will have to be manually entered.
  - Don't use Other or Unknown for the race unless the ethnicity will be entered as Hispanic.

Select "Save and Go to (Add Offense)" to continue

# Electronic Worksheet System – Worksheet Tree

Electronic Worksheet System - Worksheet Tree

Status: **Open**  Created Date: **9/26/2025** Last Updated Date: **9/29/2025**  
Offender: **Testcase, John Sample - 02/09/1989**  Agent: **Training, Msgc** 

- Court Case (1) [Add Related Court Case](#)
  -   **Court Case: Waseca - (81)CR251234 - Conviction Date: 5/22/2024**
    - Offense (1) [Add Related Offense](#)
      -   **Sentence 1 - Count 1 - 3/25/2024 - Theft-Take/Use/Transfer Movable Prop-No Consent**  
**Severity Level: 3 - Custody Status: None - 0.0**  
[Copy Priors From Prior Worksheet](#) [Add Priors](#) [No Priors](#)  
 **Total Points/Presumptive Sentence - Stay - 12.0 Months - Criminal History Score = 0 - Complete**

[Submit for Review](#) [Hold](#) [New Search](#) [Refine Search](#) [View/Print](#)

The Worksheet Tree is the main landing page for the system, where navigation to the other pages happens.

The Header contains the worksheet Status information: Hold, Open, and Submitted, and that specific trashcan can be used if the entire worksheet needs to be deleted.

The Pencil icon on each line will allow for navigation to different pages within the system.

The Trashcan icon on each line will delete that specific information; however, if you use the Court Case one, it will delete the offense and history information. Be careful!

# Information on the Offense page: Offense Statutes and the Severity Level

## Electronic Worksheet System - Add Offense

Court Case: (81)CR251234 Sentence: 1 Offender: Testcase, John Sample - 02/09/1989

\* Date of Offense: 3/25/2024 [Change Offense Date](#)

\* Count Number:

\* Conviction Statute: 609.52.2(a)(1) - Theft-Take/Use/Transfer Movable Prop-No Consent

Penalty Statute: 609.52.3(2) - Theft - Value over \$5,000 or trade secret, explosive, Controlled Substance I or II

\* Severity Level: 3

Weapon:  Subsequent Weapon Offense

Conditional Release Period: None

Custody Status: Probation

Additional Statute(s): Add additional statutes here (such as Aid and Abet 609.05)

Offense Comments: Add comments here related to the current offense. This is good place to include information such as enhancing offenses, the information for Release Pending Sentencing or one of the other custody status types that won't have a prior in history

**Modifiers**  
(e.g. attempt, conspiracy, subsequent drug, etc.)

Select Modifier

[Save and Go to Tree](#) [Reset](#) [Cancel](#)

- When the “Get Court Case” function is used, the Count Number and the Conviction Statute selected will autofill.
- The Penalty Statute does not autofill. If it is available – not all offenses require both statutes – it will need to be manually added. Including it available will assist MSGC with verifying that the Severity Level is correct.
- The Severity Level is the ranking assigned to each felony by the Commission to indicate the seriousness of the offense. Even if it is auto-populated, it should be verified using the table in section 5.B.
- Custody is added here from the drop-down list. Once that is selected, either a comment will be needed, or you will select a prior from the criminal history section so that the point value correctly populates.
- After completing the Additional Statutes and Offense Comments section as needed, click “Continue” to download the modifiers. Select any applicable one from the drop-down and click “Save and Go to Tree” to move on.

# Information on the Offense page: Repeat Severe Violent Offense message

Electronic Worksheet System - Edit Offense

Court Case: (81)CR251234 Sentence: 1 Offender: Testcase, John Sample - 02/09/1989

\* Date of Offense: 3/25/2024 [Change Offense Date](#)

\* Count Number:

\* Conviction Statute: 609.245.1 - Aggravated Robbery-1st Degree

Penalty Statute:

\* Severity Level: 8

② The current offense is found on the Severe Violent Offense List, Guidelines Sec. 8. A conviction for a prior eligible offense which occurred before 3/25/2024 will require the addition of the appropriate Severe Violent Offender Modifier as determined by Guidelines Sec. 2.G.14. Custody status NOT waivable pursuant to section 2.B.2.e(4).

