



MINNESOTA

SENTENCING GUIDELINES COMMISSION

2025 REPORT TO THE LEGISLATURE

JANUARY 15, 2025

658 Cedar Street, Suite G-58

Saint Paul, MN 55155

Website: <http://mn.gov/sentencing-guidelines>

Email: sentencing.guidelines@state.mn.us

Voice: (651) 296-0144 • Minnesota Relay: 711

COMMISSION MEMBERS

Kelly Lyn Mitchell, Chair and Designee of the Commissioner of Corrections

Michelle A. Larkin, Vice-Chair and Minnesota Court of Appeals Judge

Richard Frase, Professor Emeritus, University of Minnesota Law School

Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project

David Knutson, First Judicial District Court Judge

Kyra Ladd, Wadena County Attorney

Cathryn Middlebrook, Chief Appellate Public Defender

Gordon L. Moore, III, Minnesota Supreme Court Justice

Tim Morin, Public Member

Chief Brian Mueller, Stillwater Police Department

Latonya Reeves, Hennepin County Career Probation Officer

Surya Saxena, Public Member

Treatment or Rehabilitative Services Provider Member – Vacant

COMMISSION STAFF

Nathaniel J. Reitz, Executive Director

Leah Bower, Senior Research Analyst Supervisor

Andrew Gonzalez, Research Analyst Intermediate

Matthew Hlina, Research Analyst Intermediate

Kathleen Madland, Research Analysis Specialist

Linda McBrayer, Management Analyst 4

Jill Payne, Senior Research Analysis Specialist

Devonte Roache, Research Analyst

This information will be made available in an alternative format upon request. The total cost of development and preparation for this report was \$5,980. (Reported as required by Minn. Stat. § 3.197.)

Table of Contents

Introduction	1
Executive Summary	3
The Commission’s Work in 2024	4
Responding to the Work of the 2024 Minnesota Legislature.....	5
Administrative Rules Governing Sentencing Guidelines Changes	5
Recommended Changes to Criminal Law and Proposed Changes to the Sentencing Guidelines.....	6
Comprehensive Review of the Sentencing Guidelines	7
Stakeholder Engagement.....	8
Research.....	13
Comprehensive Review – Next Steps	16
MSGC Staff’s Work in 2024	17
Sentencing Practices Data Summary	19
Sentencing Trends	20
Departures from the Guidelines	27
Demographic Characteristics	31
Other Mandatory Reports	37
County Attorney Firearms Reports	37
Outcomes of Deferred Sentences for Military Veterans	43
Prosecutor-Initiated Sentence Adjustments	45
Appendices	46
Appendix 1. 2024 Amendments to the Minnesota Sentencing Guidelines and Commentary.....	46
Appendix 2. Sentencing Guidelines Grids	55
Appendix 3. Minnesota Judicial District Map	58

Table of Figures

Figure 1. All-State and Minnesota Imprisonment Rates, 1978–2023	2
Figure 2. Number of Cases Sentenced for Felony Convictions, 1981–2023.....	20
Figure 3. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2023	20

Figure 4. Actual & Presumptive Prison Rates, 1982–2023	21
Figure 5. Average Pronounced Prison Sentences and Local Confinement, 1981–2023	21
Figure 6. Rates of Stays of Execution and Stays of Imposition, 1981–2023.....	22
Figure 7. Cases Sentenced for Felony Convictions by Offense Type, 2023	23
Figure 8. Percent of Cases Sentenced for Person or Property Offenses, 1981–2023	24
Figure 9. Repeat Severe Violent Offenses, Sentenced 2019–2023	25
Figure 10. Life Sentence Cases, 2006–2023	26
Figure 11. Total Departure Rates, All Cases, 1981–2023	27
Figure 12. Dispositional Departure Rates, 1981–2023	28
Figure 13. Dispositional Departure Rates, 2023.....	28
Figure 14. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2014–2023	29
Figure 15. Aggravated and Mitigated Durational Departures Among Executed-Prison Cases for Select Offenses Compared to Total Rate, 2014–2023	30
Figure 16. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–2023, by Sex and Total	31
Figure 17. Distribution of Cases by Race & Ethnicity, 1981–2023	32
Figure 18. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2023	32
Figure 19. Distribution of Cases and Population by Race and Judicial District, 2023	33
Figure 20. Mitigated Departures by Sex & Race/Ethnicity, 2023	34
Figure 21. Mitigated Departures by Judicial District, 2023	34
Figure 22. Actual & Presumptive Prison Rates by Sex & Race/Ethnicity, 2023	35
Figure 23. Actual & Presumptive Prison Rates by Judicial District, 2023	36
Figure 24. Cases Allegedly Involving a Firearm, FY 1996 to FY 2024.....	38
Figure 25. Disposition of Cases, Alleged Designated Offenses Involving Firearms, as Reported by County Attorneys, Cases Disposed of Between July 1, 2023, and June 30, 2024.....	39

Table of Tables

Table 1. County Attorney Firearms Reports on Criminal Cases Allegedly Involving a Firearm, by Minn. County, Cases Disposed of Between July 1, 2023, and June 30, 2024.....	40
Table 2. Minnesota Judicial Branch Reports on Sentences Deferred Under Minn. Stat. § 609.1056, by County, Cases Disposed of Between July 1, 2023, and June 30, 2024.....	43
Table 3. Minnesota Judicial Branch Reports on Levels of Sentence, Previously Deferred Sentences Under Minn. Stat. § 609.1056 Resulting in Conviction Between July 1, 2023, and June 30, 2024, by County	44

Introduction

The Minnesota Sentencing Guidelines Commission submits this report to the Legislature to fulfill its five statutory reporting requirements:¹

- To identify and explain all Sentencing Guidelines modifications made during the preceding twelve months;
- To identify, explain, and submit to the Legislature any modifications proposed to take effect in 2025;
- To summarize and analyze reports received from county attorneys on criminal cases involving a firearm;
- To report data on outcomes of deferred sentences for military veterans; and
- To summarize and analyze prosecutor-initiated sentence adjustments granted by the courts.

The Commission also takes this opportunity to highlight other topics that may be of interest to the Legislature, including updates on Commission activities, staff activities, and sentencing trends.

In 1980, Minnesota became the first state to implement a sentencing guidelines structure. The Legislature created the Minnesota Sentencing Guidelines Commission (MSGC) to establish and improve the Minnesota Sentencing Guidelines, evaluate outcomes of changes in sentencing policy, analyze trends, make appropriate recommendations, and provide education on sentencing law and policy.

When establishing and modifying the Guidelines, the Commission’s primary consideration is public safety. Other considerations are current sentencing and release practices, correctional resources—including, but not limited to, the capacities of local and state correctional facilities—and the long-term negative impact of crime on the community.² The Commission’s stated purpose of the Sentencing Guidelines is to establish rational and consistent sentencing standards that reduce sentencing disparity and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the offender’s criminal history. The Sentencing Guidelines embody principles including that sentencing should be neutral, rational, consistent, and uniform, and that departures from the presumptive sentences should be made only when substantial and compelling circumstances can be identified and articulated.³

Minnesota’s imprisonment rates are related to Sentencing Guidelines recommendations as to who should go to prison and for how long—recommendations based primarily on the seriousness of the offense and the criminal history score. In each of the first 34 years the Guidelines were in effect—from 1980 through 2013—Minnesota ranked nationally among the three states with the lowest imprisonment rates. More recently, however, Minnesota’s imprisonment-rate ranking has risen, and, by 2022 and 2023, it had grown to seventh-lowest.⁴

¹ [Minn. Stat. §§ 244.09](#), subs. 11, 14 & 15, & [609.1056, subd. 3a\(c\)](#); see also [§§ 609.11, subd. 10](#), & [609.133, subd. 7\(d\)](#).

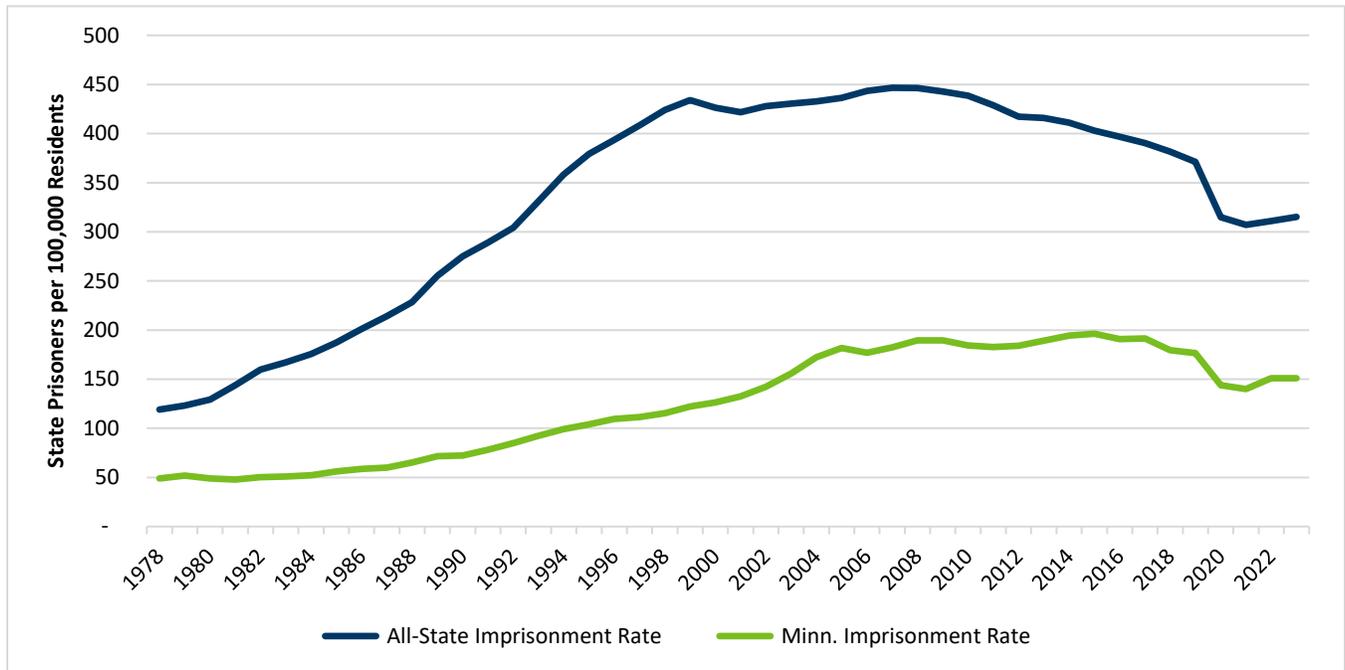
² [Minn. Stat. § 244.09](#), subd. 5.

³ [2024 Minn. Sentencing Guidelines & Commentary](#) section 1.A.

⁴ Minnesota’s imprisonment rate was 4th-lowest in 2014, 2018, & 2019; 5th-lowest in 2017; 6th-lowest in 2020 & 2021; and 1st-, 2nd-, or 3rd-lowest in 1980–2013, 2015, & 2016. E. Ann Carson, “Prisoners in 2022 – Statistical Tables” (NCJ 307149) (Bureau of Justice Statistics (BJS), Nov. 2023), Table 7 (retrieved Dec. 6, 2023, at <https://bjs.ojp.gov/document/p22st.pdf>); E.A. Carson, “Prisoners in 2021 – Statistical Tables” (NCJ 305125) (BJS, Dec. 2022), Table 7 (retrieved Dec. 6, 2023, at <https://bjs.ojp.gov/content/pub/pdf/p21st.pdf>); E.A. Carson, “Imprisonment Rate of Sentenced Prisoners under the

Minnesota’s 2023 imprisonment rate, 151 prisoners per 100,000 Minnesotans, was triple its 1980 rate.⁵ Nevertheless, Minnesota’s imprisonment rate remains less than half the national state imprisonment rate (Figure 1).⁶

Figure 1. All-State and Minnesota Imprisonment Rates, 1978–2023



Source: Bureau of Justice Statistics (BJS); 2023 rates are unofficial MSGC staff calculations using preliminary BJS data.

In cases in which prison sentences are stayed, the court usually places the defendant on probation. Minnesota’s seventh-lowest imprisonment rate stands in contrast to its probation rate, which, in 2022, was the fourth highest among all states.⁷ In 2020 and 2023, the Commission and the Legislature, respectively, took action to cap the length of probation, for most offenses, at five years.⁸

Jurisdiction of State or Federal Correctional Authorities per 100,000 U.S. Residents, Dec. 31, 1978–2019” (BJS, Oct. 14, 2020) (retrieved Dec. 5, 2023, at https://csat.bjs.ojp.gov/assets/documents/QT_imprisonment%20rate_total.xlsx); Derek Mueller, “Prisons Report Series: Preliminary Data Release, 2023” (BJS, Dec. 2024) (retrieved Jan. 6, 2025, at <https://bjs.ojp.gov/preliminary-data-release-prisons-2023>) (preliminary prison population data; 2023 imprisonment rates were unofficially calculated by MSGC staff using an average of the U.S. Census Bureau’s July 1, 2023 and July 1, 2024 residential population estimates).

⁵ Minnesota’s 1980 imprisonment rate was 49 per 100,000.

⁶ The unofficial 2023 imprisonment rate for all states was 315 prisoners per 100,000 U.S. residents. Neither rate includes inmates of federal prisons or local correctional facilities.

⁷ About 1 in 52 (1,927 in 100,000) adult Minnesotans was on state probation in 2022, compared to about 1 in 88 (1,137 in 100,000) residents of all states. Danielle Kaeble, “Probation & Parole in the U.S., 2022” (NCJ 308575) (BJS, Aug. 2024), App’x Table 6 (retrieved Dec. 5, 2024, at <https://bjs.ojp.gov/document/ppus22.pdf>).

⁸ Cf. “Minnesota Sentencing Guidelines and Commentary August 2020 Amendments,” pp. 4–10 (establishing within the Sentencing Guidelines a presumptive five-year limit on probation lengths, with exceptions for listed homicide and sex offenses), with 2023 Minn. Laws ch. 52, art. 6, §§ 13–15 (establishing within law a firm five-year limit on probation lengths for a similar group of offenses, with a process for retroactive applicability).

Executive Summary

The Commission's Work in 2024 (p. 4)

To fulfill its statutory mission to improve the Sentencing Guidelines and research sentencing practices and other matters relating to the improvement of the criminal justice system, the Minnesota Sentencing Guidelines Commission met eleven times in 2024 and held one public hearing. While the Commission responded to the work of the 2024 Legislature by ranking six new or amended felonies (p. 5) and developed potential changes to the administrative rules governing Sentencing Guidelines changes (p. 5), most of its 2024 work focused on continuing its multiyear, comprehensive review of the Sentencing Guidelines (p. 7). This report details some of the stakeholder feedback the Commission received about the Sentencing Guidelines as a result of its extensive stakeholder engagement process (p. 8), and describes its research work in 2024, which was augmented by an elite team of academics from the University of Minnesota (p. 13).

MSGC Staff's Work in 2024 (p. 17)

In 2023, staff provided Sentencing Guidelines guidance to an average of 100 practitioners per month; provided the Legislature with 45 fiscal impact statements and a demographic impact statement for pending crime bills; compiled and reported sentencing information for over 600 individual data requests; participated in various criminal justice boards, forums and committees; processed and ensured the accuracy of nearly 20,000 felony sentencing records; worked with the Department of Corrections to generate prison bed projections; and published the annual edition of the Minnesota Sentencing Guidelines and Commentary.

Sentencing Practices Data Summary (p. 19)

This report gives a high-level review of sentencing practices in 2023, including the facts that—

- While the volume of felony cases has generally grown, 2023's volume is down from 2017's record high;
- Never higher than in 2023 were: the percentage of cases for which the Guidelines recommend prison; the gap between the actual and presumptive prison rates; the total departure rate; and the average executed prison sentence.
- Never lower than in 2023 was the rate of stays of imposition—once the more popular method of granting a stayed sentence.
- There were key differences by race and ethnicity by decision point;
- There were geographical sentencing variations.

Other Mandatory Reports (p. 37)

County attorneys must collect and report disposition information for specified crimes when the defendant allegedly possessed or used a firearm, and the Commission must summarize and analyze that information in this report. Two new mandatory reports are included this year: outcomes of deferred sentences for military veterans; and prosecutor-initiated sentence adjustments.

The Commission's Work in 2024

The Minnesota Sentencing Guidelines Commission is a thirteen-member body comprised of the Chief Justice or her designee; a judge of the Court of Appeals appointed by that court's Chief Judge; a district court judge appointed by the Judicial Council; the Commissioner of Corrections or his designee; and nine members appointed by the Governor. The Governor's nine appointees are: a public defender; a county attorney; a peace officer; a probation officer or supervised release officer; someone working for an organization that provides treatment or rehabilitative services for those convicted of felony offenses; an academic with a background in criminal justice or corrections; and three public members, of whom one must have been a felony crime victim or a victims' advocate, and one must have been formerly convicted of and discharged from a felony sentence. The Governor also designates the Chair.

Kelly Lyn Mitchell, who serves as Assistant Commissioner of Community Services and Reentry for the Department of Corrections, is a member of the Commission by designation of Commissioner of Corrections Paul Schnell, and is the Commission's Chair by designation of Governor Tim Walz.

The appointees of Governor Walz are:

- Richard Frase, Professor Emeritus, University of Minnesota Law School;
- Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project;⁹
- Kyra Ladd, Wadena County Attorney;
- Cathryn Middlebrook, Chief Appellate Public Defender;
- Tim Morin, Public Member;
- Chief Brian Mueller, Stillwater Police Department;
- Latonya Reeves, Hennepin County Career Probation Officer; and
- Surya Saxena, Public Member.

The seat reserved for a treatment or rehabilitative services provider is recently vacant due to the untimely death, on November 4, 2024, of Ujamaa Place CEO Christopher E. Crutchfield.

The three judicial appointees are:

- Vice-Chair and Court of Appeals Judge Michelle A. Larkin;
- First Judicial District Court Judge David Knutson; and
- Associate Supreme Court Justice Gordon L. Moore, III, the designee of Chief Justice Natalie Hudson.

One of the fundamental responsibilities of the Commission is to maintain the Guidelines by amending them in response to legislative changes, case law, and issues raised by various parties. The Commission met eleven times in 2024 to fulfill its statutory responsibilities of improving the Sentencing Guidelines and conducting ongoing research into sentencing practices and other matters relating to the improvement of the criminal justice system. In addition, the Commission held one public hearing, on July 18.

⁹ Appointed July 1, 2024, replacing public member Brooke Morath, who resigned May 10, 2024.

The Commission holds public meetings monthly in Saint Paul, with some Commission members and members of the public participating by telephone or Webex interactive technology. The Commission publishes videos of these hybrid meetings on its [YouTube channel](#) and links to them from its website’s meeting page: <https://mn.gov/sentencing-guidelines/meetings/previous>.

Responding to the Work of the 2024 Minnesota Legislature

On June 6, 2024, the Commission reviewed the 2024 Regular Session Laws affecting crime and sentencing. On July 25, 2024, after a public hearing, the Commission adopted several related changes to the Sentencing Guidelines. Among these changes, the Commission assigned severity levels to four new felonies:

- Transferring Firearm to Ineligible Person – ranked at severity level (SL) 2.
- Publishing Personal Information of Judicial Official (Bodily Harm) – ranked at SL 4.
- Fictitious Emergency Call (Response to Home of Official) – ranked at SL 1.
- Sale of Human Remains – ranked at SL 3.

In addition, the Commission acted on two amended felonies:

- Transferring Firearm to Ineligible Person (Aggravated) (previously referred to as “Transfer Pistol to Ineligible Person”) – ranking increased from SL 2 to SL 5.
- Unauthorized Presence in Hazardous Military Area (previously referred to as “Unauthorized Presence at Camp Ripley”) – ranking unchanged at SL 3.

