

**609.04 CONVICTION OF LESSER OFFENSE.**

Subdivision 1. **Lesser offense prosecution.** Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included offense, but not both. An included offense may be any of the following:

- (1) A lesser degree of the same crime; or
- (2) An attempt to commit the crime charged; or
- (3) An attempt to commit a lesser degree of the same crime; or
- (4) A crime necessarily proved if the crime charged were proved; or
- (5) A petty misdemeanor necessarily proved if the misdemeanor charge were proved.

Subd. 2. **Conviction; bar to prosecution.** A conviction or acquittal of a crime is a bar to further prosecution of any included offense, or other degree of the same crime.

**History:** 1963 c 753 art 1 s 609.04; Ex1971 c 27 s 45