② Weapon:  ② Subsequent Weapon Offense  This is an eligible weapon offense under Minn. Stat. § 609.11, subd. 9. If there is a finding of fact that a weapon was an element of the crime, select the appropriate weapon from the drop down box. The presumptive disposition will be a "Commit to the Commissioner" and the duration will be the Grid time or the mandatory minimum, whichever is longer.

② Conditional Release Period:  None

② Custody Status:  None

Additional Statute(s):

Offense Comments:

**Modifiers**  
(e.g. attempt, conspiracy, subsequent drug, etc.)

Select Modifier

[Save and Go to Tree](#) [Reset](#) [Cancel](#)

When the Severe Violent Offense message appears, it is *only* intended to remind the user that the current offense is an SVO, and that *only if there are applicable priors* (offenses found in Section 8) that the modifier will be used.

- “Repeat Severe Violent Offender (1 prior)” will add 12 months; or 6 months if the current offense is an attempt
- “Repeat Severe Violent Offender (2 priors)” will add 18 months; or 9 months if the current offense is an attempt
- “Repeat Severe Violent Offender (3+ priors)” will add 24 months; or 12 months if the current offense is an attempt

*There will also be a message that pops up based on a 1st Degree drug offense. Again, it's a prompt that something might be necessary. But always read the entire comment whenever one pops up for complete instructions/requirements.*

# Information on the Offense page: Weapon Modifiers

Electronic Worksheet System - Edit Offense

Court Case: (81)CR251234 Sentence: 1 Offender: Testcase, John Sample - 02/09/1989

\* Date of Offense: 3/25/2024 [Change Offense Date](#)

\* Count Number:

\* Conviction Statute: 609.245.1 - Aggravated Robbery-1st Degree

Penalty Statute:

\* Severity Level: 8

**②** The current offense is found on the Severe Violent Offense List, Guidelines Sec. 8. A conviction for a prior eligible offense which occurred before 3/25/2024 will require the addition of the appropriate Severe Violent Offender Modifier as determined by Guidelines Sec. 2.G.14. Custody status NOT waivable pursuant to section 2.B.2.e(4).

**②** Weapon:  **②** Subsequent Weapon Offense   
This is an eligible weapon offense under Minn. Stat. § 609.11, subd. 9. If there is a finding of fact that a weapon was an element of the crime, select the appropriate weapon from the drop down box. The presumptive disposition will be a "Commit to the Commissioner" and the duration will be the Grid time or the mandatory minimum, whichever is longer.

**②** Conditional Release Period:  **②** Custody Status:  Additional Statute(s):   
Offense Comments:

**②** **Modifiers**  
(e.g. attempt, conspiracy, subsequent drug, etc.)  
Select Modifier

[Save and Go to Tree](#) [Reset](#) [Cancel](#)

When there is a conviction offense that is *eligible* under to have a weapon included, one of these two messages will appear:

- This message is for an offense that is *eligible* under Minn. Stat. § 609.11, subd. 9; however, that only means that one can be included if there is a finding of fact on the record that the weapon was an element of the crime. Just because a weapon present, doesn't mean it is automatically included.
- The finding of fact can be present when there is:
  - a) the weapon is included in the conviction offense; or
  - b) a plea to the weapon by the defendant in their allocution statement
  - c) there is a finding by the court or jury

**Unless the finding is made, no weapon can be indicated.**

# Information on the Offense page: Weapon Modifiers

Electronic Worksheet System - Edit Offense

Court Case: (81)CR251234 Sentence: 1 Offender: Testcase, John Sample - 02/09/1989

\* Date of Offense: 3/25/2024 [Change Offense Date](#)

\* Count Number: 1

\* Conviction Statute: 609.222.1 - Assault-2nd Degree-Dangerous Weapon

Penalty Statute:

\* Severity Level: 6

Weapon:   Subsequent Weapon Offense

This is a weapon offense under Minn. Stat. § 609.11, subd. 9. Select the appropriate weapon from the drop down box. The presumptive disposition is a "Commit to the Commissioner" and the duration is automatically the Grid time or the mandatory minimum, whichever is longer.