Please refer to the sentencing grid in Appendix 2.1 (p. 55) to see the presumptive sentences that would result from each of these severity levels. For the complete and detailed report of the Commission’s 2024 Sentencing Guidelines changes, all of which took effect August 1, 2024, please refer to Appendix 1 (p. 46).

Administrative Rules Governing Sentencing Guidelines Changes

An Administrative Rules Subcommittee—consisting of Commission members Cathryn Middlebrook, Tim Morin, and Judge David Knutson—met seven times in early 2024 for the purpose of reviewing the administrative rules that govern how the Commission may amend the Sentencing Guidelines.¹⁰ On July 25, 2024, the Commission unanimously authorized staff to begin the administrative rulemaking process consistent with the subcommittee’s report.

The Commission is considering rule amendments that would change how, and for how long, the public is given notice of a public hearing on proposed Guidelines changes. Specifically, the Commission is considering—

- Replacing public notice by State Register and U.S. mail with public notice on the Commission’s web site and by email;
- Shortening the time required between public notice and the public hearing from 30 days to a briefer period such as 13 days;
- Removing the five-day written comment period after the public hearing, instead making all written comments due by the close of the public hearing; and

¹⁰ [Minn. R. ch. 3000](#).

- Making other changes to streamline the processes for Guidelines changes and to clarify, simplify, and modernize the rule language.

Together, these amendments would significantly reduce the time required for the Commission to take final action on proposed Guidelines changes, giving the Commission the flexibility to change the Guidelines in response to special-session legislation before the legislation takes effect.¹¹

The Commission has received public comment on the rule amendments and intends to advance them through the rulemaking process in 2025.

Recommended Changes to Criminal Law and Proposed Changes to the Sentencing Guidelines

The Commission gratefully acknowledges the work of the 93rd Minnesota Legislature in enacting five of its seven unanimously recommended changes last year.¹² This year's report contains no additional recommendations for the Legislature. As discussed in the next section, the Commission is now conducting a comprehensive review of the Sentencing Guidelines, and it is foreseeable that a future year's report may include a set of legislative recommendations arising from that review.

Likewise, the Commission has no proposed changes to the Sentencing Guidelines to submit to the Legislature this year; it is foreseeable that a future year's report may include a comprehensive set of Guidelines changes arising from the ongoing comprehensive review.

¹¹ [49 Minn. State Register 303 \(Sept. 16, 2024\)](#).

¹² The **enacted** recommendations were: (1) Apply five-year probation cap exceptions to attempts; (2) Correct the sentence cap for juvenile repeat or heinous sex offenses; (3) Correct the targeted misdemeanor list; (4) Reconcile inconsistent age thresholds for prostitution; and (5) Reconcile a statutory violent crime list with first-degree witness tampering. The **outstanding** recommendations are: (1) Complete the "mandatory life sentence" list in the presentence investigation statute (Minn. Stat. § 609.115, subd. 2a) by including a reference to § 609.2661; and (2) Clarify whether a caregiver may commit the felony crime of deprivation of a vulnerable adult without inflicting substantial or great bodily harm by amending the offense's elements (Minn. Stat. § 609.233, subd. 1a) or its penalty (subd. 3).

Comprehensive Review of the Sentencing Guidelines

Established in 1980, the Sentencing Guidelines have been updated many times and reviewed in parts, but the Commission has never conducted a thorough review of the entire Guidelines. In 2023, the Sentencing Guidelines Commission proposed a comprehensive review of the Sentencing Guidelines in a two-phased approach, and the 2023 Minnesota Legislature, on a broadly bipartisan basis, funded the first phase of this comprehensive review.¹³ The goal of the first phase was to gather data, identify problems, discern possible solutions to those problems, and plan a roadmap for the second phase. The goal of the second phase (to be funded separately) will be for the Commission to submit to the Legislature a package of changes to the Sentencing Guidelines that solve the identified problems and improve public safety.

In 2024, the Commission’s work on the comprehensive review included:

- Planning research projects and approaches to stakeholder outreach.
- Discussing the appropriateness of the current Sentencing Guidelines’ purposes and principles.
- Engaging with policy research reports from national experts on sentencing guidelines policy in other states and the model standard.
- Examining the causes of rising presumptive prison rates and the characteristics of departures, including common offenses and personal demographics of those who received a departure, after which innovative methods for further research were explored.
- Exploring themes that emerged from the first round of stakeholder engagement.
- Conducting stakeholder engagement in parallel with research work and preliminary policy development.

Phase 1 includes a two-track process of conducting stakeholder engagement in tandem with research work. Although parallel, the stakeholder engagement track and the research track will merge so that conclusions reached can be informed by sentencing research and practical experience. The sections below describe the work completed in 2024 for each of these tracks, with stakeholder engagement beginning on page 8 and research beginning on page 13.

COMPREHENSIVE REVIEW OBJECTIVES

Because of the comprehensive review:

1. The public and Commission are confident that the review process was transparent, inclusive, and thoughtfully executed.
2. Practitioners find the Guidelines are easier to understand and use.
3. The presumptive sentences for offenses are proportionate and fair.
4. Relative to the current Guidelines, the revised Guidelines contribute to:
 - Improved public safety.
 - More consistent sentencing.
 - Decreased disparities.

—Objectives adopted by the Commission January 2024.

¹³ [2023 Minn. Laws ch. 52, art. 2, § 2\(d\)](#). The first phase is funded for the current biennium, which ends on June 30, 2025.

Stakeholder Engagement

As part of its comprehensive review of Minnesota’s felony sentencing guidelines, the Minnesota Sentencing Guidelines Commission (MSGC) partnered with Management Analysis and Development (MAD), a section within Minnesota Management and Budget (MMB), to get input from practitioners and the public to better understand current strengths, challenges, and opportunities for improvement with the current sentencing guidelines.

Engagement process

In March through July 2024, MAD hosted seventeen engagement sessions, reaching Minnesotans across a range of geographic regions, professional roles, and personal lived experiences.

- **Corrections and probation practitioners:** MAD held five sessions with a total of forty-five participants. The professionals who participated in the sessions held diverse roles and managed a wide range of caseloads. Their specialties included traditional probation, high-risk and sex offender supervision, court services, and juvenile cases. Many participants were experienced in conducting presentence investigations (PSIs), with some serving as PSI writers or supervisors. Their collective years of experience spanned from junior-level agents to seasoned professionals in leadership positions across Minnesota’s correctional supervision systems.
- **Crime victims and advocates:** MAD held three sessions with a total of fifteen participants, including crime victims, crime victim advocates focused on domestic abuse and sexual violence, and public safety advocates focused on general crime. Participants represented a range of geographies, including the Twin Cities and Greater Minnesota. They included family members and advocates from the American Indian community, business owners, policy analysts, treatment providers, and housing advocates.
- **Formerly incarcerated people and advocates:** MAD held three sessions with a total of twenty-three participants including formerly incarcerated people, family members of incarcerated people, service providers, and advocates for incarcerated people. While participants were recruited for sessions based on these lived experiences, participants often had a range of other experiences with the criminal justice system, such as also being victims of crime, that informed their perspectives. Participants were mostly from the Twin Cities, although some worked for organizations that worked statewide.
- **Prosecutors and county attorney staff:** MAD held two sessions with a total of seventeen participants; in addition, three people from this audience group completed a survey offered as an alternative method of input. Participants represented a range of geographic regions in the state. While participants were recruited to these sessions based on their current professional roles, participants often held a range of prior professional and personal experiences with the criminal justice system that informed their perspectives. While invited, neither Hennepin County nor Ramsey County—the State’s two largest counties—had participants in these sessions; additional engagement efforts are being planned for 2025.
- **Public defense, other defense attorneys, legal aid providers:** MAD held two sessions focused on input from public defenders, other defense attorneys, and legal aid providers. The sessions had a total of nineteen participants; in addition, two people from this audience group completed a survey offered as an alternative method of input. The public defenders represented a range of geographic regions of the state, including several American Indian-focused legal aid providers. This group included chief public defenders, managing attorneys, and appellate attorneys, reflecting a range of experiences in handling

various case types. While invited; Hennepin County, the state’s largest county, did not have participants present; additional engagement efforts are being planned for 2025.

- **Treatment and rehabilitation service providers:** MAD held two sessions focused on input from treatment and rehabilitation service providers, specifically focusing on Somali and American Indian communities. The sessions had a total of twelve participants. Participants represented diverse regions, including urban and rural Minnesota.
- **Law enforcement:** Based on feedback from law enforcement partners, law enforcement input was gathered solely through survey responses. Twelve law enforcement practitioners responded to a survey conducted by MAD.
- **Judicial branch:** The judicial branch conducted its own separate engagement process with judges.

With audience groups that had direct familiarity with the Sentencing Guidelines, these sessions were formatted as listening sessions designed to gather technical and operational feedback, in addition to broader input on what would make sentencing fairer and more just. For audience groups without direct familiarity with the guidelines, the sessions were designed as case studies that used examples cases of a drug offense, unwanted person offense, and a burglary offense. This format allowed participants to bring in their personal expertise and experiences to discuss the principles and values that would make sentencing fairer and more just.

Engagement findings

In August and September, MAD consultants and MSGC research staff reviewed notes from the engagement sessions and identified common themes. Ahead of the October 10 meeting with the full Commission, MAD developed written “engagement snapshots,” which summarized input from engagement sessions by audience. Below are overall themes and tensions MAD identified across audiences, followed by key themes for each audience.

Overall themes

The following themes were shared across multiple audiences from a variety of participants:

1. Appreciation for the **simplicity** of the guidelines as a framework, alongside frustration that they have grown **too complex**, especially in handling out-of-state offenses, criminal history scores, and departure rules.
2. While audiences and participants differed on appropriate sentences, in terms of **relative severity**, drug and property crimes were generally seen as less severe than person crimes, particularly violent crimes and sex offenses.
3. Frustration that **probation is an inadequate tool** for preventing recidivism or promoting rehabilitation, in part because of understaffing and insufficient access to services and supports. In turn, this creates new challenges in maintaining compliance with supervision.
4. Comprehensive, **ongoing training** on the sentencing guidelines for practitioners (particularly for probation officers, attorneys, and judges) could reduce errors and inconsistencies in applying the guidelines.
5. Geographic, racial, economic, and educational **disparities** continue to shape sentencing, leading to inequitable outcomes.

6. Frustration that **victim input** seems to have little influence on sentencing at either the system or individual level.

Overall tensions

The following tensions were present across, and sometimes within, participant audience groups:

1. Different visions for the *purposes of incarceration and probation*.
2. *Skepticism of the effectiveness* of incarceration, and skepticism of the effectiveness of any alternatives to it—including limited understanding and use of alternative sentencing options.
3. Some participants felt that punitive measures should be strictly enforced to ensure *accountability and public safety*, while others believed that true accountability and public safety can only be achieved through restorative practices rather than traditional punishment.
4. Shared appreciation for *consistency*, yet with differences of how that would be achieved—either by aligning presumptive sentences to meet departure practices or by narrowing ability for downward departures. Consistency was valued at the system level, alongside interest in consideration of individual circumstances.
5. Different *ways of thinking about departures* either as a way to address lack of blame or to address potential for rehabilitation. For example, factors like unemployment or substance use disorder might both reduce blameworthiness and reduce amenability to rehabilitation.
6. *General versus technical feedback*. For example, public defenders raised No Contact Order offenses as being treated too harshly due in part to issues of technical application, whereas both the crime victim and formerly incarcerated audiences generally felt that domestic abuse cases, such as the example cases in our engagement sessions, should be treated more seriously relative to other offenses.

Key themes from corrections and probation practitioners

- Emphasis was placed on achieving equity and consistency in the application of the guidelines, both across different counties and judges. Need for uniformity in sentencing, addressing discrepancies based on location, type of defense, and traits outside an individual's control.
- Simplify the guidelines and their application. The complexity of the guidelines is a barrier, especially in out-of-state offenses and departures. Simplify the structure, with fewer exceptions and a clearer process.
- Supervision practitioner workload is heavily impacted by the complexity and inaccuracies in sentencing worksheets, suggesting that some tasks, such as worksheet preparation, might be better handled by attorneys or other justice partners.
- Desire for clearer, more predictable sentencing outcomes, with greater transparency in departures and fewer variables that introduce discretion in sentencing, potentially leading to inequitable outcomes.

Key themes from crime victims and advocates

- Ensuring victim safety and holding offenders accountable are key goals that are not always achieved—sentences may not provide adequate deterrence, and the system does not sufficiently prioritize removing violent offenders from victims or society.
- Probation periods are too long and do not effectively address underlying issues, particularly in drug case.

- Desire for sentencing options to include rehabilitation-focused programs, such as mandatory treatment for substance use and domestic violence, rather than solely punitive measures.
- Leniency in sentencing for domestic violence cases increases risks for victims.
- Inconsistent use of judicial discretion, especially with downward departures, can compromise victim safety.
- General concern that sentences fail to address critical aspects of the offender’s behavior.

Key themes from formerly incarcerated people and advocates

- Desire to expand the options available as part of sentencing—for example, treatment programs, restitution, and community service. Criminal justice system continues to focus too narrowly on incarceration.
- Desire to use sentencing to address root causes and repair harm.
- While there were differences in opinion on appropriate sentences, many participants felt sentences for drug and property crimes were too harsh and that sentences for person crimes were too lenient, especially unwanted person and domestic violence cases.
- Focus on a crime’s impact on the victim in determining appropriate sentence—for example, stealing all of someone’s possessions or violating their sense of safety was seen as more severe than stealing from a store even if the amount stolen was the same.

Key themes from prosecutors and county attorney staff

- Desire to expand the grid to offer longer sentences for people with higher criminal history scores, as well as to add more grids for different offense types.
- Desire for more uniformity and consistency in sentencing, and generally for that consistency to be achieved through fewer downward departures.
- Variation in perspective across prosecutors on a range of topics, including fundamental questions of whether Minnesota’s overall level of incarceration is too low or too high.

Key themes from public defense, other defense attorneys, and legal aid providers

- Guidelines are too punitive and offenses seen as low level are nonetheless given a high severity level.
- Value the ability to downward depart in order to recognize mitigating life circumstances.
- Desire for additional education and training for practitioners as well as resources and tools to educate the public.

Key themes from treatment and rehabilitation service providers

- Focus on addressing the root causes of issues. Encourage alternative forms of sentencing beyond prison and probation, including culturally aware treatment, community service, restitution, and restorative justice.
- Felony convictions have long-term implications on whether individuals can access housing and employment after a conviction. Participants noted that even if a sentence is stayed, the felony conviction can make it hard to get a job and housing. Participants were against criminalizing homelessness and poverty.

- Among the cases presented, prison was only recommended in the case of an unwanted person due to the safety concerns and need to protect the ex-girlfriend from possible violence.
- The drug and burglary cases each involved a 23-year-old, and participants noted in both cases how young the individuals were and the negative impacts of a felony on the rest of their lives.

Key themes from law enforcement (survey only)

- Desire for more emphasis on victim input.
- Desire for more consistency in sentencing through fewer downward departures.
- Prison is more appropriate than probation for violent and repeat offenses.
- Alternative forms of punishment should be used for non-felony cases and cases where there is amenability to probation.

Key themes from judges (via Judicial Branch engagement process)

- The simplicity of the grid structure, as well as significant ranges, are useful for meaningful negotiations and plea bargaining. A desire for even larger ranges was expressed.
- Concern that out-of-state convictions pose challenges when calculating a criminal-history score.
- Concern that Hernandezizing sentences on certain offenses that are particularly subject to prosecution manipulation may risk very disparate prosecution practices and sentences.
- Desire for clearer language and format of the Guidelines.
- Desire to rank all offenses and simplify custody status.
- Desire to clarify, on the grids, mandatory-minimum sentences and consecutive sentencing.

Commission feedback

During the October MSGC meeting, MAD facilitated a conversation with commissioners to identify what stood out to them from each audience, drawing on the engagement snapshots and commissioners' own experiences. In addition, MAD facilitated a conversation surfacing patterns and themes across all the presentations and sources of information the commissioners had received, including from MAD, the University of Minnesota, and the Minnesota Judicial Branch.

Areas for action

Based on input from practitioners, the public, and researchers, MAD facilitated an exercise for commissioners to identify and prioritize areas for action. These areas were then grouped into (1) areas for action within the commission's direct scope (within the sentencing guidelines), (2) areas for action that could become recommendations to the legislature or other partners, and (3) areas for action that were clearly out of the commission's scope. Because there is overlap across the three areas, these were presented as ways to focus and frame future work rather than mutually exclusive categories.

Areas for action within the Commission's direct scope

Areas within the Commission's direct scope were prioritized using a dot voting exercise to select the areas where there was the most energy and that would most benefit from further discussion and input from the commissioners, practitioners, the public, and researchers in the coming months.

Focus areas of greatest prioritization by commissioners:

- Review relative severity levels
- Simplify guidelines manual
- Changes to criminal history score
- Revisit departures

Focus areas with moderate prioritization by commissioners:

- Review data on disparities
- Non-custodial dispositions and probation
- Proportionality offense, history
- Address rising presumptive incarceration rate
- Expand training

Focus areas with low prioritization by commissioners:

- Use of monetary penalties
- Revisit purposes and principles

Areas for recommendations to the legislature or other partners

- Design mechanisms for victim input
- Resources for community supports
- Wider range
- Larger changes to mandatory minimums

Out of scope

- System critiques

Next steps

Over the coming year, MSGC will develop changes to the sentencing guidelines focused on the topic areas for action prioritized during the October 10, 2024, meeting: severity levels, simplification, criminal history scores, and departures. In parallel, MSGC staff will continue to implement other changes to MSGC practices based on input gathered during the engagement process, including expanded training.

Research

Beginning in September 2023, the Minnesota Sentencing Guidelines Commission began regularly identifying topics of interest most pertinent to the Comprehensive Review. Through a grant from Arnold Ventures, an elite team of researchers from the University of Minnesota teamed up with commissioners and Commission staff to support this research. This team of researchers has included Dr. Julia Laskorunsky, Research Director for the Robina Institute of Criminal Law and Criminal Justice, Dr. Christopher Uggen, Regents Professor and Distinguished McKnight Professor of Sociology and Law, Dr. Aaron Sojourner, Senior Researcher at the W.E.

Upjohn Institute for Employment Research, and Professor Kevin R. Reitz, James Annenberg La Veia Land Grant Chair in Criminal Procedure Law.

New Research

Some topics that the Commission were interested in required new research. These topics were delegated to internal MSGC research staff and partnering researchers from the University of Minnesota.

