

2026 REPORT TO THE LEGISLATURE

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Table of Contents

Introduction1

Executive Summary.....3

The Commission’s Work in 20254

 Responding to the Work of the 2025 Minnesota Legislature.....5

 Continuation of the Comprehensive Review of the Sentencing Guidelines.....5

 Proposed Changes to the Sentencing Guidelines7

 Recommendations to the Legislature..... 12

 Prison-Bed Impact..... 15

MSGC Staff’s Work in 2025.....16

Sentencing Practices Data Summary19

 Sentencing Trends 20

 Departures from the Guidelines 27

 Demographic Characteristics 31

Other Mandatory Reports37

 County Attorney Firearms Reports 37

 Outcomes of Deferred Sentences for Military Veterans 43

 Prosecutor-Initiated Sentence Adjustments 45

Appendices46

 Appendix 1. 2025 Guidelines Modifications 46

 Appendix 2. Proposed 2026 Guidelines Modifications – Submitted to the Legislature 63

 Appendix 3. Estimated Impact of Proposed 2026 Guidelines Modifications & Legislative Recommendations 103

 Appendix 4. Sentencing Guidelines Grids 111

 Appendix 5. Minnesota Judicial District Map 114

Table of Figures

| | |
|---|-----|
| Figure 1. All-State and Minnesota Imprisonment Rates, 1978–2023 | 2 |
| Figure 2. Number of Cases Sentenced for Felony Convictions, 1981–2024..... | 20 |
| Figure 3. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2024 | 20 |
| Figure 4. Actual & Presumptive Prison Rates, 1982–2024 | 21 |
| Figure 5. Average Pronounced Prison Sentences and Local Confinement, 1981–2024 | 22 |
| Figure 6. Rates of Stays of Execution and Stays of Imposition, 1981–2024..... | 22 |
| Figure 7. Cases Sentenced for Felony Convictions by Offense Type, 2024 | 23 |
| Figure 8. Percent of Cases Sentenced for Person or Property Offenses, 1981–2024 | 24 |
| Figure 9. Repeat Severe Violent Offenses, Sentenced 2019–2024 | 25 |
| Figure 10. Life Sentence Cases, 2006–2024 | 26 |
| Figure 11. Total Departure Rates, All Cases, 1981–2024 | 27 |
| Figure 12. Dispositional Departure Rates, 1981–2024..... | 28 |
| Figure 13. Dispositional Departure Rates, 2024..... | 28 |
| Figure 14. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2015–2024 | 29 |
| Figure 15. Dispositional Departure Rates for Presumptive Commitment Cases and Durational Departure Rates for those that Received Prison, 2001–2024 | 30 |
| Figure 16. Aggravated and Mitigated Durational Departures Among Executed-Prison Cases for Select Offenses Compared to Total Rate, 2015–2024 | 30 |
| Figure 17. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–2024, by Sex and Total | 31 |
| Figure 18. Distribution of Cases by Race & Ethnicity, 1981–2024 | 32 |
| Figure 19. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2024 | 32 |
| Figure 20. Distribution of Cases and Population by Race and Judicial District, 2024 | 33 |
| Figure 21. Mitigated Departures by Sex & Race/Ethnicity, 2024 | 34 |
| Figure 22. Mitigated Departures by Judicial District, 2024 | 34 |
| Figure 23. Presumptive & Actual Prison Rates by Sex & Race/Ethnicity, 2024 | 35 |
| Figure 24. Presumptive & Actual Prison Rates by Judicial District, 2024 | 36 |
| Figure 25. Cases Allegedly Involving a Firearm, FY 1996 to FY 2025 | 38 |
| Figure 26. Disposition of Cases, Alleged Designated Offenses Involving Firearms, as Reported by County Attorneys, Cases Disposed of Between July 1, 2024, and June 30, 2025 | 39 |
| Figure 27. Illustration of Criminal Background Quadrants..... | 107 |

Table of Tables

| | |
|--|-----|
| Table 1. Offenses for Which Reconsideration of the Statutory Maximum Penalty is Suggested | 14 |
| Table 2. County Attorney Firearms Reports on Criminal Cases Allegedly Involving a Firearm, by County, Cases Disposed of Between July 1, 2024, and June 30, 2025..... | 40 |
| Table 3. Minnesota Judicial Branch Reports on Sentences Deferred Under Minn. Stat. § 609.1056, by County, Cases Disposed of Between July 1, 2024, and June 30, 2025..... | 43 |
| Table 4. Cases that Received a Prosecutor-Initiated Sentence Adjustment under Minn. Stat. § 609.133, as Reported by the Minnesota Judicial Branch, Fiscal Year 2025..... | 45 |
| Table 5. List of Legislative Recommendations as discussed at the 10/9/2025 MSGC Commission meeting. | 104 |
| Table 6. Estimated Prison-Bed Change..... | 105 |
| Table 7. Estimated Prison-Bed Timing..... | 105 |
| Table 8. Minnesota’s 2023 General Adult Population, Annual Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District. | 108 |
| Table 9. Minnesota’s Existing Prison Population, Estimated Change in Prison Beds Due to Selected Proposed Policy Changes, and Estimated Resulting Prison Population, by Gender, Race and Ethnicity, and Judicial District..... | 110 |

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 2026;
- 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, it had grown to seventh-lowest.⁴ Minnesota’s

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

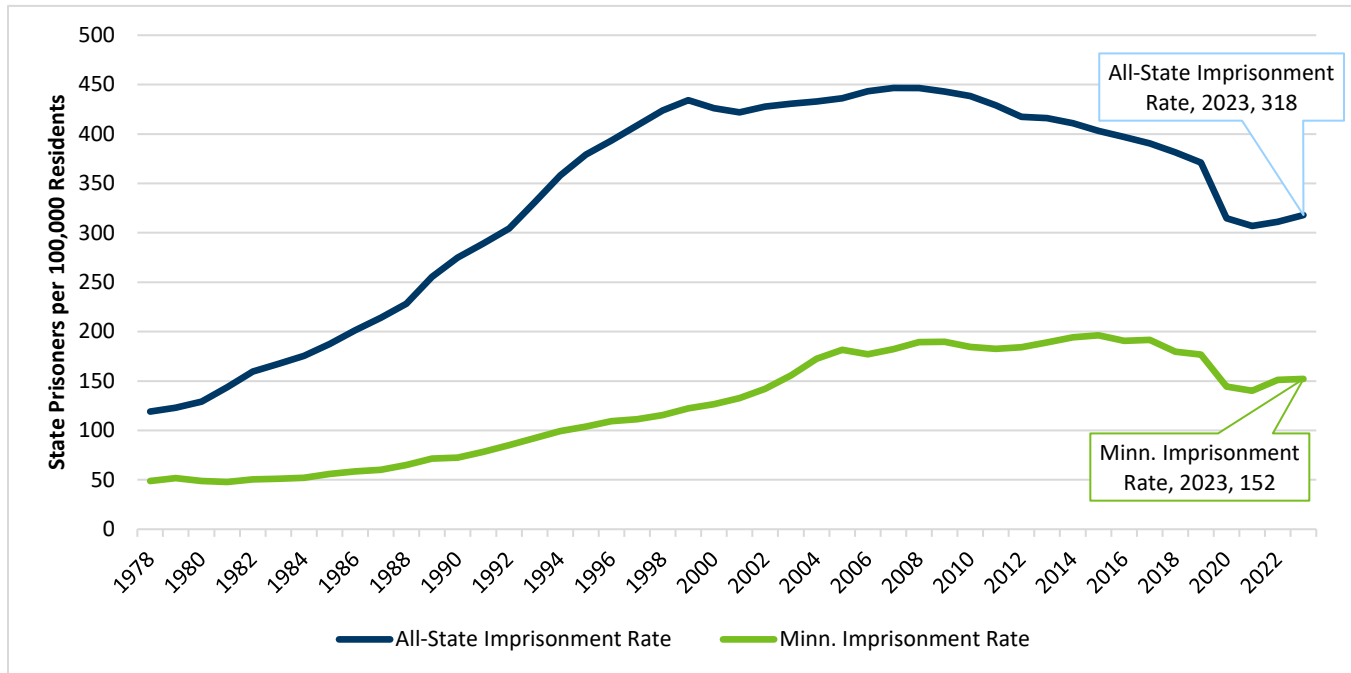
² [Minn. Stat. § 244.09](#), subd. 5.

³ [2025 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; 7th-lowest in 2022 & 2023; and 1st-, 2nd-, or 3rd-lowest in 1980–2013, 2015, & 2016. D. Mueller & R. Kluckow, “Prisoners in 2023 – Statistical Tables” (NCJ 310197) (Bureau of Justice Statistics (BJS), Nov. 2023), Table 7 (retrieved Nov. 14, 2025, at <https://bjs.ojp.gov/document/p23st.pdf>); E.A. Carson, “Imprisonment Rate of Sentenced Prisoners under the Jurisdiction of

2023 imprisonment rate, 152 prisoners per 100,000 Minnesotans, was triple its 1980 rate.⁵ Nevertheless, Minnesota’s 2023 imprisonment rate remained less than half the national state imprisonment rate (Figure 1).

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



Source: Bureau of Justice Statistics (BJS).

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 2023, was the sixth highest among all states.⁶ In 2020 and 2023, the Commission and the Legislature, respectively, took action to cap the length of probation, for most offenses, at five years.⁷

State or Federal Correctional Authorities per 100,000 U.S. Residents, Dec. 31, 1978–2021” (BJS, June 30, 2023) (retrieved Nov. 14, 2025, at https://csat.bjs.ojp.gov/assets/documents/QT_imprisonment%20rate_total.xlsx).

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

⁶ About 1 in 53 (1,899 in 100,000) adult Minnesotans was on state probation in 2023, compared to about 1 in 85 (1,174 in 100,000) adult residents of all states. Danielle Kaeble, “Probation & Parole in the U.S., 2023” (NCJ 310118) (BJS, July 2025), App’x Table 6 (retrieved Nov. 14, 2025, at <https://bjs.ojp.gov/document/ppus23.pdf>).

⁷ 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 2025 (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 twelve times in 2025 and held two public hearings. While the Commission responded to the work of the 2025 Legislature by ranking three new or amended felonies (p. 5), most of its 2025 work focused on continuing its multiyear, comprehensive review of the Sentencing Guidelines (p. 5). Resolving substantially to complete the comprehensive review in 2025, the Commission achieved a consensus package of Sentencing Guidelines changes (p. 7), which it now submits—together with accompanying legislative recommendations (p. 12)—to the Legislature.

MSGC Staff's Work in 2025 (p. 16)

In 2025, staff provided Sentencing Guidelines guidance to an average of 100 practitioners per month; provided the Legislature with 105 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 14,229 felony cases sentenced in 2024; worked with the Department of Corrections to generate prison bed projections; revamped the MSGC website, 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 2024, including the following facts:

- In 2024, 14,229 felony cases were sentenced. After decades of growth that peaked in 2017, case volume has fallen in five of the last seven years, including 2024 (p. 20).
- The 2024 average executed prison term was a record-long 57.4 months (p. 22).
- There were key differences by race and ethnicity by decision point (pp. 33–35).
- There were geographical sentencing variations (pp. 34–36).

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 (p. 37). More recently, the Commission has been tasked with reporting on outcomes of deferred sentences for military veterans (p. 43) and prosecutor-initiated sentence adjustments (p. 45).

The Commission's Work in 2025

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;
- Kyra Ladd, Wadena County Attorney;
- Marlin Meszaros, Director of Housing & Support Services, Partners Behavioral Healthcare;⁸
- 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 three judicial appointees are:

- Vice-Chair and Court of Appeals Judge Michelle A. Larkin;⁹
- Second Judicial District Court Judge Leonardo Castro;¹⁰ 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 for its regular and special meetings 12 times in 2025 to fulfill its statutory responsibilities of improving the Sentencing Guidelines and conducting ongoing research into sentencing practices and other matters relating to the

⁸ Appointed January 20, 2025, replacing Christopher E. Crutchfield, who died November 4, 2024.

⁹ Judge Larkin resigned from the Commission effective January 9, 2026. Effective the same day, the Hon. Jennifer L. Frisch, Chief Judge of the Court of Appeals, appointed Court of Appeals Judge Keala C. Ede to replace Judge Larkin on the Commission. Judge Larkin's name nevertheless appears on this page and on the masthead at the front of this report because Judge Ede was not a member during any of the actions or decisions described in this report.

¹⁰ Appointed July 8, 2025, replacing First Judicial District Court Judge David Knutson, who retired.

improvement of the criminal justice system. In addition, the Commission held two public hearings, on July 17 and November 20.

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/commission/meetings/previous>.

Responding to the Work of the 2025 Minnesota Legislature

On June 5, 2025, the Commission reviewed the 2025 Regular Session Laws affecting crime and sentencing. On July 24, 2025, 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 by:

- Ranking violation of a financial exploitation protective order at severity level (SL) 4; and
- Ranking anti-kickback offenses related to unauthorized human services remunerations at SL 6, 3, & 2.

In addition, the Commission acted on four amended felonies by:

- Ranking new exposing a child to fentanyl alongside existing exposing a child or vulnerable adult to methamphetamine or related chemicals (ranked at SL D3);
- Incorporating consecutive sentences for assault on a sheriff or sheriff's deputy in jail;
- Codifying minimum sentences for sex trafficking; and
- Replacing "child pornography" terminology with "child sexual abuse material" terminology.

Please refer to the sentencing grids in Appendix 4 (p. 111) to see the presumptive sentences that would result from each of these severity levels. For the complete and detailed report of the Commission's 2025 Sentencing Guidelines changes, please refer to Appendix 1 (p. 46).

Continuation of the Comprehensive Review of the Sentencing Guidelines

As reported in last year's *Report to the Legislature*, the 2023 Legislature funded the first phase of the Commission's first-ever comprehensive review of the Sentencing Guidelines. That report¹¹ provides a detailed summary of the Commission's goals, objectives (see sidebar on the following page), stakeholder engagement, research, and in-meeting discussions as it began its comprehensive review.

2025 Accelerated Completion Plan

In December 2024, Chair Mitchell, correctly anticipating that the 2025 Legislature would lack sufficient funds for the Comprehensive Review's second phase, proposed an accelerated plan to substantially complete the Comprehensive Review in 2025, with existing resources.

¹¹ Minn. Sentencing Guidelines Comm'n, *2025 Report to the Legislature* (Jan. 15, 2025) (retrieved Dec. 5, 2025, at <https://www.lrl.mn.gov/docs/2025/mandated/250105.pdf>), pp. 7–16.

To meet the goals of this accelerated timeframe, a steering committee—comprised of Chair Mitchell, Vice-Chair Larkin, Commissioner Ladd, Commissioner Knutson, Commissioner Middlebrook, and Commissioner Reeves—met outside of full Commission meetings. As reported last year, after reviewing stakeholder input the Commission determined that the comprehensive review should prioritize proposals that address offense severity rankings, the criminal history score, and high departure rates. The Commission also determined that any proposals should aim to simplify the Guidelines to the greatest extent possible. With these priorities in mind, the steering committee’s primary objective was to identify focus areas the comprehensive review could reasonably address within the shortened timeframe, prioritize research related to these focus areas, and conceive of solutions that would address each focus area. In particular, the steering committee developed an approach for reviewing offense severity levels and developed proposals related to the criminal history score calculation.

When reviewing offense severity levels, the Steering Committee chose to focus on offenses on the Standard Grid. The Drug Grid is fairly new and there had recently been adjustments associated with first-, second-, third-, and fifth-degree controlled substance crimes (2016) and cannabis crimes (2023). Similarly, the Commission had recently reviewed several offenses on the Sex Offense Grid. Thus, the Standard Grid was most in need of review. Additionally, the Commission had received public input about the need to review several specific offenses on the Standard Grid, including Criminal Vehicular Homicide and Criminal Vehicular Operation.

In the early months of 2025, the Steering Committee identified six groups of offenses on the Standard Grid that were in need of review and brought three forward to the Commission. Commissioners examined the current severity level ranking of each offense within those offense groups, as well as offense characteristics, statutory maximums, and departure information, and submitted their recommendations for reranking the offenses or making suggestions for legislative changes.

Commission staff conducted qualitative analyses of the Commissioners’ feedback, compiled themes and trends into presentable information, and shared their findings with the Commission during Commission meetings. Commissioners discussed the results of the exercise to identify areas of consensus and deliberate areas of conflict. This process began in January and was completed in July.

As work ensued on offense group rankings, the steering committee simultaneously reviewed topics involved in calculating criminal history scores. The steering committee spent time from March until July identifying criminal history score issues, reviewing research related to these issues, formulating solutions, and constructing a proposal to bring back to the Commission for review.

These two tracks converged in an all-day Commission meeting on August 13, where Commissioners worked to formulate a final package of changes resulting from the comprehensive review. The Commission continued to

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.

refine their proposals until a final package was informally agreed upon in September and unanimously advanced to a public hearing in October. Public comments were received during a public hearing on November 20. After reviewing and considering the public comments received, the Commission voted, on December 18, 2025, to give final approval to the package of Guidelines changes. Those proposed changes, which are now submitted to the Legislature, are discussed in detail below; associated legislative recommendations begin on page 12.

Next steps

While the Commission's 2025 accelerated completion plan of its comprehensive Sentencing Guidelines review addressed a number of significant issues, some work remains undone—work that may require more time than the Commission's accelerated timeline allowed. To take just one example, various stakeholder groups shared the opinion that the Guidelines are complex and its structure is difficult to understand. In 2026, the Commission may begin to address this issue—and other issues that could not be fully vetted in the time available in 2025.

Proposed Changes to the Sentencing Guidelines

By a vote of 10–1, the Sentencing Guidelines Commission has adopted, and now submits to the Legislature, the changes to the Sentencing Guidelines and Commentary shown in Appendix 2 (p. 63). Unless the Legislature by law provides otherwise, these changes will take effect August 1, 2026.¹² A description of these changes follows.

A. Changes to criminal history score calculation. There are currently four components of the criminal history score:

- prior felonies;
- custody status at the time of the offense;
- prior misdemeanors and gross misdemeanors; and
- prior juvenile adjudications.

As part of its consensus policy package, the Commission proposes changes to each of these components.

- 1. Reduce decay period for prior felonies.** Over time, a prior felony ceases to be relevant to considerations such as blameworthiness and risk of reoffense, and is therefore removed from criminal history score calculation. The Guidelines implement this principle in its felony decay factor. Minnesota's current decay policy is 15 years for felony offenses. For felonies, the time period starts at expiration of sentence if it was executed or from the date of sentencing if it was stayed.

Most states that utilize decay periods cap out at 10 years. Minnesota is one of three jurisdictions with the longest decay periods.¹³ In general, utilizing the decay period for old offenses, focuses the punishment more heavily on the *current* offense, and recognizes that the individual has already been punished and completed the sentence for the prior offense. Further, research suggests that after 7 to 10 years of being crime-free, an individual's risk to commit an offense is similar to that of

¹² Minn. Stat. § [244.09, subd. 11](#).

¹³ See Frase, R., Roberts, J., Hester, R., & Mitchell, K. (2015). *Criminal History Enhancements Sourcebook*. University of Minnesota Robina Institute of Criminal Law and Criminal Justice at Chapter 3.

any other individual in society, and that the offense has less validity in predicting likelihood of reoffense.¹⁴

For these reasons, the Commission proposes to reduce the felony decay period from fifteen to ten years.¹⁵

2. **Convert custody status at the time of the offense to a durational modifier.** The Commission proposes to convert custody status from a component of the criminal history score to a durational modifier. The custody status component fits with the blameworthiness purpose of the criminal history score in that the person has previously been convicted but hasn't corrected their behavior. But it is costly in that it can push a person across the disposition line from a presumptive probation to presumptive prison sentence. Research conducted by Dr. Laskorunsky from the Robina Institute of Criminal Law and Criminal Justice¹⁶ indicates individuals with custody status points are only slightly more likely to reoffend and that having this component in the score only identifies 1 in 100 recidivists.

Thus, the Commission proposes to retain the consequence for custody status but move it out of the criminal history score. Under the proposal, the defendant will receive the same or similar durational consequence for being on custody status at the time of the offense—indeed, for some with very high criminal history scores sentenced for serious offenses, the recommended duration will be greater than the duration now recommended. There will be no dispositional consequence, however: The prison/stayed sentence recommendation will not change due to custody status. The proposal excludes custody status arising from misdemeanors, gross misdemeanors, and low-level felonies—which is how custody status functions today—and implicitly includes qualifying custody status arising from stay-of-adjudication probation.¹⁷

3. Prior misdemeanors and gross misdemeanors.

- a. **Reduce decay period.** For the same reasons noted above, the Commission proposes to reduce the decay period for prior misdemeanors and gross misdemeanors by a similar percentage as the proposed reduction in the felony decay period: from ten to seven years.¹⁸

¹⁴ See, e.g., Keith Soothill & Brian Francis, When Do Ex-Offenders Become Like Non-Offenders?, 48 The Howard Journal 373, 385 (2009); Megan C. Kurlychek, Robert Brame, & Shawn D. Bushway, Enduring Risk? Old Criminal Records and Predictions of Future Criminal Involvement, 53 Crime & Delinquency 64, 80 (2007); Megan C. Kurlychek, Robert Brame, & Shawn D. Bushway, Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?, 5 Criminology & Public Policy no. 3, 483-504 (2006).

¹⁵ This proposal amends Guidelines 2.B.1.c (felony decay factor) and Comment 2.B.113.

¹⁶ Laskorunsky, J. (2018). *Minnesota Criminal History Score Recidivism Project*. University of Minnesota Robina Institute of Criminal Law and Criminal Justice at 14–15.

¹⁷ This proposal deletes Guidelines 2.B.2 (custody status at the time of the offense) and associated commentary; renumbers Guidelines 2.C.2 as 2.C.1.c, with conforming changes to cross-references throughout the Guidelines; adds new Guidelines 2.C.2 (custody status at the time of the offense); and amends Guidelines 2.B, 2.G.12 (attempt or conspiracy to commit first-degree murder), 4.A (Sentencing Guidelines grid), 4.B (sex offender grid), and 4.C (drug offender grid).

¹⁸ This proposal amends Guidelines 2.B.3.e (decay factor) and Comment 2.B.306.

b. Repeal two special rules for prior DWI and shorten, simplify, and merge Guidelines

2.B.6. The Commission proposes to repeal two special rules pertaining to prior misdemeanor and gross misdemeanor DWI: The special two-unit, no-limit DWI rule; and the special rule for counting prior misdemeanor DWIs in the criminal history of a felony DWI. Guidelines 2.B.6 (felony enhancement due to prior misdemeanor or gross misdemeanor convictions) is proposed to be shortened, simplified, and merged with Guidelines 2.B.3 (prior gross misdemeanors and misdemeanors).¹⁹ This simplifies the Guidelines and eliminates disparity in the treatment of prior DWIs compared to prior assault and domestic-assault convictions.

- 4. Eliminate prior juvenile adjudications.** The Commission proposes to eliminate juvenile points from the criminal history score. Currently, only adjudications for offenses that would have been felonies if committed by an adult are counted, while convictions resulting from extended-jurisdiction juvenile (EJJ) or adult-certification proceedings are counted among the adult felony points. This narrows the applicability of juvenile points, and, as a result, few individuals qualify for them. Moreover, research conducted by Dr. Laskorunsky from the Robina Institute of Criminal Law and Criminal Justice²⁰ indicated that this component is not significantly predictive of future offending, but that removing it would reduce sentencing disparity.²¹

- B. Changes to offense severity.** The severity of the offense is represented by the vertical axis on the sentencing grids. The Commission ranks each offense by severity level (SL), which defines where on the vertical axis the offense is placed. As part of its comprehensive review, the Commission looked at several groups of felony offenses. One group was related to vehicular behavior; one group was related to assaults; and two groups, for which the Commission is not proposing ranking changes at this time, were closely related to mandatory-minimum sentences.

As part of its consensus policy package, the Commission proposes to increase the severity level assigned to several offenses; to replace one sentencing modifier with an increased severity-level ranking; and to decrease the severity level assigned to one offense.²²

- 1. Increase ranking from SL 6 to SL 7: Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm).** The two subdivisions of the second-degree assault statute are now ranked the same. Both subdivisions involve a dangerous weapon, but subdivision 2 additionally requires the infliction of substantial bodily harm. The Commission proposes to increase the severity level assigned to the offense described in subdivision 2.²³

¹⁹ This proposal amends Guidelines 2.B.3.a and 2.B.3.f; deletes Guidelines 2.B.3.g and Comment 2.B.304; moves Guidelines 2.B.6.a, with amendments, and Comment 2.B.601, with amendments, to be under Guidelines 2.B.3; and deletes the remainder of Guidelines 2.B.6, with associated commentary.

²⁰ Laskorunsky, J. (2018). *Minnesota Criminal History Score Recidivism Project*. University of Minnesota Robina Institute of Criminal Law and Criminal Justice at 15.

²¹ This proposal deletes Guidelines 2.B.4 (prior juvenile adjudications) and associated commentary; and amends Guidelines 2.B and 2.B.5.e, and Comment 2.B.308.

²² Each proposal amends Guidelines 5.A (offense severity reference table) and 5.B (severity level by statutory citation); other amendments are as stated in footnotes 23–29.

²³ This proposal amends Guidelines 4.A (Sentencing Guidelines grid).

2. **Increase ranking from SL 5 to SL 6: Criminal Vehicular Operation (Great Bodily Harm; Gross Negligence or While Impaired).** For a grossly negligent or impaired driver who causes great bodily harm, the Commission proposes increasing the severity level from SL 5 to SL 6, which is where Fleeing a Peace Officer (Great Bodily Harm) is ranked. The Commission proposes no changes in the ranking of Criminal Vehicular Operation (Great Bodily Harm) involving leaving the scene or defective vehicle maintenance.²⁴
3. **Increase ranking from SL 4 to SL 5: Assault 3rd Degree (Substantial Bodily Harm)²⁵ and Domestic Assault by Strangulation.**²⁶ The Commission proposes to increase the rankings of third-degree assault resulting in substantial bodily harm and domestic assault by strangulation from SL 4 to SL 5. Third-degree assaults involving child abuse, rather than substantial bodily harm, would remain ranked at SL 4.
4. **Increase ranking from SL 1 to SL 3: Assault 4th Degree.** The fourth-degree assault statute covers a variety of assaults against certain protected groups, such as police officers, as well as assaults motivated by bias. The statute generally defines such assaults as gross misdemeanors, but many of the provisions become felonies when demonstrable bodily harm is inflicted, when bodily fluids or feces are weaponized, or—in the case of assault motivated by bias—when the offense occurs within five years of a prior offense. The Commission proposes to increase the rankings of all felony fourth-degree assaults from SL 1 to SL 3.²⁷
5. **Replace a sentencing modifier with an increased ranking (from SL 8 to SL 9): Criminal Vehicular Homicide (Qualified Prior Conviction).** If an impaired driver commits criminal vehicular homicide within ten years of a qualified prior driving offense (i.e., a first- or second-degree DWI, a criminal vehicular homicide while impaired, or a criminal vehicular operation while impaired), the statutory maximum penalty increases from ten to fifteen years. The Commission presently ranks all criminal vehicular homicide at SL 8, but a 50-percent durational increase applies if the driver was impaired and there was a qualified prior driving offense. The Commission proposes to replace the 50-percent modifier with an increased severity ranking, at SL 9.²⁸
6. **Reduce ranking from SL 9 to SL 8: Assault 1st Degree (Great Bodily Harm).** First-degree assault—defined as assault resulting in great bodily harm—is presently ranked at SL 9. The Commission proposes to reduce the severity level to SL 8, which places the offense at the same severity level as other offenses that result in great bodily harm.²⁹ This proposal is linked to legislative recommendation 2; see p. 12.

²⁴ This proposal amends Appendix 3 (presumptive sentence durations that exceed the statutory maximum sentence reference table).

²⁵ This proposal amends Guidelines 4.A.

²⁶ This proposal amends Appendix 3.

²⁷ This proposal amends Guidelines 4.A and Appendix 3.

²⁸ This proposal deletes Guidelines 2.G.11 (convictions for attempts, conspiracies, and other sentence modifiers).

²⁹ This proposal amends Guidelines 4.A and Appendix 3.

C. Other changes. In addition to changes to criminal history score calculation and offense severity, the Commission, as a result of its comprehensive review of the Sentencing Guidelines, also proposes to make the following changes.

- 1. Clarifying the Guidelines’ purpose and principles.** The Commission proposes to make several changes to its statement of purpose and principles. The changes include defining what is meant by “public safety”; an explanation of proportionate sentence severity; and a discussion of the purpose of the criminal history score.³⁰
- 2. Clarifying the burden of proving out-of-state offenses.** The Commission has received feedback indicating that the rule for counting out-of-state criminal history needs to be simplified. It is difficult to manage because it requires matching the elements of the out-of-state offense to a Minnesota equivalent and then assigning proper weight based on the offense level for the Minnesota equivalent. Currently, this burden is often falling on probation officers. Ultimately, the Commission determined that the current rule appropriately balances interests, and that the difficulty arises from misplacing the burden for proving the existence of out-of-state criminal history on the probation officer. Case law clearly places this burden on the prosecutor.³¹ Thus, the Commission proposes to clarify that the burden to prove whether or how to count out-of-state offenses in criminal history is the prosecutor’s, not the probation officer’s.³²
- 3. Displaying ranges in shaded cells and revising example offenses.** To reduce confusion, mathematical errors, and durational departures, the Commission proposes to display the full range in all grid cells. The Commission also proposes to revise the example offenses on the grids to be more representative of the offenses sentenced at that severity level.³³
- 4. True first offender departure factor.** Research conducted by Dr. Laskorunsky from the Robina Institute of Criminal Law and Criminal Justice indicates that true first-time offenders—as opposed to those with technical criminal history scores of zero but with priors—have a substantially lower recidivism risk, and are generally considered less blameworthy than repeat offenders.³⁴ Therefore, the Commission proposes an addition to the nonexclusive list of mitigating factors that judges may use when articulating substantial and compelling reasons for departing from the Sentencing Guidelines’ presumptive sentence.³⁵

³⁰ This proposal amends Guidelines 1.A (statement of purpose and principles).

