

## **Mandatory Sentencing Laws**

This information brief describes Minnesota laws mandating judges to impose specified sentences on persons convicted of certain crimes. These mandatory sentences include specified lengths of incarceration in state prison or local jails, minimum fines and other financial penalties, mandatory treatment, and other sentencing measures. All statutory citations are to Minnesota Statutes, as amended through the 2011 Regular Session and First Special Session.

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<b>Contents</b>	<b>Page</b>
<a href="#">Minimum Imprisonment Penalties</a> .....	2
<a href="#">Minimum Fines; Assessments; Surcharges; Fees</a> .....	9
<a href="#">Mandatory Treatment Assessment; Mandatory Treatment</a> .....	12
<a href="#">Other Mandatory Sentencing Provisions</a> .....	14
<a href="#">Appendix</a> .....	17
<a href="#">Topical Index</a> .....	19

## Minimum Imprisonment Penalties

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Throughout this section, four important terms are used to describe the type of sentence a court pronounces: executed sentence, stayed sentence, stay of imposition, and stay of execution. Under an “executed sentence,” the convicted offender is required to serve the prison or jail term specified by the sentencing judge. In contrast, under a “stayed sentence,” the prison or jail term is stayed—that is, held in abeyance—on condition that the convicted offender fulfill the conditions of probation ordered by the sentencing judge. If the offender fails to abide by these conditions, the “stay” of sentence may be revoked and the prison or jail sentence may be “executed”—that is, put into effect. There is one complicating factor to add to this scheme: felony offenders whose prison sentences are stayed may, nonetheless, be ordered to serve up to a year in the local jail as a condition of probation. However, this jail-time provision does not change their stayed sentences into executed sentences; indeed, if their probation is revoked, their prison sentences still can be executed even if they have already served some time in jail. [Minn. Stat. § 609.135](#).

Furthermore, when a court stays an offender’s sentence, it can do so in two different ways. The more lenient sentence is a “stay of imposition.” Under this approach, the court pronounces a sentence but stops short of imposing it. If the offender successfully serves out his or her conditions of probation, the offense is recorded on his or her criminal record as being no greater than a misdemeanor. A “stay of execution,” however, carries no similar criminal record benefits. Under this approach, the court pronounces *and* imposes a sentence, then stays its execution, subject to specified conditions of probation. The offender avoids serving prison time and, possibly, jail time but his or her criminal record will reflect the actual offense of which the offender was convicted. [Minn. Stat. § 609.13](#).

Finally, the above distinction—executed versus stayed—does not only apply to incarceration penalties but also may apply to fines.

### Controlled Substance Offenders

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[§§ 152.021-152.025](#) If an offender is convicted of a felony-level controlled substance crime within ten years of sentence discharge for a previous felony-level controlled substance crime, the court must sentence the offender to prison for not less than the following time periods:

*See also* [§ 152.01 \(16a\)](#)

- first-degree crime: four years
- second-degree crime: three years
- third-degree crime: two years
- fourth-degree crime: one year
- fifth-degree crime: six months

A court may waive the mandatory minimum sentence for a fifth-degree controlled substance crime if it finds substantial and compelling reasons to do so.

## DWI Offenders

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### § 169A.275

The court must impose the following minimum sentences on persons convicted of a second- or third-degree DWI offense (gross misdemeanors):

- second offense within ten years—not less than 30 days in jail, at least 48 hours of which must be served in a local correctional facility, or eight hours of community work service for each day less than 30 that the person is ordered to serve (This mandatory minimum sentence must be served, unless the court departs from it.)
- third offense within ten years—not less than 90 days incarceration, of which at least 30 days must be served consecutively in a local correctional facility and up to 60 days may be served on home detention or intensive probation

As an alternative to the mandatory minimum incarceration penalties applicable to third offenses, the court may order the person to participate in an intensive probation program of the type described in [Minnesota Statutes, section 169A.74](#), if the program requires the person to serve at least six days consecutively in a local correctional facility.

A judge is not required to impose the mandatory penalties under this section, if the judge requires the person to drive a vehicle equipped with an ignition interlock device as a condition of probation.

