



Overview of the Minnesota Sentencing Guidelines Commission

January 22, 2019, presentation to Minn. House of Representatives
Public Safety and Criminal Justice Reform Finance & Policy Division
Nate Reitz, MSGC Executive Director
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Presentation Outline

Introduction to the Minnesota Sentencing Guidelines

- and the Sentencing Guidelines Commission

How the Sentencing Guidelines are Modified

- and the 2019 Proposed Modifications & Recommendations

Minnesota's Felony Sentencing Practices in 2017

- and the impact of the 2016 Drug Sentencing Reform Act

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Purpose of the Minnesota Sentencing Guidelines

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 offense and the offender's criminal history.

The Guidelines also support the appropriate use of **finite correctional resources**.



The Commission's Three Policy Roles

Initiate improvements to the Guidelines

Minn. Stat. § 244.09:
"The commission shall meet as necessary for the purpose of modifying and improving the guidelines."

Implement legislative initiatives in crime & sentencing

The Commission makes "modification[s] mandated or authorized by the legislature or relating to a crime created or amended by the legislature"

Make recommendations to the Legislature

"The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing."

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MSGC Staff Duties

Be a sentencing-data clearinghouse & information center

- Analyze sentencing practices
- Publish sentencing practices reports
- Provide data reports
- For bills: Prison-bed & demographic impact estimates

Support Commission's activities

- Research Sentencing Guidelines changes & proposals
- Implement changes & publish annually updated Sentencing Guidelines

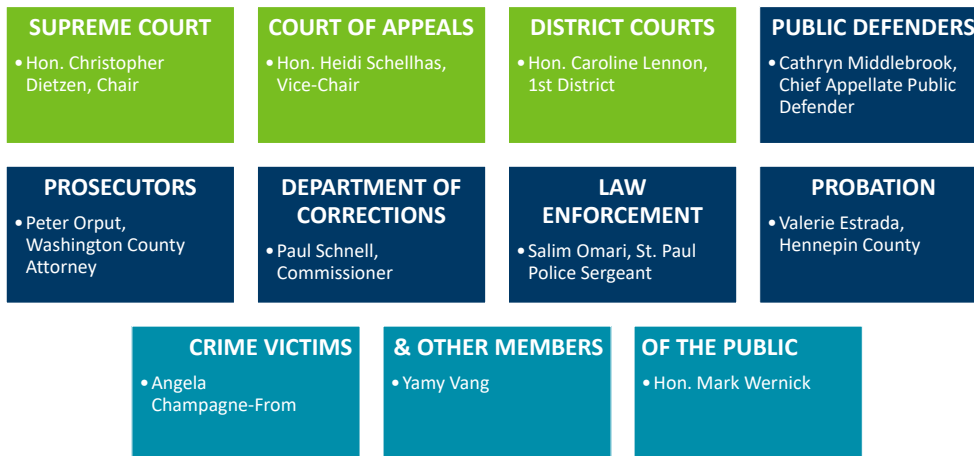
Facilitate accurate Guidelines application

- Review sentencing worksheet for each felony sentence
- Answer practical questions
- Practitioner training (in-person & online)

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Various Stakeholder Voices are Heard on the Commission



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Calculation of a Presumptive Sentence



Severity level is a ranking assigned to each felony offense by the Commission to indicate its seriousness. This is represented by the vertical axis. Offenses listed within each severity level are deemed equally serious.

Criminal History Score is comprised of many criminal history factors, including prior felonies, gross misdemeanors, certain misdemeanors, and custody status. This is represented on the horizontal axis.

Presumptive sentence includes the presumptive disposition (recommendation for either a commit or stayed sentence) and the presumptive duration (recommended sentence length). It is presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.

Greater Criminal History →

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in <i>italics</i>)	CRIMINAL HISTORY SCORE						
	0	1	2	3	4	5	6 or more
11 <i>Murder, 2nd Degree (intentional murder, shootings)</i>	306	326	346	366	386	406	426
10 <i>Murder, 3rd Degree (unintentional murder)</i>	150	165	180	195	210	225	240
9 <i>Assault, 1st Degree</i>	84	98	112	126	140	154	168
8 <i>Agg. Robbery, 1st Degree (with Weapon or Assault)</i>	48	58	68	78	88	98	108
7 <i>Felony DWI; Financial Exploitation of Vulnerable Adult</i>	36	42	48	54	60	66	72
6 <i>Assault, 2nd Degree (Dwelling); Burglary, 1st Degree (Dwelling)</i>	21	27	33	39	45	51	57
5 <i>Residential Burglary; Simple Robbery</i>	18	23	28	33	38	43	48
4 <i>Nonresidential Burglary</i>	12	15	18	21	24	27	30
3 <i>Theft Crimes (Over \$5,000)</i>	12	15	18	21	24	27	30
2 <i>Theft Crimes (\$5,000 or less); Check Forgery (\$251-\$500)</i>	12	15	18	21	24	27	30
1 <i>Assault, 4th Degree; Fleeing a Police Officer</i>	12	15	18	21	24	27	30

↑ **Greater Offense Severity**

Recommended Executed Prison Sentence (Months)

Recommended Stayed Prison Sentence (Months)

1. 12¹ = One year and one day

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Sentencing Grids & Severity Levels

Three sentencing grids

- Standard; sex offender; drug offender
- Each grid has its own severity levels

Severity levels

- The Commission ranks each felony offense by its seriousness
- Represented by the grids' vertical axes
- Offenses listed within each severity level are deemed equally serious