- **Increasing presumptive prison rate:** The Commission requested research to understand why the presumptive prison rate for all felony offenses in Minnesota has been steadily increasing since the Guidelines were created in 1980. Researchers evaluated the relationship between presumptive prison rate and its determinants. For offenses on the standard grid, increasing criminal history scores most likely contributed to the increased presumptive prison rate. For offenses on the drug offender grid, increasing offense severity levels most likely contributed to the increased presumptive prison rate. Additionally, researchers found that although presumptive prison rates were increasing for offenses on the standard and drug offender grids, presumptive prison rates did not increase for offenses on the sex offender grid.
- **Increasing mitigated dispositional departure rate:** The Commission requested research to understand why the mitigated dispositional departure rate for all felony offenses in Minnesota has increased since 1980. Researchers evaluated the relationship between the reason for a presumptive prison sentence and the likelihood of a mitigated dispositional departure. When an offense only received a presumptive prison sentence because it carried a mandatory minimum by statute, it was 1.5 times more likely to receive a mitigated dispositional departure compared to offenses recommended to prison because of offense severity and criminal history score alone. Additionally, as the presumptive prison rate increased so too did the rate of mitigated dispositional departures.
- **Mitigated departure characteristics:** The Commission requested research describing the characteristics of cases most often receiving mitigated dispositional and durational departures. Researchers described cases between 2001-2022 by which offenses had the highest rates of mitigated departures, by the demographic characteristics among people who received mitigated departures, and by where mitigated departures most frequently were sentenced.
 - a) **Offense Characteristics:** The offenses with the highest rates of mitigated *dispositional* departures were Assault 2: Dangerous Weapon, Failure to Register – Predatory Offender: First Offense, and Fifth-degree Controlled Substance Possession. The offenses with the highest rates of mitigated *durational* departures were Fifth-degree Controlled Substance Possession, Threats of Violence, and Fleeing an Officer.
 - b) **Demographic Characteristics:** Individuals who identified as white, as female, or were among the youngest or oldest ages had the highest rates of mitigated *dispositional* departures. Individuals who identified as black had the highest rates of mitigated *durational* departures.
 - c) **Geographic Characteristics:** The second judicial district, containing only Ramsey County, had the highest rates of both mitigated dispositional and durational departures among judicial districts. The fourth judicial district, containing only Hennepin County, also had one of the highest mitigated durational departure rates.
- **Offenses and presumptive sentences:** The Commission requested a current list of offenses which least often received their recommended sentence to begin a process of reevaluating offense severity levels.

From 2014 to 2023, six offenses were identified: Failure to Register – Predatory Offender, Identity Theft – Severity Level 8, Second-degree Assault, Theft from Person, First-degree Aggravated Robbery, and First-degree Arson. Each of these offenses had either a high rate of mitigated dispositional departure, a high rate of mitigated durational departure, or both.

- ***Sentencing Guidelines in other jurisdictions:*** The Commission requested research to understand how other jurisdictions approach Sentencing Guidelines policy. Research into sentencing policies in other states showed that most US states with Sentencing Guidelines recognize some version of public safety and proportionality as primary purposes for their Guidelines, validating the purpose and principles of the Minnesota Sentencing Guidelines. Another important finding was that nearly all states with Sentencing Guidelines agree that proportional sentencing should include a criminal history component, encouraging MSGC to reevaluate their own criminal history component but not remove it outright. Finally, research noted that some states declare the purpose of each disposition that the court can impose according to the characteristics of the conviction offense. For example, Pennsylvania states that, for Level A offenses, the lowest offense severity level in Pennsylvania, the purpose of its disposition is limited to restorative sanction recommendations, Level B offenses are reserved for probation recommendations, and so on up to Level E, which is limited to confinement in state facilities. Commission consideration has gone towards understanding the value of implementing a similar mechanism within the Minnesota Sentencing Guidelines.

Prior Research

Some topics the Commission were interested in learning more about had been previously researched. Experts from the University of Minnesota presented these prior findings to the Commission in 2024.

- ***Criminal history score rationale, issues, and solutions:*** The Commission acknowledged that the Sentencing Guidelines have grown increasingly complex, with criminal history at the top of the list. Prior research was presented on the rationale for including criminal history in the Minnesota Sentencing Guidelines, issues that have arisen because of its inclusion, and possible solutions to these issues. Retribution, crime control, and public support for its inclusion have been among the reasons cited for incorporating criminal history in sentencing policy. However, criminal history score enhancements have contributed to an increased need for prison beds to house property and non-violent offenders and an increase in the number of older, low-risk, high-cost imprisoned individuals. Reducing the number of ways an individual can receive a criminal history point (e.g., remove misdemeanor points), limiting criminal history enhancements to priors of the same type and enacting policies that give credit to an individual for their desistance efforts were all possible solutions recommended by this research.
- ***Criminal history score and recidivism:*** The Commission had a desire to understand the relationship between criminal history scores and the rate of recidivism, or the rate at which an individual commits a new offense after being convicted of a prior offense. Prior research was presented showing that higher criminal history scores were correlated to higher rates of recidivism. Specifically, the prior misdemeanor, custody status, and felony point components of the criminal history score were correlated to the risk of recidivism, while the prior juvenile offense point component was not. With reducing complexity in mind, adjusting the weight of all prior felonies to 1-point regardless of the offense (the current Guidelines distribute between half to two points depending on the severity level of the prior offense) while removing all other criminal history score components was offered as a recommendation to the

Commission. Making these changes would simplify the Guidelines while not reducing the courts' ability to hold recidivists accountable.

Next Steps

In the upcoming year, research will continue to be driven by the needs of the Commission which will focus primarily on offense severity and criminal history. The Commission anticipated devoting more energy towards researched focused on high departure rate offenses, out-of-state offenses, and the *Hernandez* enhancement component of the Guideline's criminal history score. Other research topics will most certainly arise as MSGC moves through its second calendar year devoted to its Comprehensive Review.

Comprehensive Review – Next Steps

The Commission is currently planning its next steps to finish the first phase of the comprehensive review, with a view toward completing the review and submitting a proposal to the Legislature in the next biennium.

MSGC Staff's Work in 2024

The work of the Commission—described on the preceding pages—is directly facilitated by the support and research of its seven-person staff.¹⁴ This section describes the additional work of MSGC staff throughout 2024 to further the Commission's goals and purposes. Staff assists the Commission in fulfilling its statutory charter to serve as the state's clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on sentencing practices.¹⁵ Staff also provides training and assistance to aide practitioners in the application of the Guidelines.

Most MSGC staff continue to telework most of the time, with staff's in-office presence averaging about 25 percent of work hours. In addition, staff continues to facilitate hybrid Commission meetings in-person. Staff maintains business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, and is available by mail, email, and telephone.

Monitoring Sentencing Data

One of the primary functions of the MSGC staff is to monitor sentencing practices. The monitoring system is designed to maintain data on felony sentences under the Guidelines.¹⁶ A case is defined when a sentencing worksheet is received from the probation officer and matched with sentencing data from the District Court. As part of the agency's core functions, MSGC staff collected, processed, and analyzed data of nearly 20,000 felony cases sentenced in 2023. Additionally, staff published the annual edition of the Sentencing Guidelines and Commentary.

Training & Assistance

Another primary function of the MSGC staff is to provide training and assistance. Staff conducted three online trainings in 2024, as well as five live trainings including the Minnesota Society for Criminal Justice continuing education classes. Staff is currently engaged in developing a training plan for 2025 that will strive to ensure practitioners and interested members of the public have easily accessible and meaningful training opportunities to aide in the understanding and application of the Sentencing Guidelines. This includes offering multiple training formats, creating easy to understand training materials, and expanding outreach efforts in order to notify practitioners of what is offered during the year. On average, the staff fields 100 phone calls and emails monthly helping people apply the Sentencing Guidelines.

Website & Data Requests

The Commission's website had 21,000 active users in 2024. Most were interested in accessing the Sentencing Guidelines. The website includes easily accessible email signup for upcoming trainings, public hearing notices,

¹⁴ The comprehensive review research team was assisted by an eighth employee, Research Analyst Intermediate Matthew Hlina, who was embedded in the agency and funded by Phase I of the comprehensive review.

¹⁵ [Minn. Stat. § 244.09](#), subd. 6.

¹⁶ Beginning in 2005 and 2006, MSGC began maintaining data on life sentences, even if not governed by the Guidelines.

and Commission meeting notices. Personalized information requests can be submitted online and staff typically responds within two weeks.

One of the important ways in which the Commission's staff works with fellow agencies and criminal justice practitioners across the state is researching and compiling statistical data in response to information requests. In 2024, MSGC staff responded to over 600 data requests which totaled over 16,000 hours of work.

Requests are most often made by lawyers or corrections agents to show evidence of specific sentencing practices to the court. However, the requests are also made by academics, students, other state agencies, legislative staff, law enforcement, and the press for other purposes. The topics range from departure data for a single type of offense within a given county to comparative data on how an offense has been sentenced from one jurisdiction to another.

Collaboration with Criminal Justice Agencies

The staff's knowledge of felony sentencing policy and practice makes it a valued contributor to criminal justice policy discussions. Each year, Commission staff works with the Department of Corrections to generate prison bed projections. In 2024, MSGC staff served on the Executive Committee of the National Association of Sentencing Commissions, the Criminal and Juvenile Justice Information Advisory Group, and the Aiding and Abetting Felony Murder Task Force formed following the 2023 Legislative Session. Staff also presented to the Criminal Justice Institute and conducted trainings arranged by the Department of Corrections.

Fiscal Impact Statements & Demographic Impact Statements

During the 2024 legislative sessions, staff assisted the Legislative Budget Office in preparing fiscal impact statements for 45 crime bills. These impact statements include long-term fiscal considerations for projected increases or decreases in felony populations, the estimated net increase in state prison beds, and the impact on confinement in local jails. Staff provided all requested information within the time requirements set by the Legislature.

In 2008, MSGC staff began providing the Minnesota Legislature demographic impact statements¹⁷ on certain crime bills when such a statement was anticipated to be helpful to the Legislature. When preparing a fiscal impact statement, MSGC staff identifies a bill that meets its criteria for preparing a demographic impact statement, it prepares such a statement and sends it to the chairs of the crime committees in the Senate and the House. This is done separately from the required fiscal impact statements. The full demographic impact statements are available on the MSGC web site.¹⁸

In the 2024 Legislative Session, one bill, [Senate File 3663](#), met MSGC's criteria for preparing a demographic impact statement. That bill proposed to exempt residual amounts of a controlled substance from certain third-degree controlled substance possession crimes (those in a "zone"), and to delete the limitation that, to be exempt from prosecution for fifth-degree controlled substance possession, a residual drug amount must be contained in drug paraphernalia.

¹⁷ These had previously been referred to as "racial impact statements."

¹⁸ Full statements are available at <https://mn.gov/sentencing-guidelines/reports/#1>.

Sentencing Practices Data Summary

The following data summary gives a high-level review of sentencing trends in Minnesota. As you read this summary, keep in mind that these are descriptive statistics that summarize patterns in the data. There is no discussion about the cause. Also, be aware of the effect of differences in offense severity and criminal history when evaluating and comparing sentencing practices. This is particularly important when comparing cases by factors such as gender, race and ethnicity, and geography. For example, if in a particular area of Minnesota, the proportion of serious offenses is higher, the imprisonment rate for that area will likely be higher than for areas with predominantly lower-severity offenses.

Visit mn.gov/sentencing-guidelines/reports for more in-depth staff reports.

About the Guidelines

When a person is convicted of a felony in Minnesota’s district courts, the Minnesota Sentencing Guidelines provide a recommendation on how that case should be sentenced based on the severity of the current offense and other certain criminal-history factors.^{19, 20} This “presumptive sentence” recommends whether the defendant should receive a non-prison (stayed) sentence or a prison sentence (commitment to the Commissioner of Corrections). It also provides a recommendation on the duration of this sentence.

A “departure” is a pronounced sentence by the court other than that recommended by the Guidelines. There are two main types of departures, dispositional and duration. A “dispositional departure” occurs when the Guidelines recommended a non-prison (stayed) sentence, but the court pronounced an executed prison sentence (upward or aggravated); or when the Guidelines recommended an executed prison sentence, but the court pronounced a stayed sentence (downward or mitigated). A “durational departure” occurs when the court orders a sentence with a duration that is either more than 20 percent longer than the presumptive fixed duration (upward or aggravated), or more than 15 percent shorter than the fixed duration (downward or mitigated). Because the presumptive sentence is based on “the typical case,” a departure from a case that is not typical can help enhance proportionality in the Guidelines. When there is a departure, the court must articulate substantial and compelling reasons for the departure on the record.

While the court ultimately makes the sentencing decision, other criminal justice professionals and victims participate in the decision-making process. Probation officers make recommendations to the courts regarding whether a departure from the presumptive sentence is appropriate, and prosecutors and defense attorneys may agree on acceptable sentences. Victims are provided an opportunity to comment regarding the appropriate sentence as well. Therefore, these departure statistics should be reviewed with an understanding that, when the

¹⁹ The presumptive sentence is visually depicted in three sentencing grids based on the type of case: a standard sentencing grid, a sex offender sentencing grid, and a drug offender sentencing grid. Cells on these sentencing grids correspond to the current offense’s severity level (vertical axis) and the defendant’s criminal history score (horizontal axis), providing a presumptive disposition and sentence duration tailored for that individual case (See Sentencing Guidelines Grids on pp. 55–57.)

²⁰ Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses, are not included in the Guidelines by law.

court pronounces a particular sentence, there is commonly agreement or acceptance among the other actors that the sentence is appropriate.

Sentencing Trends

The sentencing trends section includes information about felony sentences, felony sentences compared to Minnesota’s adult population, total incarceration, average sentences, types of felony offenses, sentencing enhancements, and departures from the recommended Guidelines sentences.

Felony Case Volume

Since Minnesota adopted the Guidelines in 1981, the number of felony cases sentenced annually has generally grown—from 5,500 cases in 1981 to 16,028 cases in 2023 (Figure 2)—although that number was down from 2017’s record high of 18,288 cases. Growth remains even after adjusting for population increases: Per 100,000 adult Minnesotans, 186 felony cases were sentenced in 1981, compared to 342 cases in 2023 (Figure 3).

Figure 2. Number of Cases Sentenced for Felony Convictions, 1981–2023

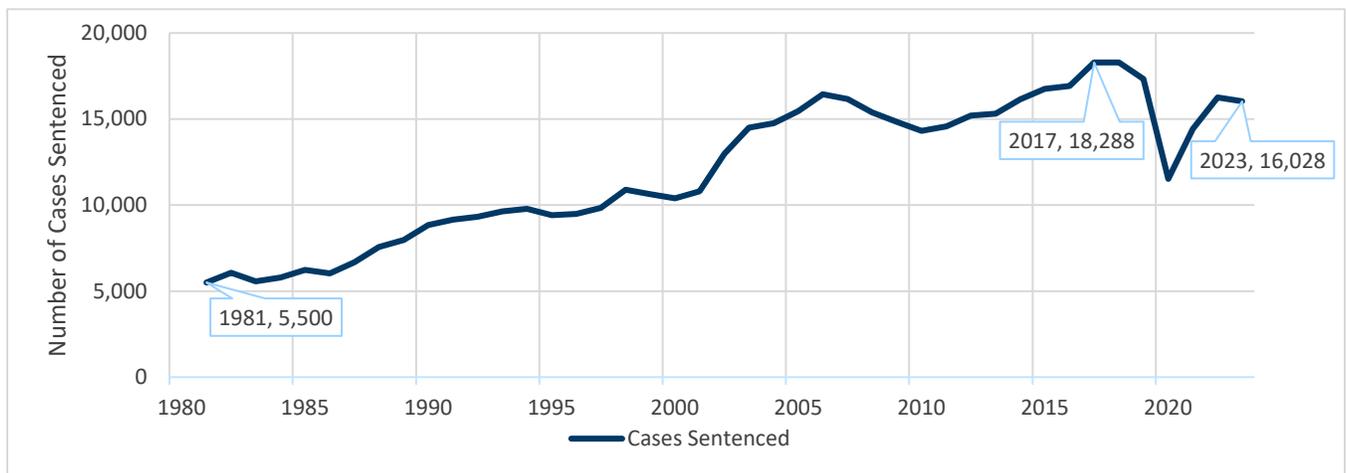
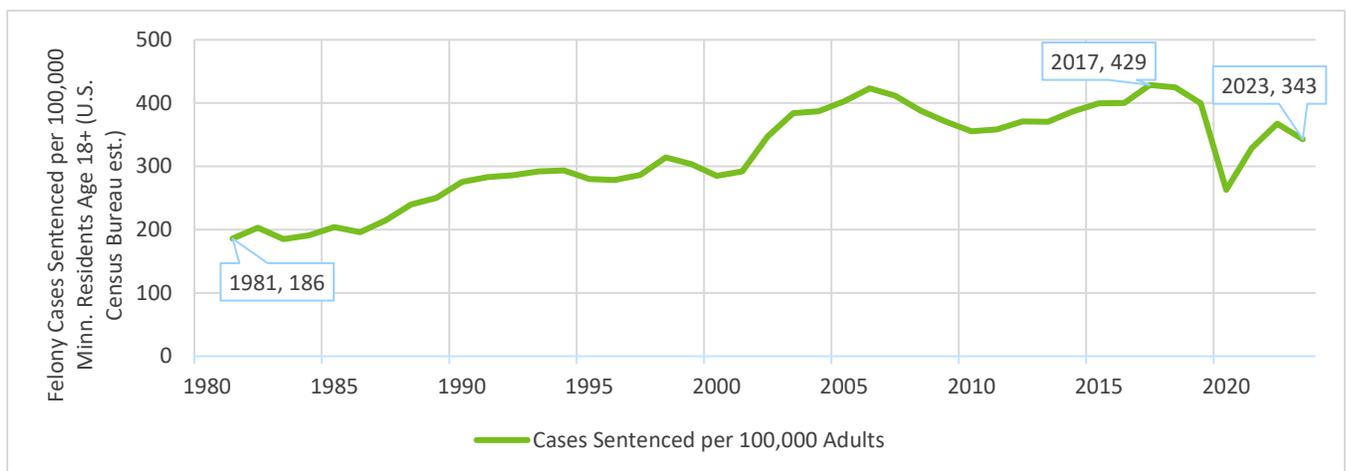


Figure 3. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2023

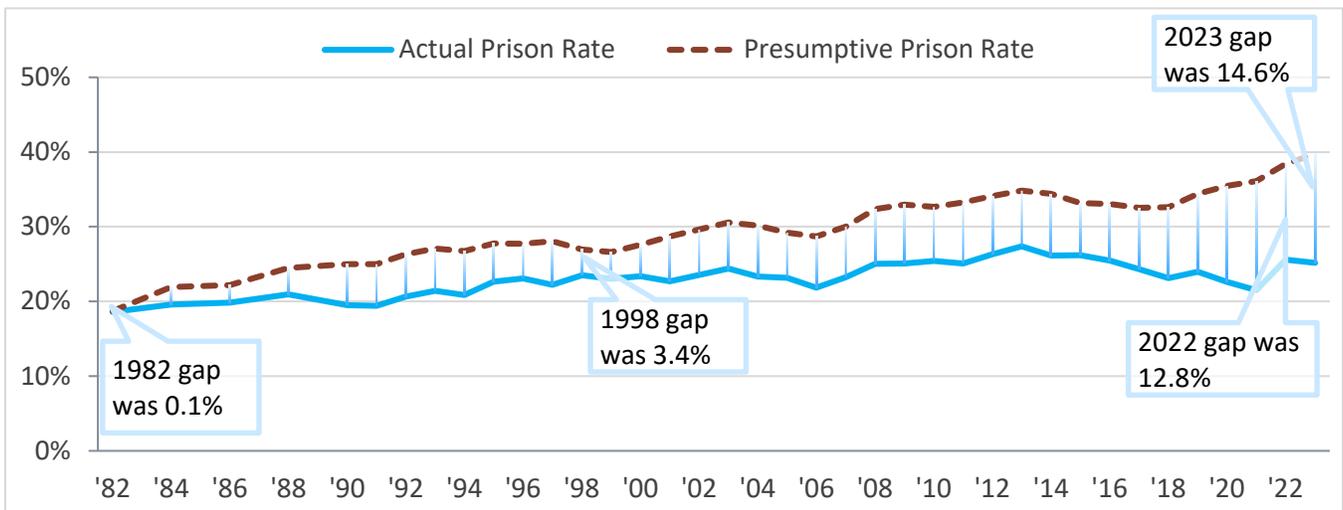


Confinement and Average Sentence Length

Total Incarceration Rate. Most felony cases sentenced include some form of confinement after sentencing either in a state correctional facility (“prison”) or in a local correctional facility, such as a county jail or workhouse. In 2023, the total incarceration rate—the percentage of felony cases in which the sentence included prison or confinement in a local correctional facility—was 86 percent, compared to 63 percent in 1982.