### § 169A.276

*See also § 169A.275 (3) & (4)*

The court must impose a three-year minimum prison sentence on persons convicted of a felony-level (first-degree) DWI offense. If the court chooses to depart from this minimum sentence under the sentencing guidelines, it may stay execution (but not imposition) of the three-year prison sentence and, instead, sentence the person to one of the following alternative mandatory sentences:

- fourth offense within ten years—not less than 180 days incarceration, of which at least 30 days must be served consecutively in a local correctional facility and up to 150 days may be served on home detention or intensive probation
- fifth or subsequent offense within ten years—not less than one year of incarceration, of which at least 60 days must be served consecutively in a local correctional facility and the remainder may be served on home detention or intensive probation using an electronic monitoring system

The court may order that the jail time be served under a traditional sentencing approach or a staggered sentencing procedure. Under the

latter approach, jail time may be served in segments over multiple years.

As an alternative to these mandatory minimum nonprison sentences, the court may order the person to participate in an intensive probation program of the type described in [Minnesota Statutes, section 169A.74](#), if the program requires the person to serve at least six days consecutively in a local correctional facility.

## **Predatory Offender Registration Act Violations**

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**§ 243.166 (5)** The court must impose a prison sentence on any sex offender or other predatory offender who knowingly violates any provision of the predatory offender registration act or who intentionally provides false information under the registration act to a corrections agent, law enforcement agency, or the Bureau of Criminal Apprehension (BCA). The sentence must be at least one year and one day for first-time offenders and at least two years for repeat offenders. The court may waive this mandatory minimum sentence on the prosecutor's motion or on its own motion, but such a sentence is a departure from the sentencing guidelines and must be supported by mitigating factors.

## **Unlawful Furnishing of Alcohol to Underage Persons**

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**§ 340A.701 (2)** If an offender is convicted of furnishing alcohol to an underage person and death or great bodily harm results from the offense, the court must impose a 90-day jail sentence on the offender unless the offender is otherwise eligible for a prison sentence under the sentencing guidelines.

## **Domestic Abuse Order for Protection and No Contact Order Offenders**

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**§§ 518B.01 (14); 629.75** The court must sentence an offender convicted of a misdemeanor-level violation of a domestic abuse order for protection (OFP) to at least three days in jail. The jail sentence may be stayed as a condition of the offender attending treatment; however, it must be executed if the offender fails or refuses to comply with court-ordered treatment.

The court must impose at least a ten-day jail sentence on offenders convicted of a gross misdemeanor-level OFP or no contact order violation (i.e., violating the order within ten years of a previous qualified domestic violence-related offense conviction). The court may not stay this mandatory minimum jail sentence.

The court must impose at least a 30-day probationary jail term on an offender convicted of a felony-level OFP or no contact order violation (i.e., violating the order while possessing a dangerous weapon, or within ten years of the first of two or more previous qualified domestic violence-related offense convictions). The court may not waive this

probationary jail term unless the court executes a prison sentence.

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## First-Degree Murderers

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**§§ 609.106; 609.185** The court must impose a life imprisonment sentence on a person convicted of first-degree murder. The court must impose a life imprisonment sentence without possibility of parole for:

- premeditated murder;
- rape-murder;
- murder of a peace officer or correctional officer;
- murder in the course of a kidnapping;
- murder in the course of a felony crime to further terrorism if death occurred under circumstances manifesting an extreme indifference to human life; or
- first-degree murder by an offender who has one or more previous convictions for a “heinous crime.”<sup>1</sup>

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## Second- or Third-Degree Murderers

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**§ 609.107** The court must sentence an offender convicted of second- or third-degree murder to the statutory maximum sentence if the offender was previously convicted of a “heinous crime” and 15 years have not elapsed since the person’s sentence was discharged.

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## Repeat Dangerous Offenders

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**§ 609.1095 (3)** The court must sentence an offender convicted of a third violent felony to prison for at least the presumptive sentence duration applicable under the sentencing guidelines. The court must execute the sentence even if the presumptive disposition is a stayed sentence.