Conditional Release Period:  None

Custody Status:  None

Additional Statute(s):

Offense Comments:

**Modifiers**  
(e.g. attempt, conspiracy, subsequent drug, etc.)

Select Modifier

[Save and Go to Tree](#) [Reset](#) [Cancel](#)

When there is a conviction offense that is *eligible* under to have a weapon included, one of these two messages will appear:

- This message is for an offense that is an *automatic* weapon offense under Minn. Stat. § 609.11, subd. 9. By statute, the weapon must be included; the worksheet cannot move past the Offense page until the weapon is cited.
- Automatic weapon offenses are:
  - Certain 1<sup>st</sup> and 2<sup>nd</sup> degree drug offenses
  - Assault in the Second Degree under Minn. Stat. § 609.222;
  - Harassment (Aggravated Violations) with a dangerous weapon under Minn. Stat. § 609.749, subd. 3(a)(3);
  - Drive-By Shootings under Minn. Stat. § 609.66;
  - Certain Persons Not to Have Firearms or Ammunition under Minn. Stat. §§ 624.713, subd. 2(b) and 609.165, subd. 1b.

**Even if the prosecutor waives 609.11, it must be included on these offenses.**

# Information on the Offense page: Conditional Release

## Electronic Worksheet System - Edit Offense

Court Case: (81)CR251234 Sentence: 1 Offender: Testcase, John Sample - 02/09/1989

\* Date of Offense: 3/25/2024 [Change Offense Date](#)

\* Count Number: 1

\* Conviction Statute: 609.342.1(a) - Criminal Sexual Conduct - 1st Degree - Penetration - Fear Great Bodily Harm

Penalty Statute:

\* Severity Level: A

 The current offense is found on the Severe Violent Offense List, Guidelines Sec. 8. A conviction for a prior eligible offense which occurred before 3/25/2024 will require the addition of the appropriate Severe Violent Offender Modifier as determined by Guidelines Sec. 2.G.14. Custody status NOT waivable pursuant to section 2.B.2.e(4).

 Weapon: 

 Are you sure?

You have selected an offense for which conditional release may apply. Conditional release is a statutorily required term of extended supervision that is applicable to certain offenses such as DWI and criminal sexual conduct. This additional term of supervision begins when the offender completes the term of imprisonment. Conditional release should be pronounced at sentencing but is only imposed on executed prison sentences. Consult the applicable Minnesota statute

[CSC 1st-4th Degree](#)

to determine the appropriate term of conditional release that must be applied.

OK

A Conditional Release Period is assigned to certain offenses, specifically, offenses from the Sex Offender Grid and Felony DWI among others.

- For DWI, the 5-year Conditional Release Period will populate automatically and cannot be changed or removed.
- For other offenses, especially CSC offenses, it must be added manually:
  - 8/1/1992 – 7/31/2005 – Five years for the first offense; 10 years for subsequent offenses (subsequent must have a true prior, convicted before the commission of the current offense);
  - 8/1/2005 to present: 10 years for the first offense; Lifetime for subsequent offenses; a prior used in criminal history will make the current term Lifetime under Minn. Stat. § 609.3455, subd. 7.
- If the offense is an attempt, Conditional Release does not apply.

This message will appear when a Conditional Release term is not properly added. Although you can move on, the worksheet will return for modification.



# Information on the Offense page: Modifiers

COMMON modifiers based on a characteristic of the current conviction offense

1. 152.021.3(c) – this penalty statute must be cited
2. Attempt – Minn. Stat. § 609.17 must be cited.
3. Conspiracy – Minn. Stat. § 609.175 must be cited.
4. Failure to Register (Subsequent) – Minn. Stat. § 243.166, subd. 3(c) must be cited.