³¹ See *generally Williams v. State*, 910 N.W.2d 736, 740 (Minn. 2018) (The burden of proof is on the state at sentencing to show that a prior conviction qualifies for inclusion within the defendant’s criminal-history score); *State v. Morgan*, 953 N.W.2d 729, 732 (Minn. App. 2020), *aff’d* (Minn. 2021) (the state must prove inclusion by a preponderance of the evidence); *State v. Maley*, 714 N.W.2d 708, 711 (Minn. App. 2006) (a district court may not rely on non-Minnesota convictions to calculate a defendant’s criminal history score unless the state lays foundation for the court to do so).

³² This proposal amends Guidelines 2.B.5.a (convictions from jurisdictions other than Minnesota; in general) and comments 2.B.501 and 2.B.502.

³³ This proposal amends Guidelines 2.C.1.b (presumptive duration); 4.A (Sentencing Guidelines grid); 4.B (sex offender grid); and 4.C (drug offender grid).

³⁴ Laskorunsky, J. (2018). *Minnesota Criminal History Score Recidivism Project*. University of Minnesota Robina Institute of Criminal Law and Criminal Justice at 10.

³⁵ This proposal adds new Guidelines 2.D.3.a(10) (factors that may be used as reasons for departure); see text on p. 84.

Recommendations to the Legislature

The Sentencing Guidelines Commission is required, from time to time, to make recommendations to the Legislature regarding changes in the criminal code, criminal procedure, and other aspects of sentencing.³⁶ Pursuant to that mandate, the Commission, on January 8, 2026, unanimously adopted the following four recommendations—and two suggestions—to the Legislature, most of which directly relate to the proposed Guidelines modifications described above.

Recommendation 1: Complete the “mandatory life sentence” list in the presentence investigation statute.

In 2005, the Legislature amended the presentence investigation statute (Minn. Stat. § 609.115) to require the district court to submit a sentencing worksheet to the Sentencing Guidelines Commission whenever someone is convicted of a felony—even when a life sentence is mandatory. The provision contained a list of the mandatory life sentence statutes. Omitted from that list was Minn. Stat. § 609.2661 (first-degree murder of an unborn child), which has carried a mandatory life sentence since 1986. The Commission respectfully recommends adding this offense to the list of mandatory life sentences for which the court must submit a sentencing worksheet to MSGC.³⁷

Recommendation 2: Reinstate the offense of intentionally inflicting great bodily harm as a type of first-degree assault.

The most common form of first-degree assault—assault resulting in great bodily harm—requires the intent to inflict bodily harm (or to cause fear); the assailant need not have intended to cause the great bodily harm.³⁸ Recognizing that the crime is more serious if the assailant *did* intend to inflict the great bodily harm, the Commission respectfully recommends that the Legislature reinstate the offense of intentionally inflicting great bodily harm (an offense that existed between 1963 and 1969) and assign it a 20-year statutory maximum penalty.³⁹ This recommendation is linked to the Commission’s proposal to decrease the severity of the existing first-degree assault offense—assault resulting in great bodily harm—from severity level 9 to severity level 8 (see

³⁶ Minn. Stat. § 244.09, subd. 6.

³⁷ *Example language.* Minn. Stat. § 609.115, subd. 2a, could be amended to read:

Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant has been convicted of a felony, including a felony for which a mandatory life sentence is required by law, the court shall cause a sentencing worksheet as provided in subdivision 1 to be completed and forwarded to the Sentencing Guidelines Commission.

For the purpose of this section, “mandatory life sentence” means a sentence under section 609.106, subdivision 2; 609.185; 609.2661; 609.3455; 609.385, subdivision 2; or Minnesota Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.

³⁸ See, e.g., *State v. Dorn*, 887 N.W.2d 826 (Minn. 2016) (defendant who intentionally applied nonconsensual force against victim commits first-degree assault if great bodily harm results, even if such great harm was not intended).

³⁹ *Example language.* Minn. Stat. § 609.221, subd. 1, could be amended to read:

Subdivision 1. **Great bodily harm.** Whoever (a) Except as otherwise provided in this section, whoever assaults another and inflicts great bodily harm may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

(b) Except as otherwise provided in subdivisions 3 and 4, whoever intentionally inflicts great bodily harm upon another may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

p. 10). If this recommendation is enacted, the Commission intends to rank the new first-degree assault crime—intentionally inflicting great bodily harm—at severity level 9.

Recommendation 3: Define “demonstrable bodily harm.”

Although the term “bodily harm” is statutorily defined, the term “demonstrable bodily harm” is not. The latter term is used chiefly in the fourth-degree assault statute, which generally requires the bodily harm resulting from an assault to be demonstrable for the assault to qualify as a gross misdemeanor or a felony. The Commission respectfully recommends that the Legislature define the term as the court of appeals has done: bodily harm that is capable of being perceived by another.⁴⁰

Recommendation 4: For criminal vehicular operation resulting in great bodily harm, add a higher penalty tier for recurrent impaired drivers.

The offense of criminal vehicular homicide has a 50-percent higher statutory maximum if the impaired driver caused the death within ten years of a “qualified prior driving offense”—i.e., a prior conviction for first- or second-degree DWI or a substance-related criminal vehicular operation or homicide. In the same way, the Commission respectfully recommends creating a higher penalty tier for criminal vehicular operation if the impaired driver caused *great bodily harm* within ten years of a qualified prior driving offense.⁴¹ If enacted, the Commission intends to rank the higher-penalty offense at severity level 8.

Suggestion 1: Review the impaired driving code for required conditions, assessments, and penalties that should apply to criminal vehicular operation and homicide.

Some of the most common criminal vehicular operation and homicide offenses involve driving while impaired. These offenses are, essentially, DWIs resulting in harm or death.⁴² Yet, while the Minnesota Impaired Driving Code (Minn. Stat. ch. 169A) requires various pretrial-release conditions, substance-use-disorder assessments, conditions of probation, and other penalties for those charged with or convicted of DWI, those same conditions, assessments, and penalties are not required for similarly situated defendants who are charged with or convicted of criminal vehicular operation or homicide while impaired. For example, after a first-degree DWI defendant is released from an executed prison sentence, Minn. Stat. § 169A.276 requires the service of a five-year conditional-release term. Yet, a defendant sentenced to prison for committing a criminal vehicular operation or homicide while impaired is not subject to this conditional-release term, even if that defendant’s record would have met the qualifications for first-degree DWI.

⁴⁰ *Example language.* Minn. Stat. § 609.02 could be amended by adding a subdivision to read:

Subd. 7b. Demonstrable bodily harm. “Demonstrable bodily harm” means bodily harm that is capable of being perceived by another.

⁴¹ *Example language.* Minn. Stat. §§ 609.2113, subd. 1, and 609.2114, subd. 2, could each be amended to begin with “A (a) Except as provided in paragraph (b), a” and to end with a new paragraph (b):

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is ten years.

⁴² The offenses in question are clauses (2) to (6) of the following statutes: Minn. Stat. §§ 609.2112, subd. 1(a); 609.2113, subds. 1, 2, & 3; and 609.2114, subds. 1(a) & 2.

The Commission respectfully suggests that the Legislature review the Minnesota Impaired Driving Code for pretrial release conditions, substance-use-disorder assessments, conditions of probation, and other penalties that ought to apply to similarly situated defendants charged with, or convicted of, committing criminal vehicular operation and homicide offenses while impaired.

Suggestion 2: Revisit statutory maximums for certain offenses.

As discussed on pages 9–10, the Commission proposes changes to the severity levels assigned to several offenses. With respect to several of these offenses—plus one offense that the Legislature created in 2021—the Commission respectfully suggests that the Legislature reconsider whether the statutory maximum penalties continue to accurately reflect the offense’s relative severity. Table 1 lists these offenses.

Table 1. Offenses for Which Reconsideration of the Statutory Maximum Penalty is Suggested

| Offense | Severity Level (SL) | Existing Statutory Maximum | Grid Time Will Exceed Stat. Max. at Crim. History Score (CHS) |
|--|---|------------------------------------|--|
| Minn. Stat. §§ 609.2113, subd. 1, & 609.2114, subd. 2: criminal vehicular operation resulting in great bodily harm | SL 6 (proposed increase from 5 for gross negligence or impairment) or SL 5 (all others) | 5 years | CHS 6+ (upper range) (SL 6 only) |
| Minn. Stat. § 609.221, subd. 1: first-degree assault resulting in great bodily harm | SL 8 (proposed decrease from SL 9) | 20 years | N/A |
| Minn. Stat. § 609.2247, subd. 2: domestic assault by strangulation | SL 5 (proposed increase from SL 4) | 3 years | CHS 3 (upper range) & 4–6+ |
| Minn. Stat. § 609.2231: fourth-degree assault | SL 3 (proposed increase from SL 1) | 1 year & 1 day; 2 years; & 3 years | 1 yr. & 1 day: CHS 2–6+ 2 years: CHS 5 (upper range) & 6+ |
| Minn. Stat. § 609.3451, subd. 3(a): nonconsensual sexual penetration | SL H (existing ranking; offense created in 2021) | 2 years | CHS 5–6+ |

Prison-Bed Impact

MSGC staff estimates that the combined prison-bed impact of the proposed changes to the Sentencing Guidelines (pp. 7–11, assuming the Legislature does not enact a law preventing their taking effect), and associated recommendations and suggestions to the Legislature (pp. 12–14, assuming the Legislature enacts the recommendations and suggestions), will be the eventual decrease in the need for 834 prison beds. A more complete description of this estimate, including a demographic analysis of many of the changes, may be found in Appendix 3 (p. 103).

MSGC Staff's Work in 2025

The work of the Commission—described on the preceding pages—is directly facilitated by the support and research of its seven-person staff. This section describes the additional work of MSGC staff throughout 2025 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.⁴³ Staff also provides training and assistance to aide practitioners in the application of the Guidelines.

Beginning June 1, non-exempt employees returned to work in-person for at least 50 percent of scheduled workdays. Staff continue 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.⁴⁴ 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 14,229 felony cases sentenced in 2024. Additionally, staff published the annual edition of the Sentencing Guidelines and Commentary.

District Court Data Integrations

MSGC is modernizing its sentencing data infrastructure by connecting to the Minnesota Judicial Branch's Minnesota Court Information System (MNCIS). In partnership with Minnesota IT Services and an IT contractor, this initiative leverages state technology resources to automate the collection and analysis of sentencing data, ensuring timely, accurate, and comprehensive information for reporting and statistical use.

Several important milestones have already been achieved. MSGC reviewed its current sentencing data processes, defined a clear project scope, and developed a proof-of-concept dashboard to demonstrate how data could be accessed and used more effectively. Real-time Application Programming Interface (API) integration with MNCIS has been built and tested, and historical databases and spreadsheets have been successfully imported to create a complete dataset.

The project has now moved into its next phase. Current work includes testing case and document notifications to improve accuracy and timeliness, refining and validating API functionality, and developing new data views and ways to make data consistent across formats to support sentencing analysis. Testing and analysis of data collection processes is being done to ensure MSGC's infrastructure remains resilient, efficient, and prepared for future demands.

⁴³ [Minn. Stat. § 244.09](#), subd. 6.

⁴⁴ Beginning in 2005 and 2006, MSGC began maintaining data on life sentences, even if not governed by the Guidelines.

Training & Assistance

Training and assistance remain at the heart of the MSGC’s mission to support criminal justice practitioners and promote consistent application of the Sentencing Guidelines. Throughout 2025, MSGC staff continued to expand outreach and strengthen educational opportunities across the state.

This year, staff conducted 13 online trainings, including the successful relaunch of the *Lunch & Learn* series—an interactive monthly program designed to spotlight individual policy sections and encourage open discussion among practitioners. In addition to virtual sessions, MSGC staff led 18 in-person trainings at key events, such as the 2025 Criminal Justice Institute, the Minnesota County Attorneys Association New Attorneys meeting, and sessions with the Third District Public Defenders and Dispositional Advisors. These engagements provided valuable opportunities for collaboration and real-time discussion of guideline application and policy interpretation.

Beyond formal trainings, MSGC staff remains a daily resource for the field, responding to an average of 75 phone calls and emails each month. These inquiries range from clarification of sentencing policy to guidance on complex case scenarios, reflecting the staff’s ongoing commitment to accessibility, responsiveness, and accuracy.

Looking ahead, MSGC staff will continue to enhance the Education & Training section of its website to ensure that practitioners and members of the public can easily access meaningful and up-to-date resources. Efforts will focus on diversifying training formats, developing clear and practical materials, and broadening outreach to ensure that practitioners are aware of the educational opportunities available throughout the year.

Website & Data Requests

In 2025, the Commission’s staff focused on modernizing the Commission’s website. This included the implementation of a data library and a section detailing the comprehensive review.

2025 included a modernization of MSGC’s website, designed to provide a more intuitive and visually engaging user experience. A central addition is the new, comprehensive data library, offering streamlined access to short reports. Furthermore, the website has been reorganized for improved navigation and incorporated more visual materials to better illustrate content. To assist users in leveraging these resources effectively, staff have also integrated clearer guidance and support materials throughout the site.

The redesign strengthened access to key materials, improved navigation, and usability, and increased overall engagement. Importantly, no major content area experienced decline. The new structure helped visitors find content more efficiently while increasing visibility for previously under-used pages. Since the redesign, total visitors increased by six percent, showing improved reach. Homepage traffic was up 138 percent from before the redesign suggesting improved navigation.

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 2025, 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 2025, MSGC staff served on the Criminal and Juvenile Justice Information Advisory Group, and the Mandatory Minimum Sentences Task Force formed following the 2025 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 2025 legislative sessions, staff assisted the Legislative Budget Office in preparing fiscal impact statements for 105 crime bills – this was up from 45 crime bills the previous session. 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 statements⁴⁵ 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.⁴⁶

In the 2025 Legislative Session, one bill, [Senate File 667](#), met MSGC's criteria for preparing a demographic impact statement. The bill, as introduced, removes felony convictions of chapter 152 (Drugs; Controlled Substances) from the list of felony "crime[s] of violence" found in Minn. Stat. § 624.712, subd. 5. With respect to such crimes, prior convictions or adjudications of guilt result in a lifetime ban on possessing firearms or ammunition per Minn. Stat. § 624.713, subds. 1(2) & 2(b), or § 609.165, subd. 1b (hereinafter, "the ban"). Violations of the ban implicate the waivable mandatory-minimum five-year penalty found in § 609.11, subd. 5(b).

⁴⁵ These had previously been referred to as "racial impact statements."

⁴⁶ Full statements are available at <https://mn.gov/sentencing-guidelines/research-data/demographicimpactstatements>.

Sentencing Practices Data Summary

The following data summary gives a high-level review of sentencing trends in Minnesota. These are descriptive statistics, summarizing data patterns with no discussion about causes. When reading the data, 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 <https://mn.gov/sentencing-guidelines/research-data> for more focused 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 primarily on the severity of the current offense and certain criminal-history factors.^{47, 48} 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 recommends the duration of this sentence.

A “departure” is a sentence pronounced 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 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 court pronounces a particular sentence, there is commonly agreement or acceptance among the other actors that the sentence is appropriate.

⁴⁷ 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 Appendix 4, pp. 111–113.)

⁴⁸ Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses, are not included in the Guidelines by law.

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

After Minnesota adopted the Guidelines in 1980, the number of felony cases sentenced annually has generally grown—from 5,500 cases in 1981 to 18,288 cases in 2017. In five of the last seven years, however, case volume has fallen, to 14,229 cases in 2024 (Figure 2). Growth remains even after adjusting for population increases: Per 100,000 adult Minnesotans, 186 felony cases were sentenced in 1981, compared to 317 cases in 2024 (Figure 3).

Figure 2. Number of Cases Sentenced for Felony Convictions, 1981–2024

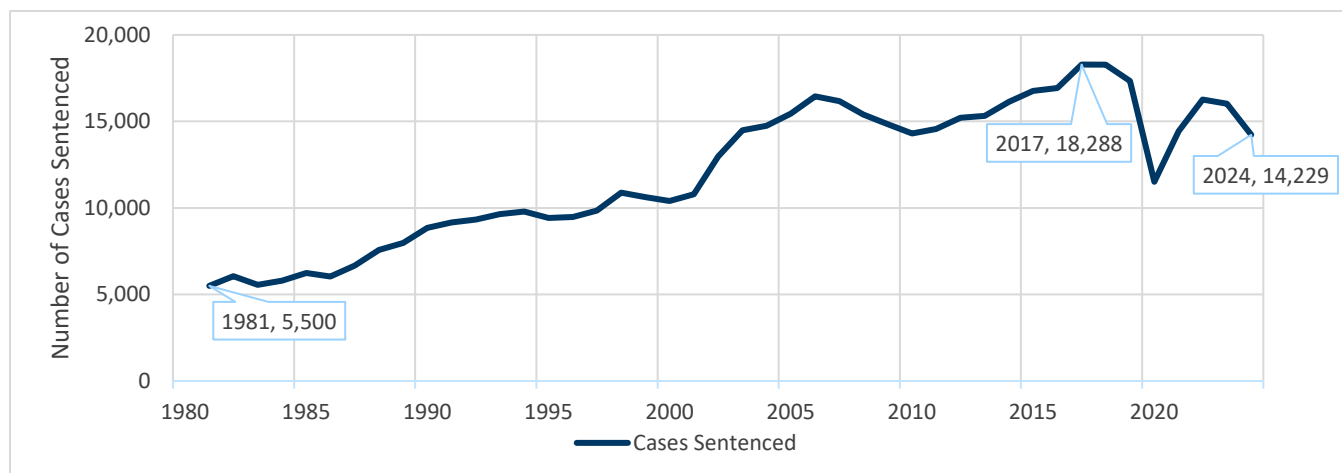
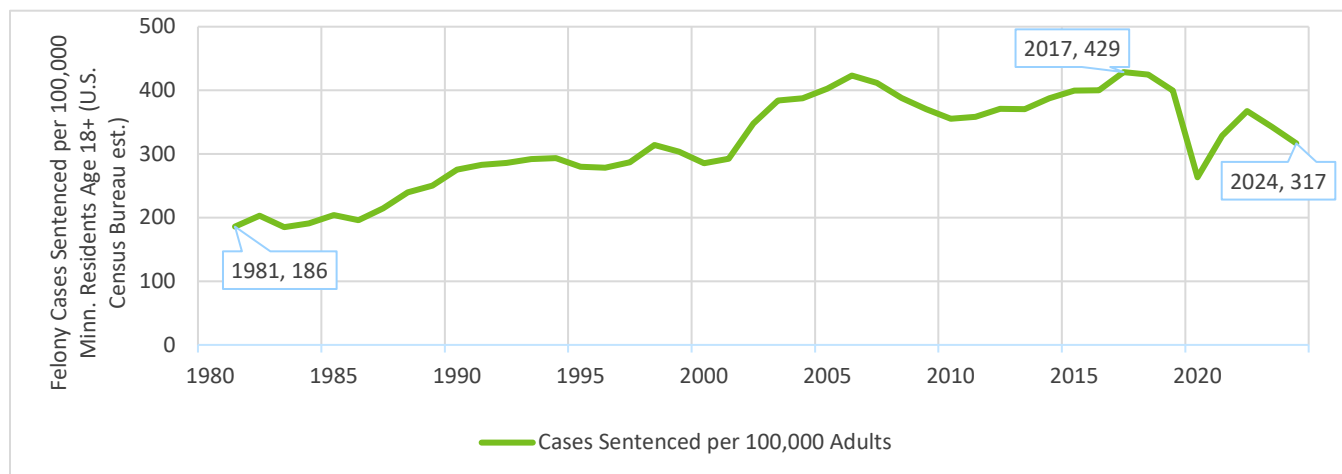


Figure 3. Felony Cases Sentenced per 100,000 Adult Minnesotans, 1981–2024



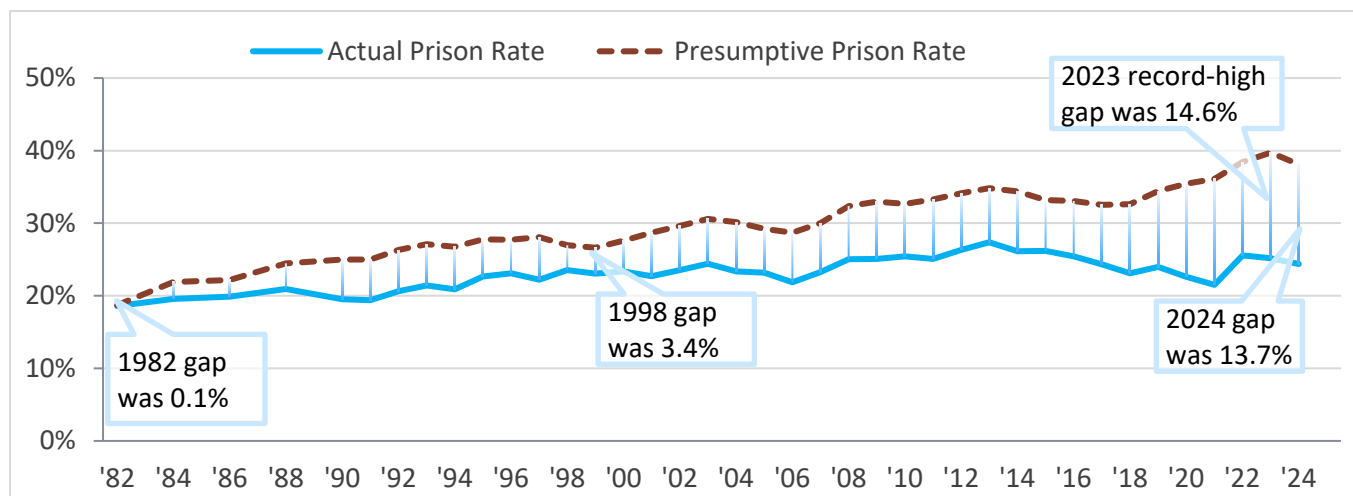
MSGC received a sentencing worksheet⁴⁹ in 99.7 percent of the 14,229 felony cases sentenced in 2024. Rather than speculate as to how the Sentencing Guidelines applied to the 36 cases with missing worksheets,⁵⁰ the remainder of this report’s analysis focuses on the 14,193 cases for which a sentencing worksheet was received.

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 2024, the total incarceration rate—the percentage of felony cases in which the sentence included prison or confinement in a local correctional facility—was 88 percent, compared to 63 percent in 1982.

State Prison Rate. Over the past 30 years, the rate at which those convicted of felonies were sentenced to prison has consistently remained within a six-point range. In 2024, the imprisonment rate was 24 percent—squarely in the middle of this range. On the other hand, the rate at which the Guidelines have been recommending prison has been growing over time: the Guidelines recommended prison in 38 percent of 2024 cases, a decrease from 2023’s record-high presumptive prison rate of nearly 40 percent (Figure 4).

Figure 4. Actual & Presumptive Prison Rates, 1982–2024

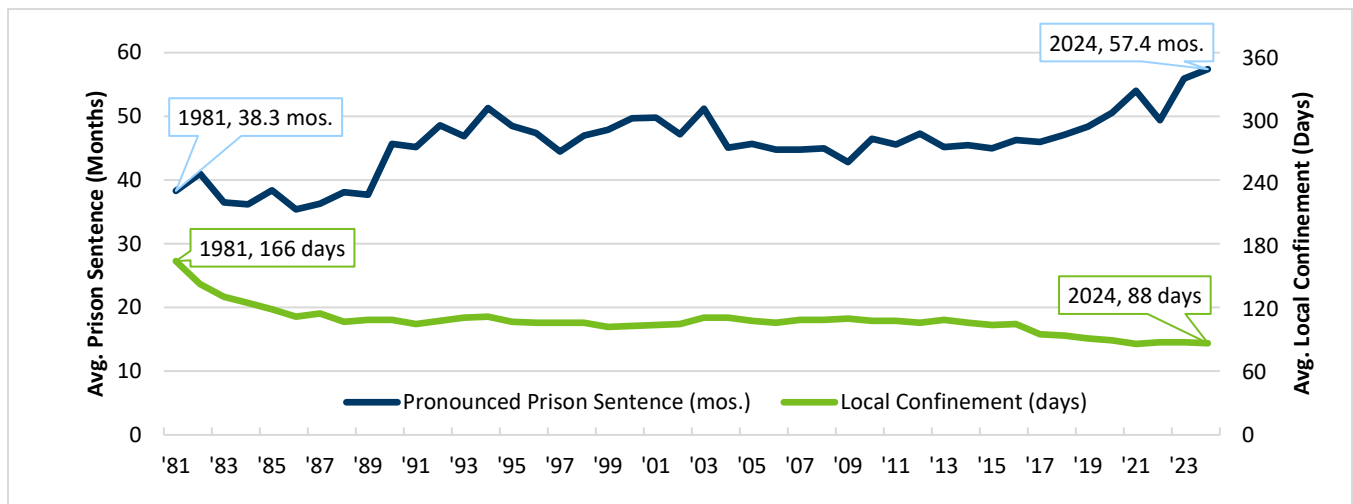


In recent years, the average executed prison sentence—not counting life sentences—has grown longer, setting new records in six of the past seven years. In 2024, the average pronounced duration reached a record-long 57.4 months—51 percent longer than the average executed duration in 1981. By contrast, among non-prison cases, the average duration of local confinement has dropped below 90 days for each of the past five years (Figure 5).

⁴⁹ A “sentencing worksheet” is a form completed by probation at the direction of the court, as required by Minn. Stat. § 609.115, subd. 2a. It reflects the severity of the current conviction offense, applicable history as calculated under Sentencing Guidelines policies, and the presumptive sentence. A worksheet is completed for all felony-level offenses receiving a stayed or imposed sentence, or a stay of imposition. MSGC gathers presumptive sentencing data, criminal history data, and demographic data from these worksheets.

⁵⁰ Missing worksheets by Minnesota Judicial District: District 1 (3 missing); District 2 (0 missing); District 3 (1 missing); District 4 (10 missing); District 5 (2 missing); District 6 (2 missing); District 7 (12 missing); District 8 (0 missing); District 9 (1 missing); and District 10 (5 missing).

Figure 5. Average Pronounced Prison Sentences and Local Confinement, 1981–2024



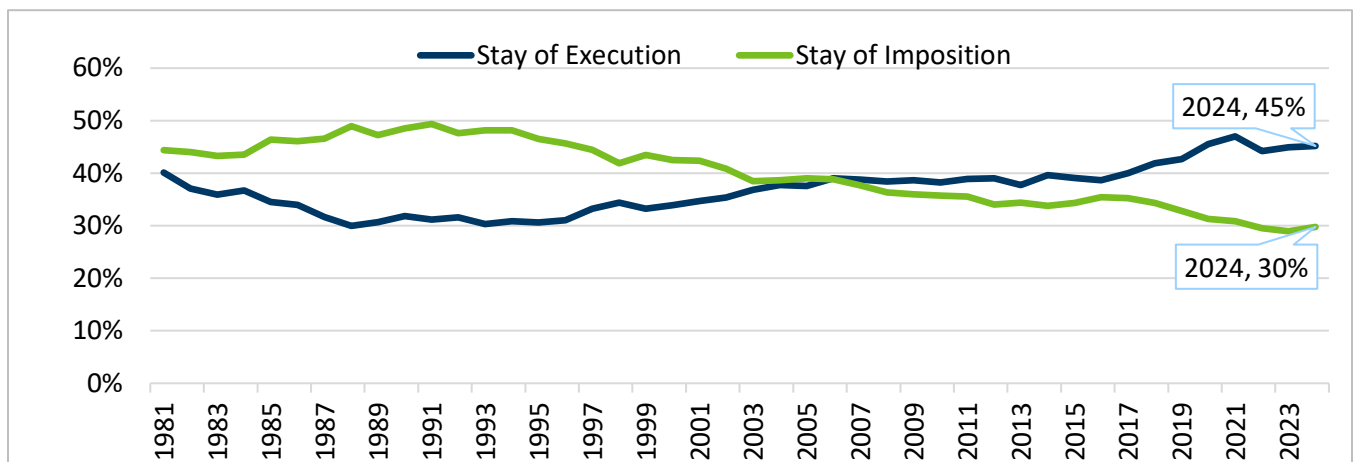
Method of Granting Stayed Sentences

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.⁵¹ 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. This trend continued in 2024.

Figure 6. Rates of Stays of Execution and Stays of Imposition, 1981–2024



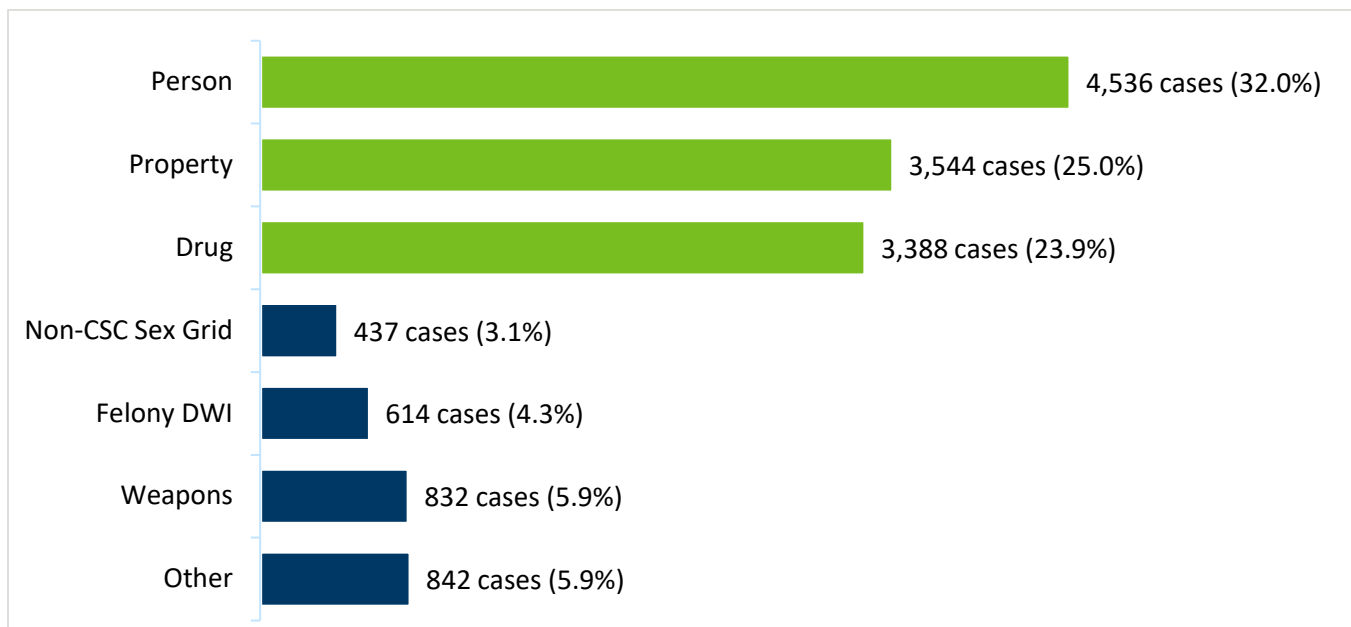
⁵¹ Nevertheless, a stay of imposition counts in the felony section of the criminal history score. Minn. Sentencing Guidelines section 2.B.1; see also Comment 2.B.112, Comment 2.C.05, & section 3.A.1.