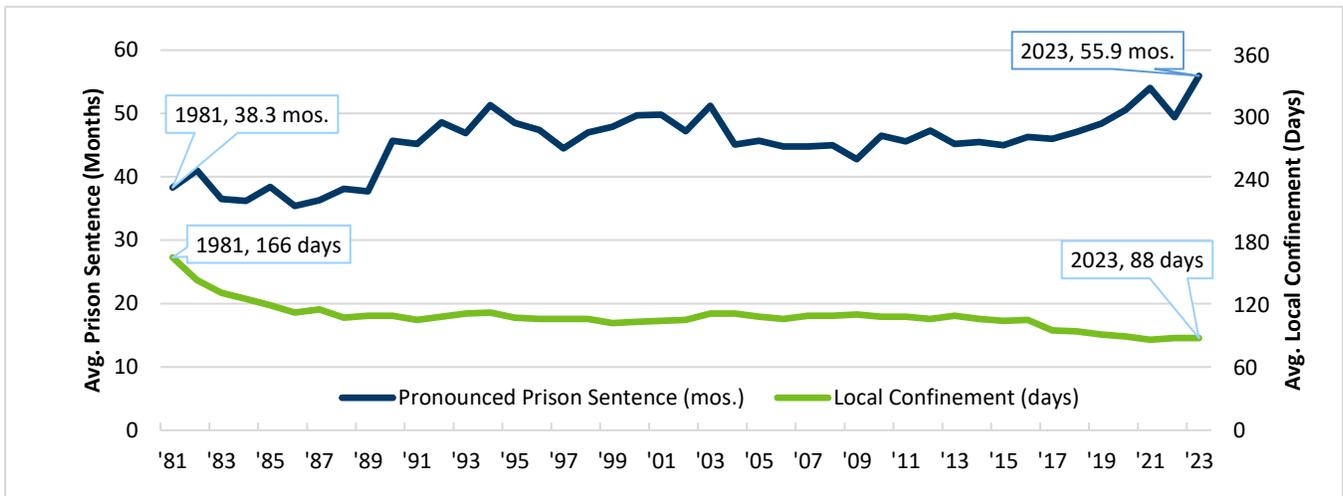
State Prison Rate. Focusing solely on executed prison sentences, the 2023 imprisonment rate was 25.2 percent. By contrast, the Guidelines recommended prison in a record-high 39.7 percent of cases in 2023. The difference between these two rates has grown over time but has never been higher than the 2023 difference of 14.6 percentage points (Figure 4).

Figure 4. Actual & Presumptive Prison Rates, 1982–2023



The length of the average pronounced prison sentence reached a record-long 55.9 months in 2023, compared to 38.3 months in 1981 (Figure 5). This average does not include people serving life sentences.

Figure 5. Average Pronounced Prison Sentences and Local Confinement, 1981–2023



Method of Granting Stayed Sentences

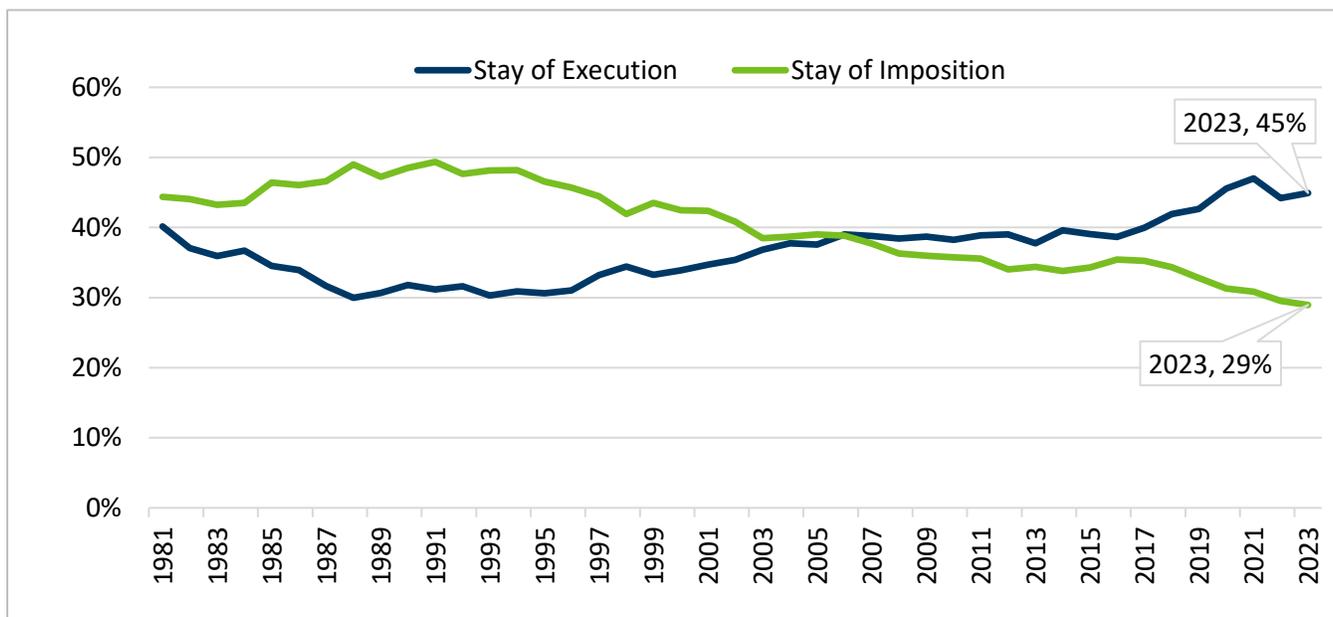
When granting a stayed sentence, the court may use one of two methods:

- A stay of imposition (where, instead of pronouncing a prison sentence, the court stays imposition of such a sentence to a future date), or
- A stay of execution (where the prison sentence is imposed, but its execution is stayed to a future date).

A defendant who receives a stay of imposition, is placed on probation, and is eventually discharged without a prison sentence receives a significant benefit: Upon discharge, the conviction is deemed to be for a misdemeanor.²¹

Before 2006, a stay of imposition was the more popular method of granting a stay, but stays of execution have predominated in every year after 2006 (Figure 6). In 2023, for the first time, fewer than 30 percent of sentences took the form of a stay of imposition.

Figure 6. Rates of Stays of Execution and Stays of Imposition, 1981–2023



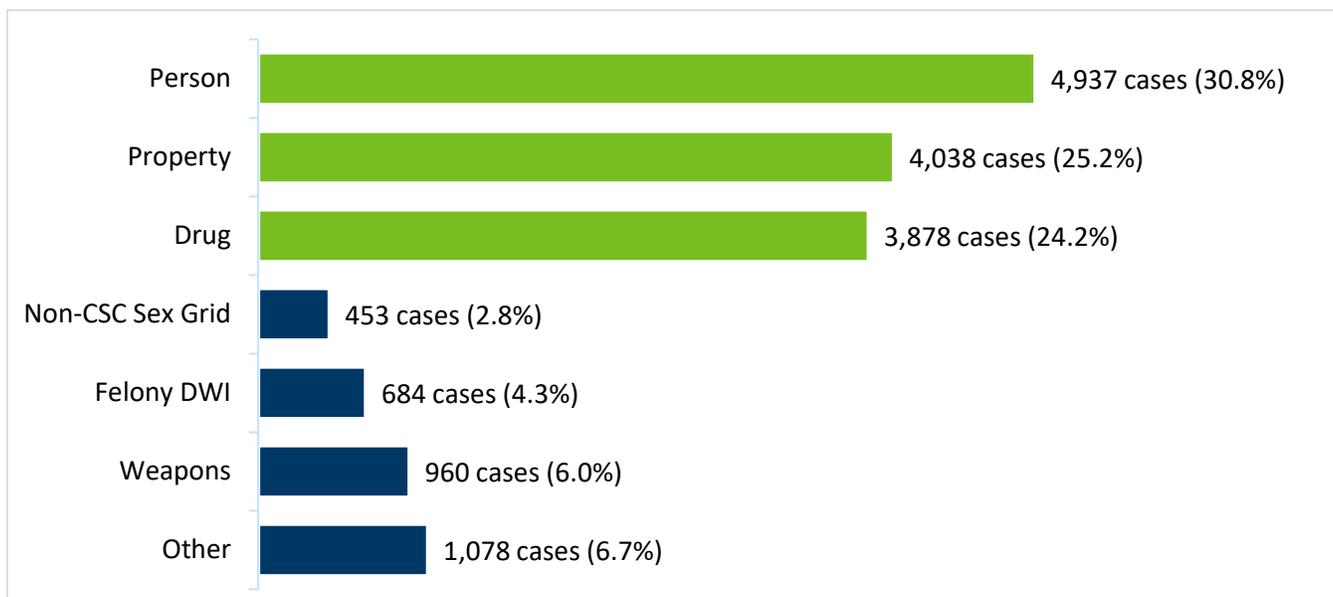
²¹ Nevertheless, a stay of imposition counts in the felony section of the criminal history score. Minn. Sentencing Guidelines section 2.B.1; see also Comment 2.B.112, Comment 2.C.05, & section 3.A.1.

Offense Type

Felony cases involve a broad range of crimes that can be grouped into seven offense types illustrated in the list below. In 2023, the first three offense types (in bold) totaled 80 percent of case volume. Generally, these totals hover around 85 percent of each year’s case volume. The remaining case volume is composed of less frequent offense types such as felony driving while impaired, non-CSC sex offenses, and weapon offenses. These offense categories are described and displayed below (Figure 7):

- **Person offenses** (including criminal sexual conduct (CSC));
- **Drug offenses;**
- **Property offenses;**
- Felony driving while impaired (DWI);
- Non-CSC sex offenses²²;
- Weapon offenses²³; and
- Other offenses.²⁴

Figure 7. Cases Sentenced for Felony Convictions by Offense Type, 2023



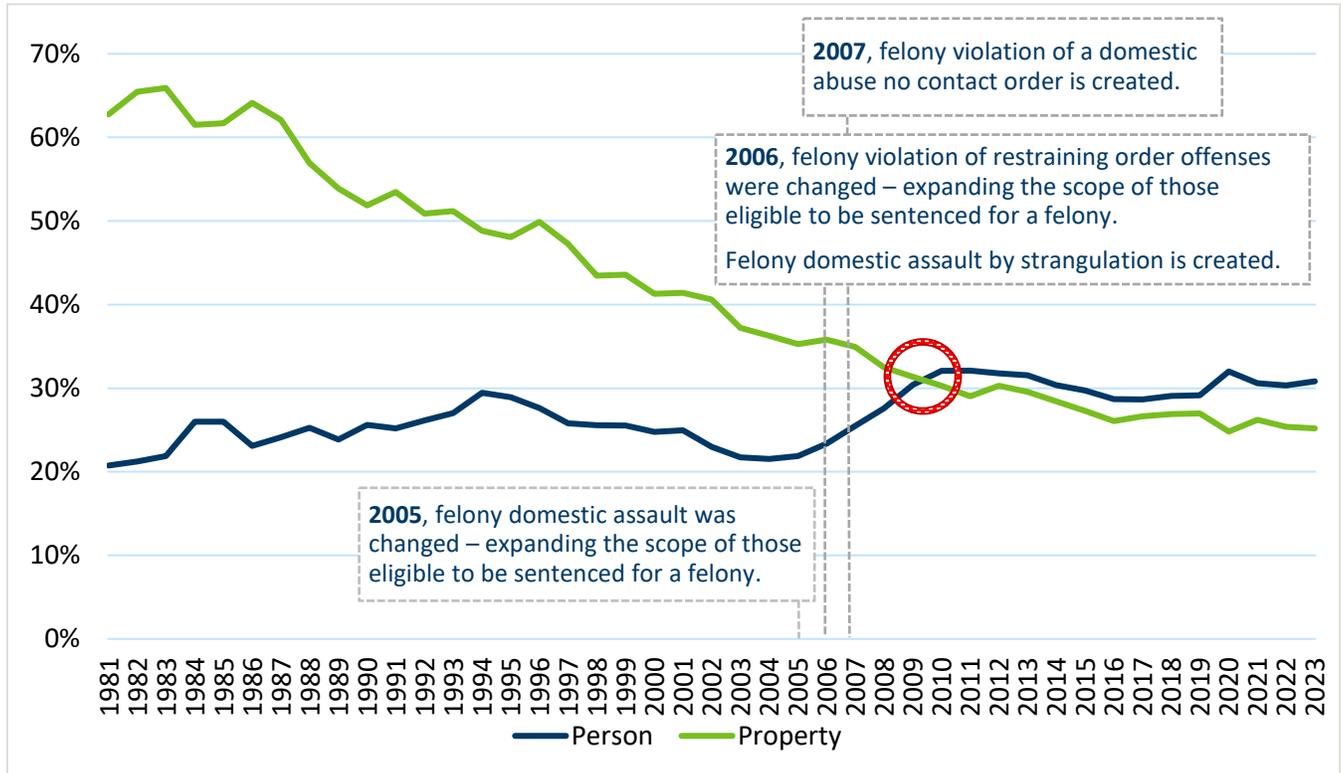
²² “Non-CSC sex offenses” are offenses on the Sex Offender Grid other than criminal sexual conduct—chiefly failure to register as a predatory offender and possession and dissemination of child pornography.

²³ “Weapon” offenses are possession of a firearm by a felon convicted of a crime of violence, discharge of firearm, and other weapon-related offenses.

²⁴ “Other” offenses include fleeing police in a motor vehicle, escape, voting violations, tax evasion, and miscellaneous offenses of less frequency. The category formerly included DWI (before 2004) and non-CSC sex offenses and weapon offenses (before 2010).

Between 1981 and 2009, property offenses made up the largest percentage of cases sentenced. However, in 2010, person offenses surpassed property offenses as having the largest percentage of cases. This change corresponded with several changes to domestic assault-related laws (Figure 8).²⁵

Figure 8. Percent of Cases Sentenced for Person or Property Offenses, 1981–2023

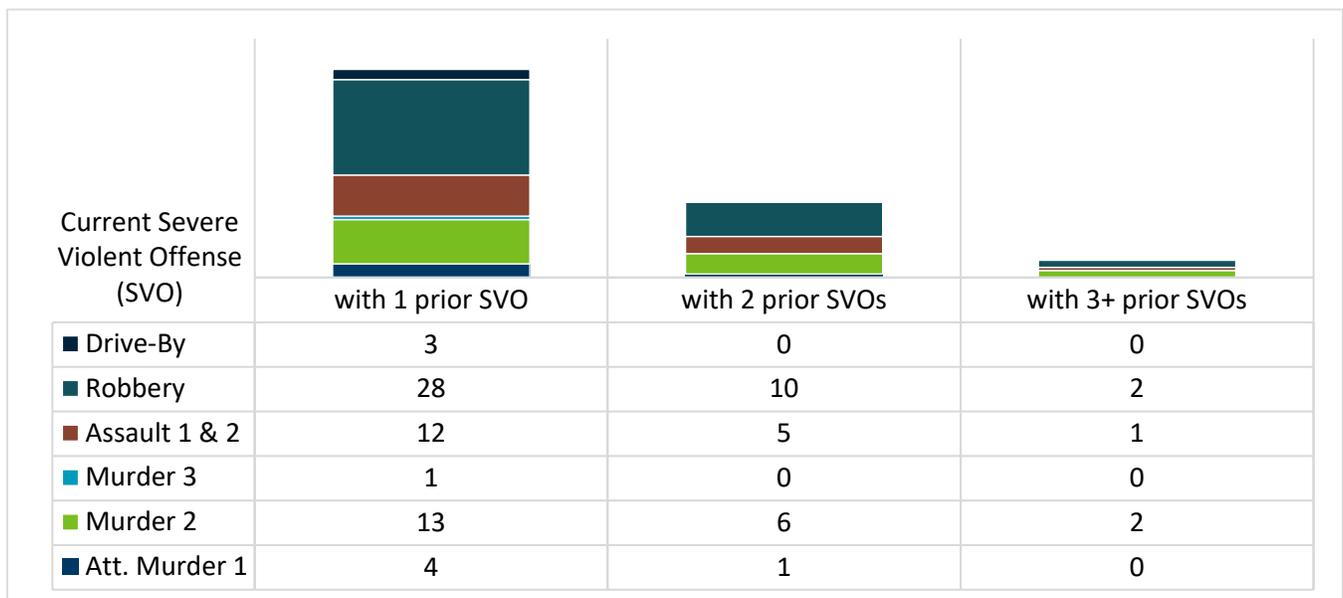


²⁵ Domestic assault-related offenses include domestic assault, domestic assault by strangulation, and violations of restraining orders such as domestic abuse no contact orders (DANCO), violations of harassment restraining orders (HRO), and orders for protection (OFP). For a deeper examination of domestic assault-related offenses, see the MSGC report, [“Assaults and Restraining Order Violations: 2019 Sentencing Practices.”](#)

Sentencing Enhancements and Life Sentences

Repeat Severe Violent Offenses. In 2019, the Commission created a sentencing enhancement for repeatedly committing severe violent offenses with the idea that the change would benefit public safety. Severe violent offenses (SVOs) include murder, manslaughter, sex trafficking, labor trafficking, certain sex offenses, certain kidnappings, robberies, carjackings, certain arsons, and drive-by shootings.²⁶ Defendants sentenced for a SVO who have a prior SVO receive an additional 12 months on their presumptive sentences, while defendants with two and three prior SVOs receive an additional 18 and 24 months, respectively. Since the policy’s 2019 adoption, 96 cases have received the Repeat SVO enhancement (Figure 9), an annual average of 19 cases. In 2023, less than one percent of cases sentenced received the Repeat SVO enhancement.