STANDARD GRID SEVERITY LEVEL		SEX OFFENDER GRID SEVERITY LEVEL		DRUG OFFENDER GRID SEVERITY LEVEL	
Murder, 2nd Degree (intentional or drive-by)	11				
Murder, 3rd Degree Murder, 2nd Degree (unintentional murder)	10	CSC 1 st Degree	A		
Assault, 1st Degree	9	CSC 2 nd Degree-Contact w/Force Sex Trafficking 1 st Deg-1(a)	B	Aggrav. 1st Deg. Drug Manufacture Meth	D9
Agg. Robbery, 1st Degree; Burglary, 1st Degree (w/ Weapon or Assault)	8	CSC 3 rd Degree-Penetration Force or Prohibited Occupation	C	1st Degree Drug	D8
Felony DWI; Financial Exploitation of a Vulnerable Adult	7	CSC 2 nd Degree Contact w/ Minors CSC 3 rd Degree-Penetration w/ Minors	D	2nd Degree Drug	D7
Assault, 2nd Degree Burglary, 1st Degree (Occupied Dwelling)	6	CSC 4 th Degree-Force or Prohibited Occupation Disseminate Child Pornog	E	3rd Degree Drug Failure to Affix Stamp	D6
Residential Burglary; Simple Robbery	5	CSC 4 th Degree- Contact w/Minors CSC 5 th Degree	F	Possess Substances with Intent to Manufacture Meth	D5
Nonresidential Burglary	4	Indecent Exposure Possession of Child Pornog.	G	4th Degree Drug	D4
Theft Crimes (Over \$5,000)	3	Predatory Offender Registration	H	Meth Crimes Involving Children/Vulner. Adults	D3
Theft Crimes under \$5,000 Check Forgery \$251-\$2,500	2			5th Degree Drug	D2
Assault, 4th Degree Fleeing a Peace Officer	1			Sale of Simulated Drug	D1

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Components of the Criminal History Score

PRIOR FELONIES

- Each prior felony is assigned ½ to 2 points, depending on its severity
- Up to three points for repeat sex offenses

CUSTODY STATUS

- One point if current offense committed while on custody status (e.g., probation) for prior felony or misdemeanor*
- Two points for repeat sex offenses

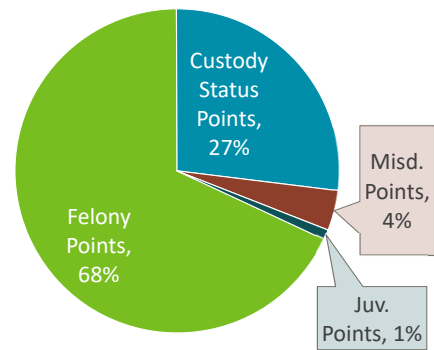
PRIOR GROSS MISDEMEANORS & MISDEMEANORS*

- Each counts as one unit
- Four units equal one point, one point max.
- No max. for repeat DWI/CVO convictions

PRIOR JUVENILE ADJUDICATIONS

- One point for every two prior felony juvenile adjudications
- Current offense must have been committed before age 25

Each Component's Contribution to Avg. Criminal History Score, 2015-17



*Some traffic gross misdemeanors do not qualify. Among misdemeanors, only targeted misdemeanors qualify.

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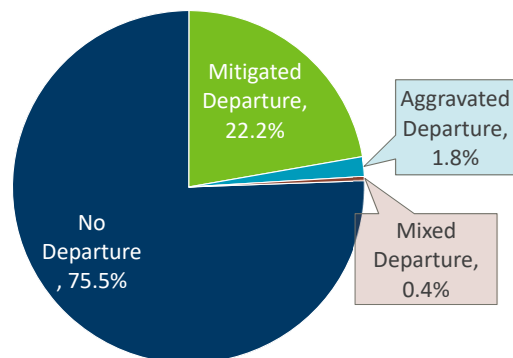
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Departures from the Presumptive Sentence

DEPARTURES

- Departure: a pronounced sentence other than that recommended in the appropriate cell on the applicable grid
- To depart, judge must identify & articulate substantial and compelling circumstances
- Aggravated or mitigated
- Dispositional or durational

2017 Combined Dispositional and Durational Departure Rates



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A Note about Probation Guidelines ...

Minn. Stat. § 244.09 (since 1978)—

- Sentencing Guidelines may also establish appropriate sanctions for offenders for whom imprisonment is not proper
- Any such guidelines must specifically refer to noninstitutional sanctions, including but not limited to—
 - Fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and nonresidential programs, incarceration in a local correctional facility, and probation & the conditions thereof

Minn. Sentencing Guidelines Comment III.A.201 (1981)—

- “[Minn. Stat. § 244.09, subd 5] permits, but does not require, the Commission to establish guidelines covering conditions of stayed sentences. The Commission chose not to develop such guidelines during their initial guideline development effort, but has expressed its intention to do so in the future.”
- In 1983, the Commission deleted the phrase, “but has expressed its intention to do so in the future.”

The Guidelines do provide general direction in the use of conditions of stayed sentences

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Central to the Commission's Analysis: Public Safety

Since 1989, the Legislature's clear directive to the Commission:

- **Public safety** is Commission's primary consideration in modifying Sentencing Guidelines

Commission interprets "public safety" to mean "protecting the public from crime"

This requires a balanced consideration of the purposes of sentencing—

- Retribution, or punishment
- Incapacitation
- Deterrence
- Restitution, and
- Rehabilitation

—as well as the other statutory considerations discussed at the outset of this presentation

Guidelines Modification Process

COMMISSION INITIATIVES

that change severity levels or criminal history scores, or reduce presumptive sentences

- Public hearing
- Adoption by the Commission
- Submitted to Legislature by Jan. 15
- Effective the following August 1, **unless** the Legislature by law provides otherwise

OTHER COMMISSION INITIATIVES, or implementation of LEGISLATIVE INITIATIVES

- Public hearing
- Adoption by the Commission
- Effective when ordered by the Commission (usually August 1)
- Reported to the Legislature by the following January 15

Proposed 2019 Guidelines Modifications

Following its two-year study of the criminal history score and the sentencing of repeated severe, violent offenses, the Commission unanimously adopted proposed changes to the Guidelines, falling into three major categories:

- 1) Waiver of the custody status point in certain circumstances;
- 2) Other changes to the criminal history score to improve fairness and rationality (i.e. decay factor, custody status for Minn. Stat. § 152.18); and
- 3) The creation of a sentencing enhancement for repeat severe violent offenders.

These changes are found in the Commission's 2019 Report to the Legislature.