Offense Type

Felony cases involve a broad range of crimes that can be grouped into seven offense types illustrated in the list below. In 2024, the first three offense types (in bold) totaled 81 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 offenses;⁵²
- Weapon offenses;⁵³ and
- Other offenses.⁵⁴

Figure 7. Cases Sentenced for Felony Convictions by Offense Type, 2024



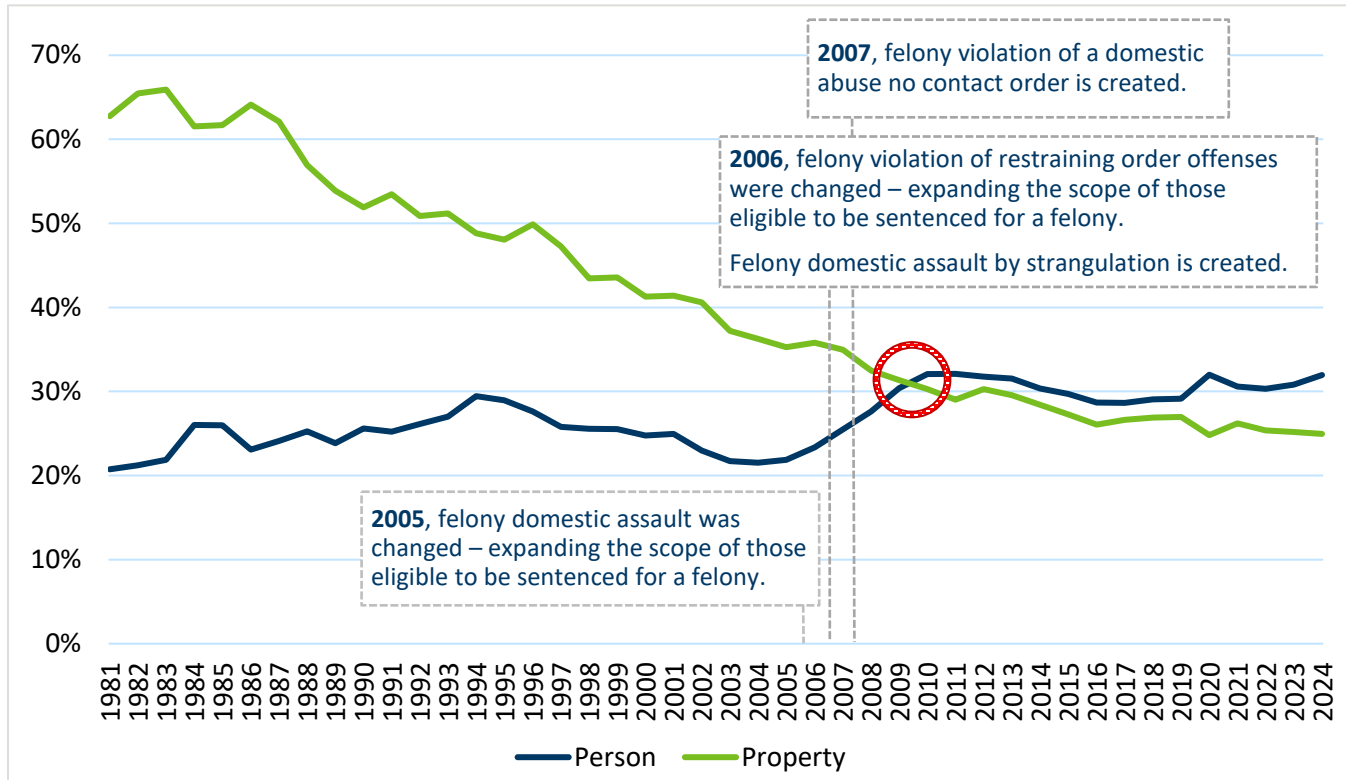
⁵² “Non-CSC sex offenses” are offenses on the Sex Offender Grid other than criminal sexual conduct—chiefly failure to register as a predatory offender and possession and dissemination of child pornography.

⁵³ “Weapon” offenses are possession of a firearm by a felon convicted of a crime of violence, discharge of firearm, and other weapon-related offenses.

⁵⁴ “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).⁵⁵

Figure 8. Percent of Cases Sentenced for Person or Property Offenses, 1981–2024

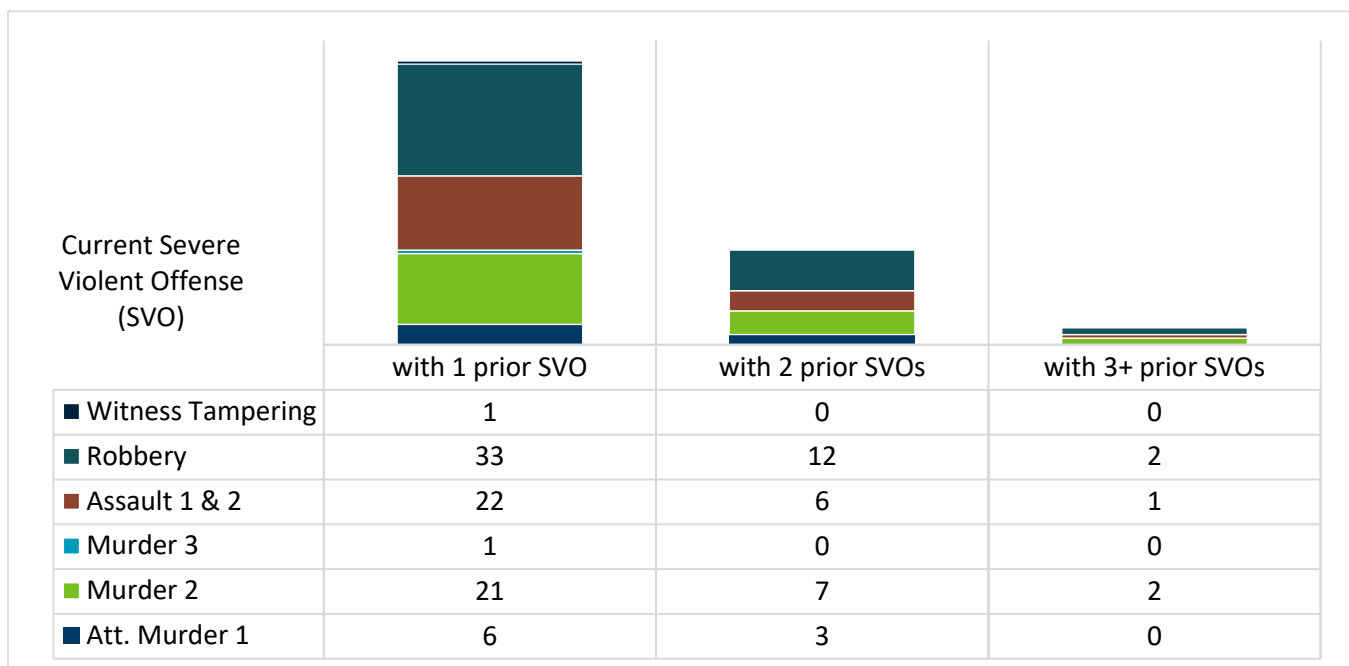


⁵⁵ Domestic assault-related offenses include domestic assault, domestic assault by strangulation, and violations of restraining orders such as domestic abuse no contact orders (DANCO), violations of harassment restraining orders (HRO), and orders for protection (OFP). For a deeper examination of domestic 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.⁵⁶ 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, 129 cases have received the repeat SVO enhancement (Figure 9), an annual average of 22 cases. In 2024, less than one percent of cases sentenced received the repeat SVO enhancement.

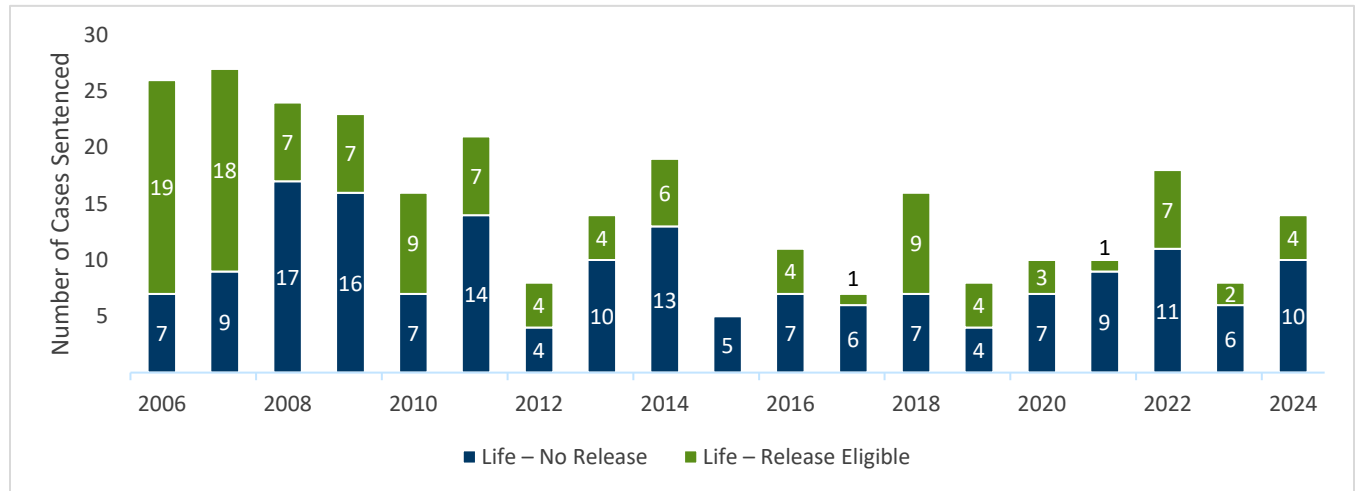
Figure 9. Repeat Severe Violent Offenses, Sentenced 2019–2024



⁵⁶ 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.⁵⁷ Although not covered by the Guidelines, life sentences have been included in MSGC data since 2006.⁵⁸ 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”).⁵⁹

Figure 10. Life Sentence Cases, 2006–2024



⁵⁷ [Minn. Stat. § 609.3455](#), subds. 2, 3, & 4. This is not a complete list of offenses carrying a mandatory life sentence.

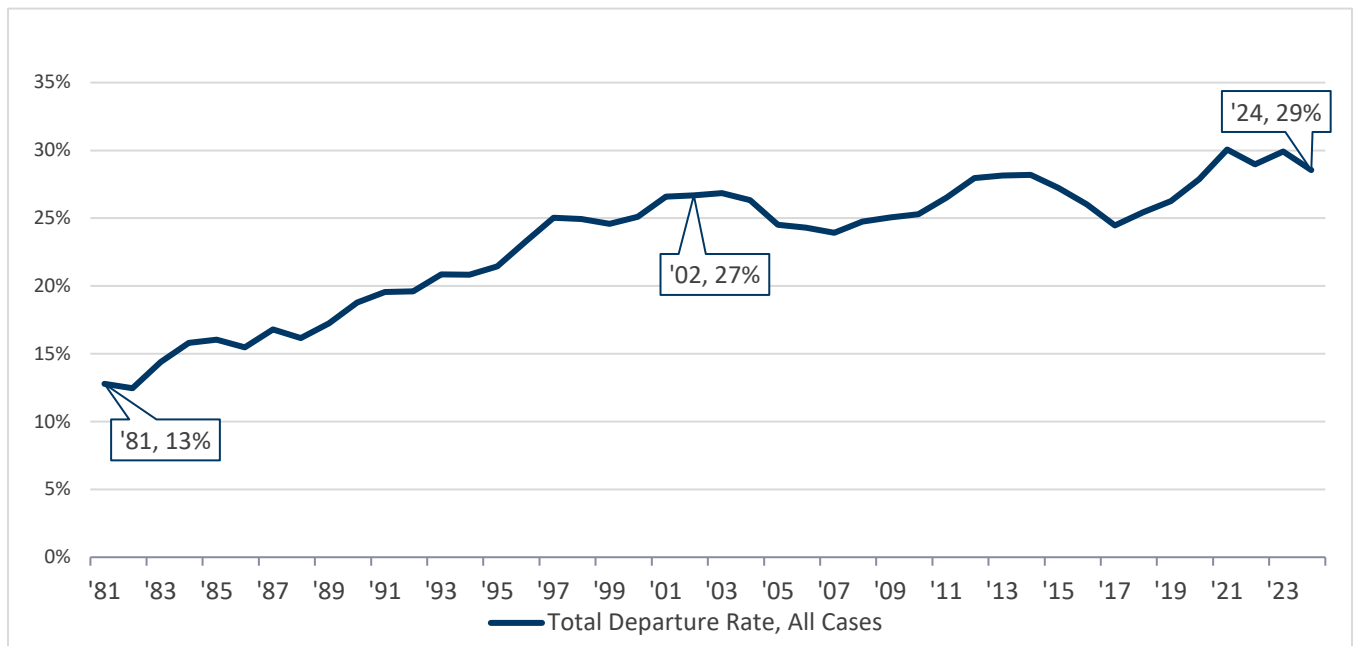
⁵⁸ Life imprisonment without possibility of release has been the mandatory sentence for premeditated murder and certain sex offenses since 2005. [2005 Minn. Laws ch. 136](#), art. 2, §§ 5 & 21, & art. 17, § 9.

⁵⁹ [Minn. Stat. § 244.05](#), subd. 4.

Departures from the Guidelines

While most felony cases sentenced receive the Guidelines-recommended sentences, departures do occur and have increased over time. The total departure rate—the percentage of felony sentences that deviated from the Guidelines-recommended sentences—has increased from the 1980s, when rates were always below 20 percent, to 30 percent in 2021. In 2024, the total departure rate was 29 percent (Figure 11).

Figure 11. Total Departure Rates, All Cases, 1981–2024



Dispositional Departures

Recall that a “dispositional departure” occurs when the Guidelines recommend a non-prison (stayed) sentence, but the court pronounces an executed prison sentence (upward or aggravated); or when the Guidelines recommend an executed prison sentence, but the court pronounces a stayed sentence (downward or mitigated). In 2024, 41 percent of presumptive-commit cases were mitigated dispositional departures, down from 2021’s record high of 46 percent. Aggravated dispositional departure rates, as a percentage of presumptive-stay cases, have fallen below 1 percent in recent years (Figure 12).⁶⁰ When all cases are viewed together, 84 percent of cases sentenced in 2024 received the Guidelines recommended disposition (Figure 13).

Figure 12. Dispositional Departure Rates, 1981–2024

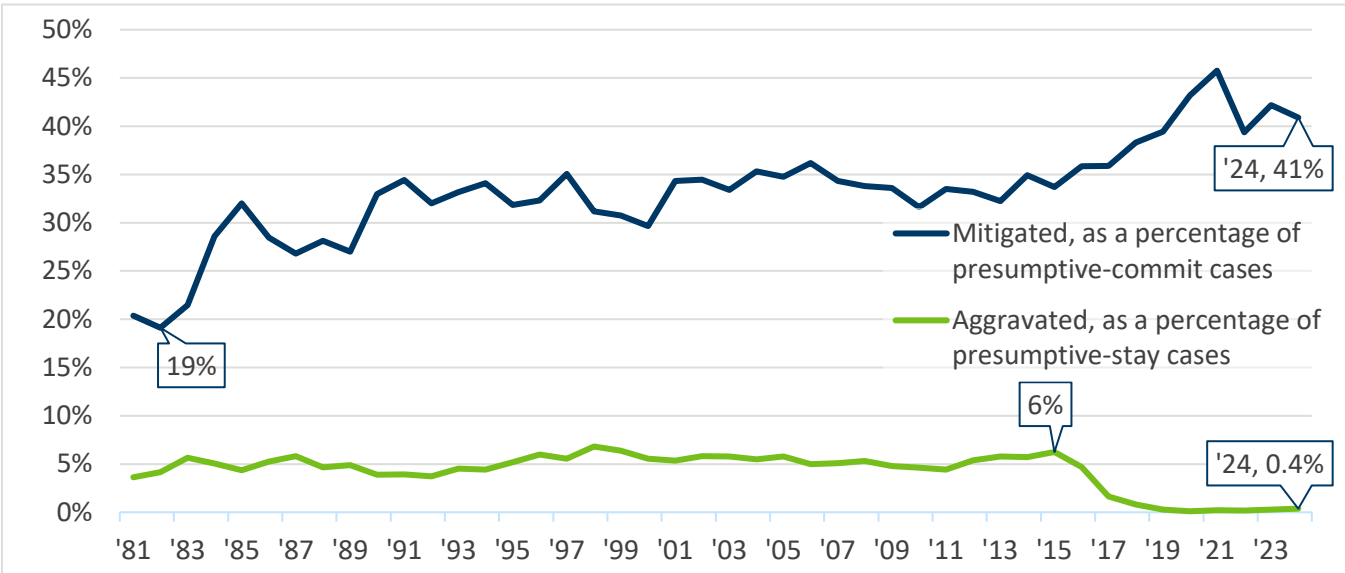
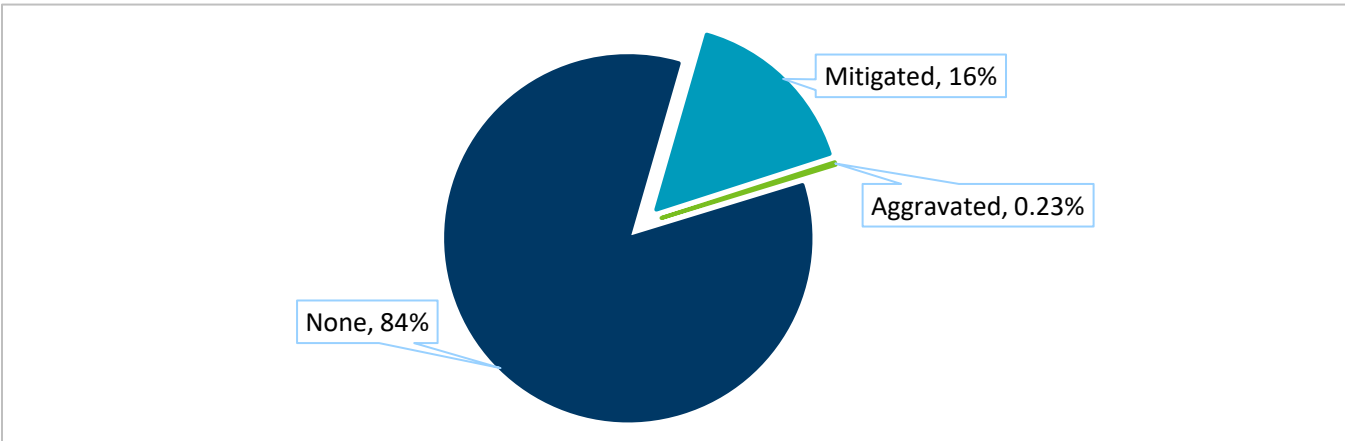


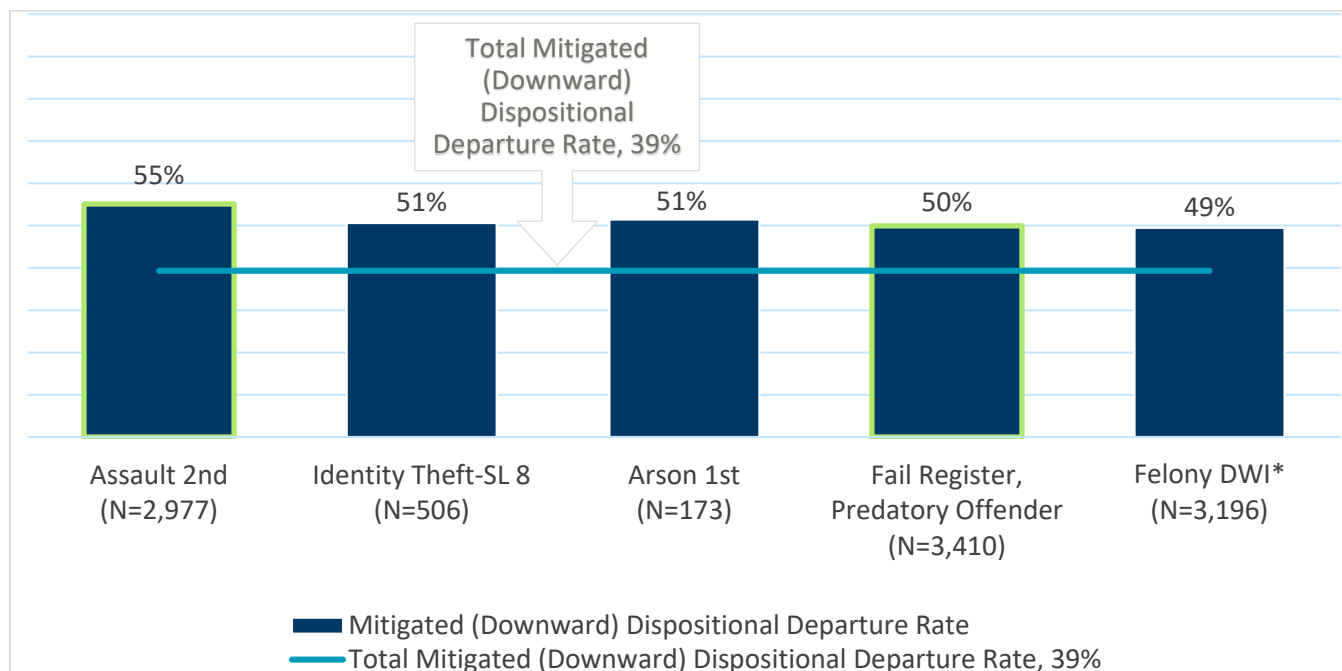
Figure 13. Dispositional Departure Rates, 2024



⁶⁰ 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 offenses that received mitigated dispositional departures at rates higher 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. For the offenses shown in Figure 16, most prosecutors either agreed to, or did not object to, the mitigated dispositional departures.

Figure 14. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2015–2024



*Rates are the percentage of presumptive-commit cases receiving a mitigated dispositional departure. Selection Criteria: Offenses with 150 or more presumptive-commitment cases ("N") sentenced from 2015–2024; 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, 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, even if the Guidelines would otherwise recommend a stayed sentence.⁶¹

Durational Departures

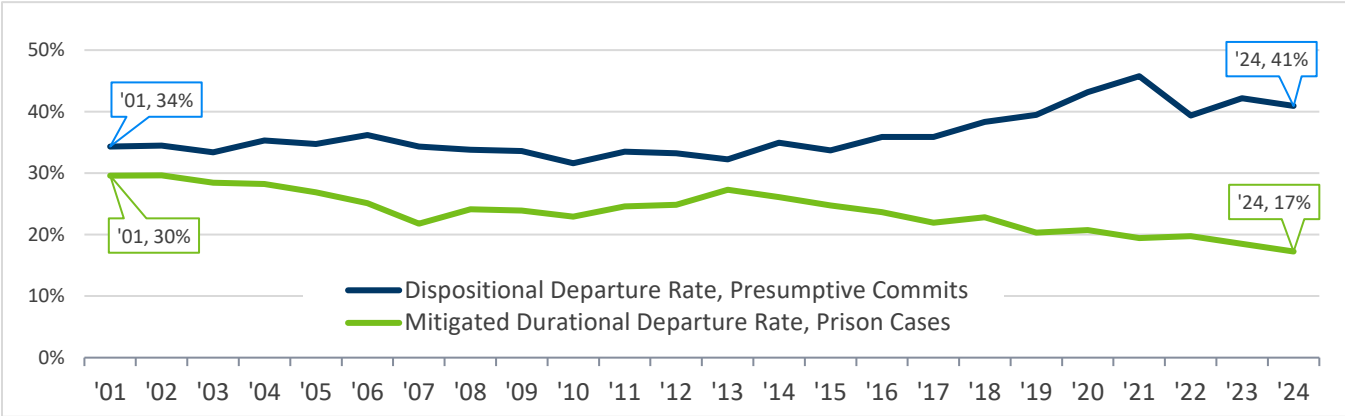
A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid, and an aggravated durational departure occurs when the pronounced sentence is more than 20 percent higher than the

⁶¹ Provided the mandatory-minimum sentence is one year and one day or more. Likewise, the Guidelines adopt the mandatory-minimum sentence as the presumptive duration if it is longer than the Guidelines-recommended duration. See Guidelines 2.E.1.

presumptive duration. Eighty-six percent of felony cases do not receive durational departures. Of all cases sentenced in 2024, 13 percent received a mitigated durational departure and one percent received an aggravated durational departure.

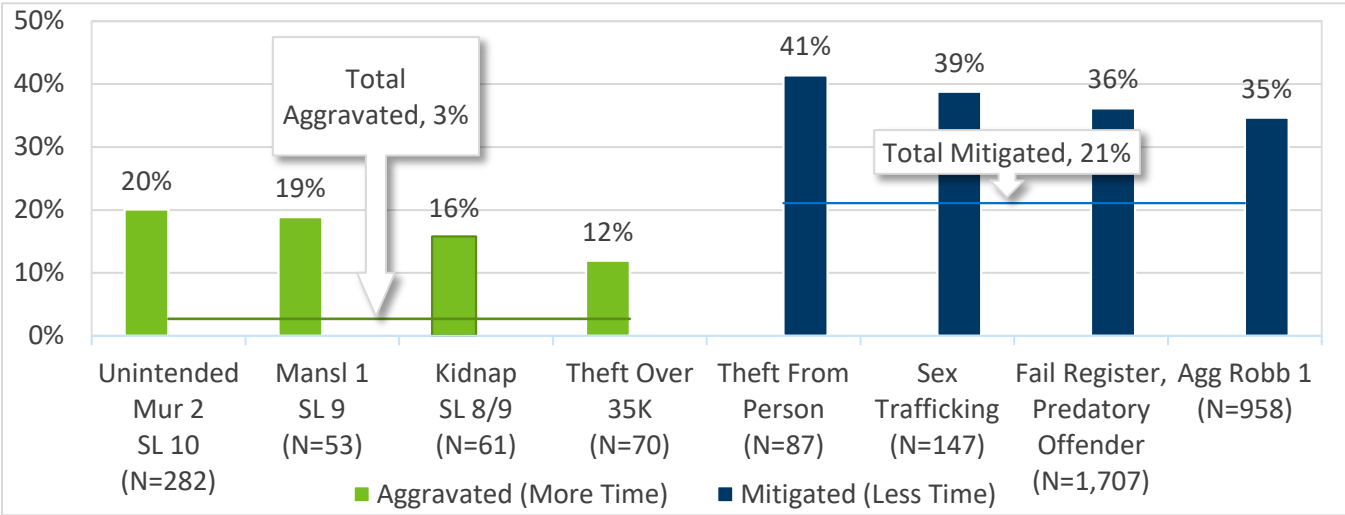
Among only those cases involving an executed prison sentence, the 2024 mitigated durational departure rate was somewhat higher: 17 percent. This rate, the lowest since the 1980s, reflects a general trend of rising mitigated *dispositional* departure rates among presumptive-commit cases (discussed above) coupled with falling mitigated *durational* departure rates among prison cases (Figure 15).

Figure 15. Dispositional Departure Rates for Presumptive Commitment Cases and Durational Departure Rates for those that Received Prison, 2001–2024



Among prison cases over the past decade, four offenses received aggravated durational departures (more prison time than the Guidelines recommended), and four offenses received mitigated durational departures (less prison time than the Guidelines recommended), at rates much higher than average (Figure 16).

Figure 16. Aggravated and Mitigated Durational Departures Among Executed-Prison Cases for Select Offenses Compared to Total Rate, 2015–2024



Selection Criteria: Offenses with 50 or more executed prison cases sentenced (“N”) from 2015–2024 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 34 percent.