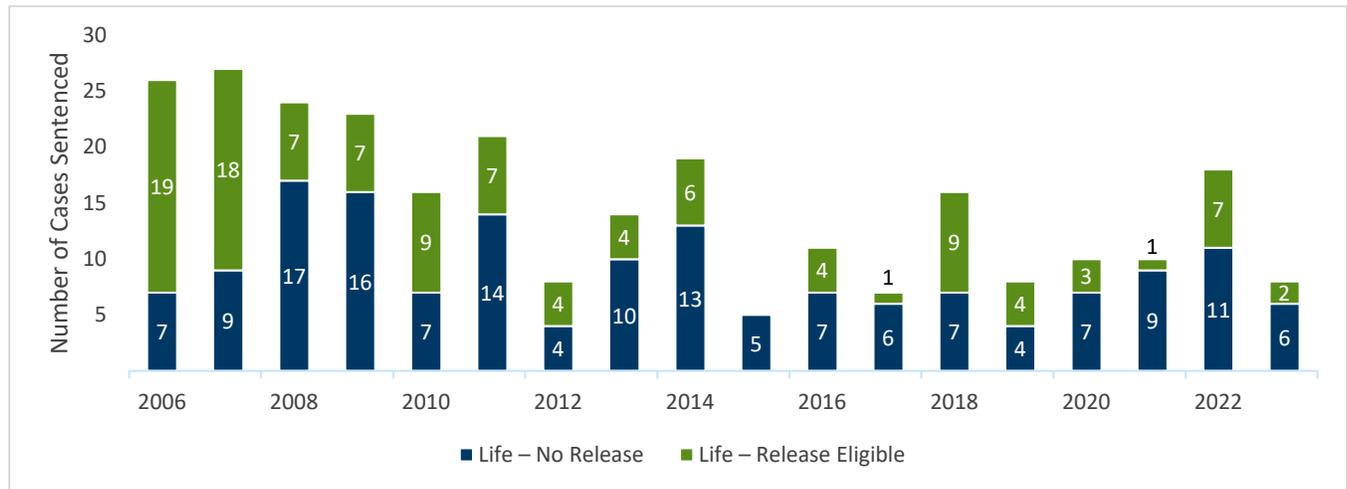
Figure 9. Repeat Severe Violent Offenses, Sentenced 2019–2023



²⁶ A severe violent offense is defined as: Attempted Murder 1st Degree (Minn. Stat. § 609.185); Murder 2nd Degree (Minn. Stat. § 609.19); Murder 3rd Degree with a Depraved Mind (Minn. Stat. § 609.195(a)); Assault 1st Degree (Minn. Stat. § 609.221); Assault 2nd Degree with a Dangerous Weapon and Substantial Bodily Harm (Minn. Stat. § 609.222, subd. 2); Aggravated Robbery 1st Degree (Minn. Stat. § 609.245, subd. 1); Carjacking 1st Degree (Minn. Stat. § 609.247, subd. 2); Kidnapping with Great Bodily Harm, Unsafe Release, or Victim Under age 16 (Minn. Stat. § 609.25, subd. 2(2)); Murder of an Unborn Child 1st Degree (Minn. Stat. § 609.2661); Murder of an Unborn Child 2nd Degree (Minn. Stat. § 609.2662); Murder of an Unborn Child 3rd Degree (Minn. Stat. § 609.2663); Labor Trafficking resulting in Death (Minn. Stat. § 609.282 subd. 1); Labor Trafficking of a Minor Victim (Minn. Stat. § 609.282 subd. 1a(1)); Labor Trafficking resulting in Great Bodily Harm (Minn. Stat. § 609.282 subd. 1a(3)); Sex Trafficking 1st Degree (Minn. Stat. § 609.322, subd. 1(a)); Aggravated Sex Trafficking 1st Degree (Minn. Stat. § 609.322, subd. 1(a) with ref. to subd. 1(b)); Aggravated Sex Trafficking 2nd Degree with Bodily Harm, Debt Bondage, or Forced Services (Minn. Stat. § 609.322, subd. 1a with ref. to subd. 1(b)(2) or (3)); Criminal Sexual Conduct 1st Degree (Minn. Stat. § 609.342, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(i)); Criminal Sexual Conduct 2nd Degree (Minn. Stat. § 609.343, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(i)); Tampering with Witness, Aggravated 1st Degree (Minn. Stat. § 609.498, subd. 1b); Arson 1st Degree (Minn. Stat. § 609.561, subd. 1 or 2); or Drive-By Shooting Toward a Person or Occupied Motor Vehicle or Building (Minn. Stat. § 609.66, subd. 1e(a)(2) & (3)).

Life Sentences. Mandatory life imprisonment sentences apply to first-degree murder and certain sex offenses.²⁷ Although not covered by the Guidelines, life sentences have been included in MSGC data since 2006.²⁸ Since that year, the greatest annual number of life sentences was observed in 2007; the least was observed in 2015 (Figure 10). Some people with life sentences will never be eligible for release (“Life – No Release”) while others are eligible for supervised-release consideration after first serving 30 years (“Life – Release Eligible”).²⁹

Figure 10. Life Sentence Cases, 2006–2023



²⁷ [Minn. Stat. § 609.3455](#), subdivision 2.

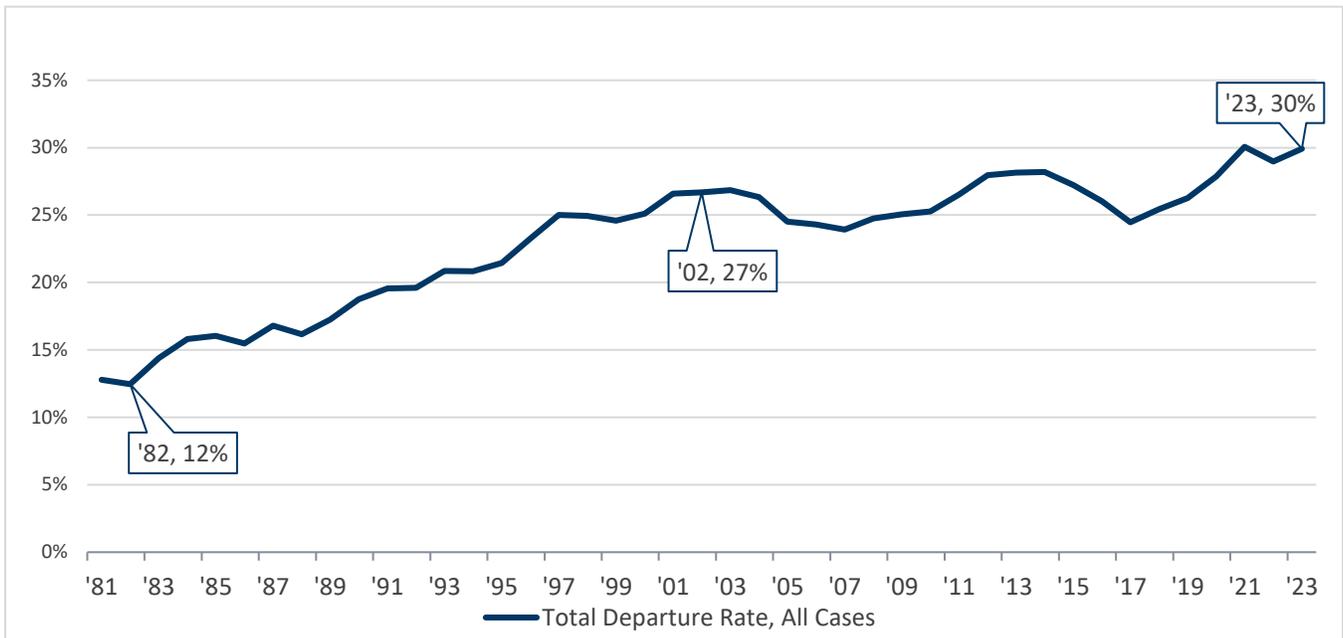
²⁸ Life imprisonment without possibility of release has been the mandatory sentence for premeditated murder and certain sex offenses since 2005. [2005 Minn. Laws ch. 136](#), art. 2, §§ 5 & 21, & art. 17, § 9.

²⁹ [Minn. Stat. § 244.05](#), subdivision 5.

Departures from the Guidelines

Most felony cases sentenced received the Guidelines recommended sentences; however, departures do occur and have increased over time. The departure rate—the rate at which the Guidelines’ recommendations were not followed—has increased. In the 1980s, the rates were below 20 percent, increasing to 30 percent by 2023 (Figure 11).

Figure 11. Total Departure Rates, All Cases, 1981–2023



Dispositional Departures

Recall that a “dispositional departure” occurs when the Guidelines recommended a non-prison (stayed) sentence, but the court pronounced an executed prison sentence (upward or aggravated); or when the Guidelines recommended an executed prison sentence, but the court pronounced a stayed sentence (downward or mitigated). Mitigated dispositional departure rates, as a percentage of presumptive-commit cases, have generally risen over time, while aggravated dispositional departure rates, as a percentage of presumptive-stay cases, have fallen to less than 1 percent (Figure 12).³⁰ When all cases are viewed together, 83 percent of cases sentenced in 2023 received the Guidelines recommended disposition (Figure 13).

Figure 12. Dispositional Departure Rates, 1981–2023

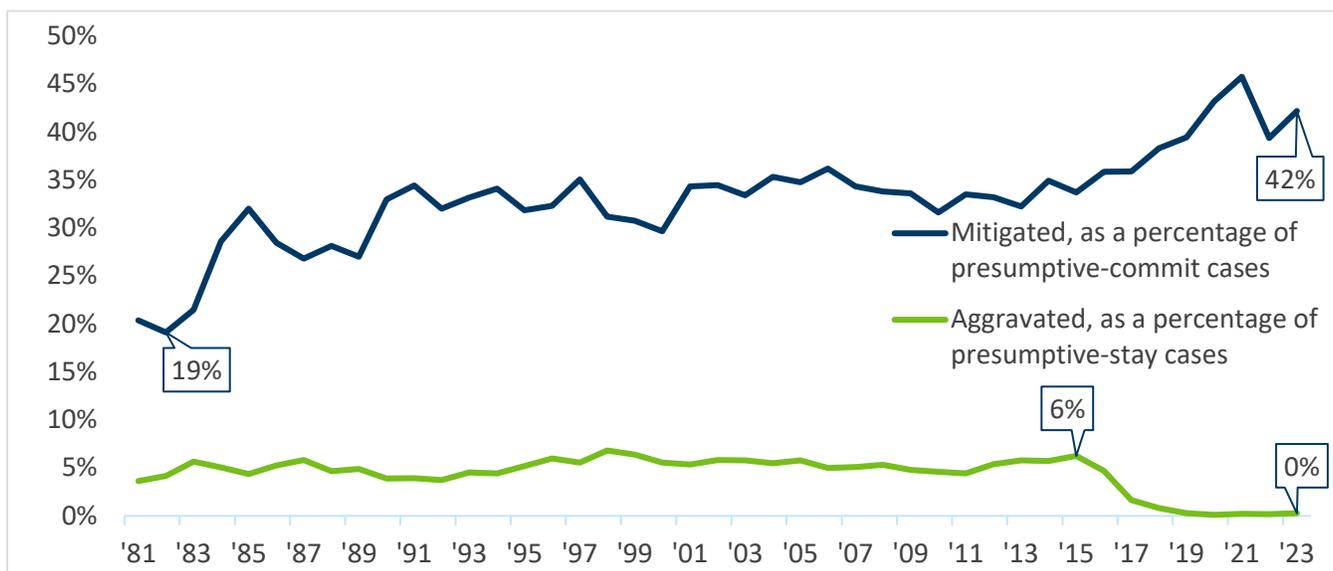
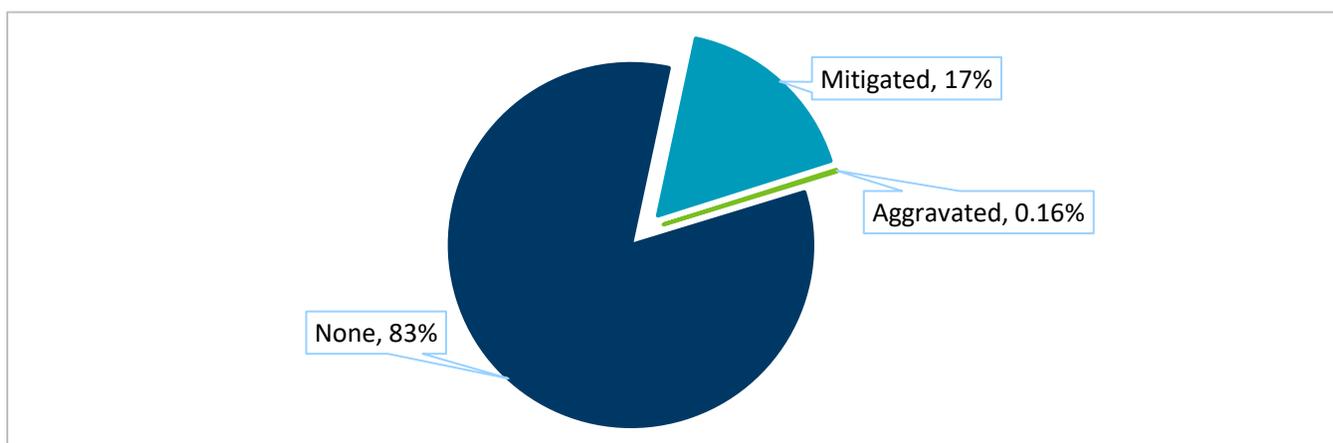


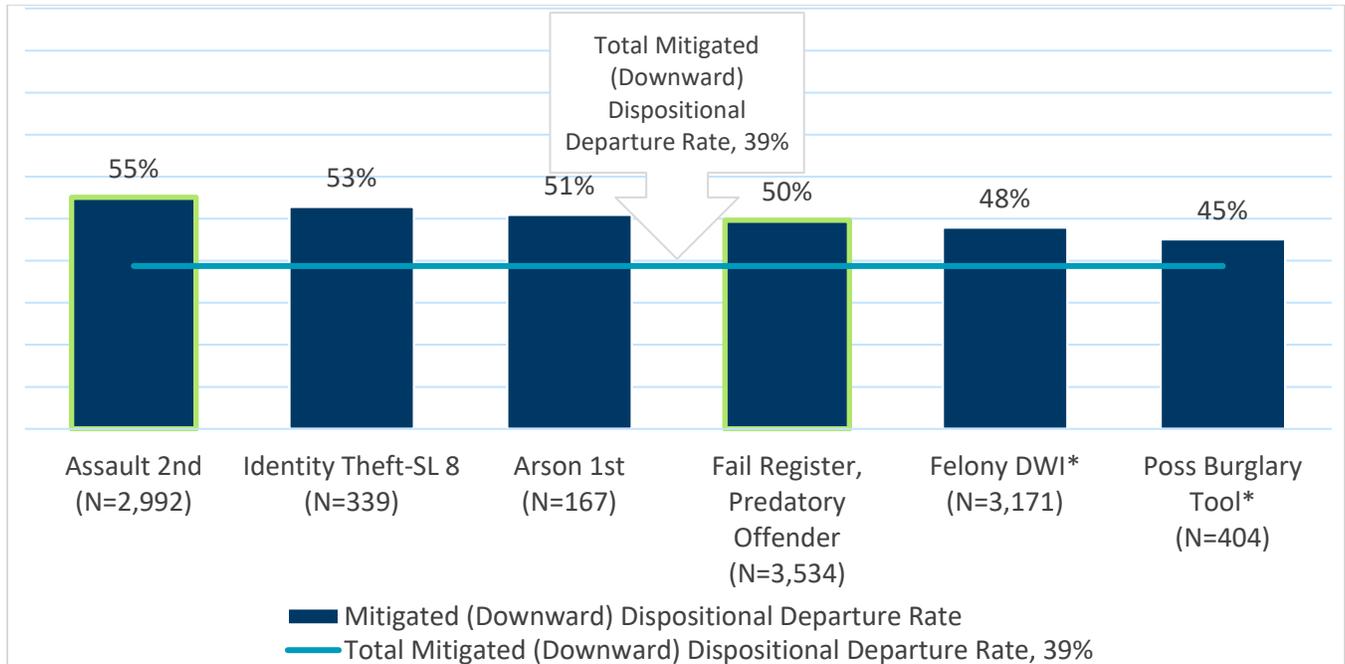
Figure 13. Dispositional Departure Rates, 2023



³⁰ This partly due to a data change: Beginning on August 1, 2015, a sentence that is executed pursuant to a defendant’s right to demand execution is no longer classified as an aggravated dispositional departure.

Figure 14, below, focuses on a selected group of offenses that received mitigated dispositional departures at higher rates than average. These offenses included second-degree assault, failure to register as a predatory offender, and felony Driving While Impaired (DWI). Some of these offenses receive the recommended disposition less often than they receive a mitigated dispositional departure.

Figure 14. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2014–2023



*Selection Criteria: Offenses with 100 or more presumptive-commitment cases (“N”) sentenced from 2014–2023; and received downward dispositional departure (sentenced to probation when the Guidelines recommended prison) at rates above the total mitigated dispositional departure rate of 39%. *For Felony DWI and Possession of Burglary Tools, presumptive stay cases are excluded.*

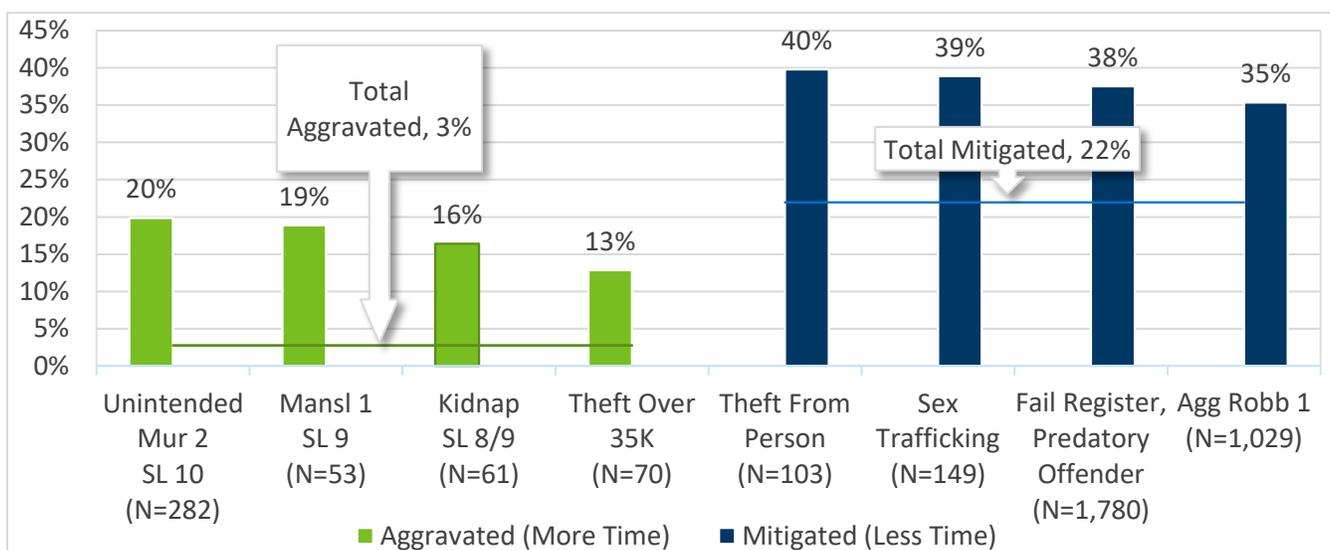
Two of the highest departure-rate offenses, second-degree assault and failure to register as a predatory offender (both highlighted in Figure 14), have mandatory minimum sentences specified in statute, with provisions in statutes which allow for departures from those mandatory minimums. According to the Guidelines, an offense with a statutory mandatory minimum is always a presumptive prison sentence with a presumptive duration that does not fall below the minimum that is set by the Legislature in the statute. For these offenses with the highest rates of mitigated dispositional departures, most prosecutors either agreed to, or did not object to, the departure.

Durational Departures

A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid and an aggravated durational departure occurs when the pronounced sentence is more than 20 percent higher than the presumptive duration. Seventy-nine percent of felony cases do not receive durational departures. However, of those that received prison in 2023, 19 percent received a mitigated durational departure and two percent received an aggravated durational departure.

Among prison cases, four offenses received aggravated durational departures (more time in prison than recommended by the Guidelines); and four offenses received mitigated durational departures (less time in prison than recommended by the Guidelines) compared to the average rates (Figure 15).

Figure 15. Aggravated and Mitigated Durational Departures Among Executed-Prison Cases for Select Offenses Compared to Total Rate, 2014–2023



Selection Criteria: Offenses with 50 or more executed prison cases sentenced (“N”) from 2014-2023, and the aggravated durational departure rate was over 10 percent; or there were 50 or more executed prison cases, and the mitigated durational departure rate was over 30 percent.