Eventual Impact of Proposed 2019 Guidelines Modifications

- Taken together, MSGC staff estimates that these changes would, by the end of FY 2040, result in the need for **536 fewer prison beds**
- Assumptions, timing, & demographic impact are detailed in Appendix 3 (p. 70) of the 2019 Report to the Legislature

BREAKDOWN OF PRISON-BED IMPACT

- Decay policy changes: **-236** prison beds by FY40
- Custody status waiver: **-168** prison beds by FY40
 - Possibly as many as -298
 - Truly unknown; no data for waiver rate exists
- Other changes to custody status point: **-155** prison beds by FY40
- Repeat, severe violent offender enhancement: **+24** prison beds by FY40

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Effective Date of 2019 Guidelines Modifications

- The Commission's and the Legislature's longstanding policy is that Sentencing Guidelines changes apply only **prospectively** (to future offenses)
 - Since 1987, the Commission has applied Guidelines changes prospectively
 - Minn. Sentencing Guidelines § 3.G.1.
 - In 1997, the Legislature repealed the only process for retroactive application of Guidelines changes
 - 1997 Minn. Laws ch. 239, art. 3, § 25
- These policies were thrown into question by *State v. Kirby* (Minn. 2017)
- It is important to be very clear about which sentencing rules govern each case

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Recommendation to the Legislature

PROPOSED 2019 SENTENCING GUIDELINES MODIFICATIONS

- No legislative action required
- Modifications will take effect unless the Legislature by law provides otherwise

EFFECTIVE DATE CLARIFICATION

- The Commission unanimously recommends legislative action to clarify that Guidelines modifications are prospective
- Recommended amendment to Minn. Stat. § 244.09 is found in Appendix 4.2 (p. 76)

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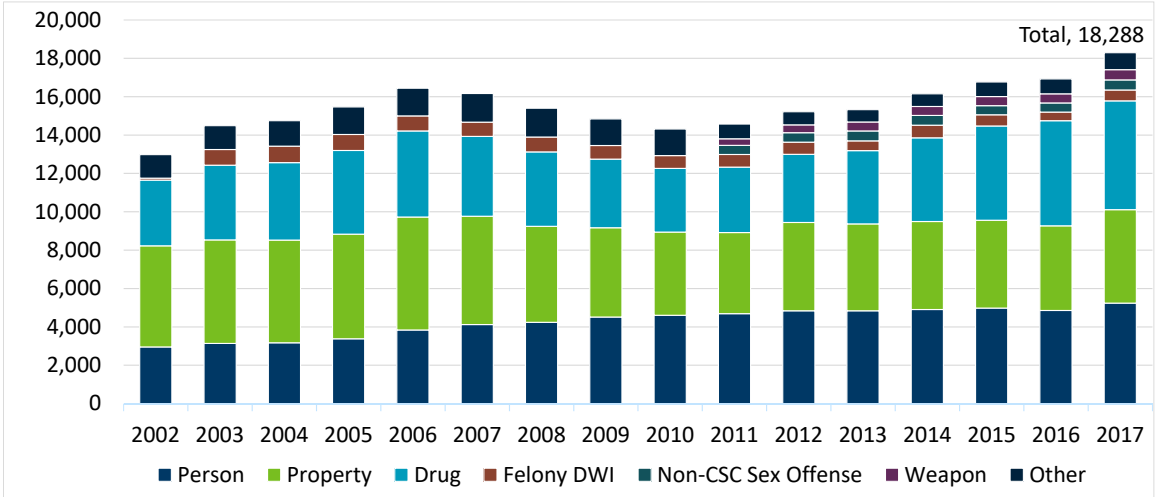
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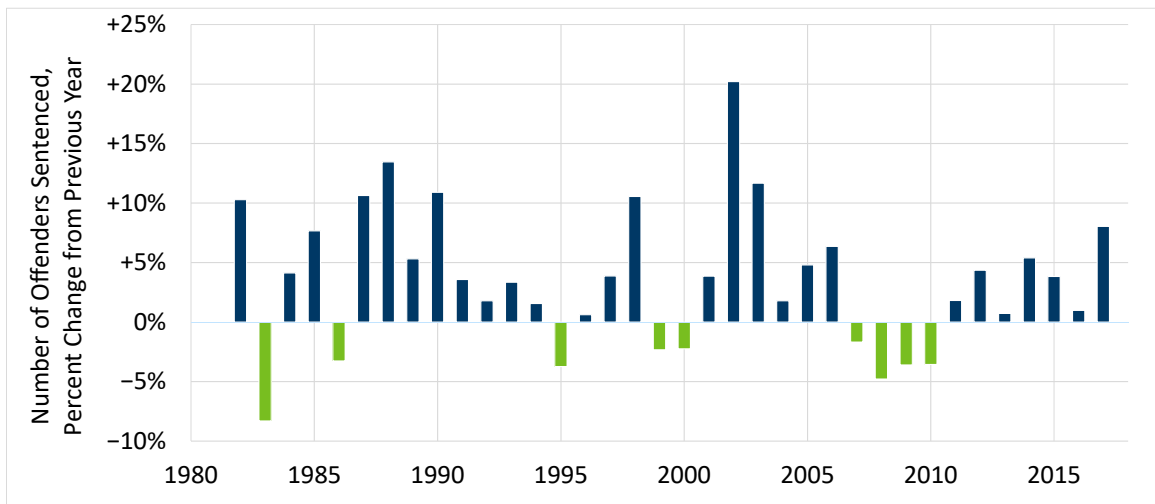
Number of Offenders Sentenced and Offense Type, 2002–17



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Year-to-Year Change in Offenders Sentenced, 1982–2017



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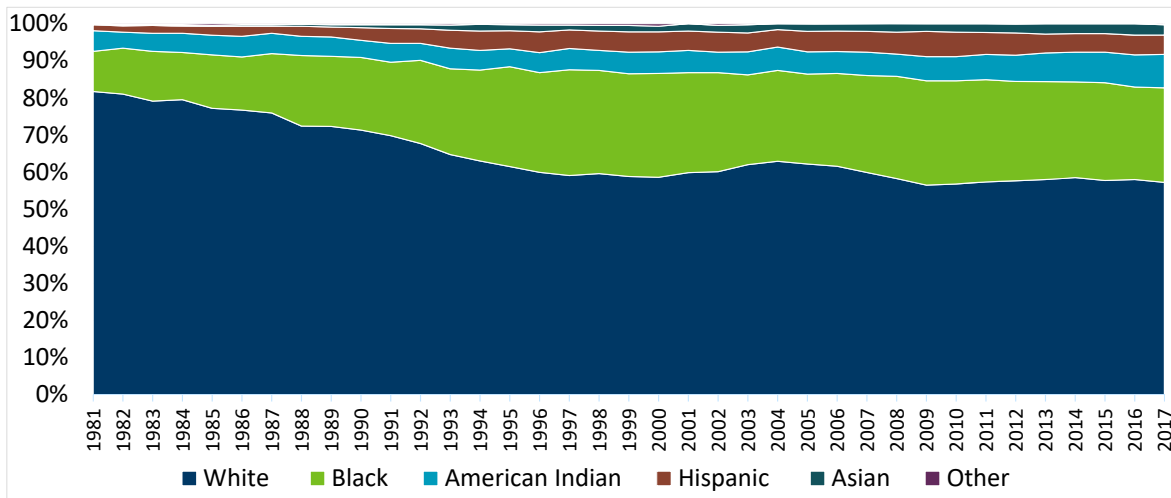
Percent Change by Offense Type, 2001–17

