

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 4735

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DATE	D-PG	OFFICIAL STATUS
03/23/2026	6913	Introduction and first reading Referred to Judiciary and Public Safety
04/07/2026	7758	Comm report: To pass
	7904	Second reading

1.1 A bill for an act

1.2 relating to public safety; modifying criminal sentencing in cases involving age

1.3 deception; amending Minnesota Statutes 2024, section 244.10, subdivision 5a;

1.4 proposing coding for new law in Minnesota Statutes, chapter 609.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2024, section 244.10, subdivision 5a, is amended to read:

1.7 Subd. 5a. **Aggravating factors.** (a) As used in this section, "aggravating factors" include,

1.8 but are not limited to, situations where:

1.9 (1) the victim was particularly vulnerable due to age, infirmity, or reduced physical or

1.10 mental capacity, which was known or should have been known to the offender;

1.11 (2) the victim was treated with particular cruelty for which the offender should be held

1.12 responsible;

1.13 (3) the current conviction is for a criminal sexual conduct offense or an offense in which

1.14 the victim was otherwise injured and there is a prior felony conviction for a criminal sexual

1.15 conduct offense or an offense in which the victim was otherwise injured;

1.16 (4) the offense was a major economic offense, identified as an illegal act or series of

1.17 illegal acts committed by other than physical means and by concealment or guile to obtain

1.18 money or property, to avoid payment or loss of money or property, or to obtain business or

1.19 professional advantage. The presence of two or more of the circumstances listed below are

1.20 aggravating factors with respect to the offense:

1.21 (i) the offense involved multiple victims or multiple incidents per victim;

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

2.3 (iii) the offense involved a high degree of sophistication or planning or occurred over a
2.4 lengthy period of time;

2.5 (iv) the offender used the offender's position or status to facilitate the commission of
2.6 the offense, including positions of trust, confidence, or fiduciary relationships; or

2.7 (v) the offender had been involved in other conduct similar to the current offense as
2.8 evidenced by the findings of civil or administrative law proceedings or the imposition of
2.9 professional sanctions;

2.10 (5) the offense was a major controlled substance offense, identified as an offense or
2.11 series of offenses related to trafficking in controlled substances under circumstances more
2.12 onerous than the usual offense. The presence of two or more of the circumstances listed
2.13 below are aggravating factors with respect to the offense:

2.14 (i) the offense involved at least three separate transactions in which controlled substances
2.15 were sold, transferred, or possessed with intent to do so;

2.16 (ii) the offense involved an attempted or actual sale or transfer of controlled substances
2.17 in quantities substantially larger than for personal use;

2.18 (iii) the offense involved the manufacture of controlled substances for use by other
2.19 parties;

2.20 (iv) the offender knowingly possessed a firearm during the commission of the offense;

2.21 (v) the circumstances of the offense reveal the offender to have occupied a high position
2.22 in the drug distribution hierarchy;

2.23 (vi) the offense involved a high degree of sophistication or planning or occurred over a
2.24 lengthy period of time or involved a broad geographic area of disbursement; or

2.25 (vii) the offender used the offender's position or status to facilitate the commission of
2.26 the offense, including positions of trust, confidence, or fiduciary relationships;

2.27 (6) the offender committed, for hire, a crime against the person;

2.28 (7) the offender is sentenced according to section 609.3455, subdivision 3a;

2.29 (8) the offender is a dangerous offender who committed a third violent crime, as described
2.30 in section 609.1095, subdivision 2;

2.31 (9) the offender is a career offender as described in section 609.1095, subdivision 4;

3.1 (10) the offender committed the crime as part of a group of three or more persons who
 3.2 all actively participated in the crime;

3.3 (11) the offender intentionally selected the victim or the property against which the
 3.4 offense was committed, in whole or in part, because of the victim's, the property owner's,
 3.5 or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age,
 3.6 or national origin;

3.7 (12) the offender used another's identity without authorization to commit a crime. This
 3.8 aggravating factor may not be used when the use of another's identity is an element of the
 3.9 offense;

3.10 (13) the offense was committed in the presence of a child; ~~and~~

3.11 (14) an adult offender intentionally deceived a minor victim into believing the offender
 3.12 was also a minor in order to facilitate the commission of the offense; and

3.13 ~~(14)~~ (15) the offense was committed in a location in which the victim had an expectation
 3.14 of privacy.

3.15 (b) Notwithstanding section 609.04 or 609.035, or other law to the contrary, when a
 3.16 court sentences an offender for a felony conviction, the court may order an aggravated
 3.17 sentence beyond the range specified in the sentencing guidelines grid based on any
 3.18 aggravating factor arising from the same course of conduct.

3.19 (c) Nothing in this section limits a court from ordering an aggravated sentence based on
 3.20 an aggravating factor not described in paragraph (a).

3.21 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to crimes
 3.22 committed on or after that date.

3.23 **Sec. 2. [609.099] DECEPTION REGARDING AGE AS SENTENCING FACTOR.**

3.24 When determining an appropriate sentence for a crime, a judge may consider as a relevant
 3.25 factor whether an adult offender intentionally deceived a minor victim into believing the
 3.26 offender was also a minor in order to facilitate the commission of the crime.

3.27 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to crimes
 3.28 committed on or after that date.