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 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*[2]	426 *363-480*[2]
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*
Murder, 3rd Degree (Drugs) 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*
Agg. Robbery, 1st Degree; Burglary, 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*
Felony DWI; Financial Exploitation of a Vulnerable Adult	7	36	42	48	54 *46-64*	60 *51-72*	66 *57-79*	72 *62-84*[2,3]
Assault, 2nd Degree; Burglary, 1st Degree (Occupied Dwelling)	6	21	27	33	39 *34-46*	45 *39-54*	51 *44-61*	57 *49-68*
Residential Burglary Simple Robbery	5	18	23	28	33 *29-39*	38 *33-45*	43 *37-51*	48 *41-57*
Nonresidential Burglary	4	12[1]	15	18	21	24 *21-28*	27 *23-32*	30 *26-36*
Theft Crimes (Over $5,000)	3	12[1]	13	15	17	19 *17-22*	21 *18-25*	23 *20-27*
Theft Crimes ($5,000 or less) Check Forgery ($251-$2,500)	2	12[1]	12[1]	13	15	17	19	21 *18-25*
Assault, 4th Degree Fleeing a Peace Officer	1	12[1]	12[1]	12[1]	13	15	17	19 *17-22*

[1] 12[1]=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 Minnesota Statutes, section 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] Minnesota Statutes, section 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.)

Examples of Executed Sentences (Length in Months) Broken Down by: Term of Imprisonment and Supervised Release Term

Under Minnesota Statutes, section 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, will receive an executed sentence pronounced by

the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	78	52	26
13	8 2/3	4 1/3	86	57 1/3	28 2/3
15	10	5	88	58 2/3	29 1/3
17	11 1/3	5 2/3	98	65 1/3	32 2/3
18	12	6	108	72	36
19	12 2/3	6 1/3	110	73 1/3	36 2/3
21	14	7	122	81 1/3	40 2/3
23	15 1/3	7 2/3	134	89 1/3	44 2/3
24	16	8	146	97 1/3	48 2/3
27	18	9	150	100	50
28	18 2/3	9 1/3	158	105 1/3	52 2/3
30	20	10	165	110	55
33	22	11	180	120	60
36	24	12	190	126 2/3	63 1/3
38	25 1/3	12 2/3	195	130	65
39	26	13	200	133 1/3	66 2/3
42	28	14	210	140	70
43	28 2/3	14 1/3	220	146 2/3	73 1/3
45	30	15	225	150	75
48	32	16	230	153 1/3	76 2/3
51	34	17	240	160	80
54	36	18	306	204	102
57	38	19	326	217 1/3	108 2/3
58	38 2/3	19 1/3	346	230 2/3	115 1/3
60	40	20	366	244	122

66	44	22	386	257 1/3	128 2/3
68	45 1/3	22 2/3	406	270 2/3	135 1/3
72	48	24	426	284	142

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.

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

[1] 12[1]=One year and one day

□ Presumptive commitment to state imprisonment. Sex offenses under Minnesota Statutes, section 609.3455, subdivision 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 Minnesota Statutes, section 609.3455, subdivision 4. See sections 2.C and 2.E.

[2] Minnesota Statutes. section 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. 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.

[3] Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 1st Degree 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.)

Examples of Executed Sentences (Length in Months) Broken Down by: Term of Imprisonment and Supervised Release Term

Under Minnesota Statutes, section 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	84	56	28
14	9 1/3	4 2/3	90	60	30
15	10	5	91	60 2/3	30 1/3
16	10 2/3	5 1/3	102	68	34
18	12	6	110	73 1/3	36 2/3
20	13 1/3	6 2/3	117	78	39
24	16	8	119	79 1/3	39 2/3
25	16 2/3	8 1/3	120	80	40
27	18	9	130	86 2/3	43 1/3
30	20	10	140	93 1/3	46 2/3
36	24	12	144	96	48
39	26	13	150	100	50
40	26 2/3	13 1/3	153	102	51
45	30	15	156	104	52
48	32	16	168	112	56
51	34	17	180	120	60
59	39 1/3	19 2/3	195	130	65
60	40	20	234	156	78
62	41 1/3	20 2/3	255	170	85
70	46 2/3	23 1/3	300	200	100
76	50 2/3	25 1/3	306	204	102
77	51 1/3	25 2/3	360	240	120

78	52	26			

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						
		0	**1**	**2**	**3**	**4**	**5**	**6 or More**
Aggravated Controlled Substance Crime, 1st Degree *Manufacture of Any Amt. Meth*	**D9**	86 *74*-103*	98 *84*-117*	110 *94*-132*	122 *104*-146*	134 *114*-160*	146 *125*-175*	158 *135*-189*
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*
Controlled Substance Crime, 2nd Degree	**D7**	48	58	68 *58-81*	78 *67-93*	88 *75-105*	98 *84-117*	108 *92-129*
Controlled Substance Crime, 3rd Degree *Failure to Affix Stamp*	**D6**	21	27	33	39 *34-46*	45 *39-54*	51 *44-61*	57 *49-68*
Possess Substances with Intent to Manufacture Meth	**D5**	18	23	28	33 *29-39*	38 *33-45*	43 *37-51*	48 *41-57*
Controlled Substance Crime, 4th Degree	**D4**	12[1]	15	18	21	24 *21-28*	27 *23-32*	30 *26-36*
Meth Crimes Involving Children and Vulnerable Adults	**D3**	12[1]	13	15	17	19 *17-22*	21 *18-25*	23 *20-27*
Controlled Substance Crime, 5th Degree	**D2**	12[1]	12[1]	13	15	17	19	21 *18-25*
Sale of Simulated Controlled Substance	**D1**	12[1]	12[1]	12[1]	13	15	17	19 *17-22*

*Lower range may not apply. See section 2.C.3.c(1) and Minnesota Statutes, section 152.021, subdivision 3, paragraphs (c) and (d)

[1] 12[1] = 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.

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rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	58	38 2/3	19 1/3
13	8 2/3	4 1/3	65	43 1/3	21 2/3
15	10	5	68	45 1/3	22 2/3
17	11 1/3	5 2/3	75	50	25
18	12	6	78	52	26
19	12 2/3	6 1/3	85	56 2/3	28 1/3
21	14	7	86	57 1/3	28 2/3
23	15 1/3	7 2/3	88	58 2/3	29 1/3
24	16	8	95	63 1/3	31 2/3
27	18	9	98	65 1/3	32 2/3
28	18 2/3	9 1/3	105	70	35
30	20	10	108	72	36
33	22	11	110	73 1/3	36 2/3
38	25 1/3	12 2/3	115	76 2/3	38 1/3
39	26	13	122	81 1/3	40 2/3
43	28 2/3	14 1/3	125	83 1/3	41 2/3
45	30	15	134	89 1/3	44 2/3
48	32	16	146	97 1/3	48 2/3
51	34	17	158	105 1/3	52 2/3
57	38	19			