Year Sentenced	All Offenses	Person	Property	Drug	Felony DWI	Non-CSC Sex Offense	Weapon	Other
2001	+3.9%	+3.8%	+4.2%	0.0%				+13.3%
2002	+20.2%	+10.4%	+17.9%	+31.9%				+16.3%
2003	+11.7%	+6.2%	+2.4%	+13.8%				+2.2%
2004	+1.8%	+1.1%	-0.8%	+3.6%	+6.2%			+6.2%
2005	+4.8%	+6.4%	+2.0%	+8.1%	-3.0%			+7.6%
2006	+6.4%	+13.7%	+7.9%	+2.7%	-5.5%			+1.1%
2007	-1.7%	+7.3%	-4.0%	-7.1%	-6.7%			+3.7%
2008	-4.8%	+2.9%	-11.5%	-6.9%	+6.0%			-0.1%
2009	-3.6%	+6.6%	-7.0%	-7.7%	-9.6%			-7.0%
2010	-3.6%	+2.0%	-6.8%	-7.0%	-5.3%	+3.1%	-1.3%	-3.0%
2011	+1.8%	+1.7%	-2.4%	+2.5%	-1.0%	+9.9%	+9.8%	+20.3%
2012	+4.4%	+3.5%	+8.8%	+4.2%	-4.4%	+4.0%	+18.8%	-11.5%
2013	+0.7%	-0.1%	-1.7%	+7.6%	-19.2%	+4.6%	+13.4%	-5.2%
2014	+5.4%	+1.4%	+1.3%	+14.2%	+28.6%	-2.1%	+0.2%	+2.6%
2015	+3.8%	+1.6%	-0.3%	+12.6%	-10.5%	-7.1%	+2.1%	+15.0%
2016	+1.0%	-2.5%	-3.6%	+11.4%	-19.1%	-4.3%	+1.3%	+2.2%
2017	+8.0%	+7.8%	+10.4%	+3.6%	+20.0%	+16.9%	+11.2%	+13.2%

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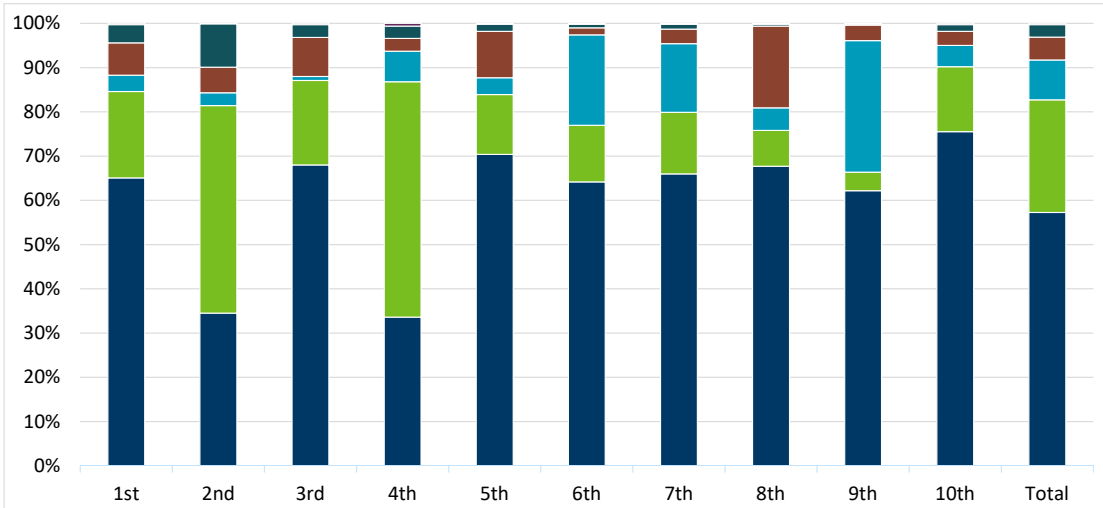
Distribution of Offenders by Race/Ethnicity, 1982–2017



Minn. Sentencing Guidelines Commission Staff Presentation

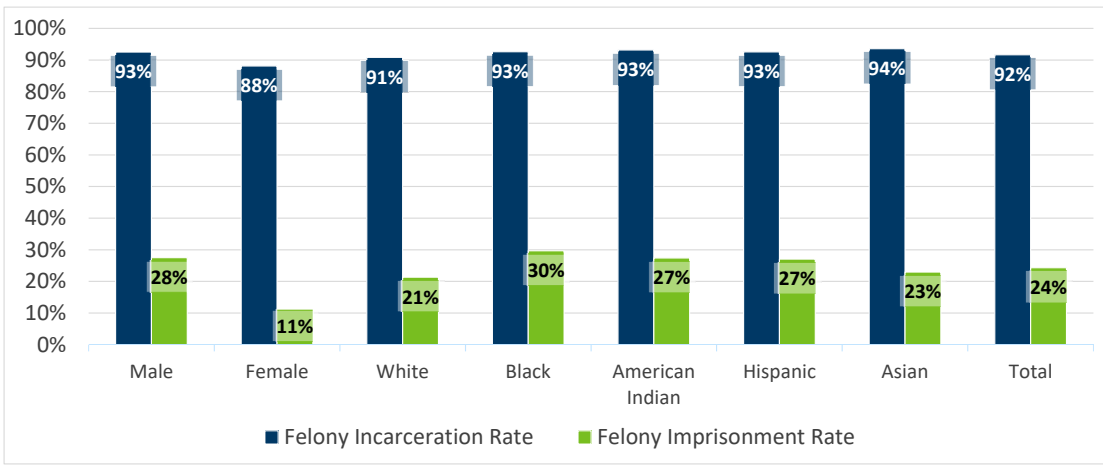
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Distribution of Felony Offenders by Race & Judicial District, 2017