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## Minimum Sentences for Crimes Committed with a Firearm or Dangerous Weapon

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**§ 609.11** The court must impose and execute minimum prison sentences for certain specified crimes involving weapon possession and/or use. These minimum prison sentences are:

- possession of firearm by convicted felon who is prohibited from possessing a firearm for committing a crime of violence: five years;
- use or possession of firearm in a “designated offense”: three years (five years for repeat offenders);

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<sup>1</sup> A “heinous crime” is defined as murder or attempted murder in the first or second degree, murder in the third degree, assault in the first degree, or criminal sexual conduct in the first, second, or third degree if committed with force or violence.

- use of dangerous weapon other than a firearm in a “designated offense”: one year and one day (three years for repeat offenders).

### **Assaults Against Peace Officers, Correctional Employees, or Secure Treatment Facility Personnel**

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**§ 609.221 (2)** The court must sentence an offender to a minimum of ten years in prison if the offender assaults a peace officer or a correctional employee by using or attempting to use deadly force while the officer or employee is performing official duties.

**§ 609.2231 (3a)** The court must impose a minimum prison sentence of one year and a day on a person convicted of assaulting a secure treatment facility employee while the employee is engaged in the performance of a duty.

### **Repeat Domestic Assault Offenders**

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**§ 609.2243 (1)** The court must impose a minimum 20-day jail sentence on a person convicted of repeat (gross misdemeanor) domestic assault, at least 96 hours of which must be served consecutively. The court may waive this minimum sentence on the condition that the offender completes treatment.

**§ 609.2243 (2)** The court must impose a minimum 45-day probationary jail sentence on a person convicted of a repeat (felony) domestic assault, at least 15 days of which must be served consecutively.

### **Crimes for Benefit of Criminal Gang**

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**§ 609.229 (4)** The court must impose a minimum prison sentence of one year and one day on a person convicted of committing a felony-level crime for the benefit of a criminal gang.

### **First-Degree Sex Offenders**

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**§ 609.342 (2)** When a person is convicted of first-degree criminal sexual conduct, the court must presume that a prison sentence of 144 months should be imposed and executed, unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines presume that a longer sentence is appropriate. If the court imposes a less severe sentence, it is a departure from the sentencing guidelines and must be supported by mitigating factors.

## Second-Degree Sex Offenders

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**§ 609.343 (2)** When a person is convicted of second-degree criminal sexual conduct involving force or violence, the court must presume that a prison sentence of 90 months should be imposed and executed, unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines presume that a longer sentence is appropriate. If the court imposes a less severe sentence, it is a departure from the sentencing guidelines and must be supported by mitigating factors.

## Dangerous Sex Offenders

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**§ 609.3455 (2)** The court must impose a mandatory life sentence without the possibility of release for an offender convicted of first- or second-degree criminal sexual conduct involving force or violence if:

- the fact finder (i.e., the judge or a jury) determines that two or more heinous elements exist; or
- the offender has a previous sex-offense conviction for first-, second-, or third-degree criminal sexual conduct and the fact finder determines that one heinous element exists for the present offense.

**§ 609.3455 (3)** The court must impose a life sentence with the possibility of release for an offender convicted of first- or second-degree criminal sexual conduct involving force or violence if a heinous element exists.

A court imposing an indeterminate life sentence must sentence the offender to (1) a minimum term of imprisonment and (2) a mandatory life sentence. The minimum term of imprisonment is equal to the sentence called for by the sentencing guidelines or any applicable mandatory minimum sentence. An offender becomes eligible for release after serving the minimum sentence. If released, the offender must be placed on conditional release for life.

**§ 609.3455 (3a)** The court must commit a person to imprisonment for a period of time that is not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum sentence if:

- the court is imposing an executed sentence for first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct;
- the fact finder determines that the offender is a danger to public safety; and
- the fact finder determines that the offender's criminal sexual behavior is so engrained that the risk of re-offending is great

without long-term treatment or supervision.

**§ 609.3455 (4)**

A court must impose an indeterminate life sentence (see subdivision 3 for sentencing provisions) for certain repeat offenders who commit first-, second-, third-, or fourth-degree criminal sexual conduct or criminal sexual predatory conduct if:

- the offender has two *previous* sex offense convictions; or
- the offender has a *previous* sex offense conviction and
  - the present offense involved an aggravating factor that would provide grounds for an upward durational departure;
  - the offender received an upward durational departure for the previous sex offense conviction; or
  - the offender was sentenced under this section or the patterned and predatory sex offender sentencing law for the previous sex offense conviction; or
- the offender has two *prior* sex offense convictions and the prior convictions and present offense involved at least three separate victims and
  - the present offense involved an aggravating factor that would provide grounds for an upward durational departure;
  - the offender received an upward durational departure for one of the prior sex offense convictions; or
  - the offender was sentenced under this section or the patterned and predatory sex offender sentencing law for one of the prior sex offense convictions.