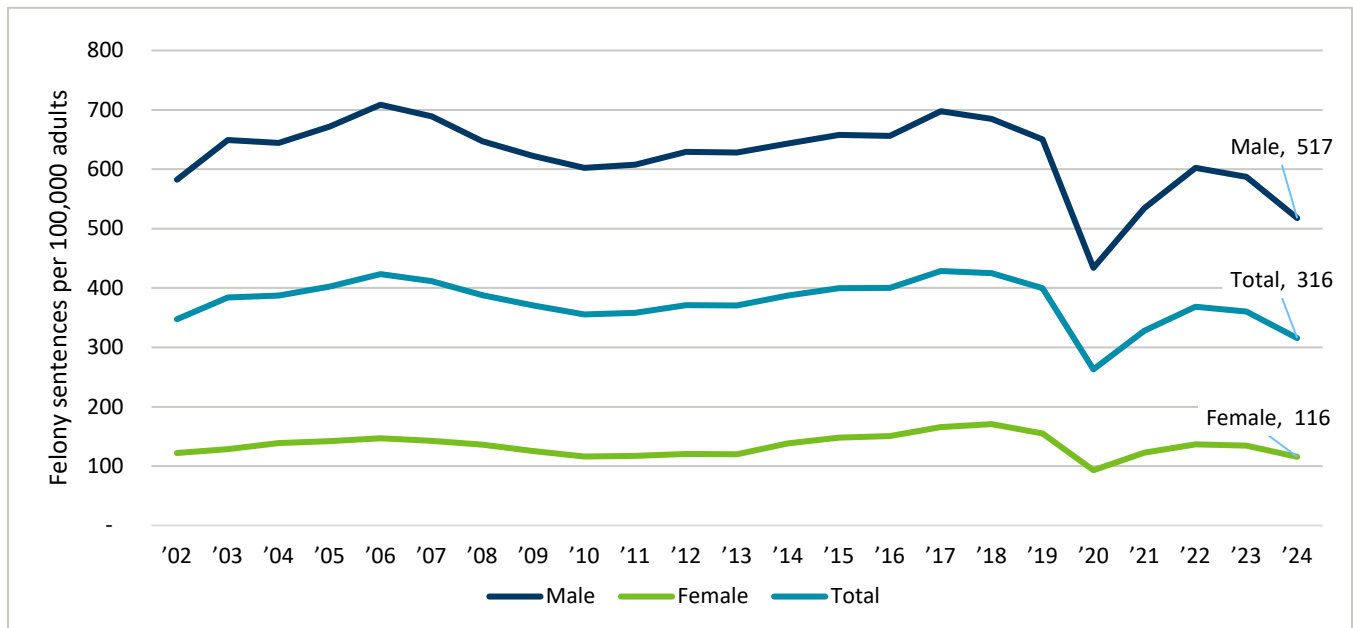
Demographic Characteristics

The demographic characteristics section includes information about sex, race and ethnicity, and geography (by Minnesota Judicial District; see map in Appendix 5, p. 114). 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

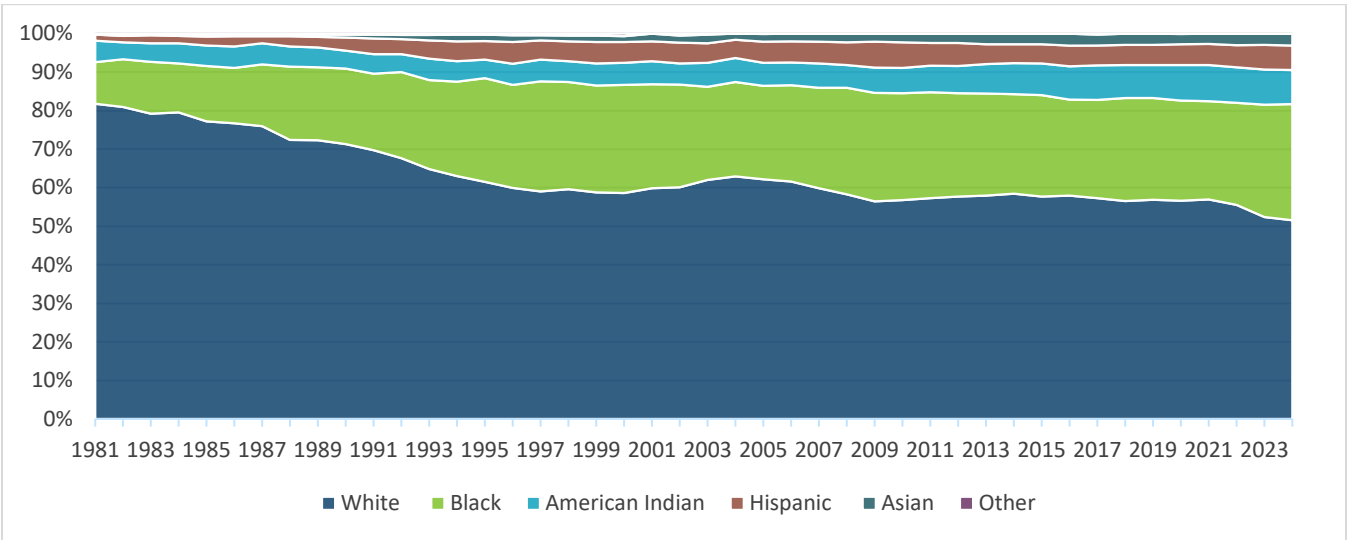
Since the implementation of the Guidelines in 1981, males have comprised at least 80 percent of those sentenced for felonies each year. In 2024, 82 percent of those sentenced were male, and 18 percent were female (Figure 17). In comparison, 50 percent of Minnesota’s 2024 adult population were females and 50 percent were males.

Figure 17. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–2024, by Sex and Total



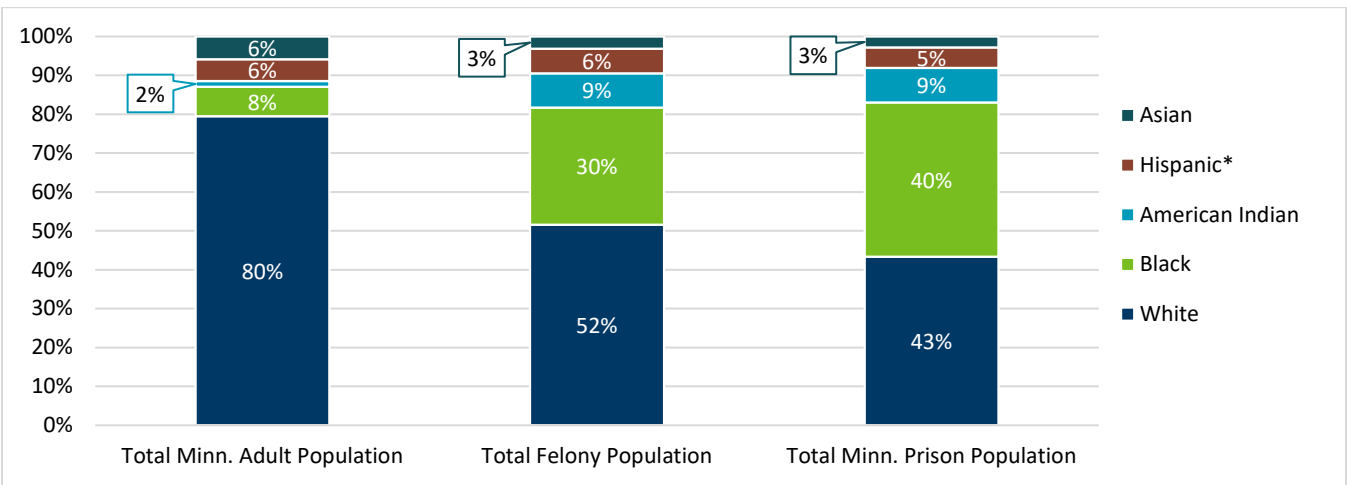
The racial and ethnic composition of people with felony sentences has changed since 1981, when 82 percent of people sentenced were White. In 2024, 52 percent of people sentenced were White (Figure 18).

Figure 18. Distribution of Cases by Race & Ethnicity, 1981–2024



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 2024 Black or African American population made up 7.7 percent of Minnesota’s adult population, it made up 30 percent of people sentenced; and while the American Indian population was 1.5 percent of the state’s adult population, it made up 8.9 percent of people sentenced (Figure 19).

Figure 19. Racial Distributions of Minnesota’s Adult Residents, People Sentenced for Felonies, and Prisoners, 2024

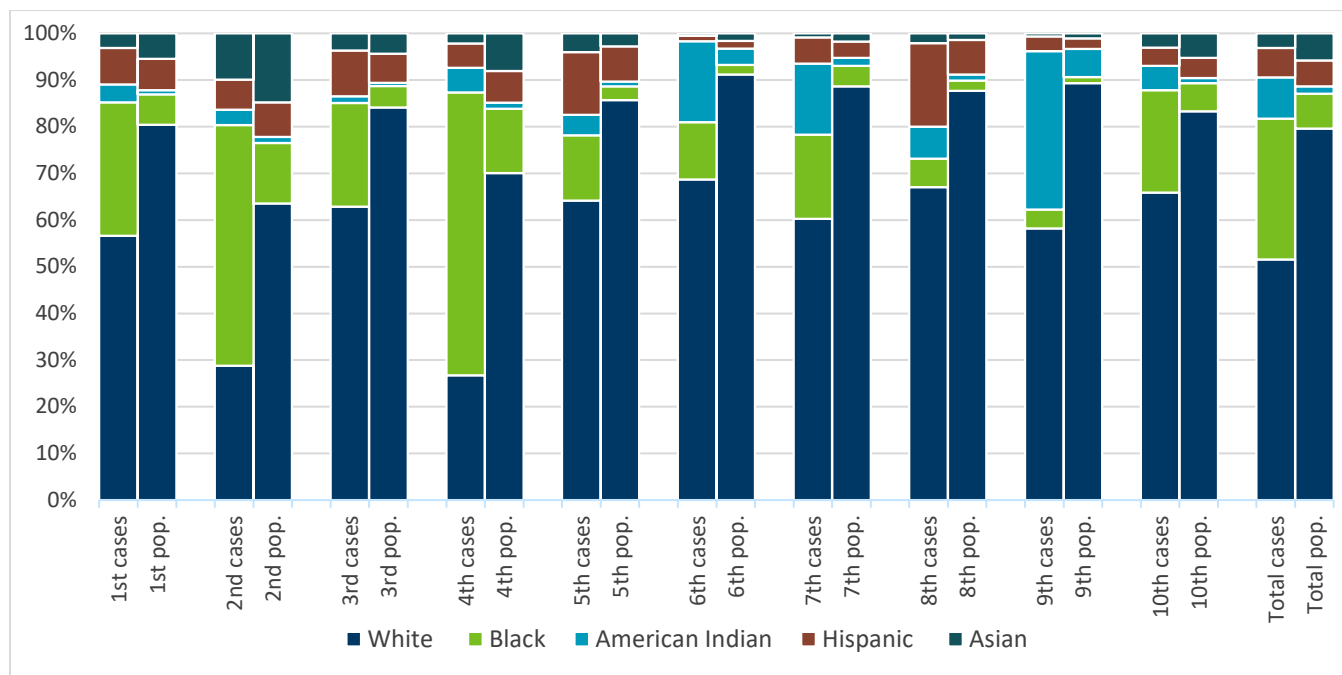


*This figure lists all Hispanic people as Hispanic, regardless of race.

Source of July 1, 2024, population estimate: U.S. Census Bureau (Nov. 2024). Source of July 1, 2024, 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 (101.9%) 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 core Twin Cities metro counties that include Minneapolis and St. Paul have a non-White majority of cases sentenced, and more individuals were sentenced in the Fourth Judicial District (20%; Hennepin County, includes Minneapolis) than any other district. The distribution of people sentenced in 2024 by their racial or ethnic composition relative to each judicial district’s residential population varies as shown below (Figure 20).

Figure 20. Distribution of Cases and Population by Race and Judicial District, 2024



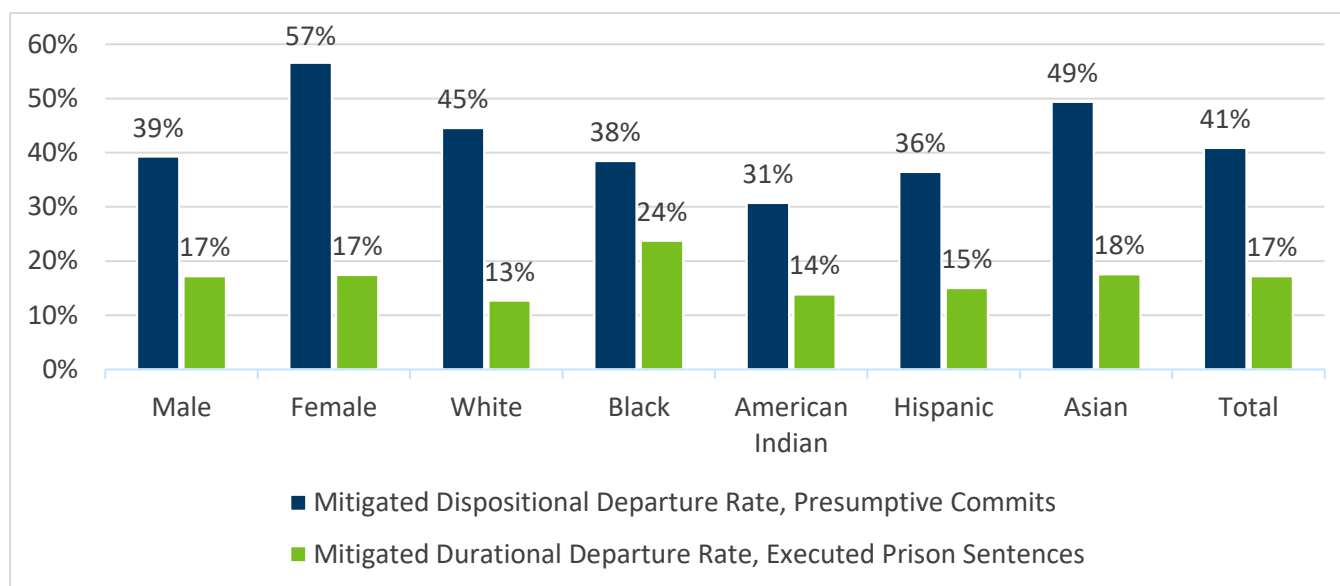
Residential population age 15 or older as of July 1, 2024, as estimated by the U.S. Census Bureau (Nov. 2024). The sums of the residential population percentages exceed 100 percent because, except for Hispanic residents, residents of more than one race are counted in more than one category, although 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 21 and Figure 22, below, combine rates on mitigated dispositional departures for presumptive-prison cases and mitigated durational departures for executed-prison cases to illustrate some key differences in who received a Guidelines sentence and who received a departure in 2024.

The female population had a higher mitigated dispositional departure rate than the average: when prison was recommended, they were more likely to get a probation sentence than males. Compared to the other racial and ethnic groups, the Asian and White populations were the most likely to get probation when prison was recommended—but members of the white population sentenced to prison were also the most likely to receive the recommended prison duration. The Black population was most likely to be sentenced to prison when recommended, but least likely to go for the recommended time. The American Indian and Hispanic populations had lower-than-average mitigated dispositional and durational departure rates; they were more likely than average to receive the Guidelines-recommended prison sentence for the Guidelines-recommended time.

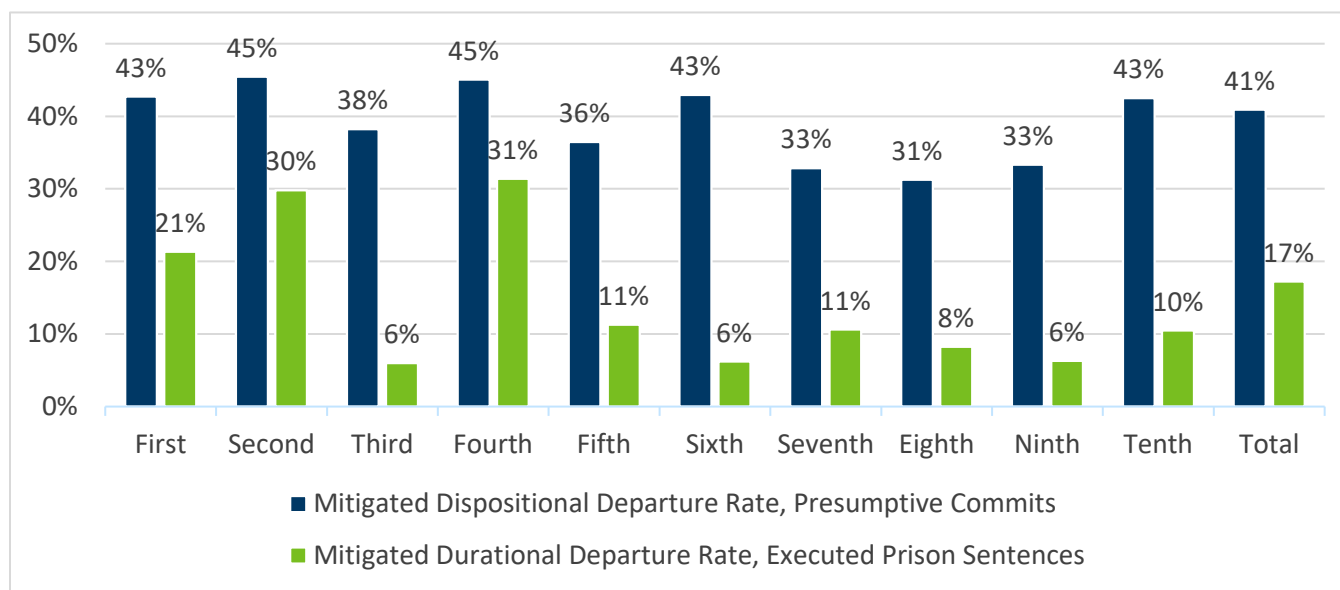
Figure 21. Mitigated Departures by Sex & Race/Ethnicity, 2024



Departures by Judicial District

Departure rates vary by judicial district as well. In 2024, the Eighth Judicial District (includes Willmar) had the lowest mitigated dispositional departure rate (31%), while the Second Judicial District (Ramsey County, including St. Paul) and the Fourth Judicial District (includes Minneapolis) had the highest (45%). Downward durational departures among prison cases ranged from a low of six percent in the Third District (includes Rochester), Sixth District (includes Duluth), and Ninth District (includes Bemidji) to highs of 30 and 31 percent in the Second and Fourth districts, respectively.

Figure 22. Mitigated Departures by Judicial District, 2024



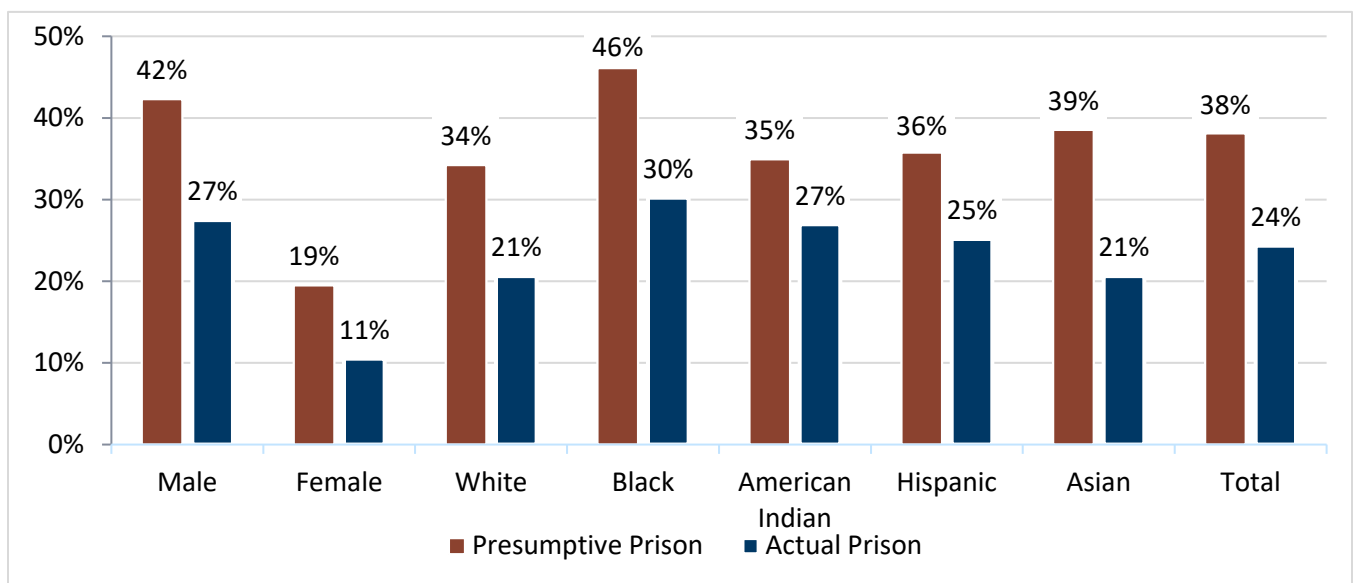
Presumptive & Actual Prison Rates by Sex, Race & Ethnicity

As mentioned in “Sentencing Trends” section,⁶² the Guidelines recommended prison in 38 percent of cases compared to the actual prison rate of 24 percent, meaning that more defendants were recommended prison sentences than actually went to prison. This is because many 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 lower rates than average, and this was true for the White population as well. In contrast, the Black population was recommended prison and received prison at higher-than-average rates (Figure 23).

Figure 23. Presumptive & Actual Prison Rates by Sex & Race/Ethnicity, 2024

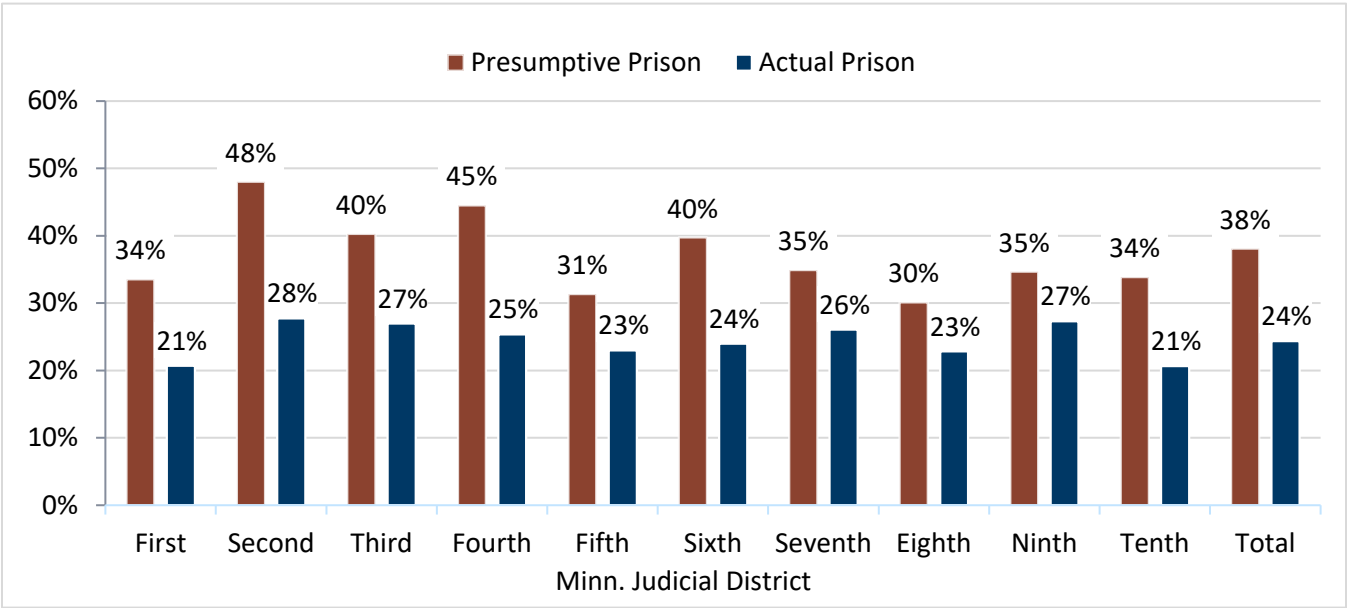


⁶² See the discussion about Figure 4 on p. 21.

Presumptive & Actual 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 20, p. 33), higher mitigated departures than average (Figure 22, p. 34), and the some of the highest recommended and actual prison rates in the state (Figure 24, below). The Ninth Judicial District (includes Bemidji) had the most concentrated American Indian population in the state (Figure 20), lower mitigated departures than average (Figure 22), and a higher actual prison rate than the statewide rate (Figure 24). The Eighth Judicial District (includes Willmar) had the most concentrated Hispanic population in the state (Figure 20), lower than average mitigated departures (Figure 22), and a slightly lower actual prison rate than average (Figure 24).

Figure 24. Presumptive & Actual Prison Rates by Judicial District, 2024



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

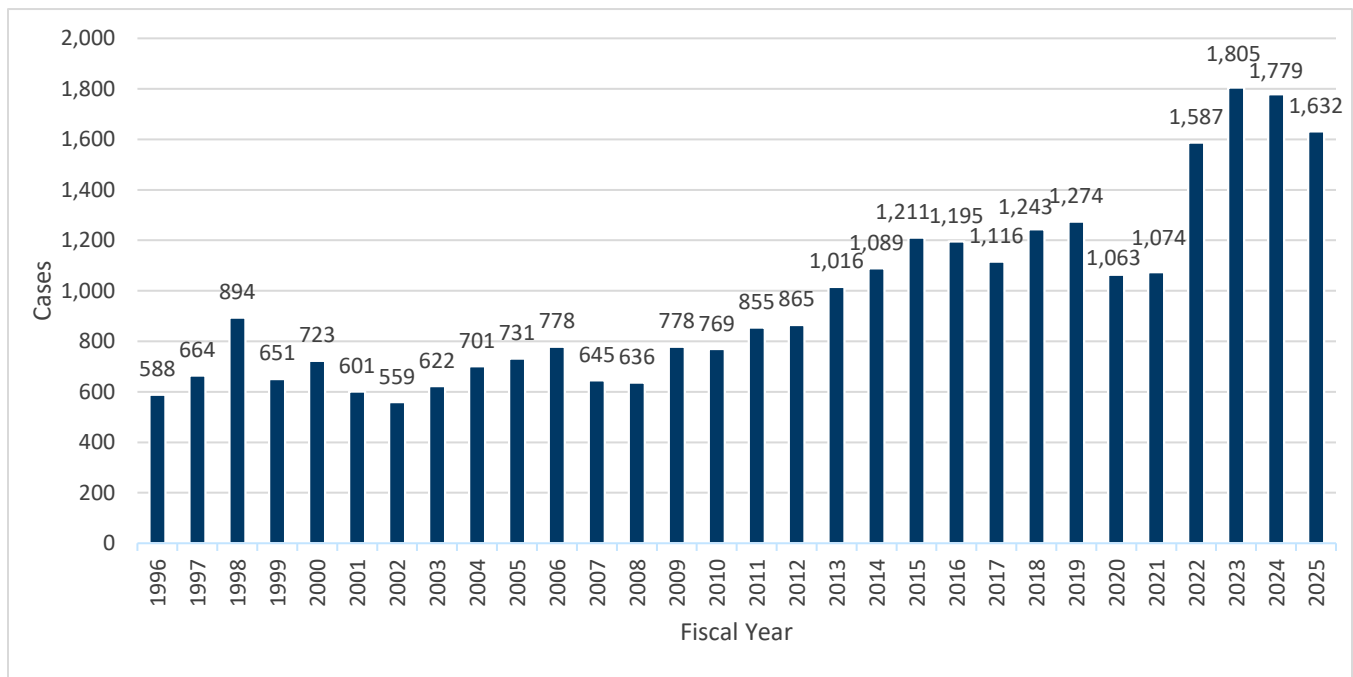
Minnesota law requires all county attorneys, by July 1 of each year, to submit to the Commission their data regarding felony cases in which defendants allegedly possessed or used a firearm and committed offenses listed in [Minn. Stat. § 609.11](#), subdivision 9.⁶³ The Commission is required to include 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 2025

Since the mandate began in 1996, the average number of annual cases allegedly involving firearms statewide has been 971 cases, with a low of 588 cases in 1996 and a high of 1,805 cases in 2023. In fiscal year (FY) 2025 (July 1, 2024, through June 30, 2025), county attorneys report disposing of 1,632 cases allegedly involving a firearm (Figure 25). This was an 8.6 percent decrease from FY 2024.

⁶³ 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 25. Cases Allegedly Involving a Firearm, FY 1996 to FY 2025



Cases Charged, 2025

Of the 1,632 cases in which defendants allegedly possessed or used firearms, prosecutors charged 1,483 cases (90.9%), while 149 cases (9.1%) were not charged (Figure 26, “Charged” and “Not Charged”).

Case Outcomes, 2025

Of the 1,483 cases charged, 863 (58%) were convicted of offenses designated in [Minn. Stat. § 609.11](#); 191 (13%) were convicted of non-designated offenses (not covered by the mandatory minimum; *e.g.*, threats of violence under [Minn. Stat. § 609.713](#)); 315 (21%) had all charges dismissed; 18 (1%) were acquitted on all charges; and 96 (6%) were “other” cases, including federal prosecutions and stays of adjudication (Figure 26).