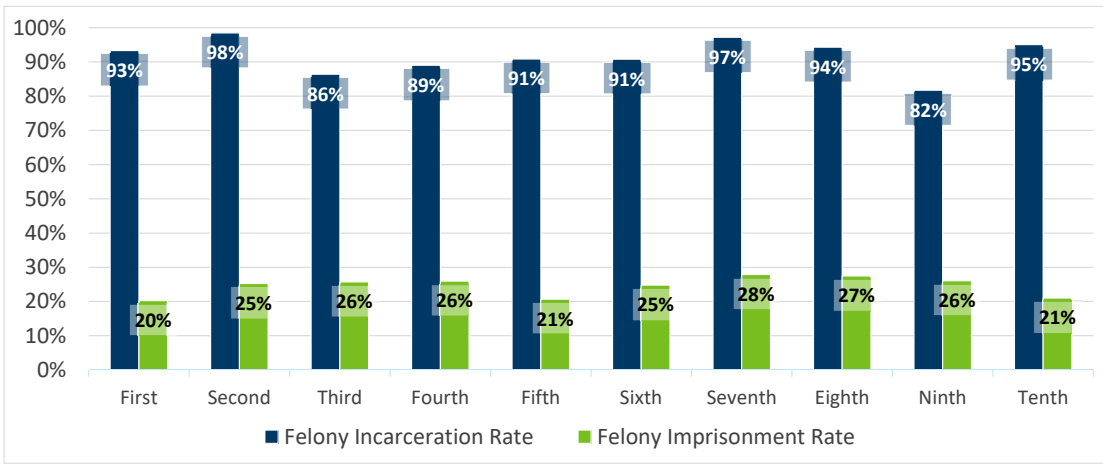
Minn. Sentencing Guidelines Commission Staff Presentation

Incarceration Rates by Gender & Race/Ethnicity, 2017



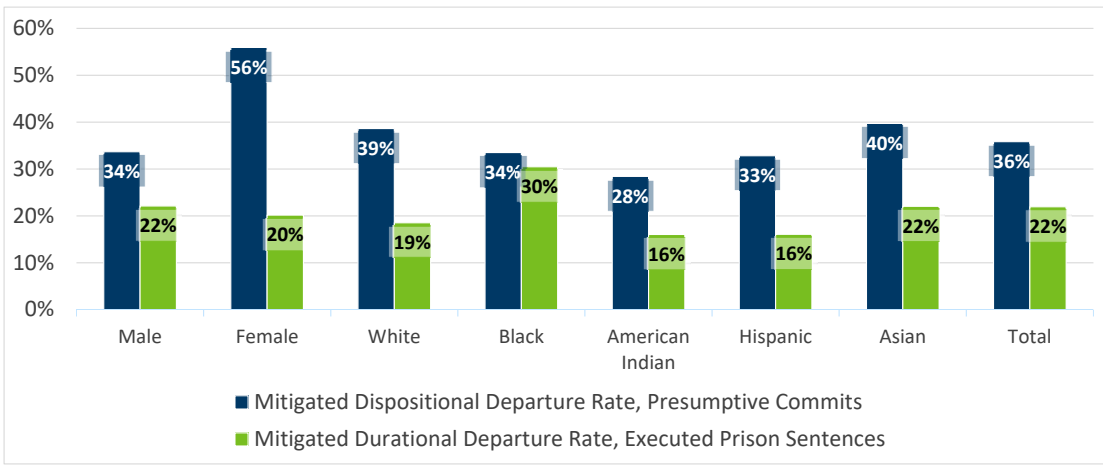
Minn. Sentencing Guidelines Commission Staff Presentation

Incarceration Rates by Judicial District, 2017



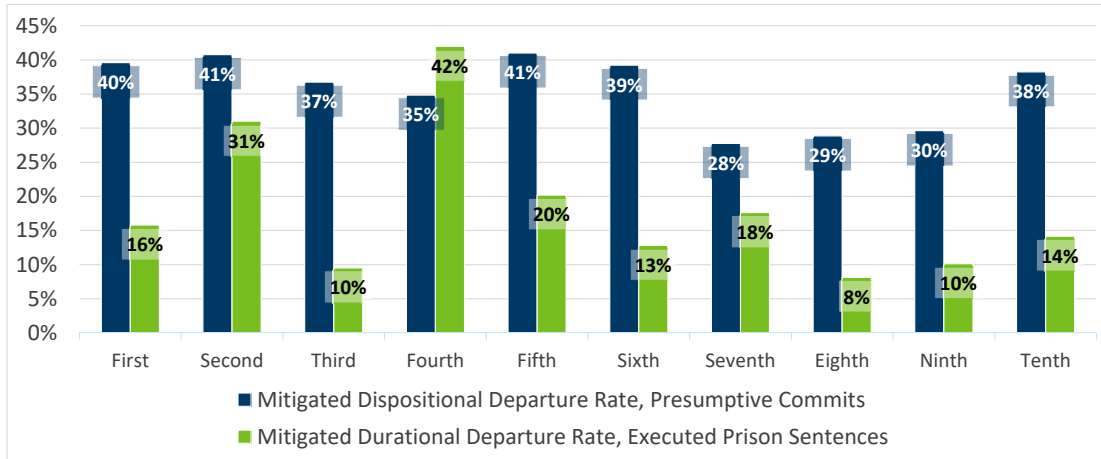
Minn. Sentencing Guidelines Commission Staff Presentation

Mitigated Departure Rates by Gender & Race/Ethnicity, 2017



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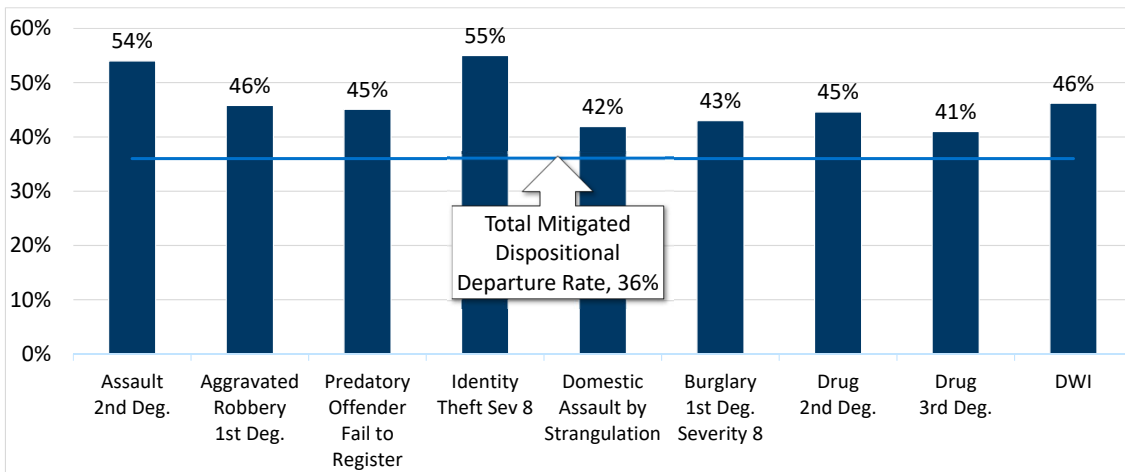
Mitigated Departure Rates by Judicial District, 2017



