

Minnesota Criminal Sentencing Enhancements

Highlights from 1987 to 2010

1987

- ✓ Enhanced penalties for selling or distributing specific amounts of a controlled substance.
- ✓ Doubled the maximum prison penalty normally applicable to the crime of selling types of drugs to a minor or using a minor to sell them.

1989

- ✓ Sentencing guidelines doubled for all crimes in the higher severity levels.
- ✓ Time increased from 17 to 30 years before parole eligibility for life sentence for a conviction of first-degree murder.
- ✓ Life without parole sentence created for conviction of first-degree murder following a conviction for a heinous crime.
- ✓ Sentences increased for dangerous and career offenders. Judges may impose an aggravated departure up to the statutory maximum if the offender fits into a dangerous offender category. Increased sentence if the judge finds the offender has more than four prior felony convictions and the current offense is part of a pattern of criminal conduct.
- ✓ Increased sentence for sex offenders if the court finds the offender is a danger to public safety and needs long-term treatment or supervision based on an assessment that concludes the offender is a patterned sex offender. Long-term supervision when the offender reaches mandatory release date also required.
- ✓ Penalties substantially increased for controlled substance crimes; five degrees created.
- ✓ Statutory maximum penalty is mandatory for second and third-degree murder when there is a prior conviction for a heinous crime (40 years for second degree and 25 years for third).

1990

- ✓ Reference for prosecution as an adult provided for juveniles committing felony offenses as part or subsequent to the delinquent act of escape from local juvenile correctional facilities.
- ✓ Controlled substance law change removed language which made selling or possessing a certain amount of a controlled substance a fourth-degree crime and by doing so elevated it to a third-degree offense.

1991

- ✓ Increased penalties for the sale or possession of certain controlled substances.
- ✓ Consecutive mandatory minimum terms of imprisonment provided for certain drug-related offenses.
- ✓ Enhanced penalties for firearms violations in public housing, school, or park zones.
- ✓ Increased penalties for furnishing persons with dangerous weapons, for unlawfully furnishing firearms to minors, and for unlawful possession of pistols by minors.
- ✓ Increased penalties for crimes committed while belonging to a gang.

1992

- ✓ Increased penalties for sale or possession of powder cocaine to be identical to the penalties for sale or possession of crack cocaine.
- ✓ Life imprisonment for certain repeat sex offenders added. Includes persons convicted of first-degree criminal sexual conduct who have had two previous first, second, or third-degree criminal sexual conduct convictions. Prior to this law, sentences could have been as low as three years.
- ✓ Life sentence without the possibility of release added for first-degree murder while committing forcible criminal sexual conduct.
- ✓ Under the patterned sex offender statute, judges are required to order at least a doubling of the presumptive sentence for a person with the appropriate criminal history. The possibility of conditional release halfway through the sentence is eliminated.
- ✓ A mandatory 30-year sentence is imposed for repeat first or second-degree criminal sexual conduct convictions involving injury, force, or use of a weapon and an aggravating factor.
- ✓ A minimum departure of twice the presumptive guidelines sentence is required for certain first-time sex offenders, such as those convicted of offenses involving injury and an aggravating factor.
- ✓ Good time eliminated for inmates sentenced for crimes committed after August 1, 1993. The sentencing court now is required to pronounce a term of imprisonment and a term of supervised release. The term of imprisonment cannot be shortened but may be increased as a result of disciplinary infractions during incarceration.
- ✓ Mandatory supervised release (now called conditional release) period of at least five years set for sex offenders and at least ten years for repeat sex offenders.

1993

- ✓ The following felony offenses were created: shooting from a car; recklessly firing a gun in a municipality or school; and owning, possessing or operating a device to convert any firearm into an automatic weapon.
- ✓ Life imprisonment without the possibility of parole established for killing a peace or correctional officer.
- ✓ Increased penalties for stalking or a pattern of repeated harassment.

1994

- ✓ Mandatory prison sentence for three-time violent offenders of at least the term required under the sentencing guidelines. The court must impose a longer minimum sentence if that is otherwise required by law.
- ✓ Felony penalty created for assaulting a child under age four that results in multiple bruises or harm to the child's head, eyes, or neck.
- ✓ Statutory maximum doubled to ten years for furnishing a minor with a gun.
- ✓ Certain sexual contact with a child under age 13 made first rather than second-degree criminal sexual conduct.
- ✓ Juveniles age 16 and 17 charged with first-degree murder automatically stand trial in adult court.
- ✓ Established the presumption to try 16 and 17 year-olds as adults if the offense is a serious or violent felony or if the juvenile used a firearm while committing a felony. Juveniles face adult trial unless they prove they warrant a juvenile hearing.
- ✓ A new category of juvenile offender called the extended jurisdiction juvenile created. Serious juvenile offenders receive a stayed adult sentence which may be imposed if the court determines that the offender's behavior requires an adult sanction.
- ✓ Current sexual psychopath civil commitment law recodified with updated language and new provisions relating to sexually dangerous persons.

1995

- ✓ Statutory maximum sentence lengthened to 40 years for persons sentenced under the patterned sex offender law if certain conditions exist.
- ✓ Expansion of court's ability to conclude that a sex offender is a danger to public safety and therefore eligible for sentencing as a patterned sex offender.
- ✓ Definition of violent crime expanded allowing increased sentences for certain dangerous felony offenders.
- ✓ Provisions of second-degree murder expanded to include persons who are restrained under an order for protection who unintentionally cause the death of a person protected under the act.

1996

- ✓ New mandatory prison sentence of 18 months for felons in possession of a firearm.
- ✓ Mandatory jail time for certain categories of domestic abusers.