Cases Convicted of Designated Offense & Firearm Established on the Record, 2025

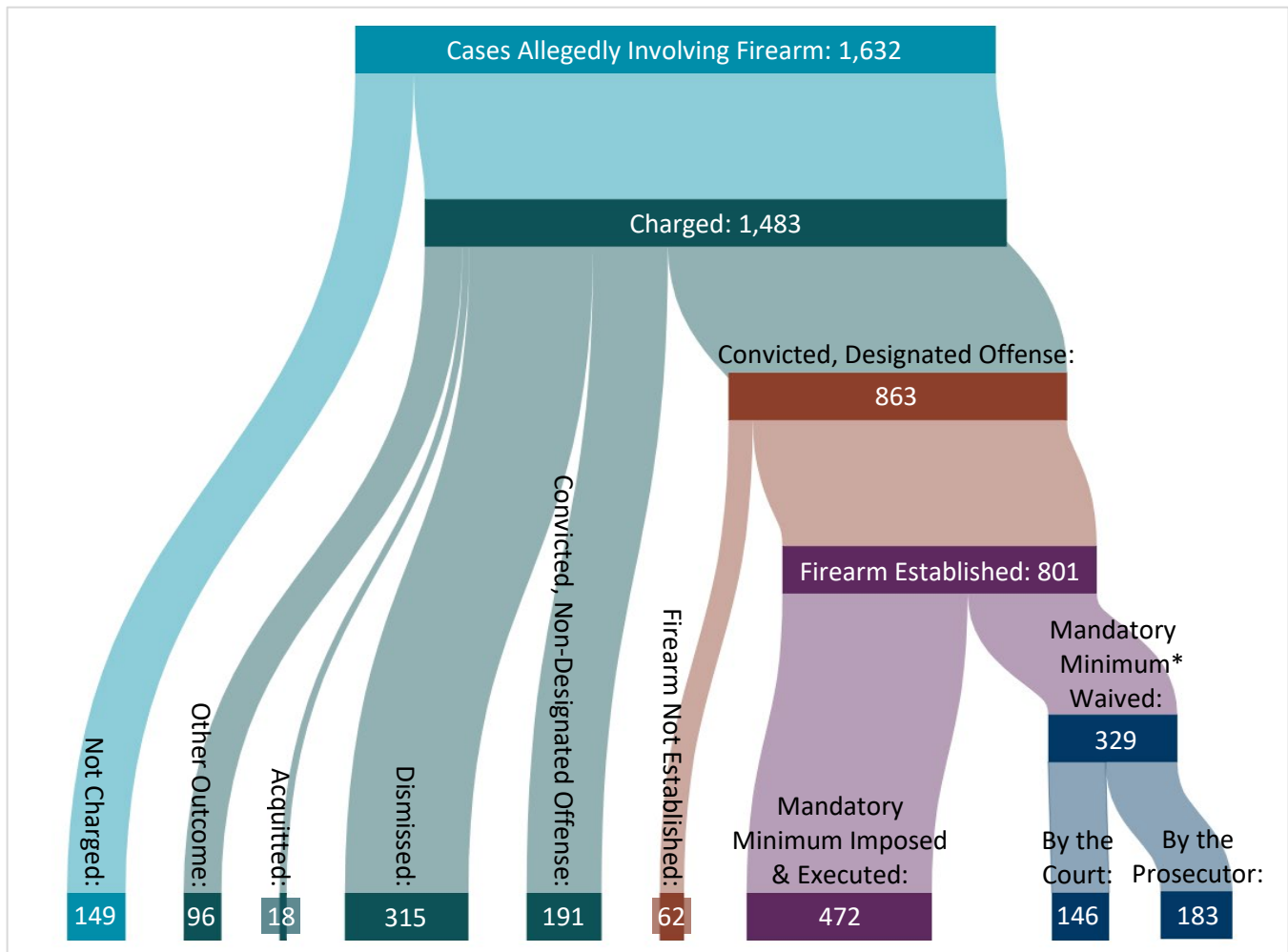
In 801 (93%) of the 863 cases in which there was a conviction for a designated offense, use or possession of a firearm was established on the record (Figure 26, “Firearm Established”). The fact-finder, *i.e.*, the judge or jury, must establish whether the defendant or an accomplice used or possessed 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 472 cases (59%)⁶⁴ were sentenced to the mandatory minimum prison term (Figure 26, “Mandatory Minimum Imposed &

⁶⁴ County attorneys’ data for fiscal year 2025 (ending June 30, 2025). According to MSGC monitoring data from calendar year 2024, 533 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, 46

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.⁶⁵

Figure 26. Disposition of Cases, Alleged Designated Offenses Involving Firearms, as Reported by County Attorneys, Cases Disposed of Between July 1, 2024, and June 30, 2025



*For an explanation of the term “mandatory minimum,” see footnote 65.

percent (247 cases) received both the mandatory prison disposition and the mandatory minimum duration or longer. In addition, 12 percent (64 cases) received the mandatory prison disposition, but less than the mandatory minimum duration.⁶⁵ 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 2. County Attorney Firearms Reports on Criminal Cases Allegedly Involving a Firearm, by County, Cases Disposed of Between July 1, 2024, and June 30, 2025

| County | Cases Allegedly Involving Firearm | Charged | Dismissed | Convicted, Non-Designated Offense | Convicted, Designated Offense | Firearm Established | Mandatory Minimum Imposed and Executed |
|------------|-----------------------------------|---------|-----------|-----------------------------------|-------------------------------|---------------------|--|
| Aitkin | 8 | 6 | 2 | 0 | 2 | 1 | 0 |
| Anoka | 33 | 29 | 0 | 0 | 28 | 28 | 12 |
| Becker | 5 | 5 | 0 | 2 | 2 | 2 | 2 |
| Beltrami | 17 | 15 | 0 | 4 | 11 | 11 | 9 |
| Benton | 13 | 8 | 0 | 3 | 3 | 1 | 1 |
| Big Stone | 1 | 1 | 0 | 1 | 0 | 0 | 0 |
| Blue Earth | 14 | 14 | 1 | 0 | 12 | 12 | 9 |
| Brown | 1 | 1 | 0 | 0 | 1 | 1 | 1 |
| Carlton | 1 | 1 | 0 | 0 | 1 | 1 | 0 |
| Carver | 3 | 3 | 0 | 0 | 3 | 3 | 2 |
| Cass | 14 | 14 | 2 | 3 | 9 | 7 | 4 |
| Chippewa* | | | | | | | |
| Chisago | 6 | 6 | 2 | 4 | 0 | 0 | 0 |
| Clay | 34 | 15 | 7 | 0 | 7 | 6 | 6 |
| Clearwater | 1 | 1 | 1 | 0 | 0 | 0 | 0 |
| Cook* | | | | | | | |
| Cottonwood | 5 | 5 | 0 | 0 | 5 | 5 | 2 |
| Crow Wing | 13 | 12 | 1 | 6 | 4 | 4 | 1 |
| Dakota | 55 | 55 | 17 | 4 | 32 | 30 | 16 |
| Dodge | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Douglas | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Faribault | 2 | 2 | 1 | 0 | 1 | 0 | 0 |
| Fillmore | 2 | 2 | 2 | 0 | 0 | 0 | 0 |
| Freeborn | 9 | 6 | 1 | 2 | 3 | 3 | 3 |
| Goodhue | 6 | 6 | 1 | 1 | 1 | 3 | 3 |
| Grant | 1 | 1 | 0 | 1 | 0 | 0 | 0 |
| Hennepin | 672 | 672 | 151 | 64 | 391 | 372 | 204 |
| Houston | 2 | 2 | 0 | 2 | 0 | 0 | 0 |
| Hubbard | 9 | 7 | 0 | 0 | 6 | 5 | 5 |

* 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 | 2 | 2 | 0 | 0 | 2 | 1 | 1 |
| Itasca | 19 | 19 | 3 | 4 | 12 | 11 | 4 |
| Jackson | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kanabec | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kandiyohi | 2 | 2 | 2 | 0 | 0 | 0 | 0 |
| Kittson | 1 | 1 | 1 | 0 | 0 | 0 | 0 |
| Koochiching | 0 | 0 | 0 | 0 | 0 | | |
| Lac qui Parle | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake | 3 | 1 | 0 | 0 | 1 | 1 | 0 |
| Lake of the Woods | 1 | 1 | 0 | 0 | 1 | 1 | 1 |
| Le Sueur | 3 | 3 | 0 | 0 | 2 | 2 | 1 |
| Lincoln | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lyon | 2 | 2 | 0 | 0 | 2 | 2 | 1 |
| McLeod | 8 | 8 | 0 | 3 | 5 | 5 | 2 |
| Mahnomen | 3 | 3 | 3 | 0 | 0 | 0 | 0 |
| Marshall | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Martin | 11 | 9 | 2 | 5 | 2 | 2 | 1 |
| Meeker | 4 | 4 | 2 | 0 | 2 | 2 | 1 |
| Mille Lacs | 12 | 12 | 7 | 3 | 1 | 1 | 0 |
| Morrison | 10 | 10 | 2 | 0 | 4 | 4 | 2 |
| Mower | 12 | 12 | 4 | 4 | 4 | 3 | 3 |
| Murray* | | | | | | | |
| Nicollet | 5 | 5 | 2 | 1 | 2 | 2 | 2 |
| Nobles | 17 | 9 | 4 | 3 | 2 | 1 | 1 |
| Norman | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Olmsted | 40 | 40 | 1 | 13 | 17 | 16 | 10 |
| Otter Tail | 11 | 10 | 0 | 2 | 7 | 6 | 4 |
| Pennington | 1 | 1 | 0 | 0 | 1 | 1 | 1 |
| Pine | 78 | 9 | 6 | 0 | 2 | 2 | 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 | 267 | 267 | 58 | 23 | 179 | 165 | 111 |
| Red Lake | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Redwood | 8 | 8 | 2 | 2 | 4 | 4 | 2 |
| Renville | 3 | 2 | 0 | 1 | 0 | 0 | 0 |
| Rice | 10 | 9 | 1 | 4 | 3 | 3 | 3 |
| Rock | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roseau | 3 | 3 | 1 | 0 | 2 | 1 | 1 |
| Scott | 9 | 7 | 2 | 3 | 2 | 2 | 1 |
| Sherburne | 32 | 12 | 0 | 3 | 9 | 7 | 3 |
| Sibley | 9 | 6 | 0 | 2 | 4 | 4 | 2 |
| St. Louis | 22 | 21 | 3 | 3 | 14 | 11 | 5 |
| Stearns | 33 | 33 | 7 | 4 | 22 | 22 | 11 |
| Steele | 10 | 10 | 2 | 4 | 3 | 1 | 1 |
| Stevens | 1 | 1 | 0 | 0 | 1 | 0 | 0 |
| Swift | 2 | 2 | 0 | 0 | 0 | 0 | 0 |
| Todd | 4 | 4 | 3 | 0 | 1 | 1 | 1 |
| Traverse | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wabasha* | | | | | | | |
| Wadena | 2 | 2 | 0 | 0 | 2 | 2 | 2 |
| Waseca | 3 | 3 | 1 | 2 | 0 | 0 | 0 |
| Washington | 18 | 18 | 2 | 2 | 10 | 9 | 5 |
| Watsonwan | 3 | 2 | 0 | 1 | 0 | 0 | 0 |
| Wilkin* | | | | | | | |
| Winona | 3 | 3 | 1 | 1 | 1 | 1 | 0 |
| Wright | 13 | 13 | 4 | 0 | 8 | 7 | 6 |
| Yellow Medicine | 1 | 1 | 0 | 0 | 1 | 1 | 1 |
| Total | 1,632 | 1,483 | 315 | 191 | 863 | 801 | 472 |

* 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 supported⁶⁶—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.⁶⁷ 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 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 3 displays the limited summary information provided to MSGC by the Minnesota Judicial Branch about these cases for fiscal year 2025 (July 1, 2024, through June 30, 2025), which was the third year the VRJA was in effect. In fiscal year 2025:

- 115 individuals received deferred sentencings under Minn. Stat. § 609.1056;
- 9 individuals who had previously received deferred sentencings were convicted; and
- 91 individuals who had previously received deferred sentencings had their cases dismissed (Table 3).

Table 3. Minnesota Judicial Branch Reports on Sentences Deferred Under Minn. Stat. § 609.1056, by County, Cases Disposed of Between July 1, 2024, and June 30, 2025

| County | Court-Deferred Sentences under Minn. Stat. § 609.1056 | Previously Deferred Sentences Resulting in Conviction | Previously Deferred Sentences Resulting in Dismissal |
|------------|---|---|--|
| Anoka | 25 | 2 | 22 |
| Benton | 3 | | 3 |
| Big Stone | 1 | 1 | |
| Blue Earth | 1 | | 1 |
| Cass | 1 | 1 | 1 |
| Chippewa | 1 | | |
| Chisago | 3 | 1 | 1 |
| Crow Wing | 6 | | 6 |
| Dakota | 1 | | |
| Goodhue | 1 | | 1 |

⁶⁶ [Minn. Sentencing Guidelines Comm’n Meeting Minutes \(April 11, 2024\)](#).

⁶⁷ [2024 Minn. Laws Ch. 123, art. 6, § 7](#).

| County | Court-Deferred Sentences under Minn. Stat. § 609.1056 | Previously Deferred Sentences Resulting in Conviction | Previously Deferred Sentences Resulting in Dismissal |
|---------------|--|---|--|
| Hennepin | 20 | 2 | 14 |
| Isanti | 1 | | 1 |
| Lac Qui Parle | 1 | 1 | |
| Lake | 5 | 1 | 4 |
| Morrison | 1 | | |
| Mower | 1 | | 1 |
| Nicollet | 1 | | 1 |
| Otter Tail | 2 | | 2 |
| Polk | 1 | | 1 |
| Ramsey | 21 | | 20 |
| Rice | 1 | | 1 |
| Sherburne | 1 | | 1 |
| St. Louis | 2 | | |
| Stearns | 6 | | 4 |
| Wabasha | 1 | | 1 |
| Wadena | 2 | | |
| Wilkin | 1 | | 1 |
| Wright | 4 | | 4 |
| Total | 115 | 9 | 91 |

Source: Minnesota Judicial Branch. Obtained Dec. 8, 2025.

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 demographics⁶⁸ in its annual report to the Legislature.⁶⁹

According to data from the Minnesota Judicial Branch, four petitions under Minn. Stat. § 609.133 were granted in fiscal year 2025 (July 1, 2024, through June 30, 2025).

Table 4. Cases that Received a Prosecutor-Initiated Sentence Adjustment under Minn. Stat. § 609.133, as Reported by the Minnesota Judicial Branch, Fiscal Year 2025

| County | Sex | Age at Filing |
|----------|------|---------------|
| Carver | Male | 36 |
| Hennepin | Male | 21 |
| Scott | Male | 30 |
| Scott | Male | 43 |

Source: Minnesota Judicial Branch. Obtained Oct. 6, 2025.

⁶⁸ Race information was not provided by the court.

⁶⁹ [Minn. Stat. § 244.09, subd. 15.](#)

Appendices

Appendix 1. 2025 Guidelines Modifications

Appendix 1 identifies and explains all modifications to the Minnesota Sentencing Guidelines and Commentary made during the preceding 12 months relating to crimes created or amended by the legislature in the preceding session (Appendix 1.1, below, and Appendix 1.2, p. 49), as well as technical amendments (Appendix 1.3, p. 60). Following a July 17, 2025, public hearing, the Commission, on July 24, 2025, unanimously adopted the following modifications to the August 1, 2024, edition of the Minnesota Sentencing Guidelines and Commentary, each with a specified effective date of August 1, 2025—or January 1, 2026, in the case of the ranking of Violation of a Financial Exploitation Protective Order.*

Appendix 1.1. Amendments to the Sentencing Guidelines relating to new crime laws – 2025 Regular Session – Effective August 1, 2025, and January 1, 2026

On July 24, 2025, after public hearing, the Commission adopted the following proposals. The Commission made these proposals on June 5, 2025, after its review of the 2025 Regular Session Laws. All were effective August 1, 2025, except for the following severity-level ranking, which was effective January 1, 2026.

1. New Order for Protection Against Financial Exploitation of a Vulnerable Adult

Resulting from: [2025 Minn. Laws. ch. 35, art. 11, § 16](#).

Modification summary: Rank the new felony Violation of a Financial Exploitation Protective Order at severity level (SL) 4, effective January 1, 2026.

The following amendments are adopted modifications to the 2024 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.

* * *

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

| Severity Level | Offense Title | Statute Number |
|----------------|---|------------------------------|
| 4 | * * * | |
| | <u>Violation of a Financial Exploitation Protective Order</u> | <u>609.2334, subd. 13(c)</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>609.2334 subd. 13(c)</u> | <u>Violation of a Financial Exploitation Protective Order</u> | <u>4</u> |
| * * * | | |

2. New Anti-Kickback Offense – Unauthorized Human Services Remunerations

Resulting from: [2025 Minn. Laws. ch. 38, art. 5, § 32.](#)

Modification summary: Rank the new felony Unauthorized Human Services Remunerations at SL 6 (over \$35,000), at SL 3 (over \$5,000), and at SL 2 (\$5,000 or Less).

The following amendments are adopted modifications to the 2024 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 |
|----------------|--|----------------------------|
| 6 | * * * | |
| | <u>Unauthorized Human Services Remunerations (Over \$35,000)</u> | <u>609.542, subd. 4(1)</u> |

| Severity Level | Offense Title | Statute Number |
|----------------|--|----------------------------|
| 3 | * * * | |
| | <u>Unauthorized Human Services Remunerations (Over \$5,000)</u> | <u>609.542, subd. 4(2)</u> |
| 2 | * * * | |
| | <u>Unauthorized Human Services Remunerations (\$5,000 or Less)</u> | <u>609.542, subd. 4(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>609.542 subd. 4(1)</u> | <u>Unauthorized Human Services Remunerations (Over \$35,000)</u> | <u>6</u> |
| <u>609.542 subd. 4(2)</u> | <u>Unauthorized Human Services Remunerations (Over \$5,000)</u> | <u>3</u> |
| <u>609.542 subd. 4(3)</u> | <u>Unauthorized Human Services Remunerations (\$5,000 or Less)</u> | <u>2</u> |
| * * * | | |

Appendix 1.2. Other conforming amendments to crime laws affecting the Sentencing Guidelines – 2025 Regular Session – Effective August 1, 2025

On July 24, 2025, after public hearing, the Commission adopted the following proposals. The Commission made these proposals on June 5, 2025, after its review of the 2025 Regular Session Laws.

1. New Fentanyl Exposure Criminal Penalties

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 6.](#)

Modification summary: Maintain SL D3 ranking, retitle the offense accordingly, and make conforming changes to the commentary. Make no changes to Section 2.B.1.d(1) & 2.B.1.e(1).

The following amendments are adopted modifications to the 2024 Minn. Sentencing Guidelines & Commentary, Section 5, Section 6, and Comment 2.B.108:

* * *

2.B.108. *The Commission established policies to deal with several specific situations that arise under Minnesota law: a conviction under Minn. Stat. § 152.137, under which ~~offenders~~ those convicted of methamphetamine- and fentanyl-related crimes involving children and vulnerable adults are subject to conviction and sentence for other crimes resulting from the same criminal behavior; Minn. Stat. § 609.585, under which offenders committing another felony offense during the course of a burglary could be convicted of and sentenced for both the burglary and the other felony; and a conviction under Minn. Stat. § 609.251 under which offenders who commit another felony during the course of a kidnapping can be convicted of and sentenced for both offenses. For purposes of computing criminal history, the Commission decided that consideration should only be given to the most severe offense when there are prior multiple sentences under provisions of Minn. Stats. §§ 152.137, 609.585, or 609.251. This was done to prevent inequities due to past variability in prosecutorial and sentencing practices with respect to these statutes, to prevent systematic manipulation of these statutes in the future, and to provide a uniform and equitable method of computing criminal history scores for all cases of multiple convictions arising from a single course of conduct, when single victims are involved.*

When multiple current convictions arise from a single course of conduct and multiple sentences are imposed on the same day under Minn. Stats. §§ 152.137, 609.585, or 609.251, the conviction and sentence for the “earlier” offense should not increase the criminal history score for the “later” offense.

* * *

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 |
|----------------|---|------------------------|
| D3 | * * * | |
| | <u>Exposing a Child or Vulnerable Adult to Methamphetamine or Related Chemicals</u> Methamphetamine Crimes Involving Children and Vulnerable Adults | 152.137, subd. 2(a)(b) |
| | <u>Exposing a Child to Fentanyl</u> | 152.137, subd. 2(c) |
| | * * * | |

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 |
|---------------------------|---|----------------|
| * * * | | |
| 152.137 subd. 2(a)(b) | <u>Exposing a Child or Vulnerable Adult to Methamphetamine or Related Chemicals</u> Methamphetamine Crimes Involving Children and Vulnerable Adults | D3 |
| <u>152.137 subd. 2(c)</u> | <u>Exposing a Child to Fentanyl</u> | <u>D3</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 |
|---------------------------|---|
| * * * | |
| 152.137, subd. 2(a) & (b) | <u>Exposing a Child or Vulnerable Adult to Methamphetamine or Related Chemicals</u> Methamphetamine Crimes Involving Children and Vulnerable Adults |
| 152.137, subd. 2(c) | <u>Exposing a Child to Fentanyl</u> |
| * * * | |

2. New Consecutive Sentence for Assault on Sheriff or Sheriff's Deputy in Jail

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 8.](#)

Modification summary: For an assault in a local correctional facility against a county sheriff or deputy, make the presumptive sentence a commit, a consecutive sentence, or both, when required by the new Minn. Stat. § 609.2232(b).

The following amendments are adopted modifications to the 2024 Minn. Sentencing Guidelines & Commentary, Sections 2.C, 2.F, and Appendix 1:

* * *

2. Determining Presumptive Sentences

* * *

C. Presumptive Sentence

* * *

3. Finding the Presumptive Sentence for Certain Offenses.

* * *

- e. Offenses Committed While Confined Under State or Local Authority. The presumptive disposition for escape from an executed sentence, felony assault committed by an inmate serving an executed term of imprisonment, ~~or~~ assault on secure treatment facility personnel, or assault against a county sheriff or sheriff's deputy in a local correctional facility under the conditions described in Minn. Stat. § 609.2232(b)(1), (b)(2), or (b)(3), is commitment. Pursuant to section 2.F.1, it is presumptive for escape from an executed term

of imprisonment and for felony assault committed by an inmate serving an executed term of imprisonment to be sentenced consecutively to the offense for which the inmate was confined. The presumptive duration is determined by the presumptive sentencing consecutive policy (see section 2.F.1, Presumptive Consecutive Sentences).

* * *

F. Concurrent/Consecutive Sentences

* * *

1. Presumptive Consecutive Sentences.

* * *

- a. Criteria for Imposing a Presumptive Consecutive Sentence. Consecutive sentences are presumptive (required under the Guidelines) when:

(1) the offender was, at the time of the current offense:

- (i) serving an executed term of imprisonment, disciplinary confinement, or reimprisonment; ~~or~~
- (ii) on escape status from an executed term of imprisonment, disciplinary confinement, or reimprisonment; or and
- (iii) an inmate of a local correctional facility, the current offense was an assault in the first, second, third, or fourth degree against a county sheriff or sheriff's deputy, and, prior to the current sentencing, a court had imposed an executed sentence for an offense for which the person being sentenced had been in custody at the time of the assault; and

(2) the presumptive disposition for the current offense(s) is commitment.

- b. Finding the Presumptive Disposition. The presumptive disposition is determined using the criteria in section 2.C. The presumptive disposition for an escape from an executed sentence or for a felony assault committed by an inmate serving an executed term of imprisonment is always commitment.

* * *

2. Permissive Consecutive Sentences.

* * *

- a. Criteria for Imposing a Permissive Consecutive Sentence. Consecutive sentences are permissive (may be given without departure) only in the situations specified in this section:

* * *

- (2) Other Offenses. Consecutive sentences for the following offenses are always permissive and there is no dispositional departure if the sentences are executed.

* * *

- (iv) Felony Assault in a Local Jail or Workhouse. If the offender is convicted of felony assault committed while in a local jail or workhouse, and the conviction is not already presumptive consecutive as described in section 2.F.1.a(1)(iii), the felony assault conviction may be sentenced consecutively to any other executed prison sentence if the presumptive disposition for the other offense was commitment as outlined in section 2.C.

* * *

Appendix 1. Mandatory and Presumptive Sentences Reference Table

This table is for convenience when applying mandatory sentences (section 2.E) and presumptive sentences (section 2.C). It is not exhaustive.

- Presumptive disposition. Commitment.
- Presumptive duration. Mandatory minimum or the duration in the appropriate cell on the applicable Grid, whichever is longer.
- Attempts and Conspiracies. Mandatory sentences generally apply to attempted offenses under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175. Mandatory minimums are not divided in half. The presumptive duration is the mandatory minimum duration found in statute or one-half of the duration in the appropriate cell on the applicable Grid, whichever is longer. (See section 2.G for more information on convictions for attempts, conspiracies and offenses with other sentence modifiers.)

| Statute | Offense | Prerequisite or Conditions | Minimum Duration |
|--|--------------------------------|---|------------------------|
| * * * | | | |
| 609.221, 609.222, 609.223, 609.2231 or 609.224 | Assault 1st through 5th Degree | Committed by State prison inmate while confined (609.2232(a)) | Grid Time, Consecutive |

| Statute | Offense | Prerequisite or Conditions | Minimum Duration |
|---|---------------------------------------|--|--|
| <u>609.221, 609.222, 609.223, or 609.2231</u> | <u>Assault 1st through 4th Degree</u> | <u>Committed by an inmate of a local correctional facility against a sheriff or sheriff's deputy (609.2232(b)(1), (b)(2), or (b)(3))</u> | <u>Grid Time; Consecutive sentencing may apply</u> |
| * * * | | | |

3. Codified Minimum Sentences for Sex Trafficking

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 9.](#)

Modification summary: Include the statutorily created presumptive sentences in the existing language of Guidelines 2.G.5.

The following amendments are adopted modifications to the 2024 Minn. Sentencing Guidelines & Commentary, Section 2.G.5:

* * *

2. Determining Presumptive Sentences

* * *

G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers

* * *

5. Attempt or Conspiracy to Commit Certain Sex Trafficking and Criminal Sexual Conduct in the First or Second Degree Offenses. The Commission regards the following provisions in Minn. Stat. § 609.342, subd. 2(b) and 609.343, subd. 2(b) as statutorily created presumptive sentences, not mandatory minimums. ~~When an offender is sentenced for~~ For an attempt or conspiracy to commit an offense to which one of these presumptive sentences applies, Criminal Sexual Conduct in the First Degree under Minn. Stat. § 609.342 or Criminal Sexual Conduct in the Second Degree under Minn. Stat. § 609.343, subd. 1(a), 1(b), 1(c), 1(d), 1(e), 1a(a), 1a(b), 1a(c), 1a(d), 1a(h), or 1a(i), the presumptive duration is one-half of that found in the appropriate cell on the Sex Offender Grid for the underlying offense or any mandatory minimum, whichever is ~~longer.~~ longer:
 - a. Minn. Stat. § 609.322, subd. 1(c)(1) (applicable to sex trafficking offenses ranked at severity level B);

- b. Minn. Stat. § 609.322, subd. 1(c)(2) (applicable to Aggravated Sex Trafficking 1st Degree);
- c. Minn. Stat. § 609.342, subd. 2(b) (applicable to Criminal Sexual Conduct 1st Degree); and
- d. Minn. Stat. § 609.343, subd. 2(c) (applicable to Criminal Sexual Conduct 2nd Degree offenses ranked at severity level B).

4. Renaming Child Pornography as “Child Sexual Abuse Material”

Resulting from: [2025 Minn. Laws. ch. 35, art. 4, § 12](#), & [art. 5, §§ 14 & 17–21](#).

Modification summary: Make conforming modifications throughout the Guidelines.

The following amendments are adopted modifications in the 2024 Minn. Sentencing Guidelines & Commentary, Sections 2.E, 4.B, 5, 6, Comment 2.B.105, and Appendix 3:

* * *

2. Determining Presumptive Sentences

* * *

E. Mandatory Sentences

* * *

3. Conditional Release. Several Minnesota statutes provide for mandatory conditional release terms that must be served by certain offenders once they are released from prison. The court must pronounce the conditional release term when sentencing for the following offenses:

- First-degree (felony) driving while impaired. Minn. Stat. § 169A.276, subd. 1(d).
- Predatory offense registration violation committed by certain offenders. Minn. Stat. § 243.166, subd. 5a.
- Assault in the fourth degree against secure treatment facility personnel. Minn. Stat. § 609.2231, subd. 3a(e).
- First- through fourth-degree criminal sexual conduct, sexual extortion, and criminal sexual predatory conduct. Minn. Stat. § 609.3455, subds. 6–8.
- Use of minors in sexual performance or child sexual abuse material. Minn. Stat. § 617.246, subd. 7.

- Child ~~pornography~~ sexual abuse material. Minn. Stat. § 617.247, subd. 9.

4.B. Sex Offender Grid

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

| SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics) | CRIMINAL HISTORY SCORE | | | | | | |
|--|------------------------|----|----|----|----|-------------|---|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more |
| * * * | | | | | | | |
| <i>CSC 3rd Degree–1a(b) with 2(2) Possession of Child Pornography Sexual Abuse Material Solicit Child for Sexual Conduct</i> | G | 15 | 20 | 25 | 30 | 39 34-46 | 51 44-60 60 51-60 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 |
| 8 | * * * | |
| | Identity Theft (Related to Child Pornography <u>Sexual Abuse Material</u>) | 609.527, subd. 3(6) |
| | * * * | |
| C | Criminal Sexual Conduct 3rd Degree | 609.344, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i) |
| | Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | 617.247, subd. 3(b) |
| | Sexual Extortion (Penetration) | 609.3458, subd. 1(b) |

| Severity Level | Offense Title | Statute Number |
|----------------|--|--|
| | Sex Trafficking 2nd Degree | 609.322, subd. 1a |
| | Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | 617.246, subd. 2(b), 3(b), 4(b) |
| D | Criminal Sexual Conduct 2nd Degree | 609.343, subd. 1a(e)(f)(g) |
| | Criminal Sexual Conduct 3rd Degree | 609.344 subd. 1a(a)(e)(f) or subd. 1a(b) with ref. to subd. 2(1) |
| | Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> | 617.246, subd. 2(a), 3(a), 4(a) |
| E | Criminal Sexual Conduct 4th Degree | 609.345, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i) |
| | Dissemination of Child Pornography <u>Sexual Abuse Material</u> | 617.247, subd. 3(a) |
| | Sexual Extortion (Contact) | 609.3458, subd. 1(a) |
| | Possession of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | 617.247, subd. 4(b) |
| | * * * | |
| G | Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 36 mos. older than Complainant) | 609.344 subd. 1a(b) with ref. to subd. 2(2) |
| | Indecent Exposure | 617.23 subd. 3 |
| | Possession of Child Pornography <u>Sexual Abuse Material</u> | 617.247, subd. 4(a) |
| | Solicitation of Children to Engage in Sexual Conduct | 609.352, subd. 2 |
| | Solicitation of Children to Engage in Sexual Conduct (Electronic) | 609.352, subd. 2a |
| | Surreptitious Observation Device (Minor Victim and Sexual Intent) | 609.746, subd. 1(h) |
| | * * * | |

5.B. Severity Level by Statutory Citation

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

| Statute Number | Offense Title | Severity Level |
|------------------------------|---|----------------|
| * * * | | |
| 609.527 subd. 3(6) | Identity Theft (Related to Child Pornography <u>Sexual Abuse Material</u>) | 8 |
| * * * | | |
| 617.246 subd. 2(a) 3(a) 4(a) | Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> | D |
| 617.246 subd. 2(b) 3(b) 4(b) | Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | C* |
| 617.247 subd. 3(a) | Dissemination of Child Pornography <u>Sexual Abuse Material</u> | E* |
| 617.247 subd. 3(b) | Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | C* |
| 617.247 subd. 4(a) | Possession of Child Pornography <u>Sexual Abuse Material</u> | G |
| 617.247 subd. 4(b) | Possession of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | E |
| * * * | | |

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 |
|---------------------------------|---|
| * * * | |
| 617.246, subd. 2(a), 3(a), 4(a) | Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> |
| 617.246, subd. 2(b), 3(b), 4(b) | Use of Minors in Sexual Performance <u>or Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) |
| 617.247, subd. 3(a) | Dissemination of Child Pornography <u>Sexual Abuse Material</u> |
| 617.247, subd. 3(b) | Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) |
| 617.247, subd. 4(a) | Possession of Child Pornography <u>Sexual Abuse Material</u> |
| 617.247, subd. 4(b) | Possession of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) |
| * * * | |

2.B.105. *If an offense has been repealed, but the elements of that offense have been incorporated into another felony statute, determine the appropriate severity level based on the severity level ranking for the current felony offense containing those similar elements. For example, in 2010, the Legislature recodified violations of domestic abuse no contact orders from Minn. Stat. § 518B.01, subd. 22(d) into Minn. Stat. § 629.75, subd. 2(d). This policy also applies to offenses that are currently assigned a severity level ranking, but were previously unranked and excluded from the Offense Severity Reference Table. For example, dissemination of child ~~pornography~~ sexual abuse material under Minn. Stat. § 617.247, subd. 3(a), was unranked until August 1, 2006. It is currently ranked at Severity Level E, and receives a weight of 1½ points.*

* * *

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: |
|----------------------------------|---|----------------|----------------------------|-------------------------------|
| * * * | | | | |
| 617.246, subd. 2(b) 3(b) 4(b) | Use of Minors in Sexual Performance or <u>Child Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | C | 180 | CHS 5 (upper-range) |
| 617.247, subd. 3(a) | Dissemination of Child Pornography <u>Sexual Abuse Material</u> | E | 84 | CHS 5 |
| 617.247, subd. 3(b) | Dissemination of Child Pornography <u>Sexual Abuse Material</u> (Subsequent, by Predatory Offender, or Child Under 14) | C | 180 | CHS 5 (upper-range) |
| * * * | | | | |

Appendix 1.3. Technical amendments to the Sentencing Guidelines – Effective August 1, 2025

On July 24, 2025, after public hearing, the Commission adopted the following proposals. The Commission made these proposals on June 5, 2025, after its review of technical issues and errors in the 2024 Sentencing Guidelines.