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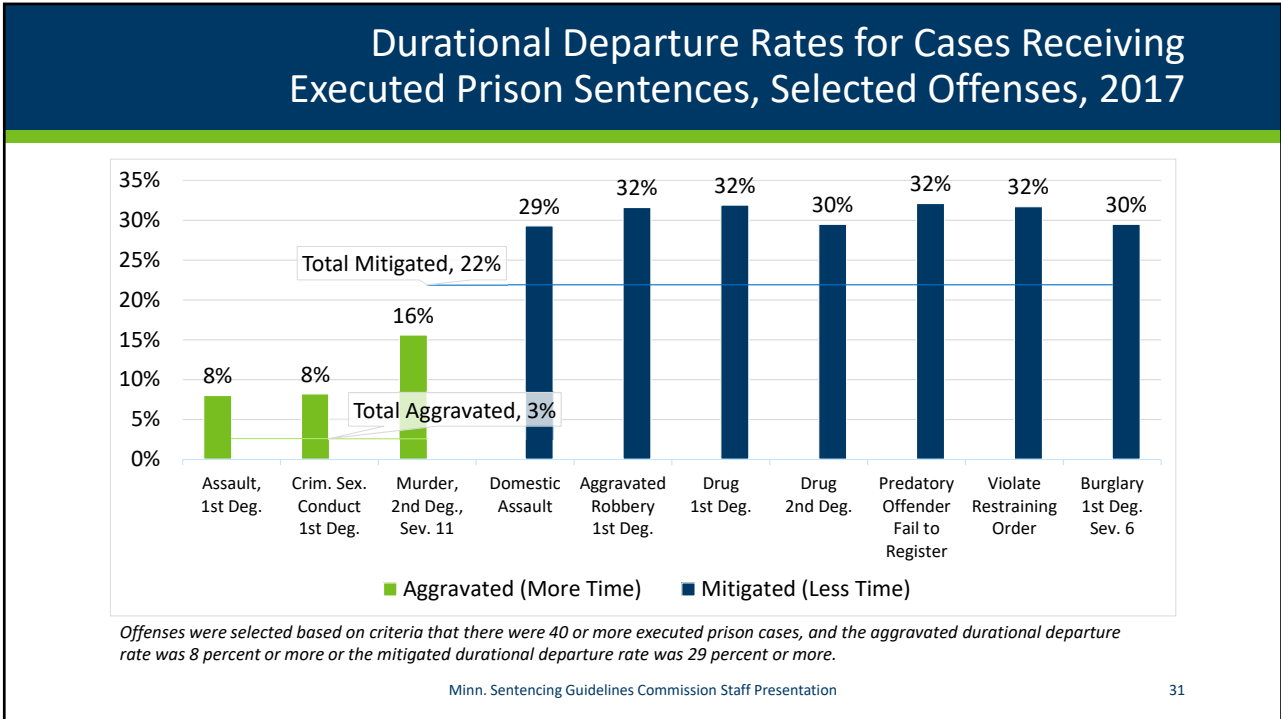
Mitigated Dispositional Departure Rates for Presumptive-Commit Cases, Selected Offenses, 2017



Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 41 percent or more.

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Impact of the 2016 Drug Sentencing Reform Act

- The 2016 Drug Sentencing Reform Act (DSRA) made a number of significant changes to the sentencing of Minnesota drug offenses.
- These changes generally took effect August 1, 2016, and were made effective for crimes committed on or after that date.
- Approximately half the cases sentenced in 2017 were subject to the DSRA provisions (“post-DSRA”).
- Because the offenses represent significantly less than a complete year of offense data, the results of the following analysis should be viewed as preliminary.

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1st–4th Degree Case Volume, Before & After DSRA

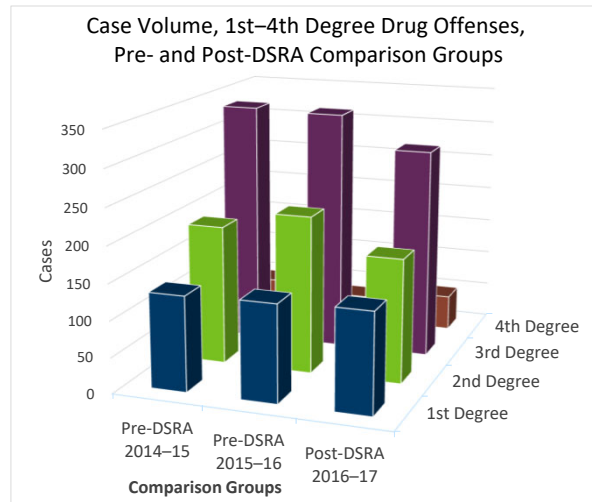
The provisions of the DSRA raised the thresholds (amount of drugs necessary for conviction) for some first- through third-degree offenses.

What was anticipated:

- Percentages of cases that are 1st–3rd degree would decline
- Percent of 4th and 5th degree would increase

Evidence to date:

- Slight increase in the number of 1st degree offenses
- Decline in the number and percentage of 2nd and 3rd degree offenses



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5th Degree Case Volume, Before & After DSRA

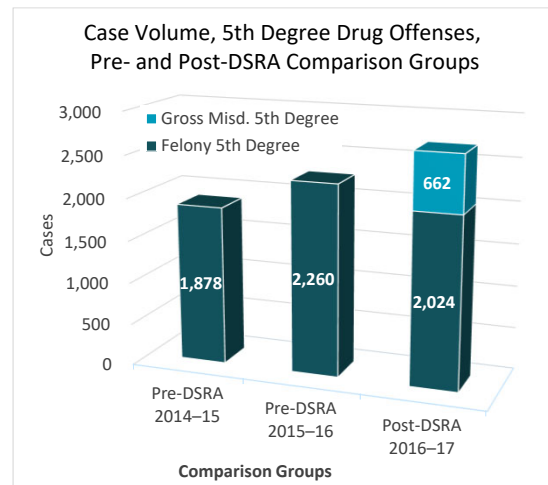
The provisions of the DSRA created a gross misdemeanor level 5th degree offense.