1997

- ✓ Increased penalties for sale or possession of heroin to be identical to the penalties for sale or possession of cocaine.
- ✓ New mandatory prison sentence of 10 years for assaults against peace officers or correctional employees, including use of deadly force.
- ✓ Mandatory consecutive sentences for assaults in state correctional facilities.
- ✓ Witness-tampering statute amended to create a new aggravated first-degree crime with a statutory maximum of 20 years.

1998

- ✓ Mandatory minimum for felon in possession of a gun increased from 18 months to five years.
- ✓ Methamphetamine crimes treated same as heroin offenses.
- ✓ Life without parole for first-degree murder committed in the course of kidnapping.
- ✓ Penalties increased for drive-by shooting crimes.
- ✓ Penalties increased for crimes committed for benefit of a gang.

1999

- ✓ Penalties increased for some adulteration crimes.
- ✓ New counterfeited intellectual property, felony dishonored check, and identity theft crimes.
- ✓ Penalties increased for possession and dissemination of pornographic works.

2000

- ✓ Twelve-year presumptive sentence for first-degree criminal sexual conduct.
- ✓ New mandatory one-year/one-day prison sentences for offenders failing to register as sex offenders; two-year mandatory prison sentences for second or subsequent offenses.

- ✓ New crime to tamper with, steal, or transport anhydrous ammonia (substance used to produce methamphetamine).
- ✓ New possession or sale of stolen and counterfeit checks crimes.

2001

- ✓ New criminal sexual conduct third and fourth-degree crimes by correctional employees.
- ✓ Penalties increased for possession and dissemination of pornographic works.
- ✓ Penalties increased to 40 years for fleeing peace officer resulting in death.
- ✓ New fraudulent drivers' licenses and ID card crimes.
- ✓ New pet cruelty crimes.

2002

- ✓ Fifty percent longer sentence for crimes committed in furtherance of terrorism.
- ✓ Presumptive sentence of 7 1/2 years for some second-degree criminal sexual conduct.
- ✓ New crime for aiding an offender, taking responsibility for criminal acts.
- ✓ New criminal damage to property of critical public service facilities.
- ✓ New criminal sexual conduct third and fourth degree crimes by special transportation service workers.
- ✓ New felony driving while impaired crime.
- ✓ New crime for harassing or stalking victims under age 18, committed with sexual or aggressive intent.
- ✓ New insurance fraud, employing runners.
- ✓ New murder in the first degree in furtherance of terrorism.
- ✓ New crimes related to real or simulated weapons of mass destruction.

2003

- ✓ New felony mail and identity theft crimes over \$35,000.
- ✓ New felony interference with emergency communication crime.
- ✓ New felony attempted manufacture of methamphetamine crime.
- ✓ New upward sentencing departure factor for offenders who use another's identity without authorization to commit a crime.

2004

- ✓ Blood alcohol concentration level reduced to .08 for DWIs, criminal vehicular homicide, and injury offenses (effective August 1, 2005).
- ✓ New felony crime for assaults against probation officers.
- ✓ Felony assault against peace officers expanded to include assaults resulting in transference of bodily fluids.

2005

- ✓ Mandatory life sentences for most dangerous sex offenders; some are life without possibility of release.
- ✓ Life without release for premeditated first-degree murder.
- ✓ Increased penalties for sale of meth and possession of meth precursors.
- ✓ Increased penalties for domestic assault by strangulation.
- ✓ Increased penalties for crimes committed for the benefit of a gang when the victim is a child.
- ✓ New crime for trafficking in persons.
- ✓ Increased penalties for identity theft related to possession and dissemination of child pornography.
- ✓ Increased penalties for interference with privacy.
- ✓ Expansion of harassment and stalking crime to include harassment through the use of wireless and electronic communication.

2006

- ✓ Extended "look-back" period to 10 years for repeat domestic assault offenders.
- ✓ Increased statutory maximum for labor or sex trafficking of child victims.
- ✓ Maximum sentence 25 percent longer if criminal sexual conduct is motivated by a predatory pattern of behavior that had criminal sexual conduct as its goal; 50 percent longer if repeat offender.
- ✓ Consecutive sentences for felony DWI.
- ✓ Expanded conditional release for sex offenders; lifetime conditional release for certain sex offenders.
- ✓ Penalties increased for escape from Civil Commitment, Sexually Dangerous Persons.

2007

- ✓ New felony theft where there is a risk of bodily harm.
- ✓ New felony domestic abuse - no contact order.
- ✓ New burglary of a government building, religious establishment, or school.
- ✓ Addition to criminal vehicular homicide in which the driver knew that a defect presented a danger to others.
- ✓ New mortgage-lending offenses.

2008

- ✓ Definition for animal fighting expanded beyond domestic animals; new felony provision added for possessing device or substance intended to enhance an animal's ability to fight.
- ✓ Definition of disarming peace officer expanded to include all defensive devices, not just firearms.
- ✓ Increased period in which a no-contact order can be issued from one year to two years; additional orders can be granted; orders can be granted for up to 50 years if the abuser violates prior orders two or more times.

2009

- ✓ Expanded definition for acts that constitute criminal sexual contact second and fourth degrees.
- ✓ Expanded definition of electronic solicitation of children.
- ✓ New financial exploitation of vulnerable adult over \$35,000.
- ✓ Labor and sex trafficking definitions expanded to include receiving profit or anything of value that is derived from one of the prohibited acts.
- ✓ Enhanced penalties for solicitation, inducement, and promotion of prostitution if the offense is committed through engaging in sex trafficking with aggravating factor.

2010

- ✓ Raised statutory maximum for possession of a dangerous weapon on school property from two years to five years.
- ✓ New third- and fourth-degree offenses for criminal sexual conduct committed by secure treatment facility employees.

The purpose of this document is to highlight major increases in Minnesota sentences over time. It is not intended to be a complete list of statutory changes.

