

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.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, subd. 4	Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force)	11	360	CHS 0 (upper-range)
609.2231, subds. 3 & 3a	Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer, Secure Treatment Facility Personnel)	3	24	CHS 6 (upper-range)
609.2231, subd. 4(b)	Assault 4th Degree Motivated by Bias	3	12, and 1 Day	CHS 0 (upper-range)
609.2247	Domestic Assault by Strangulation	5	36	CHS 3 (upper-range)
609.322, subd. 1(a)	Sex Trafficking 1st Degree	B	300	CHS 5 (upper-range)
609.343, subds. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i)	Criminal Sexual Conduct 2nd Degree	B	300	CHS 5 (upper-range)

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609.344, subds. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 3rd Degree	C	180	CHS 5 (upper-range)
609.4751, subd. 1	Impersonating a Peace Officer	2	24	CHS 6 (upper-range)
609.485, subd. 4(a)(2)	Escape, Mental Illness	1	12, and 1 Day	CHS 3
609.485, subd. 4(a)(4)	Escape from Civil Commitment	1	12, and 1 Day	CHS 3
609.595, subd. 1a(a)	Damage to Prop Motivated by Bias	1	12, and 1 Day	CHS 3
609.597, subd. 3(3)	Assaulting or Harming Police Horse	1	12, and 1 Day	CHS 3
609.662, subd. 2(b)(2)	Duty to Render Aid (Substantial Bodily Harm)	1	12, and 1 Day	CHS 3
609.713, subd. 3(a)	Threats of Violence (Replica Firearm)	1	12, and 1 Day	CHS 3
609.746, subd. 1(h)	Surreptitious Observation Device (Minor Victim and Sexual Intent)	G	48	CHS 5
609.776	Interference with Emergency Comm.	5	36	CHS 4
609.78, subd. 2c	Fictitious Emergency Call (Response to Home of Official)	1	12	CHS 3
617.246, subds. 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	180	CHS 5 (upper-range)
617.247, subd. 3(a)	Dissemination of Child Sexual Abuse Material	E	84	CHS 5
617.247, subd. 3(b)	Dissemination of Child Sexual Abuse Material (Subsequent, by Predatory Offender, or Child Under 14)	C	180	CHS 5 (upper-range)
624.7141, subd. 1	Transferring Firearm to Ineligible Person	2	24	CHS 6 (upper-range)