COMMON modifier based on BOTH a characteristic of the current offense AND a prior offense(s)

1. Burglary of an Occupied Dwelling (severity level 6 offense) – Minn. Stat. § 609.582, subd. 1(a) is the conviction statute and there is a prior felony burglary, even if decayed (make a note if decayed).
2. Drug Offense (Subsequent) – after 8/1/2016, only 1st and 2nd degree drug offenses with a prior 1st or 2nd degree drug conviction are eligible.
3. Felony DWI w/ Applicable Prior – this is when the current offense is a felony DWI and there is a prior felony DWI or applicable felony CVO/CVH.
4. Severe Violent Offense (1 prior), (2 priors), or (3+ priors) – post-2019 current felony offense and applicable prior convictions from the SVO Modifier list (Section 8).

# Calculating and inputting criminal history

# Criminal History: Copying priors or manually adding them

Electronic Worksheet System - Worksheet Tree

Status: Open Created Date: 9/26/2025 Last Updated Date: 9/29/2025  
Offender: Testcase, John Sample - 02/09/1989 Agent: Training, Msge

- Court Case (1) [Add Related Court Case](#)
  - Court Case: Waseca - (81)CR251234 - Conviction Date: 5/22/2024
    - Offense (1) [Add Related Offense](#)
      - Sentence 1 - Count 1 - 3/25/2024 - Theft-Take/Use/Transfer Movable Prop-No Consent  
Severity Level: 3 - Custody Status: None - 0.0
        - [Copy Priors From Prior Worksheet](#) [Add Priors](#) [No Priors](#)
        - Total Points/Presumptive Sentence - **New**

[Submit for Review](#) [Hold](#) [New Search](#) [Refine Search](#) [View/Print](#)

Electronic Worksheet System - Search Prior Worksheets

**▼ Copy Priors Disclaimer Warning**

**Copy Priors from Previous Worksheets**

Last Name  First Name  Middle Name   
Search Type  Birth Date  SID Number   
[Search](#) [Return to Current Worksheet](#)

When you are ready to add prior history, use one of two options in *this order*:

1. Select “Copy Priors from Prior Worksheet” – this will do a search for prior reviewed worksheets.
2. If none are returned, then use “Add Priors” to manually add each one.

# Criminal History: Juvenile Priors

\* Prior Offense Type:

Sequence: 1

Jurisdiction:   Jurisdiction County:   Court Case Number:

\* Description:

\* Offense Date:

\* Disposition Date:

- Juvenile priors are included if the defendant is under 25 when the current offense occurs.
- Juvenile priors to include are felony-level offenses committed on/after the defendant's 14<sup>th</sup> birthday and adjudicated delinquent in juvenile court.
- Two priors make one point, which is the maximum in most cases.
- Include all priors in criminal history that meet the eligibility criteria and contact MSGC to determine if there should be more than 1 point assigned.

# Criminal History: Misdemeanor and Gross Misdemeanor Priors

\* Prior Offense Type: **Misdemeanor/Gross Misdemeanor**

Sequence: 1

Jurisdiction:  Jurisdiction County:  Court Case Number:

\* Description:

\*  Was offender under eligible custody status for the offense on 8/1/2018:  Yes  No

\* Disposition Date:  This prior offense will decay on 1/1/2028.

\* Expiration Date:

\* Units:

**Save and Return To Tree** **Reset** **Cancel**

- Eligible misd/gross misd priors include targeted misd offenses, gross misd offenses receiving gross misd sentences (unless they are on the targeted misd offense), and felony sentenced to less than 1 year and 1 day.
- Priors are eligible for 10 years from the Disposition Date to the date the current offense occurs.
- Priors are worth 1 unit each, and 4 units make one point, which is the maximum in most cases.
- Include all priors in criminal history that meet the eligibility criteria and contact MSGC to determine if there should be more than 1 point assigned (cases of felony DWI or felony CVO/CVH).
- If custody has been assigned based on this prior, be certain to mark “Yes” for the custody question.