1. Correct Statute Citation for Use of Deep Fake to Influence Election

Resulting from: An error in a reference to a statute. A crime created by the 2023 Legislature for using deep fake technology to influence an election was originally codified under Minn. Stat. § 609.771, and the felony was found in subd. 3(1). The statutory reference was changed in 2024 when paragraph (b) was inserted to allow an exemption for a broadcaster or cable television system. This moved the citation for the felony offense to paragraph (a). [2024 Minn. Laws, Ch. 112, art. 2, s. 76](#).

Modification summary: Insert “(a)” after subd. 3, so that it reads “609.771, subd. 3(a)(1).”

The following amendments are adopted modifications to the 2024 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 |
|----------------|---|------------------------|
| UNRANKED | * * * | |
| | Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation) | 609.771, subd. 3(a)(1) |
| | * * * | |

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 |
|-----------------------|---|----------------|
| * * * | | |
| 609.771 subd. 3(a)(1) | Using Deep Fake Technology to Influence an Election (2nd or Subsequent Violation) | Unranked |
| * * * | | |

2. Add Criminal Vehicular Homicide to Appendix 3. Presumptive Sentence Durations that Exceed the Statutory Maximum

Resulting from: An addition to a reference list. The Guidelines contain a non-exhaustive list of offenses in which the presumptive duration exceeds the statutory maximum sentence. The list is for convenience and indicates the statute, offense title, severity level, statutory maximum, and at which Criminal History Score (CHS) the presumptive sentence exceeds the statutory maximum. Criminal Vehicular Homicide under 609.2112 subd. 1(a) exceeds the statutory maximums at CHS 6 (upper range) and is not on the list.

Modification summary: Add Minn. Stat. § 609.2112 subd. 1(a) to Appendix 3.

The following amendments are adopted modifications to the 2024 Minn. Sentencing Guidelines & Commentary, Appendix 3:

* * *

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>609.2112 subd. 1(a)</u> | <u>Criminal Vehicular Homicide</u> | <u>8</u> | <u>120</u> | <u>CHS 6 (upper-range)</u> |
| * * * | | | | |

Appendix 2. Proposed 2026 Guidelines Modifications – Submitted to the Legislature

Following a public hearing on November 20, 2025, the Commission, on December 18, 2025, adopted a proposal to amend the Sentencing Guidelines and Commentary by a vote of 10–1. If permitted to take effect, the proposed modifications will change criminal history score calculation, change the severity ranking of various offenses, and make other changes to the Guidelines. The meaning and effect of these modifications is discussed on pages 7–11 of this report. These adopted modifications, now submitted to the Legislature, are set forth below.

The following modifications to the 2025 Minnesota Sentencing Guidelines and Commentary will become effective August 1, 2026, unless the Legislature by law provides otherwise:

Key to proposed modifications:

Added text is underlined.

Deleted text is ~~stricken~~.

Moved text is double-underlined.

Removed text is ~~double-stricken~~.

Deleted text within moved text is ~~double-underlined and stricken~~.

Amendments to the August 1, 2025, Minnesota Sentencing Guidelines and Commentary, effective August 1, 2026.

Minnesota Sentencing Guidelines and Commentary

1. Purpose and Definitions

A. Statement of Purpose and Principles

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

The Sentencing Guidelines shall embody the following principles:

1. In establishing and modifying the Sentencing Guidelines, the Commission's primary consideration shall be public safety. ~~This shall include, including~~ consideration of the long-

term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5. Public safety is furthered by sentences that work to reduce future crimes and victimizations through means such as rehabilitation, deterrence, incapacitation, and effective community supervision. In some cases, it is furthered by reasonable caution in the choice of sanctions that could hinder reintegration into the law-abiding community.

2. Sentencing should be neutral with respect to the race, gender, social, or economic status of those convicted ~~felons of felonies~~.

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

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

~~4.5.~~ Commitment to the Commissioner of Corrections is the most severe sanction that can be imposed for a felony conviction, but it is not the only significant sanction available to the court.

~~5.6.~~ Because state and local correctional facility capacity is finite, confinement should be imposed only for ~~offenders who are those~~ convicted of more serious offenses or who have longer criminal histories. To ensure such usage of finite resources, sanctions used in sentencing those convicted ~~felons of felonies~~ should be the least restrictive necessary to achieve the purposes of the sentence.

~~6.7.~~ Although the Sentencing Guidelines are advisory to the court, the presumptive sentences are deemed appropriate for the felonies covered by them. Therefore, departures from the presumptive sentences established in the Sentencing Guidelines should be made only when substantial and compelling circumstances can be identified and articulated.

* * *

2. Determining Presumptive Sentences

* * *

B. Criminal History

The horizontal axis on the Sentencing Guidelines Grids is the criminal history score. An offender's criminal history score is the sum of points from eligible:

- prior felonies; and
- ~~custody status at the time of the offense;~~
- prior misdemeanors and gross misdemeanors; and
- ~~prior juvenile adjudications.~~

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

* * *

1. Prior Felonies. Assign a particular weight, as set forth in paragraphs a and b, to each extended jurisdiction juvenile (EJJ) conviction and each felony conviction, provided that a felony sentence was stayed or imposed before the current sentencing or a stay of imposition of sentence was given before the current sentencing.

* * *

- c. Felony Decay Factor. In computing the criminal history score, a prior felony sentence or stay of imposition following a felony conviction must not be used if all the following, to the extent applicable, occurred before the date of the current offense:

- (1) the prior felony sentence or stay of imposition expired or was discharged;

- (2) a period of fifteen-ten years elapsed after the date of the initial sentence following the prior conviction; and

- (3) if the prior felony sentence was executed, a period of fifteen-ten years elapsed after the date of expiration of the sentence.

* * *

Comment

* * *

2.B.113. *The Commission established a “decay factor” for the consideration of prior felony offenses in computing criminal history scores. The Commission decided it was important to consider not just the total number of felony sentences and stays of imposition, but also the age of the sentences and stays of imposition. The Commission decided that the presence of old felony sentences and stays of imposition should not be considered in computing criminal history scores after a significant period of time has elapsed. A prior felony sentence or stay of imposition will not be counted in criminal history score computation if ~~fifteen~~ten years has elapsed from the prior sentencing date (or from the date the prison sentence, if executed, expired) to the date of the current offense, provided the offender was then no longer on supervision for the prior sentence. If the offender received a stay of imposition for the prior offense, that sentencing date marks “the date of the initial sentence,” even if a stay of execution subsequently occurred as the result of, e.g., a probation violation. While this procedure does not include a measure of the offender’s subsequent criminality, it has the overriding advantage of accurate and simple application, while also ensuring that prison offenses do not decay before probation offenses.*

* * *

2. ~~Custody Status at the Time of the Offense.~~[Reserved.]

~~a. One or One-Half Custody Status Point. Assign **one** custody status point when the conditions in paragraphs (1), (2), and (3)(ii) or (iii) are met. In all other cases when the conditions in paragraphs (1) through (3) are met, assign **one-half** custody status point:~~

~~(1) The offender was under one of the following custody statuses at the time the current offense was committed:~~

~~(i) probation;~~

~~(ii) parole;~~

~~(iii) supervised release;~~

~~(iv) conditional release following release from an executed prison sentence (see conditional release terms listed in section 2.E.3);~~

~~(v) release pending sentencing;~~

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

~~(vii) escape from confinement following an executed sentence.~~

~~(2) The offender was under one of the custody statuses in paragraph (1) after entry of a guilty plea, guilty verdict, or conviction.~~

~~(3) The offender was under one of the custody statuses in paragraph (1) for one of the following:~~

~~(i) a felony currently assigned a severity level ranking, on the Offense Severity Reference Table, of 1 or 2 on the Standard Grid or D1 or D2 on the Drug Offender Grid, a felony from a jurisdiction other than Minnesota equivalent to an offense currently ranked at one of those severity levels, or an extended jurisdiction juvenile (EJJ) conviction for an offense currently ranked at one of those severity levels;~~

~~(ii) any other felony;~~

~~(iii) any other EJJ conviction;~~

~~(iv) a non-traffic gross misdemeanor;~~

~~(v) gross misdemeanor driving while impaired, refusal to submit to a chemical test, or reckless driving; or~~

~~(vi) a targeted misdemeanor.~~

~~(4) Assigning Points to Offenses Committed Over Time. Assign one or one-half custody status point when the offender meets the conditions in paragraphs (1) through (3) and the offender was placed under one of the custody statuses in paragraph (1) at any point in time during which the offense occurred when:~~

~~(i) multiple offenses are an element of the conviction offense; or~~

~~(ii) the conviction offense is an aggregated offense.~~

~~b. Two Custody Status Points. Assign **two** custody status points if:~~

~~(1) the current conviction offense is an offense on the Sex Offender Grid other than Failure to Register as a Predatory Offender (Minn. Stat. § 243.166); and~~

~~(2) the offender qualifies for one custody status point, as described in section a, above, for an offense currently found on the Sex Offender Grid other than Failure to Register as a Predatory Offender (Minn. Stat. § 243.166).~~

~~c. Additional Duration. An **additional three months** must be added to the duration of the appropriate cell time, which then becomes the presumptive duration, when:~~

~~(1) at least one-half custody status point is assigned; and~~

~~(2) the offender's total Criminal History Score exceeds the maximum score on the applicable Grid (i.e., 7 or more).~~

~~Three months must also be added to the lower and upper end of the range provided in the appropriate cell on the applicable Grid.~~

~~If the current conviction is an attempt, conspiracy, or other offense with a sentence modifier that reduces the presumptive sentence, the three months must be added to the cell duration before the duration is reduced as outlined in section 2.G. The presumptive duration, however, cannot be less than one year.~~

~~d. No Custody Status Points Assigned. The offender must not be assigned custody status points when:~~

~~(1) The offender was committed for treatment or examination under Minn. R. Crim. P. 20.~~

~~(2) The offender was on juvenile custody status other than for an extended jurisdiction juvenile (EJJ) conviction, at the time the adult felony was committed.~~

- ~~(3) The offender was on custody status for a misdemeanor or gross misdemeanor DWI committed when the offender was 16 or 17 years old, and the DWI was processed in adult court under Minn. Stat. § 260B.225, subds. 3 and 8.~~
- ~~e. Waiver. Subject to the limitations in paragraph (4) below, the court, on its own motion or on the motion of a party, may, but is not required to, waive assignment of a custody status point or half-point pursuant to section 2.B.2, provided the offender establishes that granting a waiver is consistent with public safety. Specifically, the court has the discretion, but is not required, to grant a waiver if the offender establishes that waiver is consistent with public safety and promotes the traditional purposes of sentencing which are retribution, incapacitation, deterrence, restitution, and rehabilitation. See Minn. Stat. § 244.09. In considering rehabilitation, the court may examine the following:~~
- ~~(1) Whether the offender has consistently utilized available probation services, such as drug, alcohol, and psychological treatment services, and has otherwise been in substantial compliance with the conditions of probation, parole, or conditional or supervised release, apart from the commission of the current offense, for the past twelve months;~~
- ~~(2) Whether the current offense represents an escalation of criminal activity; and~~
- ~~(3) Whether the offender has made any progress toward rehabilitation and reentry into society, such as additional education and/or vocational training.~~
- ~~(4) The court may not, however, waive assignment of a custody status point or half-point if either the current offense or a custody status offense is any of the following offenses, including an equivalent felony offense from a jurisdiction other than Minnesota. As used within this paragraph, "custody status offense" means a prior offense resulting in a custody status that caused the offender to qualify for a custody status point as described in section a, above.~~
- ~~(i) an offense currently assigned a severity level ranking, on the Offense Severity Reference Table, of 8, 9, 10, or 11 on the Standard Grid;~~
- ~~(ii) an offense on the Sex Offender Grid other than Failure to Register as a Predatory Offender (Minn. Stat. § 243.166);~~

- ~~(iii) an offense currently assigned a severity level ranking, on the Offense Severity Reference Table, of D8 or D9 on the Drug Offender Grid;~~
- ~~(iv) an offense listed in section 8, Severe Violent Offense List;~~
- ~~(v) Fleeing Peace Officer (Great Bodily Harm) (Minn. Stat. § 609.487, subd. 4(b)); or~~
- ~~(vi) an attempt or conspiracy to commit one of these offenses.~~

Comment

~~**2.B.201.** The basic rule assigns offenders one or one-half point if they were under some form of eligible criminal justice custody status when they committed the offense for which they are now being sentenced.~~

~~**2.B.202.** The Commission intended to avoid criminal history scores in which a prior offense's custody status point outweighed the criminal history of the prior offense itself. Accordingly, when the criminal history weight of a prior felony is one-half point (but excluding severity level H or I offenses; see generally section 2.B.1) or the prior gross misdemeanor or misdemeanor contributes one or two misdemeanor units (see section 2.B.3), the custody status from that prior offense results in one-half, rather than one, custody status point.~~

~~**2.B.203.** In determining whether to grant a waiver in a particular case, the primary consideration is public safety. In this context, public safety means protecting the public from crime. The court should consider the values of retribution, incapacitation, deterrence, restitution and rehabilitation. In doing so, the court should apply a balanced approach in which all five values are examined and applied. For rehabilitation, the court may also consider the three factors listed in section 2.B.2.e in order to examine the whole person. When custody status is waived, the presumptive sentence will be calculated without the addition of the waived custody status point, or half-point, in the criminal history score. Thus, provided the processes of section 2.B.2.e are followed, granting a waiver of custody status for the current offense does not, in itself, constitute a departure from the Sentencing Guidelines.~~

~~**2.B.204.** Commitments under Minn. R. Crim. P. 20, and juvenile custody status are not included because, in those situations, there has been no conviction. However, a custody point will be assigned if the offender committed the current offense while under some form of custody following an extended jurisdiction juvenile (EJJ) conviction.~~

~~**2.B.205.** The custodial statuses covered by this policy are those occurring after conviction of a felony, non-traffic gross misdemeanor, gross misdemeanor driving while impaired or refusal to submit to a chemical test, gross misdemeanor reckless driving, or misdemeanor on the targeted misdemeanor list~~

~~provided in Minn. Stat. § 299C.10, subd. 1(e). Thus, an offender who commits a new felony while on pre-trial diversion or pre-trial release on another charge does not get a custody status point. Likewise, offenders serving a misdemeanor sentence for an offense not on the targeted misdemeanor list provided in Minn. Stat. § 299C.10, subd. 1(e), do not receive a custody status point, even if the court imposed the misdemeanor sentence upon conviction of a gross misdemeanor or felony.~~

~~**2.B.206.** As a general rule, the Commission excludes traffic offenses from consideration in computing the criminal history score. Given the increased penalties associated with driving while impaired (DWI) offenses and the serious impact on public safety, the Commission determined that these offenses should be considered for custody status points in the same manner as non-traffic offenses.~~

~~**2.B.207.** The most problematic consequence of a Criminal History Score of 7 or more (in excess of the maximum points differentiated by the Sentencing Guidelines Grids) is that no additional penalty accrues for engaging in felonious behavior while under custody supervision. For example, if an offender has a Criminal History Score of 7 and is released pending sentencing for a Severity Level 3 offense, and he or she commits another Severity Level 3 offense while awaiting sentencing, the presumptive sentence for the most recent offense is the same as for the prior offense. A presumption exists against consecutive sentences for most property offenses, and therefore no additional penalty results when this situation occurs. The addition of three months to the cell duration provides a uniform presumptive standard for dealing with this situation.~~

~~**2.B.208.** While the Commission believes that the impact of the custody status provision should be maintained for all cases, incrementing the sanction for each criminal history point above seven is deemed inappropriate. The primary determinant of the sentence is the seriousness of the current conviction offense. Criminal history is of secondary importance, and the Commission believes that proportionality in sentencing is served sufficiently with the criminal history differentiations incorporated in the Sentencing Guidelines Grids and with the special provision for maintaining the impact of the custody status provision. The Commission deems further differentiation unnecessary to achieve proportionality in sentencing.~~

~~**2.B.209.** The Commission believes that when multiple offenses are an element of the conviction offense or the conviction offense is an aggregated offense, offenders should receive a custody status point if they become subject to one of the custody status types listed in 2.B.2.a(1) at any point during the time period in which the offenses occurred. While the Commission recognizes that its policy for determining the presumptive sentence states that for aggregated offenses, the earliest offense date determines the date of offense, it believes that eligibility for a custody status point should not be limited to the offender's status at the time of the earliest date of offense.~~

~~**2.B.210.** When offenders on any custody status condition listed in section 2.B.2.b for a sex offense commit another sex offense, they are assigned an additional custody status point. The Commission believes that offenders who commit a subsequent sex offense pose so significant a risk to public safety that their criminal history scores should be enhanced to reflect this risk. This policy does not apply to the offense of Failure to Register as a Predatory Offender (Minn. Stat. § 243.166).~~

~~**2.B.211.** Assign a custody status point to an offender on any custody status type who absconds and commits a new felony offense. The custody status type depends on the form of supervision that exists when the offender commits a new offense. For example, assign a custody status point to an offender who absconds from supervised release and commits a new felony offense. The custody status type would be "supervised release."~~

3. Prior Gross Misdemeanors and Misdemeanors. Prior gross misdemeanor and misdemeanor convictions count as units comprising criminal history points. Four units equal one criminal history point; give no partial point for fewer than four units. Determine units as specified in this section.
 - a. General Assignment of Units. ~~Except as provided in paragraph g, assign~~ Assign the offender one unit for each prior conviction of the following offenses provided the offender received a stayed or imposed sentence or stay of imposition for the conviction before the current sentencing:
 - (1) targeted misdemeanor, as defined in Minn. Stat. § 299C.10, subd. 1(e);
 - (2) non-traffic gross misdemeanor;
 - (3) gross misdemeanor driving while impaired;
 - (4) gross misdemeanor refusal to submit to a chemical test;
 - (5) gross misdemeanor reckless driving;
 - (6) a felony conviction resulting in a misdemeanor or gross misdemeanor sentence.
 - b. Gross Misdemeanors Sentenced as Misdemeanors. A gross misdemeanor conviction resulting in a misdemeanor sentence for an offense not defined as a targeted

misdemeanor under Minn. Stat. § 299C.10, subd. 1(e) must **not** be used to compute units.

- c. Single Course of Conduct / Multiple Sentences. When multiple sentences for a single course of conduct were imposed under Minn. Stat. §§ 152.137, 609.585, or 609.251, the offender must not be assigned more than one unit.
- d. Single Course of Conduct / Multiple Victims. When multiple offenses arising from a single course of conduct involving multiple victims were sentenced, assign only the two most severe offenses units in criminal history.
- e. Decay Factor. A prior misdemeanor or gross misdemeanor sentence or stay of imposition following a misdemeanor or gross misdemeanor conviction must **not** be used in computing the criminal history score if ~~ten~~seven years have elapsed between the date of the initial sentence following the prior conviction and the date of the current offense. However, misdemeanor sentences that result from the successful completion of a stay of imposition for a felony conviction are subject to the felony decay factor in section 2.B.1.c.
- f. Maximum Assignment of Points. ~~Except as provided in paragraph g, an~~ An offender cannot receive more than one point for prior misdemeanor or gross misdemeanor convictions.
- ~~g. Assignment of Units for Criminal Vehicular Homicide or Operation or Felony Driving While Impaired (DWI). If the current conviction is for criminal vehicular homicide or operation or felony DWI, assign previous violations of Minn. Stat. §§ 169A.20, 169A.31, 169.121, 169.1211, 169.129, 360.0752, 609.2112, 609.2113, or 609.2114 two units each. There is no limit to the total number of misdemeanor points that can be included in the offender's criminal history score due to criminal vehicular homicide or operation or DWI offenses. For DWI offenses, see section 2.B.6 for exceptions to this policy relating to predicate offenses used for enhancement purposes. For Criminal Vehicular Homicide (Death or Death to an Unborn Child, and Qualified Prior Conviction), assign no misdemeanor units to the qualified prior driving offense that was used to increase the statutory maximum penalty.~~
- ~~a.g.~~ Enhanced Felonies. When the current offense is a felony solely because the offender has previous convictions for misdemeanor and gross misdemeanor offenses, do not assign

units for the prior misdemeanor conviction(s) on the targeted misdemeanor list provided in Minn. Stat. § 299C.10, subd. 1(e) or gross misdemeanor conviction(s) upon which the enhancement is based may be used in determining custody status, but cannot be used in calculating the remaining components of the offender's criminal history score.

- h. Prior Misdemeanor or Gross Misdemeanor Driving While Impaired (DWI) Committed by Juvenile Offenders. Assign no units under this section if the offender was 16 or 17 years old when the prior misdemeanor or gross misdemeanor DWI was committed, and the DWI was processed in adult court under Minn. Stat. § 260B.225, subds. 3 and 8.

Comment

* * *

~~**2.B.304.** The Commission believes that offenders whose current conviction is for criminal vehicular homicide or operation or first-degree (felony) driving while impaired, and who have prior violations under Minn. Stat. §§ 169A.20, 169A.31, 169.121, 169.1211, 169.129, 360.0752, 609.2112, 609.2113, or 609.2114 are also more culpable, and for these offenders there is no limit to the total number of misdemeanor points included in the criminal history score due to DWI or criminal vehicular homicide or operation (CVO) violations. To determine the total number of misdemeanor points under these circumstances, first add together any non-DWI/CVO misdemeanor units. If there are less than four units, add in any DWI/CVO units. Four or more units would equal one point. Only DWI/CVO units can be used in calculating additional points. Each set of four DWI/CVO units would equal an additional point. For example, if an offender had two theft units and six DWI/CVO units, the theft would be added to the two DWI/CVO units to equal one point. The remaining four DWI/CVO units would equal a second point. In a second example, if an offender had six theft units and six DWI/CVO units, the first four theft units would equal one point. Four of the DWI/CVO units would equal a second point. The remaining two theft units could not be added to the remaining two DWI/CVO units for a third point. The total misdemeanor score would be two.~~

~~When the current offense is a conviction under Minn. Stat. § 609.2112, subd. 1(b) (Death, and Qualified Prior Conviction), or § 609.2114, subd. 1(b) (Death to an Unborn Child, and Qualified Prior Conviction), the Commission excluded consideration of the qualified prior driving offense, if a misdemeanor or gross misdemeanor, from the criminal history score because, by virtue of the conviction offense, the qualified prior conviction has been accounted for in the enhanced penalty.~~

~~**2.B.601-2.B.304.** A number of instances exist in Minnesota law in which misdemeanor or gross misdemeanor behavior carries a felony penalty as a result of the offender's prior record. The Commission decided that in the interest of fairness, a prior misdemeanor or gross misdemeanor offense that elevated the misdemeanor or gross misdemeanor behavior to a felony should not also be used in criminal history~~

points other than custody status. Only one prior offense should be excluded from the criminal history score calculation, unless more than one prior was required for the offense to be elevated to a felony. For example, Assault in the Fifth Degree is a felony if the offender has two or more convictions for assaultive behavior. In those cases, the two related priors at the lowest level should be excluded. Similarly, theft crimes of more than \$500 but less than \$1,000 are felonies if the offender has at least one previous conviction for an offense specified in that statute. In those cases, the prior related offense at the lowest level should be excluded.

* * *

2.B.306. The Commission also adopted a “decay” factor for prior misdemeanor and gross misdemeanor offenses for the same reasons articulated for felony offenses; however, given that these offenses are less serious, the decay period is ~~10~~seven years rather than ~~15~~ten.

* * *

2.B.308. When multiple misdemeanor or gross misdemeanor sentences arose out of a single course of conduct in which there were multiple victims, consideration should be given only for the two most severe offenses for purposes of computing criminal history. These are the same policies that apply to felony convictions ~~and juvenile adjudications.~~

4. ~~Prior Juvenile Adjudications.~~ [Reserved.]

~~a. Assignment of Points for Juvenile Adjudications. Assign an offender one point for every two adjudications for felony offenses the offender committed, and for which the offender was prosecuted as a juvenile, provided that:~~

- ~~(1) each adjudication must have been for a separate offense or must have involved separate victims in a single course of conduct, except as provided in paragraphs c and d below; and~~
- ~~(2) the juvenile adjudications must have been for offenses committed after the offender’s fourteenth birthday; and~~
- ~~(3) the offender was under the age of twenty-five when the offender committed the current felony.~~

~~b. Maximum Points for Juvenile Adjudications. An offender may receive only **one point** for juvenile adjudications as described in this section, except that the point limit does not apply~~

to juvenile adjudications for offenses for which the Sentencing Guidelines would presume imprisonment if the offenses had been committed by an adult. Make this determination regardless of the criminal history score, and include offenses that carry a mandatory minimum prison sentence and other presumptive imprisonment offenses described in section 2.C.

- c. ~~Single Course of Conduct / Multiple Sentences.~~ When multiple adjudications for a single course of conduct were imposed under Minn. Stat. §§ 152.137, 609.585, or 609.251, only one offense may be used in the criminal history calculation.
- d. ~~Single Course of Conduct / Multiple Victims.~~ When the prior adjudications involve multiple offenses arising from a single course of conduct involving multiple victims, include only the two most severe offenses in criminal history.

Comment

~~**2.B.401.** Juvenile history is included in the criminal history score to identify those young adult felons whose criminal careers were preceded by repeated felony-type offenses committed as a juvenile. The Commission held several public hearings devoted to the issue of using juvenile records in the criminal history score. Those hearings pointed out differences in legal procedures and safeguards between adult and juvenile courts, differing availability of juvenile records, and differing procedures among juvenile courts. As a result of these issues, the Commission decided to establish rigorous standards regulating the consideration of juvenile records in computing the criminal history score.~~

~~**2.B.402.** Only juvenile adjudications for offenses that are felonies under Minnesota law will be considered in computing the criminal history score. Status offenses, dependency and neglect proceedings, and misdemeanor or gross misdemeanor-type offenses will be excluded from consideration.~~

~~**2.B.403.** Consistent with Minn. Stat. § 609.035, which provides for a single sentence for adult offenders when multiple convictions arise from a single course of conduct, only juvenile adjudications for offenses arising from separate courses of conduct contribute to the juvenile point(s), unless multiple victims were involved.~~

~~**2.B.404.** The juvenile adjudications must result from offenses committed after the offender's fourteenth birthday. The Commission chose the date of the offense rather than the date of adjudication to eliminate variability in application based on differing juvenile court practices.~~

~~**2.B.405.** Juvenile adjudications will be considered in computing the criminal history score only for adult offenders who had not attained the age of 25 when they committed the felony for which they are now~~

~~being sentenced. Again, the Commission chose to examine the age of the offender at the time of the offense rather than at time of sentencing to prevent disparities resulting from system processing variations.~~

~~**2.B.406.** The Commission decided that it would take two juvenile adjudications to equal 1 point on the criminal history score, and generally, an offender may not receive more than 1 point on the basis of prior juvenile adjudications. This point limit does not apply to offenses committed and prosecuted as a juvenile for which the Guidelines would presume imprisonment, regardless of criminal history, if committed by an adult. This includes offenses in the non-shaded portions of the applicable Grids at a Criminal History Score of 0 (e.g., Severity Level 8 or I), offenses subject to mandatory minimum laws (e.g., Assault in the Second Degree), or any other applicable policies under section 2.C. The criminal history record is not used to determine whether the juvenile offense carries a presumptive imprisonment sentence because of the difficulty in applying criminal history score computations to prior juvenile offenses. Two juvenile adjudications are required for each additional point. Again, no partial points are allowed, so an offender with only one juvenile adjudication meeting the above criteria would receive no point on the criminal history score.~~

~~**2.B.407.** To provide a uniform and equitable method of computing criminal history scores for cases of multiple felony offenses with adjudications arising from a single course of conduct when single victims are involved, and when the adjudications involved provisions of Minn. Stats. §§ 152.137, 609.585 or 609.251, consideration should be given to only the most severe offense with an adjudication when computing criminal history.~~

~~When there are multiple felony offenses with adjudications arising out of a single course of conduct in which there were multiple victims, consideration should be given only to the two most severe felony offenses with adjudications when computing criminal history. These are the same policies that apply to felony, gross misdemeanor and misdemeanor convictions for adults.~~

~~The Commission has carefully considered the application of the Hernandez method to sentencing in provisions of Minnesota law other than Minn. Stats. §§ 152.137, 609.585 and 609.251. The Commission made a deliberate decision not to amend the Sentencing Guidelines. See, *State v. Williams*, 771 N.W.2d 514 (Minn. 2009).~~

5. Convictions from Jurisdictions other than Minnesota.

- a. In General. The state has the burden of proving the facts at sentencing necessary to justify consideration of an out-of-state conviction in the criminal history score, and the court must make the final determination as to whether and how a prior non-Minnesota

conviction should be counted in the criminal history score. The court should consider, but is not limited to, the factors in paragraphs b through e, below. Sections 2.B.1 through 2.B.7 govern the use of these convictions.

b. How to Count. Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The section in which to count the non-Minnesota offense in criminal history depends on:

- whether the offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; **and**
- the sentence imposed.