A court may *not* impose a life sentence if the present and prior or previous convictions are for fourth-degree criminal sexual conduct.

## **Burglary Offenders**

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**§ 609.582 (1a)**

The court must sentence a person convicted of burglary of an **occupied** dwelling to serve at least six months in a state or local correctional facility.

**§ 609.583**

If an offender is convicted for the first time of burglary of an **unoccupied** dwelling, the court must impose a 90-day jail sentence on the offender unless the offender is otherwise eligible for a prison sentence under the sentencing guidelines. The court may waive this jail term if the defendant provides restitution or community work service.



## Minimum Fines; Assessments; Surcharges; Fees

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### Failure to Provide Motor Vehicle Insurance; Failure to Produce Proof of Motor Vehicle Insurance; Usage of a Fraudulent Insurance Card

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**§§ 169.791 (6); 169.793 (2); 169.797 (4)**      The court must impose a minimum \$200 fine on a person convicted of failing to provide motor vehicle insurance, failing to produce proof of insurance, or using a fraudulent insurance card. The court may allow indigent offenders to perform community work service in lieu of the fine.

### Violation of the Alcohol Purchase or Consumption Law by a Person under the Age of 21

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**§ 340A.703**      The court must impose a minimum \$100 fine on a person under the age of 21 who unlawfully purchases, possesses, consumes, or furnishes alcoholic beverages.

### Minimum Fines for All Criminal Offenders

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**§ 609.101**      The court must impose a 30 percent minimum fine on all convicted criminal offenders, unless the crime is included on the “payables list.” The payables list, also known as the uniform fine schedule, consists of those petty misdemeanor and misdemeanor offenses that the Judicial Council has determined should be punishable by a fine only, not jail time. The amount of fine is specified on the payable list.

The court may not waive these fines but may reduce them down to a minimum of \$50, allow payment in installments due to the offender’s financial need, or permit the offender to perform community work service in lieu of the fine. The distribution of fine proceeds depends on the type of crime committed.

Crime	Assault/Sex Assault	Felony Drug	All Others
<b>Amount of Minimum Fine</b>	30% of maximum fine for offense of conviction	30% of maximum fine for offense of conviction	30% of maximum fine for offense of conviction, unless offense is listed on “payables list”
<b>Distribution</b>	70% to local victim programs and 30% to state general fund  If no local program, 100% to state general fund	70% to local drug abuse prevention and intervention programs and 30% to state general fund  If no local drug abuse program, 100% to state general fund	Varies. See §§ 484.841; 484.85; 484.90; 574.34

## Surcharges on Criminal and Traffic Offenses

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**§ 357.021 (6) & (7)** The court must impose a \$75 surcharge on all persons convicted of a criminal offense or petty misdemeanor offense,<sup>2</sup> other than a violation of a law or ordinance relating to vehicle parking. Parking offenses are subject to a \$12 surcharge. This surcharge must be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed, but the surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed. The court may not waive payment of the surcharge but may authorize payment of it in installments upon a showing of indigency or undue hardship. If an offender is incarcerated and has not paid the surcharge before the prison or jail term begins, the surcharge must be collected and paid from the inmate's earnings while incarcerated, if any.

Fifty dollars of the surcharge and the \$12 parking surcharge are credited to the state general fund in the state treasury. Of the remainder:

- 1 percent is credited to the game and fish fund and is used to fund peace officer training for conservation officers;
- 39 percent is credited to the peace officers training account; and
- 60 percent is credited to the general fund in the state treasury.

In Ramsey County there is an additional \$1 surcharge that is deposited for use in its petty misdemeanor diversion program.

## Prostitution Offenders

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**§ 609.324 (2)** The court must impose a minimum \$1,500 fine on prostitution patrons convicted of engaging in prostitution *in a public place*.