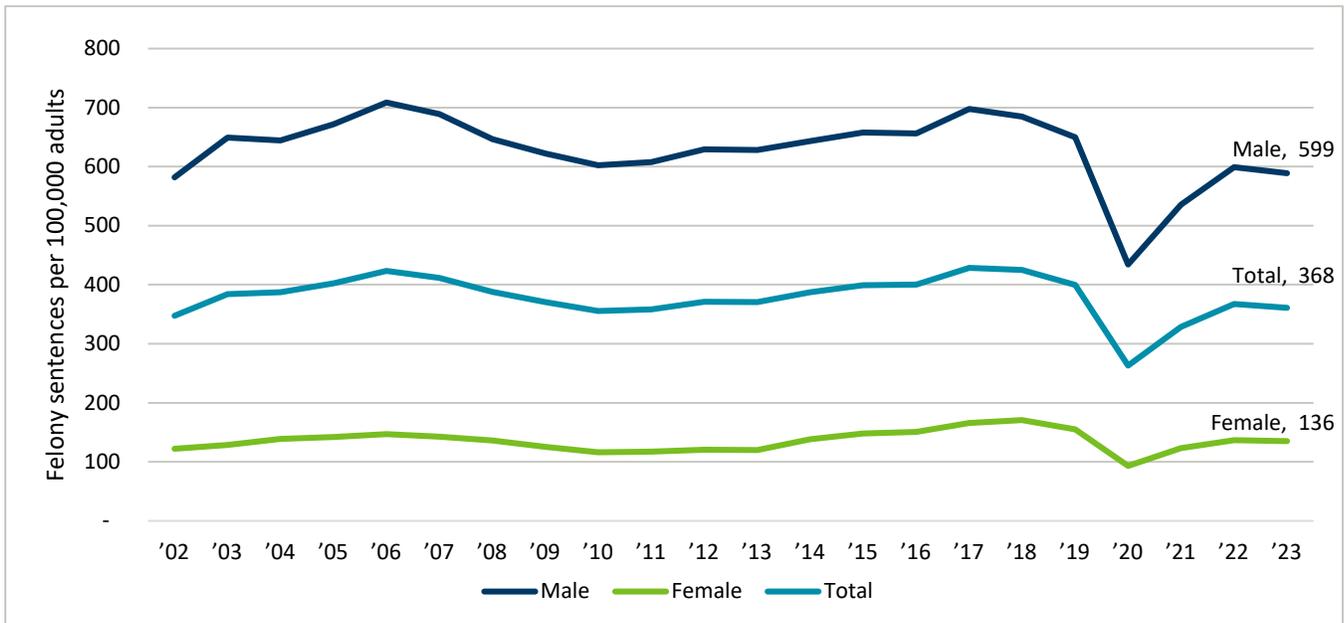
Demographic Characteristics

The demographic characteristics section includes information about sex, race and ethnicity, and Minnesota Judicial District. A map of Minnesota Judicial Districts can be found in Appendix 3. As you review this section, remember that observed variations may be partly explained by regional differences in case volume, charging practices, and plea agreement practices, as well as differences in the types of offenses sentenced and criminal history scores across regions, and available local correctional resources.

Case Distribution by Sex, Race & Ethnicity

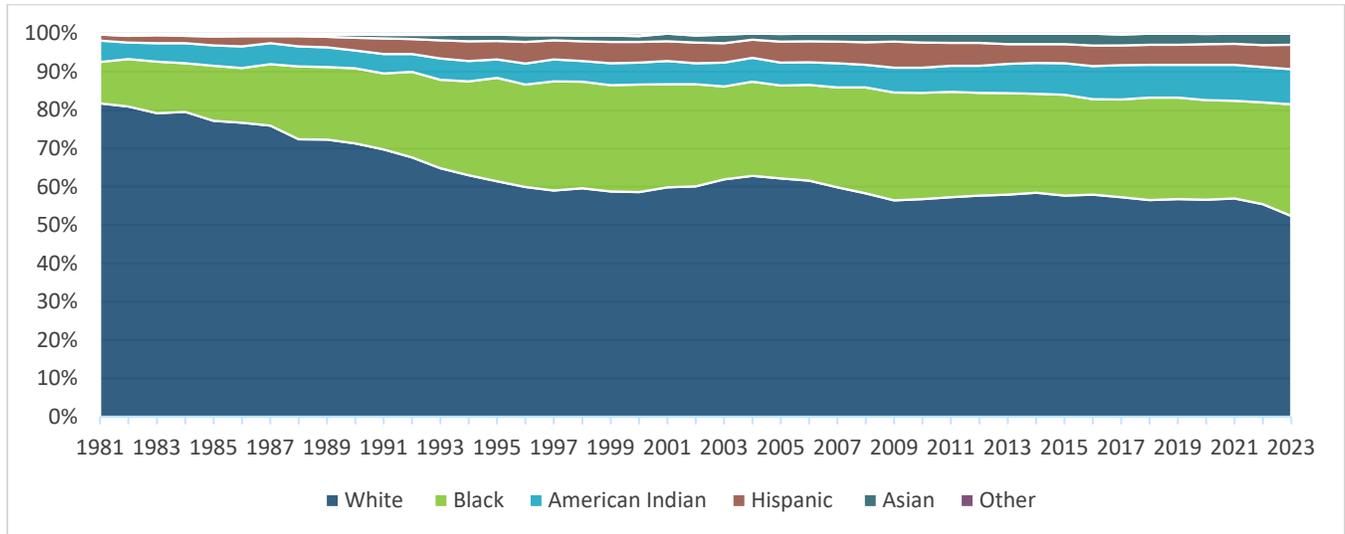
Since the implementation of the Guidelines in 1981, males have comprised at least 80 percent of those sentenced for felonies each year. In 2023, 81 percent of those sentenced were male, and 19 percent were female. In comparison, 50 percent of Minnesota’s 2023 adult population were females and 50 percent were males (Figure 16).

Figure 16. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–2023, by Sex and Total



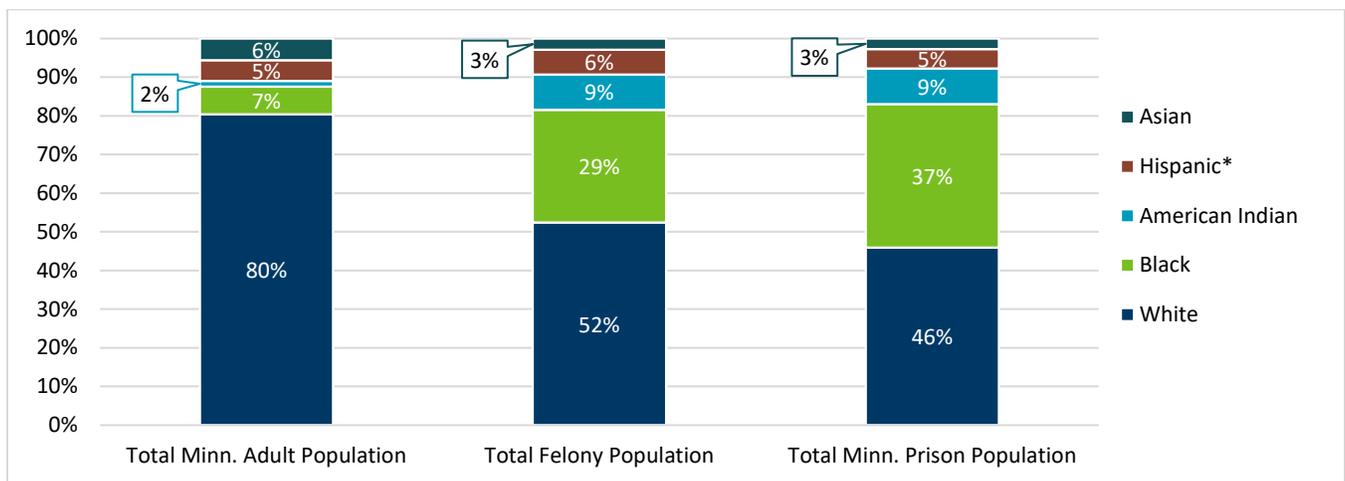
The racial and ethnic composition of people with felony sentences has changed since 1981, when 82 percent of people sentenced were White. In 2023, 52 percent of people sentenced were White (Figure 17).

Figure 17. Distribution of Cases by Race & Ethnicity, 1981–2023



The racial and ethnic composition of adults in Minnesota has changed too, but not at the same rate as those individuals receiving felony sentences. Although the 2023 Black or African American population made up 7.3 percent of Minnesota’s adult population, it made up 29 percent of people sentenced; and while the American Indian population was 1.6 percent of the state’s adult population, it made up 9.2 percent of people sentenced (Figure 18).

Figure 18. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2023

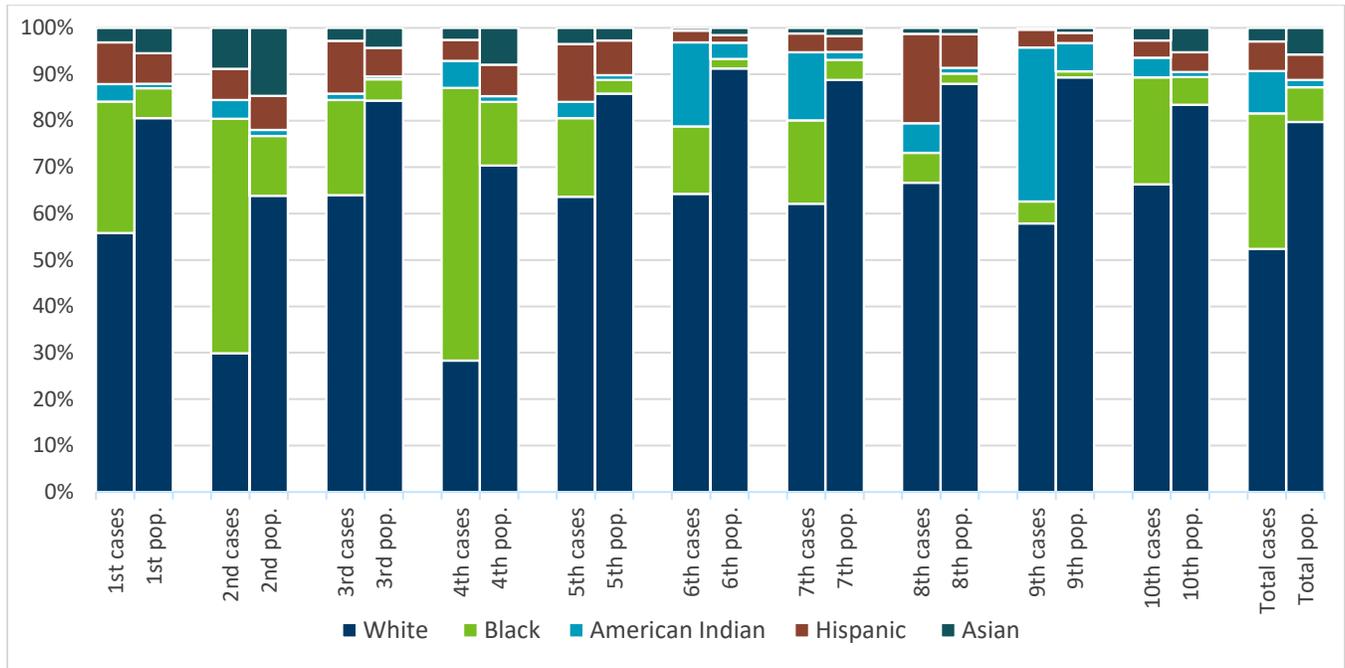


*This figure lists all Hispanic people as Hispanic, regardless of race.

Source of July 1, 2023, population estimate: U.S. Census Bureau (Nov. 2024). Source of July 1, 2023, adult inmate population: Minn. Department of Corrections. For the Census Bureau estimate, the sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.8%) because non-Hispanic residents of more than one race are counted in more than one category, although the figure displays them as if they totaled 100 percent.

The Twin Cities metro area of Minneapolis and St. Paul has a non-White majority of cases sentenced, and more individuals were sentenced in the Fourth Judicial District (18%; includes Minneapolis) than any other district. The distribution of people sentenced in 2023 by their racial or ethnic composition relative to each judicial district’s residential population varies as shown below (Figure 19).

Figure 19. Distribution of Cases and Population by Race and Judicial District, 2023



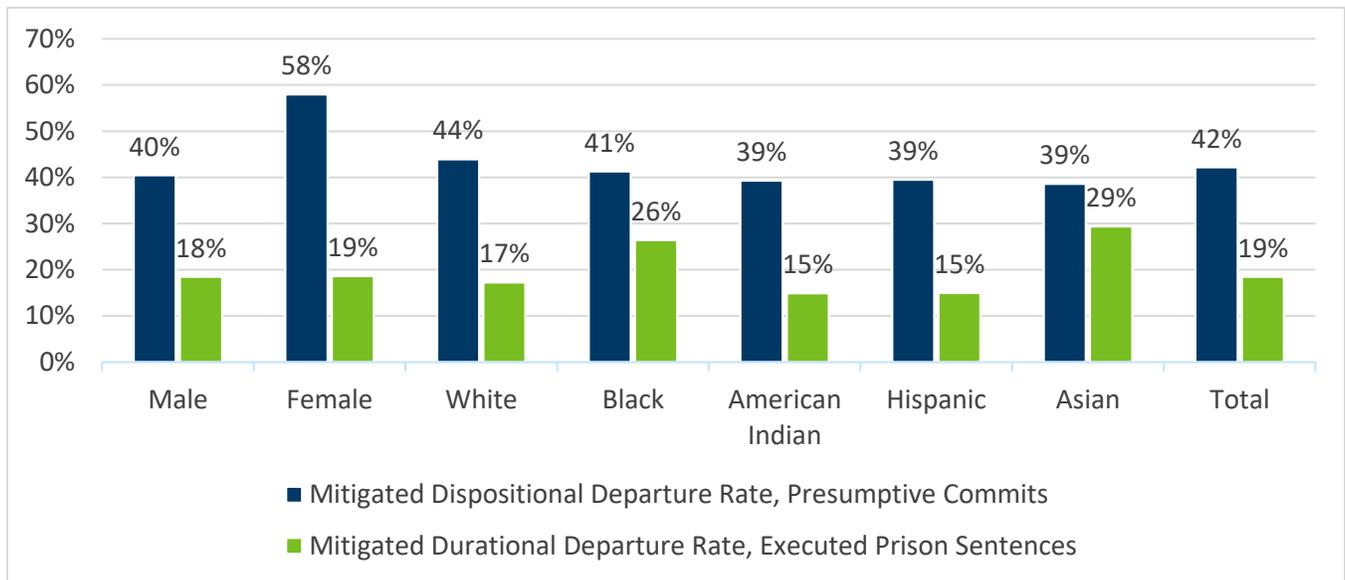
Residential population age 15 or older as of July 1, 2023, as estimated by the U.S. Census Bureau (Nov. 2024). The sums of the residential population percentages exceed 100 percent because, except for Hispanic residents, residents of more than one race are counted in more than one category, although the figure displays them as if they totaled 100 percent.

Departures by Sex, Race & Ethnicity

Departures rates also vary by sex, race, and ethnicity. Recall that a mitigated dispositional departure means that the Guidelines recommended prison, but the defendant received a non-prison “stayed” sentence and a mitigated durational departure means that the defendant got less time than the Guidelines recommended. Figure 20 and Figure 21, below, combined rates on mitigated dispositional departures and mitigated durational departures for executed prison cases to illustrate some key differences in who received a Guidelines sentence and who received a departure.

The female population had a higher mitigated dispositional departure rate than the average which means they were more likely to get a probation sentence than males. The White population was also more likely to get probation, but for those who received prison, less likely to receive a lower prison duration. The Black and Asian populations had a lower mitigated dispositional departure rate, but higher durational departure rate—meaning that they were more likely to go to prison but for less time. The American Indian and Hispanic populations had lower mitigated dispositional and lower durational departure rates which means they were more likely to go to prison and get the Guidelines time.

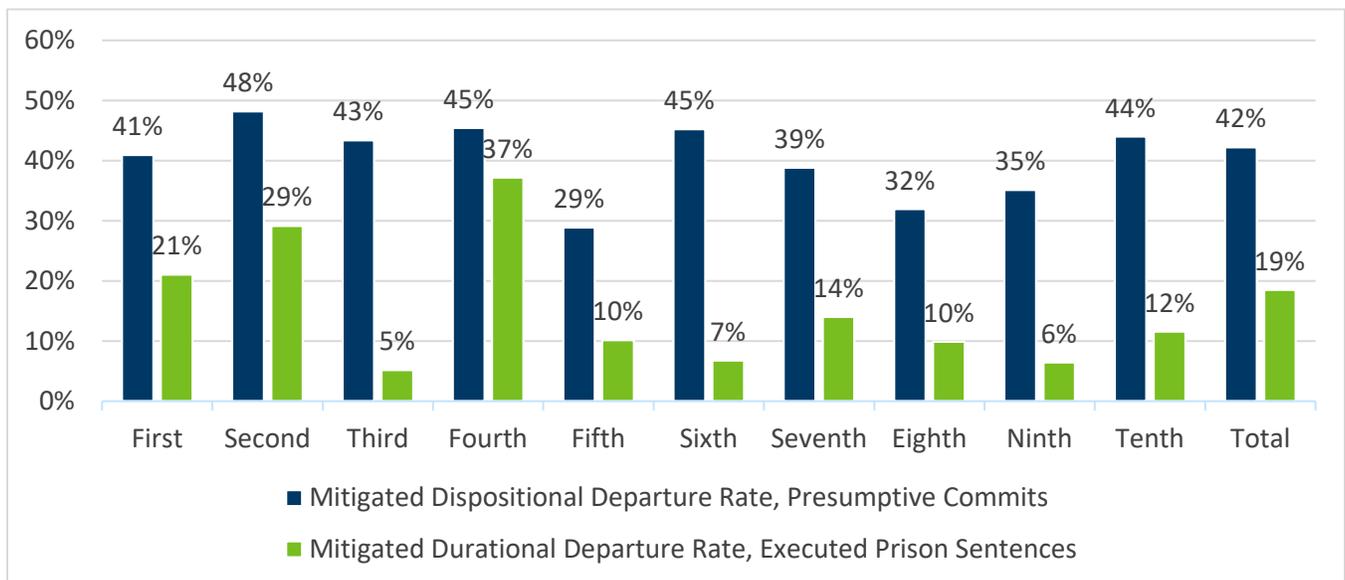
Figure 20. Mitigated Departures by Sex & Race/Ethnicity, 2023



Departures by Judicial District

Departure rates vary by judicial district as well. The Fifth Judicial District (includes Mankato) and Eighth Judicial District (includes Willmar) had the lowest mitigated dispositional departure rates, and the Second Judicial District (Ramsey County, including St. Paul) had the highest. Downward durational departures among prison cases ranged from a low of five percent in the Third District (includes Rochester) and six percent in the Ninth District (includes Bemidji) to a high of 37 percent in the Fourth District (Hennepin County, including Minneapolis).

Figure 21. Mitigated Departures by Judicial District, 2023



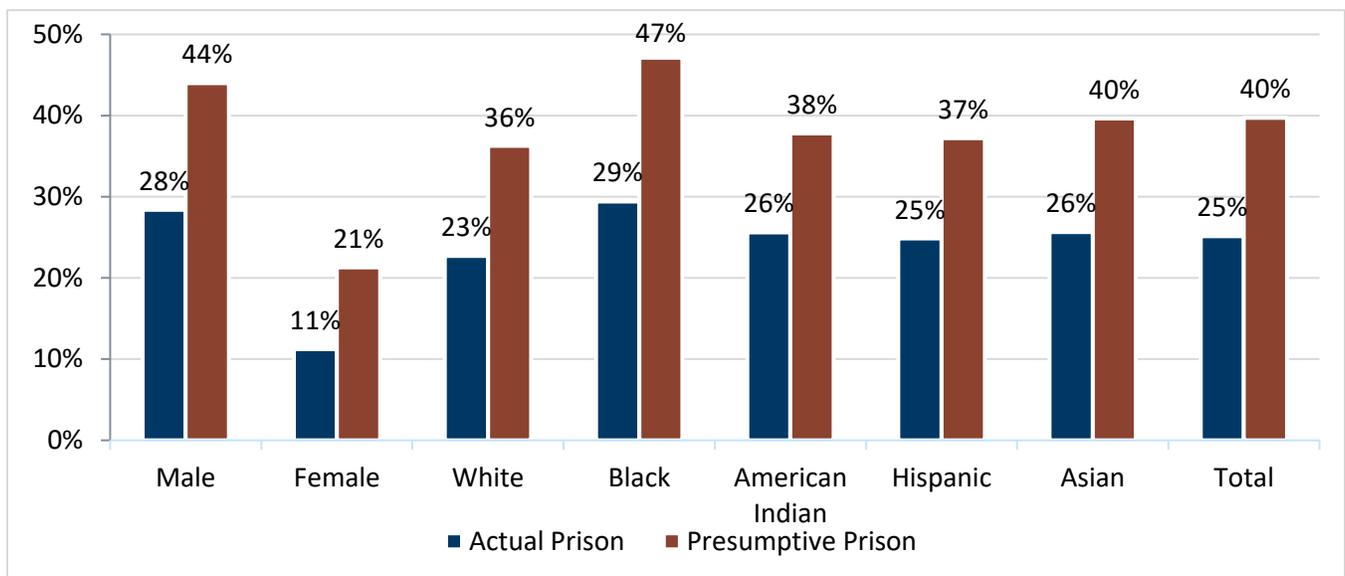
Actual & Presumptive Prison Rates by Sex, Race & Ethnicity

As mentioned in “Sentencing Trends” section, the Guidelines recommended prison in a record-high 39.7 percent of cases compared to the average prison rate of 25.2 percent meaning that more defendants were recommended prison sentences than actually went to prison—in other words, more defendants received mitigated dispositional departures and were sentenced to probation. However, these rates vary by sex, race, ethnicity, and judicial district.