What was anticipated:

- Percent of 5th degree would increase

Evidence to date:

- Decline in the number and percentage of felony 5th degree offenses
- When gross misdemeanor 5th degree offenses are included, the number was greater than either comparison group



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Post-DSRA Sentence Uniformity: Dispositional Departure Rates

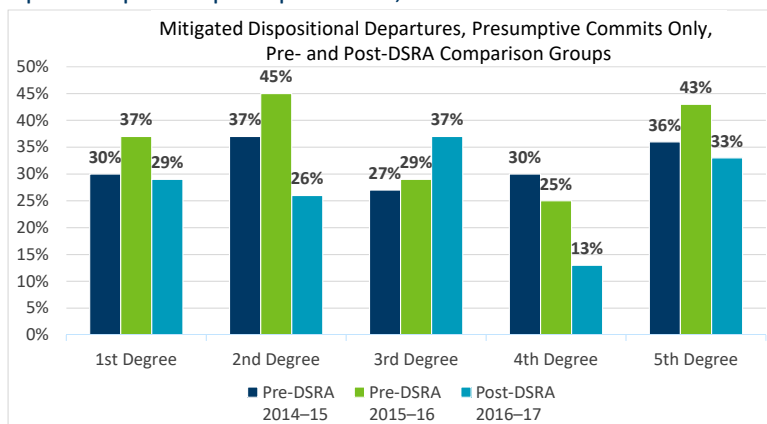
The DSRA increased drug thresholds, limited mandatory minimums, and reduced presumptive durations, or expanded presumptive probation, for some offenses

What was anticipated:

- A decrease in the percent of drug offenders who receive a departure

Evidence to date:

- Mitigated dispositional departure rates have generally decreased



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Post-DSRA Sentence Uniformity: Durational Departure Rates

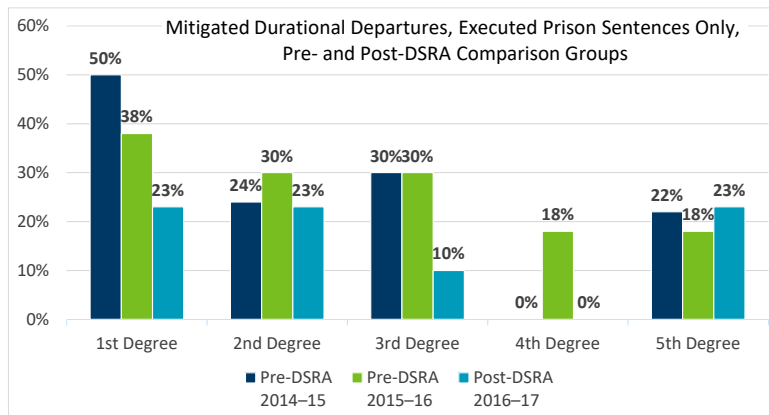
The DSRA increased drug thresholds, limited mandatory minimums, and reduced presumptive durations, or expanded presumptive probation, for some offenses

What was anticipated:

- A decrease in the percent of drug offenders who receive a departure

Evidence to date:

- Mitigated durational departures declined for 1st-3rd degree offenses
- Thus, the overall rate declined



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Estimated Prison Beds Needed Post-DSRA

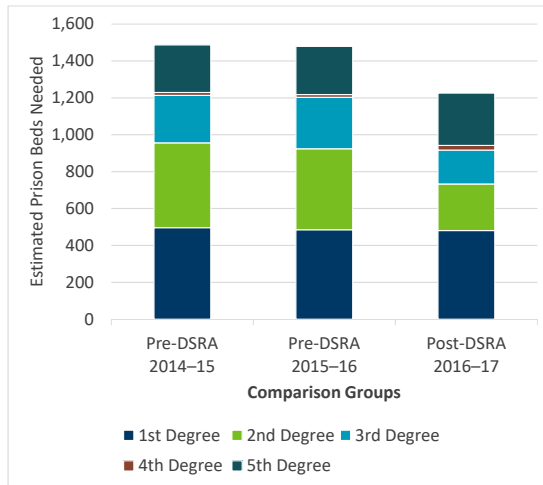
The DSRA increased drug thresholds, limited mandatory minimums, and reduced presumptive durations, or expanded presumptive probation, for some offenses

What was anticipated:

- The act would result in prison bed savings

Evidence to date:

- The post-DSRA cases studied required fewer estimated prison beds than comparable groups of pre-DSRA cases



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Estimated Prison-Bed Demand Avoided Post-DSRA

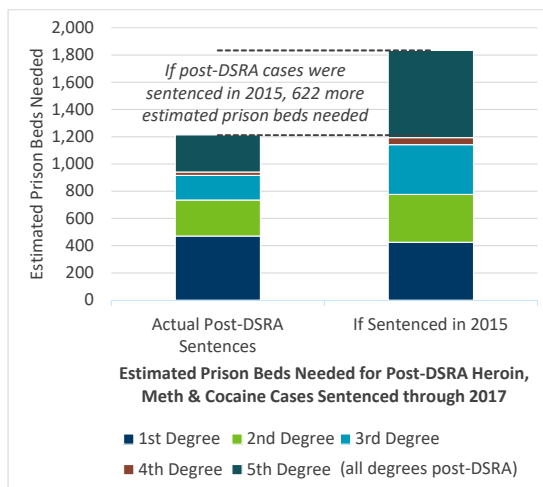
The DSRA increased drug thresholds, limited mandatory minimums, and reduced presumptive durations, or expanded presumptive probation, for some offenses

What was anticipated:

- The act would reduce demand for prison beds

Evidence to date:

- We compared actual post-DSRA sentences to sentences of comparable cases in 2015
- It appears that the prison-bed need would have been greater without the DSRA



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Post-DSRA Stays of Adjudication