**§ 609.324 (3)** The court must impose a minimum \$500 fine on prostitution patrons convicted of engaging in prostitution. The court must impose a minimum \$1,500 fine and order 20 hours of community work service (when appropriate), if the prostitution patron was convicted of a prostitution offense within the past two years.

**§ 609.324 (4)** The court may substitute community work service for all or part of these minimum fines.

**§ 609.3241** The court also must impose a penalty assessment on a person convicted of committing a prostitution offense while acting other than as a prostitute. Amounts are \$750 to \$1,000 for promoting or profiting from prostitution or engaging in prostitution with a minor, and \$500 to \$750 for other offenses. The court may not waive the minimum assessment,

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<sup>2</sup> This includes persons who enter into a diversion or similar program for traffic violations.

but may reduce it to not less than \$100 in cases of indigency or undue hardship.

Funds are distributed as follows: (1) 40 percent to law enforcement, (2) 20 percent to the prosecuting agency, and (3) 40 percent to the Commissioner of Public Safety for grants to organizations assisting sexually exploited youth.

## **Disorderly House Offenders**

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### **§ 609.33**

The court must impose the following minimum fines on persons convicted of operating or maintaining a disorderly house (i.e., a place where prostitution, controlled substance sale or possession, or illegal gambling or alcohol sale occurs):

- first offense: \$300
- second offense: \$500
- third or subsequent offense: \$1,000

## **Identity Theft**

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### **§ 609.527 (4)**

The court must order a person convicted of identity theft to pay restitution in an amount not less than \$1,000 to each direct victim.

## **Water Pollution Offenders**

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### **§ 609.671 (8)**

The court must impose a minimum \$2,500 fine on a person convicted of certain gross misdemeanor-level water pollution violations. The fine is assessed for each day of the violation.

## **Jail Booking Fees**

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### **§ 641.12 (1)**

County boards may assess a fee to cover costs incurred in booking a person for confinement at a county or regional jail. This fee must be returned if the person is not charged, is acquitted, or if charges are dismissed. If the person is convicted and the booking fee is not paid by the time the person is sentenced, the court must order payment of the fee as part of any sentence or disposition ordered.

## **Mandatory Treatment Assessment; Mandatory Treatment**

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### **Controlled Substance Offenders**

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**§ 152.027 (4)(b)** If a person is convicted of selling a small amount of marijuana a second time within a two-year period, the court must order the offender to undergo chemical dependency evaluation and, if warranted, treatment.

### **DWI Offenders**

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**§ 169A.70 (2)** The court must order a chemical use assessment of any person convicted of DWI or another offense arising out of a DWI arrest.

**§ 169A.284** The court must order the DWI offender to pay the entity's costs of a chemical use assessment and must impose an assessment charge of \$25 or, if the offender is a repeat offender, \$30. The assessment charge, but not the entity's costs, may be waived in cases of indigency or undue hardship. The court must forward the assessment charge to the state for deposit in the general fund. The offender must pay the assessment costs directly to the service provider.

**§ 169A.275 (5)** The court must order a DWI offender who is not sentenced to state prison to submit to the level of chemical dependency treatment recommended in the chemical use assessment if (1) the offender's alcohol concentration was 0.20 percent at the time of the current offense, or (2) the offender is being sentenced for a DWI offense within ten years of one or more prior DWI offenses.

**§ 169A.276 (1)** A DWI offender who is convicted of a felony-level offense and committed to state prison is not eligible for early release from prison unless the offender has successfully completed a chemical dependency treatment program while in prison.

### **Order for Protection and No Contact Order Violators**

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**§§ 518B.01 (14);  
629.75** The court must order a violator of a domestic abuse OFP or no contact order to participate in counseling or other appropriate programs selected by the court.

### **Domestic Assault Offenders**

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**§ 609.135 (5)** If a court places a domestic assault offender on probation, it must order the offender to participate in counseling if he or she resides with the victim.

**§ 609.2244** The court must order a treatment investigation for any person convicted of domestic abuse, an OFP restraining order violation, or a related

offense. The investigation report must contain recommendations concerning the offender's need for treatment, education, no contact with victim, etc.