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

c. Assigning Felony Weights. Section 2.B.1 governs the weight of a prior felony conviction from a jurisdiction other than Minnesota, and must be based on the severity level of the equivalent Minnesota felony offense.

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

e. Juvenile Offenses from other Jurisdictions. Minnesota law governs the inclusion in the criminal history score of a prior felony offense from ~~jurisdictions a jurisdiction~~ other than Minnesota committed by an offender who was under 18 years old ~~in the juvenile section or adult section of the criminal history score. The offense should be included in the juvenile history section only if it meets the requirements in section 2.B.4.~~ The prior can be included ~~in the adult history section~~ only if the factfinder determines that it is an offense for which the offender would have been certified to adult court if it had occurred in Minnesota.

Comment

2.B.501. The Commission concluded that convictions from other jurisdictions must, in fairness, be considered in the computation of an offender's criminal history score. Convictions from jurisdictions other than Minnesota include convictions under the laws of any other state, or the federal government, including convictions under the Uniform Code of Military Justice, or convictions under the law of other nations. The prosecutor is solely responsible to prove the facts at sentencing necessary to justify consideration of out-of-state convictions for inclusion in the criminal history score, Williams v. State, 910 N.W.2d 736, 743 (Minn. 2018) (citation omitted), and the sentencing court is responsible for making the determination of whether and how such convictions are to be included.

~~**2.B.502.** The Commission concluded that convictions from other jurisdictions must, in fairness, be considered in the computation of an offender's criminal history score.~~ No uniform nationwide characterization of the terms "felony," "gross misdemeanor," and "misdemeanor" exists. Therefore, the Commission recognizes that criminal conduct may be characterized differently by the various state and federal criminal jurisdictions. Generally, the classification of prior offenses as petty misdemeanors, misdemeanors, gross misdemeanors, or felonies should be determined by current Minnesota offense definitions and sentencing policies, except as provided in section 2.B.7. However, with respect to out-of-state offenses, the Commission chose not to apply Minnesota's 2023 redefinition of "felony," which now defines a felony as including a 365-day sentence. This is consistent with the Commission's policy before 2023 and with Minn. Stat. § 609.0342(b)'s treatment of pre-2023 365-day sentences as gross misdemeanor sentences.

2.B.503. For prior non-Minnesota controlled substance convictions, the amount and type of the controlled substance should be considered in the determination of the appropriate weight to be assigned to a prior felony sentence for a controlled substance offense.

2.B.504. A non-Minnesota conviction committed by a juvenile can only be included in the adult section of the criminal history score if the offender would have been certified as an adult under Minnesota law. See *State v. Marquetti*, 322 N.W.2d 316 (Minn. 1982).

6. ~~Felony Enhancement Due to Prior Misdemeanor or Gross Misdemeanor Convictions.~~
~~[Reserved.]~~

~~a. Enhanced Felonies. When the current offense is a felony solely because the offender has previous convictions for misdemeanor and gross misdemeanor offenses, the prior misdemeanor conviction(s) on the targeted misdemeanor list provided in Minn. Stat. § 299C.10, subd. 1(e) or gross misdemeanor conviction(s) upon which the enhancement is~~

~~based may be used in determining custody status, but cannot be used in calculating the remaining components of the offender's criminal history score.~~

- ~~b. Counting Prior Misdemeanors and Gross Misdemeanors; Future Felony. Except as provide in paragraph c, misdemeanor and gross misdemeanor offenses used to enhance the current offense must be used in calculating the offender's criminal history score on future offenses that are not enhanced felonies. Prior felony offenses used for enhancement must always be used in calculating the offender's criminal history score.~~
- ~~c. Counting Prior Misdemeanors and Gross Misdemeanors; Felony Driving While Impaired (DWI). If the current offense is a felony DWI offense and the offender has a prior felony DWI offense, the prior felony DWI must be used in computing the criminal history score. The prior misdemeanor and gross misdemeanor offenses used to enhance the first prior felony DWI cannot be used in the offender's criminal history. Any other misdemeanor or gross misdemeanor DWI offenses may be included as provided in section 2.B.3.g.~~

Comment

~~**2.B.601.** A number of instances exist in Minnesota law in which misdemeanor or gross misdemeanor behavior carries a felony penalty as a result of the offender's prior record. The Commission decided that in the interest of fairness, a prior misdemeanor or gross misdemeanor offense that elevated the misdemeanor or gross misdemeanor behavior to a felony should not also be used in criminal history points other than custody status. Only one prior offense should be excluded from the criminal history score calculation, unless more than one prior was required for the offense to be elevated to a felony. For example, Assault in the Fifth Degree is a felony if the offender has two or more convictions for assaultive behavior. In those cases, the two related priors at the lowest level should be excluded. Similarly, theft crimes of more than \$500 but less than \$1,000 are felonies if the offender has at least one previous conviction for an offense specified in that statute. In those cases, the prior related offense at the lowest level should be excluded.~~

2.B.602. A first-time first-degree (felony) driving while impaired (DWI) offense involves a DWI violation within ten years of the first of three or more prior impaired driving incidents. Because the DWI priors elevated this offense to the felony level, they should be excluded from the criminal history score. Those predicate misdemeanor and gross misdemeanor offenses should also be excluded for a subsequent felony DWI, but any prior felony DWI would be counted as part of the felony criminal history score.

* * *

C. Presumptive Sentence

1. Finding the Presumptive Sentence. The presumptive sentence for a felony conviction is found in the appropriate cell on the applicable Grid located at the intersection of the criminal history score (horizontal axis) and the severity level (vertical axis). The conviction offense determines the severity level. The offender's criminal history score is computed according to section 2.B above.
 - a. Presumptive Disposition. For cases contained in cells outside of the shaded areas, the sentence should be executed. For cases contained in cells within the shaded areas, the sentence should be stayed unless the conviction offense carries a mandatory minimum sentence. Section 3.A governs conditions of stayed sentences.
 - b. Presumptive Duration. Each cell on the Grids provides a fixed sentence duration. If a cell, or other Guidelines policy, provides a fixed sentence duration of 12 months, a sentence duration of one year and one day is permissible without departure. Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitments. ~~For cells above the solid line, the~~ The Guidelines provide both a fixed presumptive duration and a range of time for that sentence except as provided in section 2.C.3.c(1). ~~The shaded areas of the grids do not display ranges. If the duration for a sentence that is a presumptive commitment is found in a shaded area, the standard range—15 percent lower and 20 percent higher than the fixed duration displayed—is permissible without departure, provided that the minimum sentence is not less than one year, and the maximum sentence is not more than the statutory maximum.~~
- 2.c. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence. If the presumptive sentence duration in the appropriate cell on the applicable Grid exceeds the statutory maximum sentence for the conviction offense, the statutory maximum is the presumptive sentence. See Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Table in Appendix 3.

2. Custody Status at the Time of the Offense.

- a. Definitions. As used in this section (2.C.2), the following terms have the meanings given:

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

- (i) followed entry of guilty plea, guilty verdict, or conviction for a qualifying offense, and
- (ii) was in effect at any time when the person being sentenced committed the current offense.

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

- (i) probation;
- (ii) parole;
- (iii) supervised release;
- (iv) conditional release following release from an executed prison sentence;
- (v) release pending sentencing;
- (vi) confinement in a jail, workhouse, or prison pending or after sentencing; and
- (vii) escape from confinement following an executed sentence.

(3) "Qualifying offense" means:

- (i) a felony offense assigned a severity level of 3 or greater on the Standard Grid, a felony offense assigned a severity level of D3 or greater on the Drug Offender Grid, or a felony offense on the Sex Offender Grid; or
- (ii) a felony offense equivalent, within the meaning of section 2.B.5, to an offense described in clause (i).

(4) "Sex offense" means:

- (i) a felony offense on the Sex Offender Grid other than failure to register as a predatory offender, Minn. Stat. § 243.166; or
- (ii) a felony offense equivalent, with the meaning of section 2.B.5, to an offense described in clause (i).

b. Durational Increase. If the person being sentenced was, at the time of the current offense, under a custody status for a qualifying offense, then the presumptive duration is increased by the amount shown in the custody status column pertaining to the Grid row for the current offense.

c. Special Durational Increase for Sex Offenses With Sex-Offense Custody Status. Notwithstanding paragraph b, if the current offense is a sex offense and the person being sentenced was, at the time of the current offense, under a custody status for a felony sex offense, then the presumptive duration is increased by double the amount

shown in the custody status column of the Sex Offender Grid pertaining to the Grid row for the current offense.

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

e. Exceptions.

(1) This section (2.C.2) does not apply to either of the following forms of custody status:

- (i) commitment for treatment or examination under Minn. R. Crim. P. 20; or
- (ii) juvenile custody status other than for an EJJ conviction.

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

(3) This section (2.C.2) does not apply to a presumptive or permissive consecutive sentence pursuant to section 2.F.

* * *

D. Departures from the Guidelines

* * *

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

a. Mitigating Factors.

(1) The victim was an aggressor in the incident.

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

- (3) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants (drugs or alcohol) does not fall within the purview of this factor.
- (4) The offender's presumptive sentence is a commitment but not a mandatory minimum sentence, and either of the following exist:
 - (a) The current conviction offense is at Severity Level 1 or Severity Level 2 and the offender received all of his or her prior felony sentences during fewer than three separate court appearances; or
 - (b) The current conviction offense is at Severity Level 3 or Severity Level 4 and the offender received all of his or her prior felony sentences during one court appearance.
- (5) Other substantial grounds exist that tend to excuse or mitigate the offender's culpability, although not amounting to a defense.
- (6) The court is ordering an alternative placement under Minn. Stat. § 609.1055 for an offender with a serious and persistent mental illness.
- (7) The offender is particularly amenable to probation. This factor may, but need not, be supported by the fact that the offender is particularly amenable to a relevant program of individualized treatment in a probationary setting.
- (8) In the case of a controlled substance offense conviction, the offender is found by the district court to be particularly amenable to probation based on adequate evidence that the offender is chemically dependent and has been accepted by, and can respond to, a treatment program in accordance with Minn. Stat. § 152.152.
- (9) In the case of a qualifying United States military service member or veteran, the offender is found by the district court to meet the criteria for particular amenability to probation found in Minn. Stat. § 609.1056, subd. 4.
- (10) [The person being sentenced has no prior criminal conviction or adult stay of adjudication. A criminal history score of zero is not sufficient to qualify for this factor. This factor is not available if the current offense is ranked at severity level 10 or 11 on the Standard Grid or is on the Sex Offender Grid.](#)

* * *

G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers

* * *

11. Criminal Vehicular Homicide (Death or Death to an Unborn Child, and Qualified Prior Conviction). When an offender is sentenced for a criminal vehicular homicide under Minn. Stat. § 609.2112, subd. 1(b) (death, qualified prior conviction), or 609.2114, subd. 1(b) (death to an unborn child, qualified prior conviction), the presumptive duration found in the appropriate cell on the Standard Grid for the offense must be increased by fifty percent.[Reserved.]
12. Attempt or Conspiracy to Commit First-Degree Murder. When an offender is sentenced for attempt or conspiracy to commit murder in the first degree under Minn. Stat. § 609.185 or murder of an unborn child in the first degree under Minn. Stat. § 609.2661, the presumptive disposition is commitment. The presumptive durations are as follows:

| SEVERITY LEVEL OF CONVICTION OFFENSE | CRIMINAL HISTORY SCORE | | | | | | | Custody Status |
|--|------------------------|----------------|----------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|-------------------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more | |
| <u>Conspiracy / Attempted or conspiracy to commit Murder, 1st Degree</u> | 180 153–216 | 190 162–228 | 200 170–240 | 210 179– 240 ¹ | 220 187– 240 ¹ | 230 196– 240 ¹ | 240 204– 240 ¹ | <u>+10</u> |

¹ Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and the maximum sentence is not more than the statutory maximum. See section 2.C.1–2.

* * *

4.A. Sentencing Guidelines Grid

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

| SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics) | | CRIMINAL HISTORY SCORE | | | | | | | Custody Status |
|--|-----------|------------------------|--------------------|--------------------|--------------------|----------------|-----------------------------|-----------------------------|----------------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more | |
| Murder, 2nd Degree (Intentional; Drive-by Shootings) | 11 | 306 261–367 | 326 278–391 | 346 295–415 | 366 312–439 | 386 329–463 | 406 346–480 ¹ | 426 363–480 ¹ | <u>+20</u> |
| Murder, 2nd Degree (Unintentional) Murder, 3rd Degree (Depraved Mind) | 10 | 150 128–180 | 165 141–198 | 180 153–216 | 195 166–234 | 210 179–252 | 225 192–270 | 240 204–288 | <u>+15</u> |
| Murder, 3rd Degree (Drugs); Carjacking 1st Degree Assault, 1st Degree (Great Bodily Harm) | 9 | 86 74–103 | 98 84–117 | 110 94–132 | 122 104–146 | 134 114–160 | 146 125–175 | 158 135–189 | <u>+12</u> |
| Agg. Robbery, 1st Degree; Burglary, Assault 1st Degree (w/ Weapon or Assault) | 8 | 48 41–57 | 58 50–69 | 68 58–81 | 78 67–93 | 88 75–105 | 98 84–117 | 108 92–129 | <u>+10</u> |
| Felony DWI 1st Degree; Assault 2nd Degree (weapon & SBH) Financial Exploitation of a Vulnerable Adult | 7 | 36 <u>31–43</u> | 42 <u>36–50</u> | 48 <u>41–57</u> | 54 46–64 | 60 51–72 | 66 57–79 | 72 62–84 ^{1, 2} | <u>+6</u> |
| Ineligibly Possess Firearm; Assault; 2nd Deg. (weapon); Burglary, 1st Degree (Occupied Dwelling) | 6 | 21 <u>18–25</u> | 27 <u>23–32</u> | 33 <u>29–39</u> | 39 34–46 | 45 39–54 | 51 44–61 | 57 49–68 | <u>+6</u> |
| Assault 3rd Degree (SBH); Residential Burglary 2nd Deg. (dwelling) Simple Robbery | 5 | 18 <u>16–21</u> | 23 <u>20–27</u> | 28 <u>24–33</u> | 33 29–39 | 38 33–45 | 43 37–51 | 48 41–57 | <u>+5</u> |
| Felony Domestic Assault; Violate No-Contact Order | 4 | 12 <u>12–14</u> | 15 <u>13–18</u> | 18 <u>16–21</u> | 21 <u>18–25</u> | 24 21–28 | 27 23–32 | 30 26–36 | <u>+3</u> |

| | | | | | | | | | |
|--|----------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------|-----------|
| <i>Nonresidential Burglary</i> | | | | | | | | | |
| <i>Assault 4th Degree; Vehicle Use w/out Consent Theft Crimes (Over \$5,000)</i> | 3 | 12 <u>12-14</u> | 13 <u>12-15</u> | 15 <u>13-18</u> | 17 <u>15-20</u> | 19 17-22 | 21 18-25 | 23 20-27 | <u>+2</u> |
| <i>Theft Crimes (of \$5,000 or Less); Check Forgery (\$251-\$2,500)</i> | 2 | 12 <u>12-14</u> | 12 <u>12-14</u> | 13 <u>12-15</u> | 15 <u>13-18</u> | 17 <u>15-20</u> | 19 <u>17-22</u> | 21 18-25 | <u>+2</u> |
| <i>Assault, 4th Degree Fleeing a Peace Officer</i> | 1 | 12 <u>12-14</u> | 12 <u>12-14</u> | 12 <u>12-14</u> | 13 <u>12-15</u> | 15 <u>13-18</u> | 17 <u>15-20</u> | 19 17-22 | <u>+2</u> |



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



Presumptive stayed sentence; at the discretion of the court, up to 364 days of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

¹ Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

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.)

* * *

4.B. Sex Offender Grid

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

| SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics) | | CRIMINAL HISTORY SCORE | | | | | | | Custody Status |
|--|---|------------------------------|------------------------------|------------------------------|--------------------|----------------|----------------|-----------------------------|----------------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more | |
| Criminal Sexual Conduct (CSC) 1st Degree | A | 144 144 ² –172 | 156 144 ² –187 | 168 144 ² –201 | 180 153–216 | 234 199–280 | 306 261–360 | 360 306–360 ³ | +18 |
| CSC 2nd Degree,– 1(a)(b)(c)(d)(e) 1a(a)(b)(c)(d)(h)(i) (e.g., contact & by harm/force-with bodily harm) | B | 90 90 ² –108 | 110 94–132 | 130 111–156 | 150 128–180 | 195 166–234 | 255 217–306 | 300 255–360 | +15 |
| CSC 3rd Degree,– 1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., penetration & by coercion/occupation) | C | 48 41–57 | 62 53–74 | 76 65–91 | 90 77–108 | 117 100–140 | 153 131–183 | 180 153–216 | +9 |
| CSC 2nd Degree– 1a(e)(f)(g) (age) CSC 3rd Degree,– 1a(a)(e)(f) or 1a(b) with 2(1) (age) penetration of child 14–15 | D | 36 <u>31–43</u> | 48 <u>41–57</u> | 60 51–72 | 70 60–84 | 91 78–109 | 119 102–142 | 140 119–168 | +7 |
| CSC 4th Degree,– 1(a)(b)(c)(d) 1a(c)(d)(g)(h)(i) (e.g., contact & by coercion/occupation) | E | 24 <u>21–28</u> | 36 <u>31–43</u> | 48 <u>41–57</u> | 60 51–72 | 78 67–93 | 102 87–120 | 120 102–120 ³ | +6 |
| CSC 4th Degree,– 1a(a)(b)(e)(f) (age) contact of child 14–15 CSC 5th Degree–3(b) (subsequent) | F | 18 <u>16–21</u> | 27 <u>23–32</u> | 36 <u>31–43</u> | 45 39–54 | 59 51–70 | 77 66–92 | 84 72–100 | +4 |
| CSC 3rd Degree–1a(b) with 2(2) Possession of Child Sexual Abuse Material | G | 15 <u>13–18</u> | 20 <u>17–24</u> | 25 <u>22–30</u> | 30 <u>26–36</u> | 39 34–46 | 51 44–60 | 60 51–60 ³ | +3 |

| | | | | | | | | | |
|---|---|--|---------------------------|--------------------|--------------------|--------------------------------|--------------------------|--------------------------|-----------|
| CSC 5th Degree, 3(a) (nonconsensual penetration) | H | 12 <u>12-14</u> | 14 <u>12-16</u> | 16 <u>14-19</u> | 18 <u>16-21</u> | 24 <u>21-24³</u> | 24 ³ 24-24 | 24 ³ 24-24 | <u>+2</u> |
| Failure to Register as a Predatory Offender | I | 12 ¹ 12 ¹ -14 | 14 12 ¹ -16 | 16 14-19 | 18 16-21 | 24 21-28 | 30 26-36 | 36 31-43 | <u>+2</u> |

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. See section 2.E, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.



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

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. See section 2.C.1–2. For Severity Level H, all displayed durations, including the upper and lower ranges, are constrained by the statutory maximum at criminal history scores above 4.

* * *

4.C. Drug Offender Grid

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 | | | | | | | Custody Status |
|--|----|------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-----------------|----------------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more | |
| Aggravated Controlled Substance Crime, 1st Degree <i>Manufacture of Any Amt. Meth</i> | D9 | 86 74*-103 | 98 84*-117 | 110 94*-132 | 122 104*-146 | 134 114*-160 | 146 125*-175 | 158 135*-189 | +12 |
| Controlled Substance Crime, 1st Degree | D8 | 65 56*-78 | 75 64*-90 | 85 73*-102 | 95 81*-114 | 105 90*-126 | 115 98*-138 | 125 107*-150 | +10 |
| Controlled Substance Crime, 2nd Degree | D7 | 48 <u>41-57</u> | 58 <u>50-69</u> | 68 58-81 | 78 67-93 | 88 75-105 | 98 84-117 | 108 92-129 | +10 |
| Controlled Substance Crime, 3rd Degree <i>Failure to Affix Stamp</i> | D6 | 21 <u>18-25</u> | 27 <u>23-32</u> | 33 <u>29-39</u> | 39 34-46 | 45 39-54 | 51 44-61 | 57 49-68 | +6 |
| Possess <i>Meth Precursors Substances</i> with Intent to Manufacture <i>Meth</i> | D5 | 18 <u>16-21</u> | 23 <u>20-27</u> | 28 <u>24-33</u> | 33 29-39 | 38 33-45 | 43 37-51 | 48 41-57 | +5 |
| Controlled Substance Crime, 4th Degree | D4 | 12 <u>12-14</u> | 15 <u>13-18</u> | 18 <u>16-21</u> | 21 <u>18-25</u> | 24 21-28 | 27 23-32 | 30 26-36 | +3 |
| <i>Meth/Fentanyl Crimes Involving Children and Vulnerable Adults</i> | D3 | 12 <u>12-14</u> | 13 <u>12-15</u> | 15 <u>13-18</u> | 17 <u>15-20</u> | 19 17-22 | 21 18-25 | 23 20-27 | +2 |
| Controlled Substance Crime, 5th Degree | D2 | 12 <u>12-14</u> | 12 <u>12-14</u> | 13 <u>12-15</u> | 15 <u>13-18</u> | 17 <u>15-20</u> | 19 <u>17-22</u> | 21 18-25 | +2 |
| Sale of Simulated Controlled Substance | D1 | 12 <u>12-14</u> | 12 <u>12-14</u> | 12 <u>12-14</u> | 13 <u>12-15</u> | 15 <u>13-18</u> | 17 <u>15-20</u> | 19 17-22 | +2 |

* Lower range may not apply. See section 2.C.3.c(1) and 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. See sections 2.C and 2.E.

* * *

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 |
|----------------|---|--------------------------------------|
| 11 | Adulteration | 609.687, subd. 3(1) |
| | Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force) | 609.221, subd. 4 |
| | Murder 2nd Degree (Intentional Murder; Unintentional Drive-By Shootings) | 609.19, subd. 1 |
| | Murder of an Unborn Child 2nd Degree | 609.2662(1) |
| 10 | Assault 1st Degree (Great Bodily Harm Upon Official) | 609.221, subd. 3 |
| | Fleeing a Peace Officer (Death) | 609.487, subd. 4(a) |
| | Murder 2nd Degree (Unintentional Murder) | 609.19, subd. 2 |
| | Murder of an Unborn Child 2nd Degree | 609.2662(2) |
| | Murder 3rd Degree | 609.195(a) |
| | Murder of an Unborn Child 3rd Degree | 609.2663 |
| 9 | Assault 1st Degree (Deadly Force Against Official) | 609.221, subd. 2 |
| | Assault 1st Degree (Great Bodily Harm) | 609.221, subd. 1 |
| | Assault of an Unborn Child 1st Degree | 609.267 |
| | Carjacking 1st Degree | 609.247, subd. 2 |
| | Criminal Abuse of Vulnerable Adult (Death) | 609.2325, subd. 3(1) |
| | Criminal Vehicular Homicide (Qualified Prior Conviction) | 609.2112, subd. 1(b) |
| | Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction) | 609.2114, subd. 1(b) |
| | Death of an Unborn Child in the Commission of Crime | 609.268, subd. 1 |
| | Engage or Hire a Minor to Engage in Prostitution | 609.324, subd. 1(a) |
| | Kidnapping (Great Bodily Harm) | 609.25, subd. 2(2)(ii) |

| Severity Level | Offense Title | Statute Number |
|----------------|---|----------------------------------|
| | Labor Trafficking (Death) | 609.282, subd. 1 |
| | Manslaughter 1st Degree | 609.20(1),(2) & (5) |
| | Manslaughter of an Unborn Child 1st Degree | 609.2664(1) & (2) |
| | Murder 3rd Degree | 609.195(b) |
| | Tampering with Witness, Aggravated 1st Degree | 609.498, subd. 1b |
| 8 | Aggravated Robbery 1st Degree | 609.245, subd. 1 |
| | Arson 1st Degree | 609.561 |
| | Assault 1st Degree (Great Bodily Harm) | 609.221, subd. 1 |
| | Assault of an Unborn Child 1st Degree | 609.267 |
| | Burglary 1st Degree (w/Weapon or Assault) | 609.582, 1(b) & (c) |
| | Child Torture | 609.3775 |
| | Criminal Abuse of Vulnerable Adult (Great Bodily Harm) | 609.2325, subd. 3(2) |
| | Criminal Vehicular Homicide (Death) | 609.2112, subd. 1(a) |
| | Criminal Vehicular Homicide (Death, and Qualified Prior Conviction) | 609.2112, subd. 1(b) |
| | Criminal Vehicular Operation (Death to an Unborn Child) | 609.2114, subd. 1(a) |
| | Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction) | 609.2114, subd. 1(b) |
| | * * * | |
| | | |
| 7 | Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm) | 609.222, subd. 2 |
| | Carjacking 2nd Degree | 609.247, subd. 3 |
| | Financial Exploitation of a Vulnerable Adult (Over \$35,000) | 609.2335 |
| | Felony Driving While Impaired 1st Degree | 169A.24 |
| | Labor Trafficking (Extended Period of Time) | 609.282, subd. 1a(2) |
| | Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000) | 609.5641 subd. 1a(b) |

| Severity Level | Offense Title | Statute Number |
|----------------|---|--|
| 6 | Aggravated Robbery 2nd Degree | 609.245, subd. 2 |
| | Assault 2nd Degree (Dangerous Weapon) | 609.222, subd. 1 |
| | Burglary 1st Degree (Occupied Dwelling) | 609.582, subd. 1(a) |
| | Carjacking 3rd Degree | 609.247, subd. 4 |
| | Catalytic Converter Crime (Over 70 Converters) | 325E.21, subd. 6(b)(5) |
| | Certain Persons Not to Have Firearms or Ammunition | 624.713, subd. 2(b); 609.165, subd. 1b |
| | Criminal Vehicular Operation (Great Bodily Harm; Gross Negligence or While Impaired) | 609.2113, subd. 1(1), (2), (3), (4), (5) & (6) |
| | Criminal Vehicular Operation (Injury to an Unborn Child; Gross Negligence or While Impaired) | 609.2114, subd. 2(1), (2), (3), (4), (5) & (6) |
| | * * * | |
| 5 | Arson 2nd Degree | 609.562 |
| | Assault of an Unborn Child 2nd Degree | 609.2671 |
| | Assault 3rd Degree (Substantial Bodily Harm) | 609.223, subd. 1 |
| | Burglary 2nd Degree | 609.582, subd. 2(a)(1) & (2), 2(b) |
| | Check Forgery (Over \$35,000) | 609.631, subd. 4(1) |
| | Child Neglect/Endangerment | 609.378 |
| | Criminal Vehicular Operation (Great Bodily Harm; Leaving the Scene or Defective Maintenance) | 609.2113, subd. 1 (7) & (8) |
| | Criminal Vehicular Operation (Injury to an Unborn Child; Leaving the Scene or Defective Maintenance) | 609.2114, subd. 2 (7) & (8) |
| | Deprivation of Vulnerable Adult (Substantial Bodily Harm) | 609.233, subd. 3(2) |
| | Domestic Assault by Strangulation | 609.2247 |
| | * * * | |
| 4 | Adulteration | 609.687, subd. 3(2) |
| | Assault of an Unborn Child 2nd Degree | 609.2671 |
| | Assault 3rd Degree (Child Abuse) | 609.223, subd. 1, 2, & 3 |

| Severity Level | Offense Title | Statute Number |
|----------------|--|---|
| | Assault 5th Degree (3rd or Subsequent Violation) | 609.224, subd. 4 |
| | * * * | |
| | Domestic Assault | 609.2242, subd. 4 |
| | Domestic Assault by Strangulation | 609.2247 |
| | * * * | |
| 3 | Arson 3rd Degree | 609.563 |
| | Assault 4th Degree | 609.2231, subd. 1(c), 2(b), 3, 3a, & 4(b) |
| | * * * | |
| 2 | * * * | |
| 1 | Accidents (Great Bodily Harm) | 169.09, subd. 14(a)(2) |
| | Altering Livestock Certificate | 35.824 |
| | Assault 4th Degree | 609.2231, subd. 1, 2, 3, & 3a |
| | Assault Weapon in Public if Under 21 | 624.7181, subd. 2 |
| | Assaulting or Harming a Police Horse | 609.597, subd. 3(3) |
| | Assault 4th Degree Motivated by Bias | 609.2231, subd. 4(b) |
| | * * * | |

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 |
|--|--|-------------------------|
| * * * | | |
| 609.2112, subd. 1(a) | Criminal Vehicular Homicide (Death) | 8 |
| 609.2112, subd. 1(b) | Criminal Vehicular Homicide (Death, and Qualified Prior Conviction) | 8* <u>9*</u> |
| <u>609.2113 subd. 1(1), (2), (3), (4), (5) & (6)</u> | <u>Criminal Vehicular Operation (Great Bodily Harm; Gross Negligence or While Impaired)</u> | <u>6*</u> |
| 609.2113, subd. 1 (7) & (8) | Criminal Vehicular Operation (Great Bodily Harm; <u>Leaving the Scene or Defective Maintenance</u>) | 5 |
| 609.2113, subd. 2 | Criminal Vehicular Operation (Substantial Bodily Harm) | 3 |
| 609.2114, subd. 1(a) | Criminal Vehicular Operation (Death to an Unborn Child) | 8 |
| 609.2114, subd. 1(b) | Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction) | 8* <u>9*</u> |
| <u>609.2114 subd. 2(1), (2), (3), (4), (5) & (6)</u> | <u>Criminal Vehicular Operation (Injury to an Unborn Child; Gross Negligence or While Impaired)</u> | <u>6*</u> |
| 609.2114, subd. 2 (7) & (8) | Criminal Vehicular Operation (Injury to an Unborn Child; <u>Leaving the Scene or Defective Maintenance</u>) | 5 |
| 609.215 | Aiding Suicide | Unranked |

* See section 2.G.11 to determine the presumptive sentence.