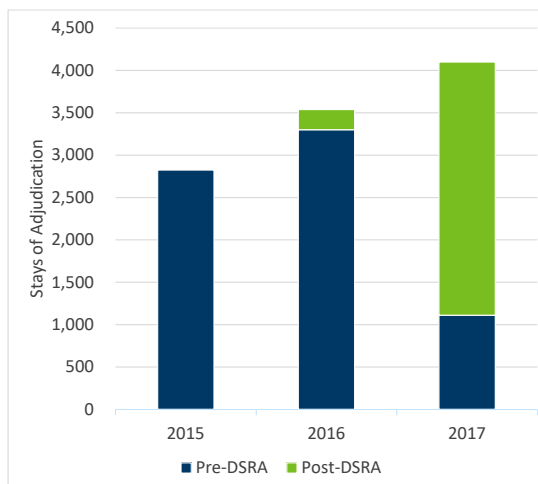
The DSRA mandated stay of adjudication for some first-time 5th degree offenders, and permitted stays of adjudication for 3rd degree possession offenses

What was anticipated:

- A rise in offenders receiving a stay of adjudication

Evidence to date:

- The number of stays of adjudication has risen after the DSRA took effect
- Gross misdemeanor offenders got almost half of the post-DSRA stays of adjudication dispositions



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For details, please refer to the Commission's 2019 Report to the Legislature and the 2017 data reports

MSGC reports page: <https://mn.gov/sentencing-guidelines/reports/>

Direct link to the 2019 Report to the Legislature: <https://go.usa.gov/xEbMF>

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Appendix 5. Sentencing Guidelines Grids

Appendix 5.1. Standard Sentencing Guidelines Grid – Effective August 1, 2018

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

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE							
	0	1	2	3	4	5	6 or more	
<i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings)	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 ²	426 363-480 ²
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Assault, 1st Degree</i>	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 ^{2, 3}
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary</i> <i>Simple Robbery</i>	5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	4	12 ¹	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	3	12 ¹	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12 ¹	12 ¹	13	15	17	19	21 18-25
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19 17-22

¹ 12¹=One year and one day



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 one year 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.

² 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 one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

³ The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

Appendix 5.2. Sex Offender Grid – Effective August 1, 2018

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		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
CSC 1st Degree	A	144 <i>144-172</i>	156 <i>144-187</i>	168 <i>144-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360</i> ²
CSC 2nd Degree–(c)(d)(e)(f)(h) Prostitution; Sex Trafficking ³ 1st Degree–1(a)	B	90 <i>90</i> ³ -108	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-300</i>	300 <i>255-300</i> ²
CSC 3rd Degree–(c)(d)(g)(h)(i)(j) (k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2nd Degree–1a	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>131-180</i>	180 <i>153-180</i> ²
CSC 2nd Degree–(a)(b)(g) CSC 3rd Degree–(a)(e)(f) or (b) with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)	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>
CSC 4th Degree–(c)(d)(g)(h)(i)(j) (k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography ²	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> ²
CSC 4th Degree–(a)(b)(e)(f) CSC 5th Degree Possession of Child Pornography (Subsequent or by Predatory Offender)	F	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
CSC 3rd Degree–(b) with subd. 2(2) Indecent Exposure Possession of Child Pornography Solicit Child for Sexual Conduct ²	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> ²
Registration Of Predatory Offenders	H	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



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 one year 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 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 one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

³ Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)

Appendix 5.3. Drug Offender Grid – Effective August 1, 2018

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

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

* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

¹ 12¹=One year and one day

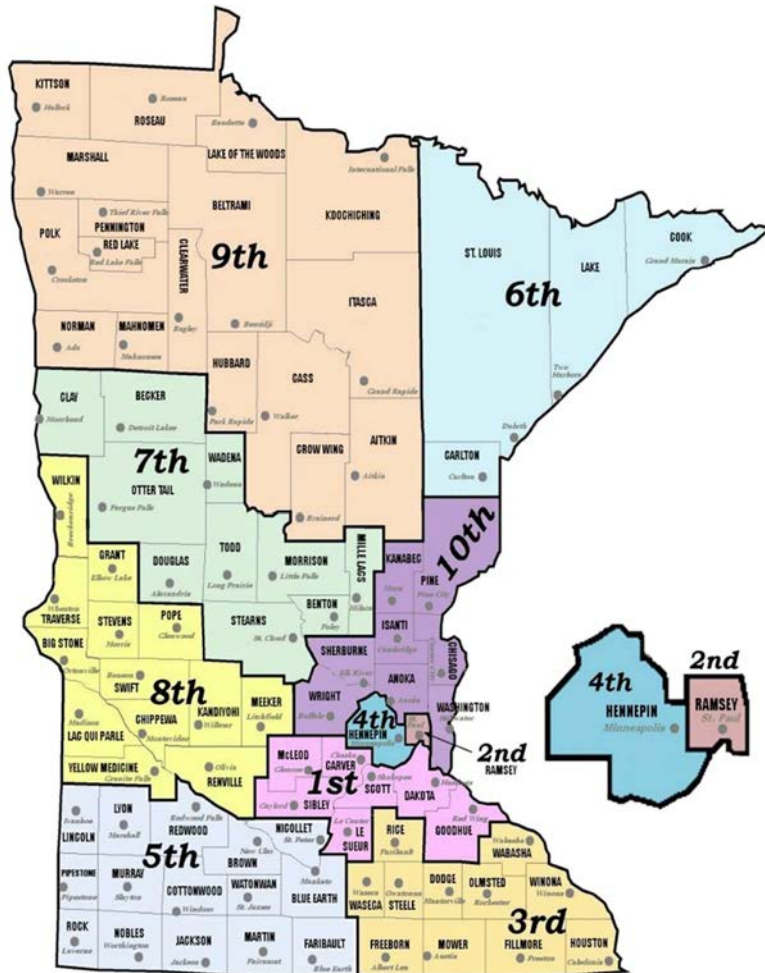


Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to one year 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.

Appendix 6. 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	Swift	Koochiching	Lake of the Woods
		Waseca		Nicollet		Wadena	Traverse	Mahnomen	Marshall
		Winona		Nobles			Wilkin	Marshall	Norman
				Pipestone			Yellow Medicine	Pennington	Polk
				Redwood				Polk	Red Lake
				Rock				Roseau	Roseau
				Watwan					

Source: Minn. Judicial Branch.