# Criminal History: Felony Priors – what to include

* Prior Offense Type: <input type="text" value="Felony"/>	Sequence: <b>3</b>	Jurisdiction: <input type="text" value="Minnesota"/>	Jurisdiction County: <input type="text" value="BECKER"/>	Court Case Number: <input type="text" value="CR198521"/>
* Description: MN and eligible non-MN felony prior w/ felony sentence, felony Stay of Imposition, or EJJ dispo				
* Severity Level: <input type="text"/>				
* Prior Offense Type: <input type="text" value="Felony"/>	Sequence: <b>3</b>	Jurisdiction: <input type="text" value="Federal"/>	Court Case Number: <input type="text" value="FD-12589"/>	
* Description: Federal prior with no MN equivalent				
* Severity Level: <input type="text"/> <input type="checkbox"/> No MN Equivalent <a href="#">?</a>				

- Include MN and eligible non-MN priors that received a felony sentence, a felony Stay of Imposition, or an EJJ conviction.
- If the prior offense is a Federal offense with no MN equivalent, select Federal for the Jurisdiction and the No Equivalent box to deactivate the Severity Level. This will default to 1 point per the policy.

# Criminal History: Felony Priors – Decay period

\* Prior Offense Type: **Felony**

Sequence: 3

Jurisdiction:  Jurisdiction County:  Court Case Number:

\* Description:

\* Severity Level:

\*  Did this prior result in a prison term:  Yes  No

\*  Was offender under eligible custody status for the offense on 8/2/2019:  Yes  No

\* Disposition Date:

\* Expiration Date:  This prior offense will decay on 1/1/2034.

\* Points

\* Prior Offense Type: **Felony**

Sequence: 3

Jurisdiction:  Jurisdiction County:  Court Case Number:

\* Description:

\* Severity Level:

\*  Did this prior result in a prison term:  Yes  No

\*  Was offender under eligible custody status for the offense on 8/2/2019:  Yes  No

\* Disposition Date:  This prior offense will decay on 1/1/2033.

\* Expiration Date:

\* Points

\* Prior Offense Type: **Felony**

Sequence: 1

Jurisdiction:  Jurisdiction County:  Court Case Number:

\* Description:

\* Severity Level:

\*  Did this prior result in a prison term:  Yes  No

\*  Was offender under eligible custody status for the offense on 12/20/2022:  Yes  No

\* Disposition Date:

\* Expiration Date:  Still under custody; no decay.

The questions posed for the felony prior will affect both the decay period and the custody point value.

- “Did this prior result in a prison term” is based on the status of that prior’s sentence when the current offense occurred.
  - Check ‘Yes’ if the original disposition was prison, or if the stayed sentence was revoked to prison.
    - The decay will be 15 years from the Expiration Date to the date the current offense occurred.
  - Check ‘No’ if the original disposition was, and remained, a stayed sentence.
    - If revocation remained a stay – e.g., stay of imp to stay of ex – use the date of the original sentence.
    - If a Stay of Adjudication is revoked to a stay or imp or a stay of ex, use the date of *that* disposition, the first imposed sentence.
  - The decay will be 15 years from the Disposition Date to the date the current offense occurred.
- “Was the offender under eligible custody status for the offense on [offense date]” should be answered if a custody value was added (this question will not appear if there is no custody value). Felonies still under custody will not decay.

# Criminal History: Felony Priors – Custody Ineligibility

\* Prior Offense Type: **Felony**

Sequence: 11

Jurisdiction:

Jurisdiction County:

Court Case Number:

\* Description:

\* Severity Level:

\*  Did this prior result in a prison term:  Yes  No

\*  Was offender under eligible custody status for the offense on 7/12/2021:  Yes  No

\* Disposition Date:

\* Expiration Date:  This prior offense will decay on 1/9/2039.

\* Points

## Custody Status Ineligibility Questions

Is this offense (or its Minnesota equivalent, for non-Minnesota offenses), any of the following?  
Check all that apply:

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

**Save and Return To Tree**

**Reset**

**Cancel**

- The “Custody Status Ineligibility Questions” determine if custody for the prior offense is eligible to be waived.
  - Waiver of custody is covered by 2.B.2.e of the Guidelines, and the decision to waive the custody lies with the court.
- If either the current offense, or the prior they are under custody for, is ineligible for waiver, it cannot be waived without departure.
- “Is this offense (or its Minnesota equivalent for non-Minnesota offense) any of the following?”
  - The first question will auto-populate based on the severity level assigned to the prior: “Currently assigned a severity-level ranking in the Guidelines of 8–11, A–G [or A–H depending on the current offense date], or D8–D9?”
    - This is why it is important to use the severity level in effect when the current offense occurs. 2<sup>nd</sup> degree drug was a level 8, but as of 2016 it’s a D7. If the severity level is not updated, then that box will be checked incorrectly, and the defendant may not get the waiver consideration.
  - “A Severe Violent Offense” is for a prior from the Severe Violent Offense (SVO) list in section 8 of the Guidelines. It is a very specific list, so ensure you have the correct statute for the prior before checking that box.
  - “Fleeing Peace Officer (Great Bodily Harm) (Minn. Stat. § 609.487, subd. 4(b))” is a severity level 6 offense that the commission added to the SVO list.

# Total Points/Presumptive Sentence Page: Total Criminal History Points

**Total Criminal History Points**

Conviction Statute: **609.582.3 - Burglary-3rd Deg-Steal/Commit Felony or Gross Misd**

Severity Level: **4**

Penalty Statute:

Additional Statute(s):

Additional Comments:

Custody Status Point: **0.5** \* Juvenile Points: **1** ? M/GM Points: **0** ? Felony/EJJ Points: **5.0** Total Criminal History Points: **6**

0.5 Custody Status Pt. not used to find presumptive sentence per 1/13/22 MSGC interim guidance.

**Total Criminal History Points**

Conviction Statute: **609.582.3 - Burglary-3rd Deg-Steal/Commit Felony or Gross Misd**

Severity Level: **4**

Penalty Statute:

Additional Statute(s):

Additional Comments:

Custody Status Point: **0.5** \* Juvenile Points: **1** ? M/GM Points: **0** ? Felony/EJJ Points: **6.0** Total Criminal History Points: **7**

Check to override custody status points to 1.0. ?

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

0.5 Custody Status Pt. not used to find presumptive sentence per 1/13/22 MSGC interim guidance.

- Statute and Severity Level information must be updated on the Offense page.
- Additional Statute(s) and Additional Comments can be added here.
- The Custody Status Point value will default to the highest level (either 0.5 or 1.0) based on the prior(s) selected.
  - Currently, the 0.5 custody value is not being added into the total criminal history score per the Commissions interim guidance.
- The Juvenile Points and M/GM Points will default to either 0 or 1 depending on the priors. While it can be changed, please check with MSGC first to ensure additional points are eligible.
- The felony points will automatically calculate and can only be changed when the information is changed on the Priors page.
- If the custody status selected is **Release Pending Sentencing, Stay of Adjudication Custody, or Confined** and the offense connected has not been sentenced yet, the option to Override the custody point to 1 point is an available on this screen.

# Total Points/Presumptive Sentence Page: Presumptive Guidelines Sentence

**Presumptive Guidelines Sentence**

This calculator is provided as a courtesy. The presumptive disposition and duration are calculated based on the severity level and criminal history score provided. Some sentencing scenarios may be missing as only the most common modifiers and mandatory minimums are part of the formula. Please verify the accuracy of the presumptive sentence. Contact MSGC if you have any questions about the application of the sentencing guidelines.

**Calculated Presumptive Sentence**

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

Life Sentence

Presumptive Consecutive ? to Case #

Presumptive Commit due to prior 152.18 ?

Departure Anticipated

Revoked EJJ ?

Override

Disposition: **Stay**

Recommended Duration: **15.0 Months**

Lower Duration: **15.0 Months**

Upper Duration: **15.0 Months**

**Probation Cap**

Override

Cap: **Presumptive max. length of stay: 5 years.**

- The Calculated Presumptive Sentence will be based on the Severity Level and Total Criminal History Score from the appropriate cell on the applicable Grid.
- Do not use the Override button without first confirming that all applicable items such as modifier have been added correctly.
- If the court waives the custody status point value, do not remove the custody type. Instead, check the box on this page to recalculate the sentence. If the box is grayed out, that means that custody cannot be waived without departure.
- Two other check boxes – Departure Anticipated and Revoked EJJ – can be checked when applicable to print on the worksheet.

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

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

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

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