As you review this section and the next, remember that observed variations may be partly explained by regional differences in case volume, charging practices, and plea agreement practices, as well as differences in the types of offenses sentenced and criminal history scores across regions, and available local correctional resources.

The female population was recommended prison and received prison at a lower rate than average, and this was true for the White population as well. In contrast, the Black population was recommended prison and received prison at a higher rate (Figure 22).

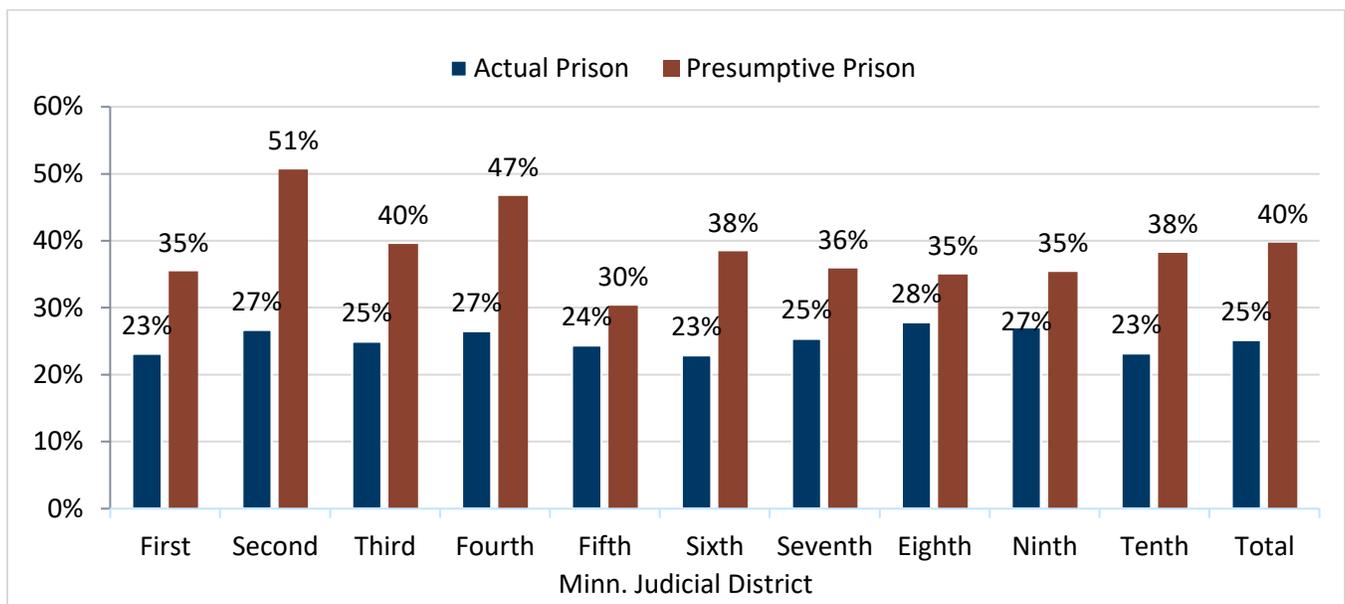
Figure 22. Actual & Presumptive Prison Rates by Sex & Race/Ethnicity, 2023



Actual & Presumptive Prison Rates by Judicial District

The Second and Fourth Judicial districts (which include St. Paul and Minneapolis, respectively) had a non-White majority of cases sentenced (Figure 19), higher mitigated departures than average (Figure 21), and the some of the highest recommended and actual prison rates in the state (Figure 23). The Ninth Judicial District (in northern Minnesota, includes Bemidji) had the largest American Indian population in the state (Figure 19), lower mitigated departures than average (Figure 21), and had a higher actual prison rate than the total rate. The Eighth Judicial District (in western Minnesota, includes Willmar) had the largest Hispanic population (Figure 19) in the state, lower than average mitigated departures (Figure 21), and had a higher actual prison rate than the total rate.

Figure 23. Actual & Presumptive Prison Rates by Judicial District, 2023



Other Mandatory Reports

In addition to its mandated reporting on changes to the Sentencing Guidelines—both past and proposed—the Legislature requires MSGC annually to report summaries of certain sentencing-related data received from other entities; specifically:

- County attorney reports on certain criminal cases involving a firearm (below);
- Court reports on outcomes of deferred sentences for military veterans (p. 43); and
- Court reports on prosecutor-initiated sentence adjustments that were granted by the court (p. 45).

County Attorney Firearms Reports

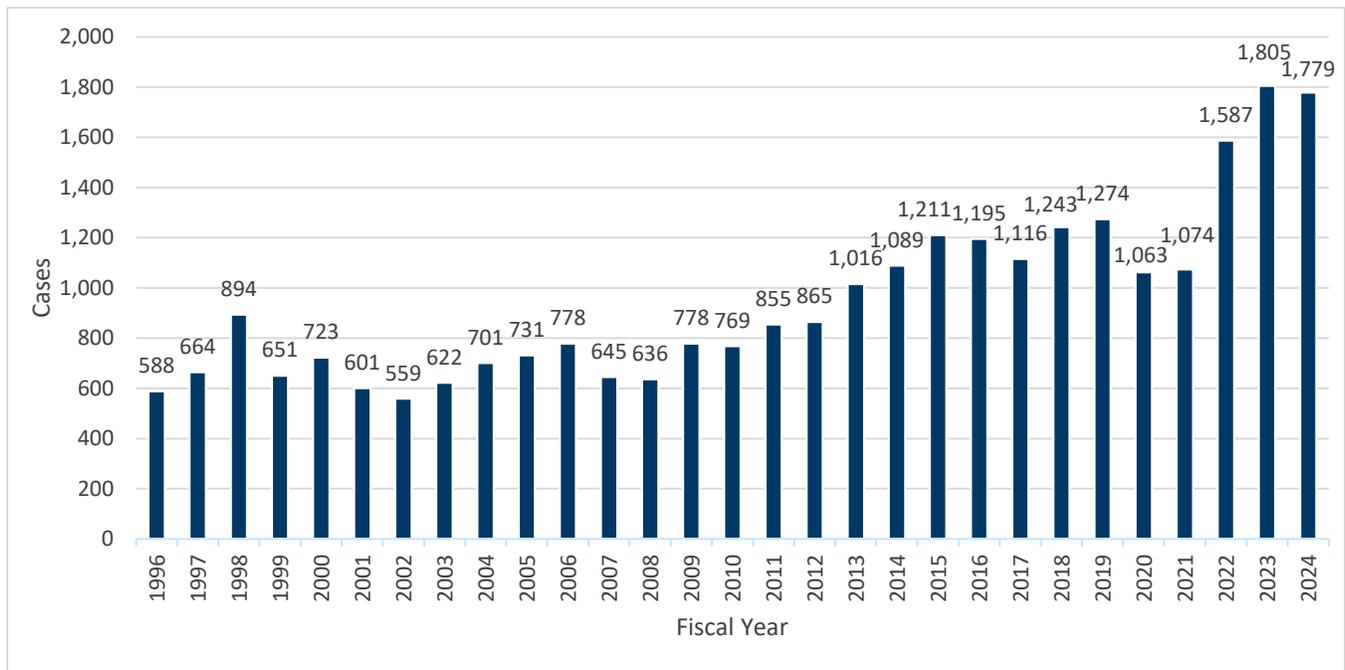
Minnesota law requires all county attorneys, by July 1 of each year, to submit to the Commission their data regarding felony cases in which defendants allegedly possessed or used a firearm and committed offenses listed in [Minn. Stat. § 609.11](#), subdivision 10.³¹ The Commission is required to include in its annual report to the Legislature a summary and analysis of the reports received. Memoranda describing the mandate, along with report forms, are distributed by MSGC staff to county attorneys. Although MSGC staff clarifies inconsistencies in the summary data, the information received from the county attorneys is reported directly as provided.

Cases Allegedly Involving a Firearm, 1996 to 2024

Since the mandate began in 1996, the average number of annual cases allegedly involving firearms statewide has been 948 cases, with a low of 588 cases in 1996 and a high of 1,805 cases in 2023. In fiscal year (FY) 2024 (July 1, 2023, through June 30, 2024), county attorneys report disposing of 1,779 cases allegedly involving a firearm (Figure 24). This was a 1.4 percent decrease from FY 2023, and the second-largest number of cases reported in the 28 years of the mandate.

³¹ The statute provides a mandatory minimum sentence of 3 years for the first conviction of a designated offense committed while the defendant or an accomplice possessed or used a firearm, and 5 years for the second. Minn. Stat. § 609.11, subd. 5(a). Designated offenses include murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking in the first, second, or third degree; first-degree or aggravated first-degree witness tampering; some criminal sexual conduct offenses; escape from custody; arson in the first, second, or third degree; felony drive-by shooting; aggravated harassment and stalking; felon in possession of a firearm; and felony controlled substance offenses.

Figure 24. Cases Allegedly Involving a Firearm, FY 1996 to FY 2024



Cases Charged, 2024

Of the 1,779 cases in which defendants allegedly possessed or used firearms, prosecutors charged 1,736 cases (97.6%), while 43 cases (2.4%) were not charged (Figure 25, “Charged” and “Not Charged”).

Case Outcomes, 2024

Of the 1,736 cases charged, 1,023 (59%) were convicted of offenses designated in [Minn. Stat. § 609.11](#); 188 (11%) were convicted of non-designated offenses (not covered by the mandatory minimum; *e.g.*, threats of violence under [Minn. Stat. § 609.713](#)); 403 (23%) had all charges dismissed; 19 (1%) were acquitted on all charges; and 101 (6%) were “other” cases, including federal prosecutions and stays of adjudication (Figure 25).

Cases Convicted of Designated Offense & Firearm Established on the Record, 2024

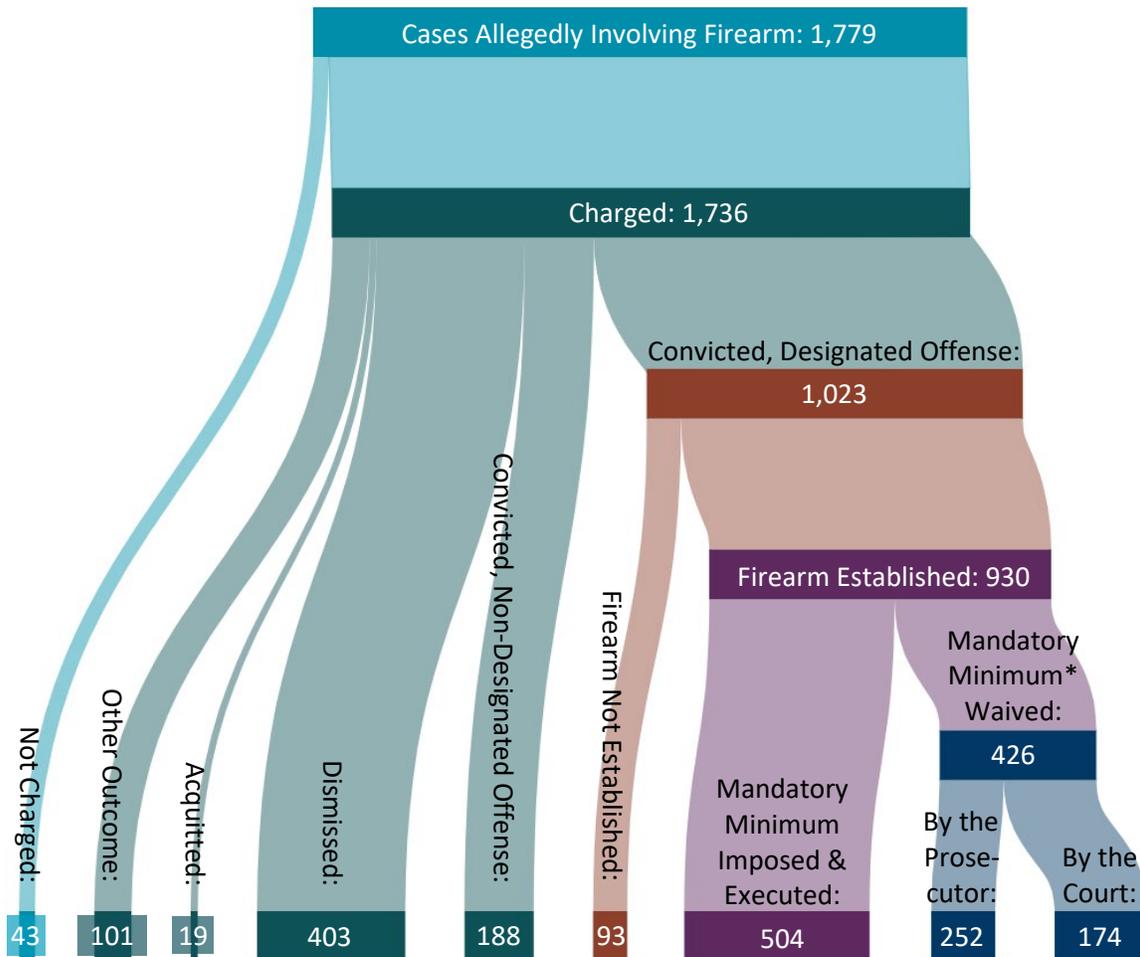
In 930 (91%) of the 1,023 cases in which there was a conviction for a designated offense, use or possession of a firearm was established on the record (Figure 25, “Firearm Established”). The fact-finder, *i.e.*, the judge or jury, must establish whether the defendant or an accomplice used or possessed a firearm in the commission of the offense at the time of conviction. Minn. Stat. § 609.11, subdivision 7.

In the cases in which the firearm was established on the record, county attorneys report that 504 cases (54%)³² were sentenced to the mandatory minimum prison term (Figure 25, “Mandatory Minimum Imposed &

³² County attorneys’ data for fiscal year 2024 (ending June 30, 2024). According to MSGC monitoring data from calendar year 2023, 656 sentencing worksheets reflected the use or possession of a firearm or prohibited persons from possessing a firearm (excluding ammunition-only cases) requiring a mandatory prison sentence under Minn. Stat. § 609.11. Of those, 44

Executed”). The statute specifically allows the prosecutor to file a motion to have the defendant sentenced without regard to the mandatory minimum. The prosecutor must provide a statement as to the reasons for the motion. If the court finds substantial mitigating factors, with or without a motion by the prosecutor, the defendant may be sentenced without regard to the mandatory minimum.³³

Figure 25. Disposition of Cases, Alleged Designated Offenses Involving Firearms, as Reported by County Attorneys, Cases Disposed of Between July 1, 2023, and June 30, 2024



*For an explanation of the term “mandatory minimum,” see footnote 33.

percent (288 cases) received both the mandatory prison disposition and the mandatory minimum duration or longer. In addition, 13 percent (88 cases) received the mandatory prison disposition, but less than the mandatory minimum duration.³³ Minn. Stat. § 609.11, subdivision 8. Although [Minn. Stat. § 609.11](#) uses the term “mandatory minimum” to describe the sentences it prescribes, the term includes cases in which the court, on the motion of the prosecutor or on its own motion, is statutorily permitted, when substantial and compelling reasons are present, to sentence a defendant without regard to those prescribed sentences. Minn. Stat. § 609.11, subd. 8(a); but see subd. 8(b) & 8(c) (the court is not permitted to sentence a defendant without regard to the mandatory minimum if the defendant was previously convicted of a designated offense in which the defendant used or possessed a firearm or other dangerous weapon, nor if the defendant or an accomplice used or personally possessed a firearm in the commission of a first- or second-degree sale of a controlled substance).

Table 1. County Attorney Firearms Reports on Criminal Cases Allegedly Involving a Firearm, by Minn. County, Cases Disposed of Between July 1, 2023, and June 30, 2024

County	Cases Allegedly Involving Firearm	Charged	Dismissed	Convicted, Non-Designated Offense	Convicted, Designated Offense	Firearm Established	Mandatory Minimum Imposed and Executed
Aitkin	13	12	2	0	9	9	5
Anoka	88	75	25	0	50	45	31
Becker	5	5	1	0	4	4	3
Beltrami	15	13	2	1	9	9	8
Benton	12	11	4	1	6	5	4
Big Stone	1	1	0	1	0	0	0
Blue Earth	14	14	0	2	12	11	9
Brown	0	0	0	0	0	0	0
Carlton	4	4	1	0	2	1	0
Carver	4	4	0	0	4	4	4
Cass	17	17	4	7	6	6	4
Chippewa	2	2	0	0	2	1	2
Chisago	7	7	2	3	2	2	1
Clay	20	19	12	0	2	1	1
Clearwater	9	9	0	7	2	2	1
Cook	2	2	0	0	2	2	2
Cottonwood	0	0	0	0	0	0	0
Crow Wing	36	30	6	2	21	21	12
Dakota	55	55	16	4	31	29	18
Dodge	0	0	0	0	0	0	0
Douglas	7	7	1	0	0	0	0
Faribault	0	0	0	0	0	0	0
Fillmore	3	3	1	1	0	0	0
Freeborn	8	8	1	4	3	2	2
Goodhue	8	7	0	2	5	3	1
Grant*							
Hennepin	727	727	168	57	445	420	212
Houston	1	1	0	0	1	1	0
Hubbard	16	15	5	4	6	3	3

* This county did not report.

County	Cases Allegedly Involving Firearm	Charged	Dismissed	Convicted, Non-Designated Offense	Convicted, Designated Offense	Firearm Established	Mandatory Minimum Imposed and Executed
Isanti	9	9	2	0	6	5	1
Itasca	17	17	3	3	10	9	2
Jackson	0	0	0	0	0	0	0
Kanabec	3	3	0	0	3	3	1
Kandiyohi	4	4	2	1	1	0	0
Kittson	0	0	0	0	0	0	0
Koochiching	6	6	1	4	1	1	0
Lac qui Parle	3	3	0	0	1	1	1
Lake	2	2	0	0	1	1	1
Lake of the Woods	0	0	0	0	0	0	0
Le Sueur	2	2	0	1	1	1	1
Lincoln	0	0	0	0	0	0	0
Lyon	2	2	0	0	2	2	2
McLeod	8	8	1	4	3	3	3
Mahnomen	0	0	0	0	0	0	0
Marshall	1	1	1	0	0	0	0
Martin	8	8	4	1	3	3	2
Meeker	3	3	0	1	2	2	2
Mille Lacs	22	22	10	5	2	1	1
Morrison	9	9	2	4	2	2	2
Mower	16	16	5	3	6	5	3
Murray*							
Nicollet	8	7	2	0	5	2	1
Nobles	6	6	2	2	2	0	0
Norman	3	3	2	0	1	1	0
Olmsted	32	32	1	2	19	15	7
Otter Tail	13	13	3	0	9	9	4
Pennington	0	0	0	0	0	0	0
Pine	20	9	4	0	3	3	1

* This county did not report.

