

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 | |
| <i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings) | 11 | 306 <i>261-367</i> | 326 <i>278-391</i> | 346 <i>295-415</i> | 366 <i>312-439</i> | 386 <i>329-463</i> | 406 <i>346-480²</i> | 426 <i>363-480²</i> |
| <i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder) | 10 | 150 <i>128-180</i> | 165 <i>141-198</i> | 180 <i>153-216</i> | 195 <i>166-234</i> | 210 <i>179-252</i> | 225 <i>192-270</i> | 240 <i>204-288</i> |
| <i>Assault, 1st Degree</i> | 9 | 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>Agg. Robbery, 1st Degree;</i> <i>Burglary, 1st Degree (w/</i> <i>Weapon or Assault)</i> | 8 | 48 <i>41-57</i> | 58 <i>50-69</i> | 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>Felony DWI;</i> <i>Financial Exploitation of a</i> <i>Vulnerable Adult</i> | 7 | 36 | 42 | 48 | 54 <i>46-64</i> | 60 <i>51-72</i> | 66 <i>57-79</i> | 72 <i>62-84^{2,3}</i> |
| <i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied</i> <i>Dwelling)</i> | 6 | 21 | 27 | 33 | 39 <i>34-46</i> | 45 <i>39-54</i> | 51 <i>44-61</i> | 57 <i>49-68</i> |
| <i>Residential Burglary;</i> <i>Simple Robbery</i> | 5 | 18 | 23 | 28 | 33 <i>29-39</i> | 38 <i>33-45</i> | 43 <i>37-51</i> | 48 <i>41-57</i> |
| <i>Nonresidential Burglary</i> | 4 | 12 ¹ | 15 | 18 | 21 | 24 <i>21-28</i> | 27 <i>23-32</i> | 30 <i>26-36</i> |
| <i>Theft Crimes (Over \$5,000)</i> | 3 | 12 ¹ | 13 | 15 | 17 | 19 <i>17-22</i> | 21 <i>18-25</i> | 23 <i>20-27</i> |
| <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 <i>18-25</i> |
| <i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i> | 1 | 12 ¹ | 12 ¹ | 12 ¹ | 13 | 15 | 17 | 19 <i>17-22</i> |

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.)

Examples of Executed Sentences (Length in Months) Broken Down by:

Term of Imprisonment and Supervised Release Term

Under Minn. Stat. § 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 |