* See section 2.C.1.c and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

| Statute Number | Offense Title | Severity Level |
|------------------------|--|-----------------------|
| 609.221 subd. 1 | Assault 1st Degree (Great Bodily Harm) | <u>9</u> |
| 609.221 subd. 2 | Assault 1st Degree (Deadly Force Against Official) | 9 |
| 609.221 subd. 3 | Assault 1st Degree (Great Bodily Harm Upon Official) | 10 |
| 609.221 subd. 4 | Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force) | 11** |
| 609.222 <u>subd. 1</u> | Assault 2nd Degree (Dangerous Weapon) | 6 |
| <u>609.222 subd. 2</u> | <u>Assault 2nd Degree (Dangerous Weapon, Substantial Bodily Harm)</u> | <u>7</u> |
| 609.223 subd. 1 | Assault 3rd Degree (Substantial Bodily Harm) | <u>4</u> *** |
| 609.223 subd. 2 | Assault 3rd Degree (Bodily Harm, Pattern of Child Abuse) | 4 |
| 609.223 subd. 3 | Assault 3rd Degree (Bodily Harm, Victim under 4) | 4 |
| 609.2231 subd. 1 | Assault 4th Degree (Peace Officer) | <u>4</u> |
| 609.2231 subd. 2 | Assault 4th Degree (Firefighters and Emergency Medical Personnel) | <u>4</u> |
| 609.2231 subd. 3 | Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer) | <u>4</u> *, ** |
| 609.2231 subd. 3a | Assault 4th Degree (Secure Treatment Facility Personnel) | <u>4</u> *, ** |

** See section [2.C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

*** See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.

* See section 2.C and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.

| Statute Number | Offense Title | Severity Level |
|---|--|------------------------|
| 609.2231 subd. 4-(b) | Assault 4th Degree Motivated by Bias | 43 ** |
| 609.2233 | Felony Assault Motivated by Bias | See Note ⁷⁰ |
| 609.224 subd. 4 | Assault 5th Degree (3rd or Subsequent Violation) | 4 |
| 609.2241 | Knowing Transfer of Communicable Disease | See Note ⁷¹ |
| 609.2242 subd. 4 | Domestic Assault | 4 |
| 609.2245 | Female Genital Mutilation | Unranked |
| 609.2247 | Domestic Assault by Strangulation | 45 ** |
| * * * | | |
| 609.267 | Assault of an Unborn Child 1st Degree | 98 |
| 609.2671 | Assault of an Unborn Child 2nd Degree | 45 |
| * * * | | |
| 609.343 subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i) | Criminal Sexual Conduct 2nd Degree | B* |
| 609.343 subd. 1a(e)(f)(g) | Criminal Sexual Conduct 2nd Degree | D |
| 609.344 subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i) | Criminal Sexual Conduct 3rd Degree | C* |
| * * * | | |

** See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

⁷⁰ See section 2.G.10 to determine the presumptive sentence.

⁷¹ See section 2.A.5 to determine the presumptive sentence.

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

| Statute Number | Offense Title | Severity Level |
|--------------------------|--|-----------------------|
| 609.4751, subd. 3 | Impersonating a Peace Officer | 2* |
| 609.476 subd. 3 | Publishing Personal Information of Judicial Official (Bodily Harm) | 4 |
| 609.48 subd. 4(1) | Perjury (Felony Trial) | 5 |
| 609.48 subd. 4(2) | Perjury (Other Trial) | 4 |
| 609.485 subd. 4(a)(1) | Escape from Felony Offense | 3** |
| 609.485 subd. 4(a)(2) | Escape, Mental Illness | 1* |
| 609.485 subd. 4(a)(3) | Escape with Violence from Gross Misdemeanor or Misdemeanor Offense | Unranked |
| 609.485 subd. 4(a)(4) | Escape from Civil Commitment | 1* |
| * * * | | |
| 609.595 subd. 1a(a) | Damage to Property (Motivated by Bias) | 1* |
| 609.596 subd. 1 | Killing or Harming a Public Safety Dog | Unranked |
| 609.597 subd. 3(3) | Assaulting or Harming a Police Horse | 1* |
| 609.597 subd. 3(1) & (2) | Assaulting or Harming a Police Horse | Unranked |
| * * * | | |
| 609.662 subd. 2(b)(2) | Duty to Render Aid (Substantial Bodily Harm) | 1* |

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

** See section 2.C and Appendix 1 to determine the presumptive disposition for an escape from an executed sentence.

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

| Statute Number | Offense Title | Severity Level |
|--------------------|--|------------------------|
| * * * | | |
| 609.713 subd. 3(a) | Threats of Violence (Replica Firearm) | 1* |
| 609.714 | Offense in Furtherance of Terrorism | See Note ⁷² |
| 609.746 subd. 1(g) | Interference with Privacy (2nd or Subsequent Violation or Minor Victim) | 1 |
| 609.746 subd. 1(h) | Surreptitious Observation Device (Minor Victim and Sexual Intent) | G* |
| * * * | | |
| 609.776 | Interference with Emergency Communications | 5* |
| 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 |
| 609.78 subd. 2c | Fictitious Emergency Call (Response to Home of Official) | 1* |
| * * * | | |

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

⁷² See section 2.G.7 to determine the presumptive sentence.

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

| Statute Number | Offense Title | Severity Level |
|------------------------------|---|-----------------------|
| 617.246 subd. 2(b) 3(b) 4(b) | Use of Minors in Sexual Performance or Child Sexual Abuse Material (Subsequent, by Predatory Offender, or Child Under 14) | C* |
| 617.247 subd. 3(a) | Dissemination of Child Sexual Abuse Material | E* |
| 617.247 subd. 3(b) | Dissemination of Child Sexual Abuse Material (Subsequent, by Predatory Offender, or Child Under 14) | C* |
| * * * | | |
| 624.7141 subd. 1 | Transferring Firearm to Ineligible Person | 2* |
| * * * | | |

* * *

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

* See section [2-C.22.C.1.c](#) and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

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 |
|-------------------|--|
| * * * | |
| 609.2112, subd. 1 | Criminal Vehicular Homicide (Death) |
| 609.2113, subd. 1 | Criminal Vehicular Operation (Great Bodily Harm) |
| 609.2113, subd. 2 | Criminal Vehicular Operation (Substantial Bodily Harm) |
| 609.2114, subd. 1 | Criminal Vehicular Operation (Death to an Unborn Child) |
| 609.2114, subd. 2 | Criminal Vehicular Operation (Injury to an Unborn Child) |
| 609.215 | Aiding Suicide |
| 609.221 | Assault 1st Degree |
| 609.222 | Assault 2nd Degree —Dangerous Weapon |
| * * * | |

* * *

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.22.C.1.c](#). 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: |
|---|--|--------------------|----------------------------|--------------------------------------|
| 609.2112 subd. 1(a) | Criminal Vehicular Homicide | 8 | 120 | CHS 6 (upper-range) |
| 609.2112 subd. 1(b) | Criminal Vehicular Homicide (Qualified Prior Conviction) | 9 | 180 | CHS 6 (upper-range) |
| 609.2113 subd. 1(1), (2), (3), (4), (5) & (6) | Criminal Vehicular Operation (Great Bodily Harm; Gross Negligence or While Impaired) | 6 | 60 | CHS 5 (upper-range) |
| 609.2114, subd. 1(b) | Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction) | 9 | 180 | CHS 6 (upper-range) |
| 609.221 7 , subd. 4 | Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force) | 11 | 360 | CHS 0 (upper-range) |
| 609.2231 subd. 3, 3a | Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer, Secure Treatment Facility Personnel) | 3 | 24 | CHS 6 (upper-range) |
| 609.2231 7 , subd. 4(b) | Assault 4th Degree Motivated by Bias | 13 | 12, and 1 Day | CHS 30 (upper-range) |
| 609.2247 | Domestic Assault by Strangulation | 5 | 36 | CHS 3 (upper-range) |
| * * * | | | | |

* * *

Appendix 3. Estimated Impact of Proposed 2026 Guidelines Modifications & Legislative Recommendations

This appendix sets forth MSGC staff's estimate of the combined prison-bed impact of the proposed changes to the Sentencing Guidelines (pp. 7–11, assuming the Legislature does not enact a law preventing their taking effect), and associated recommendations and suggestions to the Legislature (pp. 12–14, assuming the Legislature enacts the recommendations and suggestions).

MSGC staff's estimate of prison beds needed—or avoided—is built atop many assumptions, most of which this appendix will not recite.⁷³

Prison-Bed Impact of Legislative Recommendations

Table 5 (p. 104) lists the recommendations to the Legislature discussed at the Commission's October meeting—recommendations that are generally consistent with those made in this report (pp. 12–14).⁷⁴

Standing alone, staff estimates that the eventual net prison-bed impact of these legislative recommendations, if enacted, would be to require the eventual need for **three additional prison beds**. This new bed cost is caused by the creation of a severity-level (SL) 8 penalty tier for impaired drivers with qualifying driving records who cause great bodily harm (recommendation no. 1), and assumes that the Commission would rank the enhanced penalty tier at SL 8.

Taken together with the Commission's recommendations, if adopted and permitted to take effect, the legislative recommendations will have a greater effect. MSGC staff has estimated that the consensus policy package (without the legislative recommendations) would eventually avoid the need for 875 prison beds.⁷⁵ Including the three prison beds discussed above, the enactment of the legislative recommendations **would offset this reduced prison-bed need by 41 beds**, resulting in **834 net prison beds avoided**. This offset is primarily due to the tendency of the creation of a SL 9 penalty tier for first-degree assault by intentionally inflicting great bodily harm to cancel most of the bed savings caused by reducing the severity ranking of first-degree assault resulting in great bodily harm to SL 8.

⁷³ The chief of these assumptions is that everyone sentenced to an executed prison sentence will serve two-thirds of that sentence. Staff does not factor in early-release programs or jail credit, on one hand, nor revoked sentences, on the other—some of which would require speculation on our part. Thus, if a policy causes one person annually to be sentenced to eighteen months' imprisonment (two-thirds of which is one year), then that policy would require one "estimated prison bed."

⁷⁴ While the changes to statutory maximum penalties described on the last six rows of Table 5 (p. 104) are not included in the Commission's legislative recommendations, the Commission's suggestion that the Legislature revisit statutory maximums for certain offenses (p. 14) could plausibly result in the outcomes described in Table 4, among many other possibilities. Legislative outcomes significantly different from the changes described in Table 5—including no changes to the statutory maximums described in Table 1 (p. 14)—would require MSGC staff to revise the prison-bed impact estimated by this appendix.

⁷⁵ Minn. Sent'g Guidelines Comm'n, Sentencing Guidelines Comprehensive Review: Impact of September Consensus Policy Package (Oct. 2, 2025), https://mn.gov/sentencing-guidelines/assets/5C-Staff-SeptPolicyPackageImpact_tcm30-708509.pdf.

Table 5. List of Legislative Recommendations as discussed at the 10/9/2025 MSGC Commission meeting.

| Recommendation | Impact Estimated? | Demographic Impact Possible? |
|--|------------------------------|------------------------------|
| Add a 10-year penalty tier for impaired drivers who inflict great bodily harm; MSGC intends to rank at severity level 8. | Yes | No |
| Apply various DWI pretrial-release and penalty provisions to substance-related criminal vehicular offenses. | Yes, no impact ⁷⁶ | Yes, no impact |
| Establish a 20-year penalty tier for first-degree assault by intentionally inflicting great bodily harm; MSGC intends to rank at severity level 9. | Yes | Yes |
| Amend Minn. Stat. § 609.02 to define “demonstrable bodily harm” as the court of appeals has done: “bodily harm that is capable of being perceived by another.” | Yes, no impact | Yes, no impact |
| Recommended Changes to Statutory Maximum Penalties: | | |
| Criminal Vehicular Operation (Great Bodily Harm) – Minn. Stat. § 609.2113, subd. 1 – from 5 to 7 years. | Yes | No |
| Assault 1st Degree (Assault Resulting in Great Bodily Harm) – Minn. Stat. § 609.221, subd. 1 – from 20 to 15 years. | Yes | Yes |
| Criminal Vehicular Operation (Great Bodily Harm) – Minn. Stat. § 609.2113, subd. 1 – from 5 to 7 years. | Yes | Yes |
| Assault 4th Degree – Minn. Stat. § 609.2231 – to 3 years for all felonies. | Yes | Yes, but limited |
| Domestic Assault by Strangulation – Minn. Stat. § 609.2247 – from 3 to 5 years. | Yes | Yes, but limited |
| Criminal Sexual Conduct 5th Degree (Nonconsensual Penetration) – Minn. Stat. § 609.3451, subd. 3(a) – from 2 to 4 years. | Yes | Yes |

⁷⁶ While the expanded application of a five-year conditional release term to some criminal vehicular offenses may lead to revocation of that conditional release, and thus may have an eventual prison-bed impact, MSGC staff considers such effects to be secondary impacts, which the Legislative Budget Office excludes from fiscal-note consideration. See also footnote 73, above.

As stated, above, it is estimated that there will be an eventual need for **834 fewer prison beds**: 609 fewer beds as a result of an estimated 409 people moving from prison to probation; 13 more beds as a result of an estimated 10 people moving from probation to prison; 364 fewer beds as a result of an estimated 866 people serving shorter prison sentences; and 125 more beds as a result of an estimated 379 people serving longer prison sentences (Table 6).

Table 6. Estimated Prison-Bed Change.

| Change | Number of People | Beds | Percent of Estimated Prison-Bed Sum |
|----------------------------------|------------------|------|-------------------------------------|
| Was prison, now new probation | 409 | -609 | -69.3% |
| Was probation, now new prison | 10 | 13 | 1.5% |
| Was prison, now shorter duration | 866 | -364 | -41.4% |
| Was prison, now longer duration | 379 | 125 | 14.2% |
| Total | 1,664 | -834 | 100.0% |

The timing of avoided prison beds is displayed below (Table 7).

Table 7. Estimated Prison-Bed Timing.

| Fiscal Year | Estimated Prison-Bed Timing | Fiscal Year | Estimated Prison-Bed Timing | Fiscal Year | Estimated Prison-Bed Timing |
|-------------|-----------------------------|-------------|-----------------------------|-------------|-----------------------------|
| 2027 | -201 | 2037 | -795 | 2047 | -845 |
| 2028 | -555 | 2038 | -803 | 2048 | -844 |
| 2029 | -634 | 2039 | -812 | 2049 | -843 |
| 2030 | -698 | 2040 | -819 | 2050 | -843 |
| 2031 | -730 | 2041 | -825 | 2051 | -841 |
| 2032 | -747 | 2042 | -830 | 2052 | -838 |
| 2033 | -756 | 2043 | -838 | 2053 | -835 |
| 2034 | -766 | 2044 | -841 | 2054 | -834 |
| 2035 | -777 | 2045 | -844 | | |
| 2036 | -788 | 2046 | -848 | | |

Local Government Fiscal Impact

Because fewer people are expected to go to prison in the future, it is also estimated that there will be some impact on local correctional confinement usage and supervision caseloads. As stated above, it is estimated that 409 people a year will move from prison to probation. These people are expected to require felony supervision, and a portion will require local confinement as a condition of felony probation.

It is estimated that 249 of the 409 people (60.9%) will receive local confinement as a condition of probation.⁷⁷ Using an average pronounced local confinement rate of 88 days (2/3 term= 59 days),⁷⁸ will result in a need for an estimated need for 40 local beds a year statewide beginning in fiscal year 2027.⁷⁹

Demographic Impact of Policies Analyzed – Limited Estimate

The Commission's [Demographic Impact Statement \(DIS\) Policy](#) prohibits staff from making a demographic-impact estimate that lacks foundational reliability. Additionally, a DIS is performed only when a policy indicates that there would be an increase or decrease of 10 or more prison beds. No DIS was made on the legislative recommendations alone because it is estimated to be **three prison beds**.

A DIS was made on the combined legislative recommendations and consensus policy package. As with the consensus policy package, those legislative recommendations lacking foundational reliability for a DIS are indicated by a “no” in the “Demographic Impact Possible?” column of Table 5.

As a result, **16 prison beds are omitted** from the demographic-impact analysis that follows. While the total package is estimated to avoid the need for 834 prison beds, those portions of policies for which a **demographic-impact analysis is possible avoid the need for 850 prison beds**.

Due to this omission, the reader should keep in mind the fact that the demographic information of the occupants of 16 prison beds is missing from the following analysis.

Criminal Background Quadrants

In addition to MSGC's standard demographic analysis of the people who would have occupied those 850 prison beds (by gender, race/ethnicity, and geography), this paper will also provide some information about the estimated criminal background of the people who would have occupied those 850 beds. For this purpose, people in prison are divided into four simple quadrants, based on whether the person's offense of imprisonment was a person offense, and whether the person's sentencing worksheet reflected at least one prior person offense. These quadrants are illustrated in Figure 27:

⁷⁷ In 2023, 60.9% of people served local confinement as a condition of a stayed (probationary) sentence. Minn. Sent'g Guidelines Comm'n, 2023 Sentencing Practices Report: Summary statistics for felony cases (April 22, 2025) (retrieved Jan. 14, 2026, at https://mn.gov/sentencing-guidelines/assets/2023_MSGC_Annual_Summary_Statistics_tcm30-680133.pdf), p. 23.

⁷⁸ In 2023, the average amount of local confinement pronounced as a condition of felony probation was 88 days. *Id.* at 25.

⁷⁹ 249 cases × 59 days=14,691 “jail days” ÷ 365= 40 local beds.

Figure 27. Illustration of Criminal Background Quadrants.

| | |
|---|--|
| Current Person Offense/ Person-Offense History | Current Person Offense/ No Person-Offense History |
| Non-Person Current Offense/ Person-Offense History | Non-Person Current Offense/ No Person-Offense History |

Current State Demographics

Table 8 displays 2023 demographic information pertaining to three populations within the state: the adult population (on July 1, 2023, as estimated by the U.S. Census Bureau); the annual felony population (that is, the population of people sentenced for felony offenses in 2023); and the adult prison population (as of July 1, 2023). Table 8 breaks down those populations by three demographic categories: Gender; race and ethnicity; and judicial district. A map of Minnesota's judicial districts may be found in Appendix 5 (p. 114).

Table 8. Minnesota's 2023 General Adult Population, Annual Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District.

| | General Adult Population | | | Annual Felony Population | | | Prison Population | |
|-------------------|----------------------------|---------------------------------|--------------|--------------------------|--------------------------|--------------|------------------------------|--------------|
| | U.S. Census Category | 2023 Estimated Adult Population | | MSGC Category | People Sentenced in 2023 | | 2023 Adult Inmate Population | |
| | | Number | Percent | | Number | Percent | Number | Percent |
| | Male | 2,210,490 | 49.8 | Male | 13,017 | 81.2 | 7,674 | 92.7 |
| | Female | 2,226,491 | 50.2 | Female | 3,007 | 18.8 | 600 | 7.3 |
| Race & Ethnicity | White* | 3,632,563 | 81.9 | White | 8,397 | 52.4 | 3,789 | 45.8 |
| | Black or African American* | 322,930 | 7.3 | Black | 4,673 | 29.2 | 3,069 | 37.1 |
| | American Indian* | 68,788 | 1.6 | American Indian | 1,468 | 9.2 | 757 | 9.1 |
| | Hispanic** | 240,040 | 5.4 | Hispanic** | 1,021 | 6.4 | 418 | 5.1 |
| | Asian/Pacific Islander* | 253,216 | 5.7 | Asian | 464 | 2.9 | 224 | 2.7 |
| | -- | -- | -- | Other/Unknown*** | 1 | 0.0 | 17 | 0.2 |
| | | | | | | | | |
| Judicial District | First | 641,465 | 14.5 | First | 1,993 | 12.4 | 683 | 8.3 |
| | Second | 413,891 | 9.3 | Second | 1,761 | 11.0 | 937 | 11.3 |
| | Third | 381,574 | 8.6 | Third | 1,086 | 6.8 | 610 | 7.4 |
| | Fourth | 989,486 | 22.3 | Fourth | 2,890 | 18.0 | 2,087 | 25.2 |
| | Fifth | 223,908 | 5.0 | Fifth | 891 | 5.6 | 458 | 5.5 |
| | Sixth | 206,288 | 4.6 | Sixth | 708 | 4.4 | 461 | 5.6 |
| | Seventh | 388,008 | 8.7 | Seventh | 1,796 | 11.2 | 958 | 11.6 |
| | Eighth | 123,803 | 2.8 | Eighth | 546 | 3.4 | 263 | 3.2 |
| | Ninth | 268,595 | 6.1 | Ninth | 1,715 | 10.7 | 885 | 10.7 |
| | Tenth | 799,963 | 18.0 | Tenth | 2,642 | 16.5 | 841 | 10.2 |
| | Total | 4,436,981 | 100.0 | Total | 16,024 | 100.0 | 8,274 | 100.0 |

Source of July 1, 2023, population estimate: U.S. Census Bureau. Source of July 1, 2023, adult inmate population: Minn. Department of Corrections. Felony population total excludes 4 corporate defendants. Judicial district populations exclude 91 inmates whose governing sentences were for offenses committed in non-Minnesota jurisdictions.

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.8%) because residents of more than one race are counted in more than one category.

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

See <https://mncourts.gov/find-courts/district-courts> for a map of Minnesota's ten judicial districts.

Demographic Characteristics – Reduced Prison Population

As stated earlier, MSGC staff estimates that those policies for which a demographic-impact analysis is possible would eventually **avoid the need for 850 prison beds**.

One might assume that, in the future, the demographic characteristics of the people who would have occupied the 850 prison beds not needed because of these policies will be the same as the known demographic characteristics of the people whose case data was used to estimate the bed impact of these policies. If that assumption is accurate, it is estimated that the demographic characteristics of occupants of the 850 prison beds reduced by these policies would be as follows.

- Gender: Male (92.9%); Female (7.1%).
- Race & Ethnicity: White (47.1%); Black (32%); American Indian (11.3%); Hispanic (6.4%); Asian (3.1%).
- Judicial District: First (9.2%); Second (12.4%); Third (6.1%); Fourth (17.3%); Fifth (6.5%); Sixth (3.8%); Seventh (12.9%); Eighth (5.9%); Ninth (15.0%); and Tenth (10.7%).

Table 9, on page 110, shows the demographic change in the prison bed population that would result from the implementation of those policies for which a demographic-impact analysis is possible, if the assumption stated above is accurate.

Applying the same assumption, it is estimated that the criminal backgrounds of the occupants of the 850 prison beds reduced by these policies would be as follows.

- Current person offense/person-offense history: –229.4 beds (27.0%) (compared with an estimated 22.2% of the non-lifer population).
- Current person offense/no person-offense history: –91.2 beds (10.7%) (compared with an estimated 29.5% of the non-lifer population).
- Non-person current offense/person-offense history: –260.1 beds (30.6%) (compared with an estimated 19.8% of the non-lifer population).
- Non-person current offense/no person-offense history: –269.7 beds (31.7%) (compared with an estimated 28.6% of the non-lifer population).

Table 9. Minnesota's Existing Prison Population, Estimated Change in Prison Beds Due to Selected Proposed Policy Changes, and Estimated Resulting Prison Population, by Gender, Race and Ethnicity, and Judicial District

| | | Prison Population | | | Estimated Change in Prison Beds Needed* | | Estimated Resulting Prison Population* | | | | | |
|-------------------|-----------------|------------------------------|-------|-------|---|-------|--|-------|---|--|----------------------------|------------------------------------|
| | | 2023 Adult Inmate Population | | | | | No. | | % -point change rela- tive to other categories** | Estimated resulting rate per 100,000*† | Change in rate per 100,000 | % change from existing prison pop. |
| | | MSGC Category | No. | % | | | | | | | | |
| | | | | | Beds | % | No. | % | | | | |
| Race & Ethnicity | Male | 7,674 | 92.75 | 347 | -790.1 | 92.9 | 6,884 | 92.7 | | 311 | -36 | -10.3 |
| | Female | 600 | 7.25 | 27 | -60.4 | 7.1 | 540 | 7.3 | | 24 | -3 | -10.1 |
| | White | 3,789 | 45.8 | 104 | -400.6 | 47.1 | 3,388 | 45.64 | -0.1 | 93 | -11 | -10.6 |
| | Black | 3,069 | 37.1 | 950 | -272.2 | 32.0 | 2,797 | 37.68 | +0.6 | 866 | -84 | -8.9 |
| | American Indian | 757 | 9.1 | 1,100 | -96.1 | 11.3 | 661 | 8.9 | -0.2 | 961 | -140 | -12.7 |
| | Hispanic | 418 | 5.05 | 174 | -54.4 | 6.4 | 364 | 4.90 | -0.2 | 151 | -23 | -13.0 |
| Judicial District | Asian | 224 | 2.7 | 88 | -26.4 | 3.1 | 198 | 2.7 | | 78 | -10 | -11.8 |
| | First | 683 | 8.25 | 106 | -78.2 | 9.2 | 605 | 8.15 | -0.1 | 94 | -12 | -11.5 |
| | Second | 937 | 11.3 | 226 | -105.5 | 12.4 | 832 | 11.2 | -0.1 | 201 | -25 | -11.3 |
| | Third | 610 | 7.4 | 160 | -51.9 | 6.1 | 558 | 7.5 | +0.1 | 146 | -14 | -8.5 |
| | Fourth | 2,087 | 25.22 | 211 | -147.1 | 17.3 | 1,940 | 26.13 | +0.9 | 196 | -15 | -7.1 |
| | Fifth | 458 | 5.5 | 205 | -55.3 | 6.5 | 403 | 5.4 | -0.1 | 180 | -25 | -12.1 |
| | Sixth | 461 | 5.6 | 223 | -32.3 | 3.8 | 429 | 5.8 | +0.2 | 208 | -16 | -7.0 |
| | Seventh | 958 | 11.6 | 247 | -109.7 | 12.9 | 848 | 11.4 | -0.2 | 219 | -28 | -11.5 |
| | Eighth | 263 | 3.2 | 212 | -50.2 | 5.9 | 213 | 2.9 | -0.3 | 172 | -41 | -19.1 |
| | Ninth | 885 | 10.7 | 329 | -127.6 | 15.0 | 757 | 10.2 | -0.5 | 282 | -47 | -14.4 |
| | Tenth | 841 | 10.16 | 105 | -91.0 | 10.7 | 750 | 10.10 | -0.1 | 94 | -11 | -10.8 |
| Total | | 8,274 | 100 | 186 | -850.5 | 100.0 | 7,424 | 100.0 | | 167 | -19 | -10.3 |

* This table's projections assume that the demographic characteristics of people sentenced in the future will be similar to the characteristics of people sentenced in the past, as stated on page 109. The accuracy of these projections will therefore vary according to the accuracy of this assumption.

† Rate per 100,000 adult residents, as shown on Table 8, "General Population" (2023 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category's share of the annual prison population relative to the other demographic categories.

Appendix 4. Sentencing Guidelines Grids

Appendix 4.1. Standard Sentencing Guidelines Grid – Effective August 1, 2024

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 <i>italics</i>) | | 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>346-480</i> ¹ | 426 <i>363-480</i> ¹ |
| <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</i> ^{1,2} |
| <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 4.2. Sex Offender Grid Effective August 1, 2024

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 <i>italics</i>) | | 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., penetration & 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 4.3. Drug Offender Grid – Effective August 1, 2024

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 <i>italics</i>) | | CRIMINAL HISTORY SCORE | | | | | | |
|---|-----------|------------------------|----------------------|-----------------------|------------------------|------------------------|------------------------|------------------------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more |
| <i>Aggravated Controlled Substance Crime, 1st Degree</i> <i>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</i> <i>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).

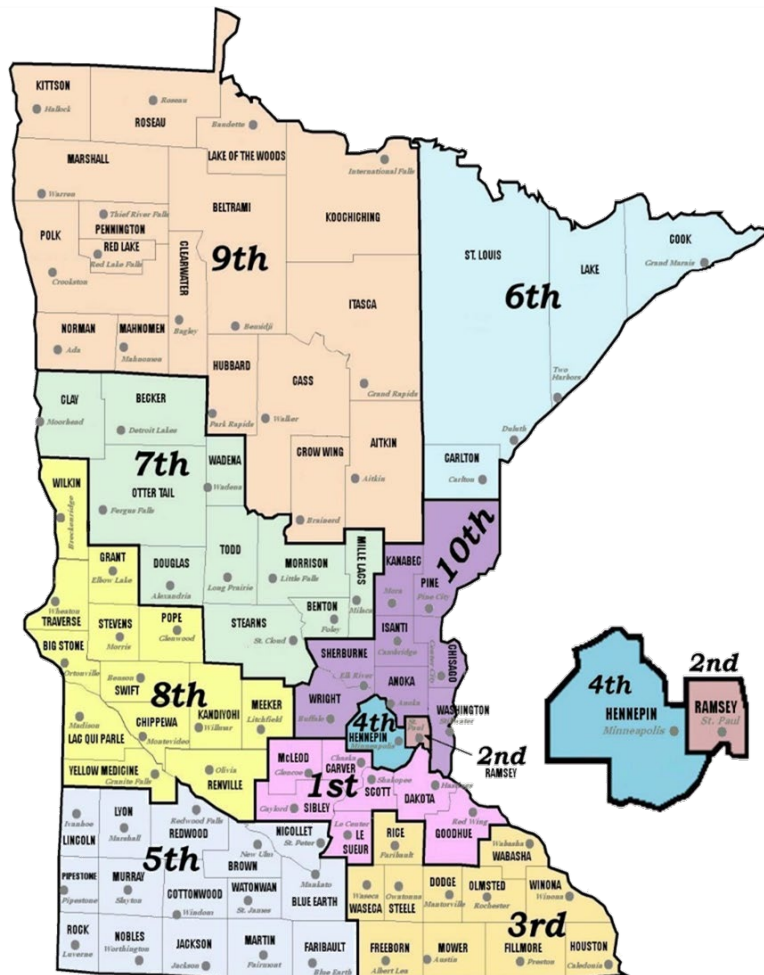


Presumptive commitment to state imprisonment.



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 5. 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 | Mahanomen | |
| | | | | Pipestone | | | Wilkin | Marshall | |
| | | | | Redwood | | | Yellow Medicine | Norman | |
| | | | | Rock | | | | Pennington | |
| | | | | Watonwan | | | | Polk | |
| | | | | | | | | Red Lake | |
| | | | | | | | | Roseau | |

Source: Minn. Judicial Branch.