County	Cases Allegedly Involving Firearm	Charged	Dismissed	Convicted, Non-Designated Offense	Convicted, Designated Offense	Firearm Established	Mandatory Minimum Imposed and Executed
Pipestone	0	0	0	0	0	0	0
Polk	4	4	0	1	3	2	1
Pope	0	0	0	0	0	0	0
Ramsey	275	275	68	25	175	152	72
Red Lake	3	3	2	1	0	0	0
Redwood	7	7	0	0	7	6	3
Renville	1	1	0	1	0	0	0
Rice	11	11	0	4	7	7	5
Rock	2	2	1	0	1	0	0
Roseau	0	0	0	0	0	0	0
Scott	18	18	2	2	14	14	6
Sherburne	15	14	0	3	9	7	6
Sibley	0	0	0	0	0	0	0
St. Louis	49	46	13	4	29	28	19
Stearns	55	55	9	8	33	31	19
Steele	7	7	2	2	1	0	0
Stevens	1	1	0	0	1	1	0
Swift	0	0	0	0	0	0	0
Todd	3	2	0	1	1	1	1
Traverse	0	0	0	0	0	0	0
Wabasha*							
Wadena	5	5	4	0	1	1	1
Waseca	7	7	0	0	6	5	1
Washington	30	30	2	7	19	16	6
Watonwan	3	3	1	1	1	1	1
Wilkin	0	0	0	0	0	0	0
Winona*							
Wright	8	8	1	1	6	6	4
Yellow Medicine	4	4	2	0	2	2	2
Total	1,763	1,720	402	186	1,018	926	500

* This county did not report.

Outcomes of Deferred Sentences for Military Veterans

Enacted in 2021, the Veterans Restorative Justice Act (“VRJA,” Minn. Stat. § 609.1056) requires courts to defer prosecution, upon probationary conditions, when a military veteran commits an eligible offense as the result of a qualifying service-related condition. Eligible offenses are misdemeanors, gross misdemeanors, and felonies ranked by the Sentencing Guidelines at severity levels 7, D7, and below.

A 2024 VRJA amendment—which the Commission unanimously supported³⁴—requires courts to forward to MSGC reports on VRJA deferred sentences and probation violations, the data from which MSGC must annually report to the Legislature.³⁵ Effective August 1, 2024, MSGC must report the following summary data to the Legislature by January 15 of each year, disaggregated by county, regarding deferred sentences under the VRJA:

- The number of individuals who received a deferred sentence under the in the previous year;
- The number of individuals who violated probation and received an adjudication of guilt in the previous year—including whether the violation was technical or was an alleged subsequent criminal act; and
- The number of proceedings dismissed in the previous year.

Tables 2 and 3 display the limited summary information provided to MSGC by the Minnesota Judicial Branch about these cases. These data are for July 1, 2023, through June 30, 2024 (fiscal year 2024), which was the third year in which the VRJA was in effect. In fiscal year 2024:

- 66 individuals received deferred sentencings under Minn. Stat. § 609.1056;
- 7 individuals who had previously received deferred sentencings were convicted; and
- 83 individuals who had previously received deferred sentencings had their cases dismissed (Table 2).

Table 2. Minnesota Judicial Branch Reports on Sentences Deferred Under Minn. Stat. § 609.1056, by County, Cases Disposed of Between July 1, 2023, and June 30, 2024

County	Court Deferred Sentence under Minn. Stat. § 609.1056	Deferred Sentence Resulted in Conviction	Deferred Sentence Resulted in Dismissal
Anoka	12	4	24
Benton	1	0	2
Big Stone	2	0	1
Blue Earth	1	0	1
Chisago	1	0	1
Crow Wing	4	0	4
Dakota	3	0	2
Freeborn	1	0	1
Hennepin	5	1	4
Houston	0	0	1
Itasca	1	0	1
Koochiching	2	0	2

³⁴ [Minn. Sentencing Guidelines Comm’n Meeting Minutes \(April 11, 2024\)](#).

³⁵ [2024 Minn. Laws Ch. 123, art. 6, § 7](#).

County	Court Deferred Sentence under Minn. Stat. § 609.1056	Deferred Sentence Resulted in Conviction	Deferred Sentence Resulted in Dismissal
Lake	1	0	3
Lyon	0	0	1
Olmsted	0	1	2
Otter Tail	1	0	1
Pine	1	0	1
Polk	2	0	1
Ramsey	18	0	19
Scott	0	0	1
Sherburne	2	0	4
St. Louis	2	0	1
Stearns	2	0	2
Traverse	1	0	1
Wabasha	0	1	1
Wright	3	0	1
Total	66	7	83

Source: Minnesota Judicial Branch. Obtained Sept. 23, 2024.

For those seven individuals whose previously deferred sentences resulted in conviction in fiscal year 2024, two received felony sentences and five received gross misdemeanor or misdemeanor sentences (Table 3).

Table 3. Minnesota Judicial Branch Reports on Levels of Sentence, Previously Deferred Sentences Under Minn. Stat. § 609.1056 Resulting in Conviction Between July 1, 2023, and June 30, 2024, by County

County	Level of Sentence
Anoka	Felony
Anoka	Gross Misdemeanor
Anoka	Gross Misdemeanor
Anoka	Misdemeanor
Hennepin	Gross Misdemeanor
Olmsted	Felony
Wabasha	Misdemeanor

Source: Minnesota Judicial Branch. Obtained Sept. 23, 2024.

Prosecutor-Initiated Sentence Adjustments

Enacted in 2023, Minn. Stat. § 609.133 permits a prosecutor to initiate a proceeding to reduce a sentence post-conviction. The court must determine whether there are substantial and compelling reasons to adjust the sentence. If an adjustment is granted, the court must state reasons for the adjustment in writing or on the record and report basic demographic information to MSGC. MSGC must summarize and analyze such sentence adjustments and report on case demographics in its annual report to the Legislature.³⁶

MSGC staff sought data from the Minnesota Judicial Branch on prosecutor-initiated sentence adjustments granted in fiscal year 2024 (from the statute's effective date of August 1, 2023, through June 30, 2024). The Branch reported no such sentence adjustments to MSGC.³⁷

³⁶ [Minn. Stat. § 244.09, subd. 15.](#)

³⁷ No adjustments have been reported as of October 25, 2024.

Appendices

Appendix 1. 2024 Amendments to the Minnesota Sentencing Guidelines and Commentary

Appendix 1 identifies and explains all modifications to the Minnesota Sentencing Guidelines and Commentary made during the preceding 12 months, as required by Minn. Stat. § 244.09, subd. 11. Each modification was to the August 1, 2023, edition of the Minnesota Sentencing Guidelines and Commentary, and each had a specified effective date of August 1, 2024.*

Appendix 1.1. Legislative amendments to crime laws affecting the Sentencing Guidelines – 2024 Regular Session – Effective August 1, 2024

On July 25, 2024, after public hearing, the Commission adopted the following proposals. The Commission had made these proposals on June 6, 2024, after its review of the 2024 Regular Session Laws.

1. Transferring Firearm to Ineligible Person – amended and new felonies

Resulting from: [2024 Minn. Laws ch. 127, art. 36, § 3.](#)

Modification summary: Rank at severity level (SL) 2 the new felony Transferring Firearm to Ineligible Person, Minn. Stat. § 624.7141, subd. 1, and list the new offense in Appendix 3, which describes offenses with presumptive durations that exceed the statutory maximums. Increase from SL 2 to SL 5 the ranking of the amended felony Transferring Firearm to Ineligible Person (Aggravated), Minn. Stat. § 624.7141, subd. 2, and retitle the amended offense (previously known as “Transfer Pistol to Ineligible Person”).

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5 and Appendix 3:

* * *

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
5	* * *	

* See Minn. Sentencing Guidelines § 3.G for an explanation of how effective dates are implemented.

Severity Level	Offense Title	Statute Number
	<u>Transferring Firearm to Ineligible Person (Aggravated)</u>	<u>624.7141, subd. 2</u>
2	* * *	
	Transfer Pistol <u>Transferring Firearm to Ineligible Person</u>	<u>624.7141, subd. 1 subd. 2</u>
	* * *	

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
* * *		
<u>624.7141 subd. 1</u>	<u>Transferring Firearm to Ineligible Person</u>	<u>2*</u>
<u>624.7141 subd. 2</u>	Transfer Pistol <u>Transferring Firearm to Ineligible Person (Aggravated)</u>	<u>5 2</u>
* * *		

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

* * *

Appendix 3. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table

This table is for convenience when determining if a presumptive duration exceeds the statutory maximum sentence as described in section 2.C.2. Offenses identified in the table below have presumptive durations that exceed the statutory maximums at the Criminal History Score (CHS) indicated on the table. These are offenses for which the applicable grid does not adjust the duration or range to be at or below the statutory maximum. The table may not be exhaustive.

Statute	Offense	Severity Level	Statutory Maximum (Months)	Exceeds Statutory Maximum At:
* * *				
<u>624.7141, subd. 1</u>	<u>Transferring Firearm to Ineligible Person</u>	<u>2</u>	<u>24</u>	<u>CHS 6 (upper-range)</u>
* * *				

* * *

2. Publishing Personal Information of Judicial Official (Bodily Harm) – new felony

Resulting from: [2024 Minn. Laws ch. 123, art. 12 § 4.](#)

Modification summary: Rank at SL 4 the new felony Publishing Personal Information of Judicial Official (Bodily Harm), codified in Minn. Stat. § 609.476, subd. 3, and list the new offense in section 6 (Offenses Eligible for Permissive Consecutive Sentences).

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Sections 5 & 6:

* * *

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
4	* * *	
	<u>Publishing Personal Information of Judicial Official (Bodily Harm)</u>	<u>609.476, subd. 3</u>
	* * *	

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
* * *		
<u>609.476 subd. 3</u>	<u>Publishing Personal Information of Judicial Official (Bodily Harm)</u>	<u>4</u>
* * *		

6. Offenses Eligible for Permissive Consecutive Sentences

- A. Convictions for attempted offenses or conspiracies to commit offenses listed below are eligible for permissive consecutive sentences as well as convictions for completed offenses.
- B. 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.

Statute Number	Offense Title
* * *	
<u>609.476, subd. 3</u>	<u>Publishing Personal Information of Judicial Official (Bodily Harm)</u>
* * *	

* * *

3. Fictitious Emergency Call (Response to Home of Official) – new felony

Resulting from: [2024 Minn. Laws ch. 123, art. 6 § 17](#).

Modification summary: Rank at SL 1 the new felony Fictitious Emergency Call (Response to Home of Official), codified in Minn. Stat. § 609.78, subd. 2c, and list the new offense Appendix 3, which describes offenses with presumptive durations that exceed the statutory maximums. Make related conforming stylistic changes.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5 and Appendix 3:

* * *

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
1	* * *	
	<u>Fictitious Emergency Call (Response to Home of Official)</u>	<u>609.78, subd. 2c</u>
	* * *	

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
	* * *	
609.78, subd. 2a(1)	Fictitious Emergency Call (Great Bodily Harm or Death)	8
609.78 subd. 2a(2)	Fictitious Emergency Call (Substantial Bodily Harm)	3
609.78, subd. 2b(1)	Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)	4
609.78, subd. 2b(2)	Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)	5
<u>609.78 subd. 2c</u>	<u>Fictitious Emergency Call (Response to Home of Official)</u>	<u>1*</u>
	* * *	

* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

* * *

Appendix 3. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table

This table is for convenience when determining if a presumptive duration exceeds the statutory maximum sentence as described in section 2.C.2. Offenses identified in the table below have presumptive durations that exceed the statutory maximums at the Criminal History Score (CHS) indicated on the table. These are offenses for which the applicable grid does not adjust the duration or range to be at or below the statutory maximum. The table may not be exhaustive.

Statute	Offense	Severity Level	Statutory Maximum (Months)	Exceeds Statutory Maximum At:
* * *				
<u>609.78 subd. 2c</u>	<u>Fictitious Emergency Call (Response to Home of Official)</u>	<u>1</u>	<u>12</u>	<u>CHS 3</u>
* * *				

* * *

4. Sale of Human Remains – new felony

Resulting from: [2024 Minn. Laws ch. 123, art. 6 § 19](#).

Modification summary: Rank at SL 3 the new felony Sale of Human Remains, codified in Minn. Stat. § 609.84.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5:

* * *

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
3	* * *	
	<u>Sale of Human Remains</u>	<u>609.84</u>
	* * *	

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
	* * *	
<u>609.84</u>	<u>Sale of Human Remains</u>	<u>3</u>
	* * *	

* * *

Appendix 1.2. Other conforming amendments to crime laws affecting the Sentencing Guidelines – 2024 Regular Session – Effective August 1, 2024

On July 25, 2024, after public hearing, the Commission adopted the following proposals. The Commission had made these proposals on June 6, 2024, after its review of the 2024 Regular Session Laws.

1. Obscene or Harassing Telephone Calls – Targeted Misdemeanor List

Resulting from: [2024 Minn. Laws ch. 85, § 98.](#)

Modification summary: Add Obscene or Harassing Telephone Calls to Appendix 4, which lists offenses on the targeted misdemeanor list of Minn. Stat. § 299C10, subd. 1(e), to conform to the change to the statutory list.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Appendix 4:

* * *

Appendix 4. Targeted Misdemeanor List

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

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

Statute Number	Offense Title
169A.20	Driving While Impaired
518B.01	Order for Protection Violation
609.224	Assault 5th Degree
609.2242	Domestic Assault
609.746	Interference with Privacy
609.748	Harassment or Restraining Order Violation
<u>609.79</u>	<u>Obscene or Harassing Telephone Calls</u>
617.23	Indecent Exposure
629.75	Domestic Abuse No Contact Order Violation

* * *

2. Renaming a felony – Replacing “at Camp Ripley” with “in Hazardous Military Area”

Resulting from: [2024 Minn. Laws ch. 100, § 21.](#)

Modification summary: Change the title of the felony now known as “Unauthorized Presence at Camp Ripley” to “Unauthorized Presence in Hazardous Military Area” to conform to the statutory change to Minn. Stat. § 609.396, subd. 2.

The following amendments are adopted modifications to the 2023 Minn. Sentencing Guidelines & Commentary, Section 5:

* * *

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
3	* * *	
	Unauthorized Presence at <u>Camp Ripley</u> in Hazardous Military Area	609.396, subd. 2
	* * *	

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
	* * *	
609.396 subd. 2	Unauthorized Presence at <u>Camp Ripley</u> in Hazardous Military Area	3
	* * *	

* * *

Appendix 2. Sentencing Guidelines Grids

Appendix 2.1. Standard Sentencing Guidelines Grid – Effective August 1, 2023

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree (Intentional; Drive-By-Shootings)</i>	11	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480¹</i>	426 <i>363-480¹</i>
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	10	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Murder, 3rd Degree (Drugs)</i> <i>Assault, 1st Degree (Great Bodily Harm)</i>	9	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{1,2}</i>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12	12	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12	12	12	13	15	17	19 <i>17-22</i>

 Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185.

 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.

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.

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.)

Appendix 2.2. Sex Offender Grid Effective August 1, 2023

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Criminal Sexual Conduct (CSC) 1st Degree</i>	A	144 <i>144²-172</i>	156 <i>144²-187</i>	168 <i>144²-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360³</i>
<i>CSC 2nd Degree–1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(h)(i) (e.g., contact & force with bodily harm)</i>	B	90 <i>90²-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-306</i>	300 <i>255-360</i>
<i>CSC 3rd Degree–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., penetra- tion & coercion/occupation)</i>	C	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-183</i>	180 <i>153-216</i>
<i>CSC 2nd Degree–1a(e)(f)(g) (age) CSC 3rd Degree–1a(a)(e)(f) or 1a(b) with 2(1) (age)</i>	D	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4th Degree–1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., contact & coercion/occupation)</i>	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120³</i>
<i>CSC 4th Degree–1a(a)(b)(e)(f) (age) CSC 5th Degree–3(b) (subsequent)</i>	F	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3rd Degree–1a(b) with 2(2) Possession of Child Pornography Solicit Child for Sexual Conduct</i>	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60³</i>
<i>CSC 5th Degree–3(a) (nonconsensual penetration)</i>	H	12	14	16	18	24	24 ³ <i>24-24</i>	24 ³ <i>24-24</i>
<i>Failure to Register as a Predatory Offender</i>	I	12 ¹ <i>12¹-14</i>	14 <i>12¹-16</i>	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>

¹ 12¹=One year and one day mandatory minimum under Minn. Stat. § 243.166, subd. 5(b).



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines.



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.

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

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. For Severity Level H, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum at criminal history scores above 4.

Appendix 2.3. Drug Offender Grid – Effective August 1, 2023

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	D9	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	D8	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	D7	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	D6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	D5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	D4	12	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	D3	12	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	D2	12	12	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	D1	12	12	12	13	15	17	19 <i>17-22</i>

* Lower range may not apply. See Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

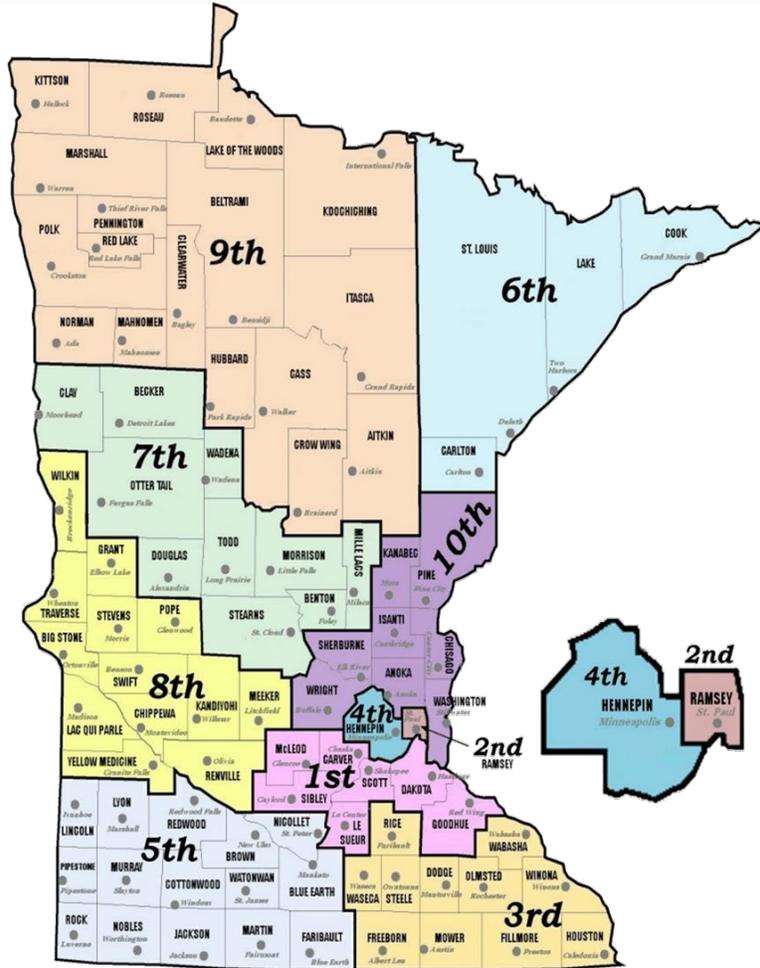


Presumptive commitment to state imprisonment.



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.

Appendix 3. Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
Le Sueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	Lac qui Parle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Swift	Lake of the Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watowwan				Polk	
								Red Lake	
								Roseau	

Source: Minn. Judicial Branch.