## **Sex Offenders**

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### **§ 609.3457**

The court must order a sex offender treatment assessment for any person convicted of a sex offense. The term "sex offense" includes criminal sexual conduct (any degree), surreptitious intrusion, obscene phone calls, or indecent exposure. The court may waive the assessment if the offender is eligible for a presumptive prison sentence or has already been assessed. If the assessment indicates the offender is in need of and amenable to treatment, the court must order the offender to undergo treatment if the court places the offender on probation.

Any person who is convicted of a felony-level sex offense who has previously been convicted of a sex offense must undergo a sex offender treatment assessment conducted by the Minnesota Security Hospital. The sentencing court must consider this assessment when determining the appropriate sentence for the offender and when making its preliminary determination as to whether the offender should be civilly committed as a sexually dangerous person.

## **Stalking Offenders**

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### **§ 609.749 (6)**

The court must order a mental health treatment assessment for any person convicted of felony-level stalking, or of another felony offense arising out of a stalking charge. The court must order the offender to pay the cost of the assessment unless the offender is indigent. The court may waive the assessment if an adequate one has already been conducted. If the assessment indicates that the offender is in need of and amenable to treatment, the court must order the offender to undergo treatment as part of the sentence.

## **Child Pornography Possession**

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### **§ 617.247 (7)**

When a person is convicted a second or subsequent time of possessing child pornography, the court must order a mental examination of the offender.

## Other Mandatory Sentencing Provisions

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### Controlled Substance Offenders

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**§ 152.0271** When a person is convicted of a controlled substance offense, the court must determine whether the offender committed the offense while driving a motor vehicle. If so, the court must notify the Commissioner of Public Safety and order the commissioner to revoke the person's driver's license for 30 days.

### DWI Offenders

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**§§ 169A.28 (1);  
609.035 (2)(f)** The court must impose consecutive sentences on DWI offenders under the following circumstances:

- when the court sentences an offender for multiple DWI offenses arising out of separate behavioral incidents
- when the court sentences an offender for a DWI offense and, at the time of sentencing, the offender was on probation or serving a sentence for a prior DWI offense arising out of a separate behavioral incident
- when the court sentences an offender for a DWI offense and another related traffic offense arising out of the same behavioral incident, if the offender has at least five prior impaired driving convictions or license revocations, or a combination of the two, within the past ten years

If the conviction is a felony DWI and the sentence is executed, the mandatory consecutive sentencing provision does *not* apply.

**§ 169A.277** When the court sentences and places on probation a person convicted of certain DWI offenses, the court must order the person to participate in a program of electronic alcohol monitoring if monitoring equipment is available. The court must order monitoring for a minimum of 30 consecutive days during each year of the person's probationary period. The court must order the person to pay all or part of the cost of the monitoring, to the extent the person has the financial ability to pay. This requirement applies to a person convicted of:

- a third or subsequent offense within ten years;
- a second or subsequent offense by a person under 19 years old; and
- an impaired driving offense committed while the person's driver's license is canceled for being inimical to public safety.

**§ 169A.276 (1)(d)** If a court sentences a felony-level DWI offender to state prison, the court also must sentence the offender to serve a five-year conditional release term following prison discharge and be subject to conditions of release set by the Commissioner of Corrections.

**§ 169A.54 (10)** On behalf of the Commissioner of Public Safety, the court must serve notice of license revocation on a convicted DWI offender unless the commissioner has already revoked the license or served notice of revocation.

### **Predatory Offender Registration Act**

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**§§ 243.166; 243.167** If a person is convicted of or adjudicated delinquent for a sex offense or for another predatory offense listed in the law, or is civilly committed based on such an offense, the person must register his or her current residence address with the assigned corrections agent when the agent is assigned to that person. The agent must give this information to the local law enforcement agency and the BCA. The registered offender is required to update the information, as necessary, as long as the duty to register lasts—typically for ten years. The registration period may be longer than ten years under certain circumstances. The sentencing court must advise the offender of this duty to register; however, the court does not have the power to waive or otherwise modify the registration act's requirements as part of the pronounced sentence.

### **Assaults Committed by State Prison Inmates**

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**§ 609.2232** If a state prison inmate is convicted of committing an assault while in prison, the court must execute the sentence for the assault and run it consecutively to any unexpired portion of the inmate's earlier sentence. The inmate must serve the assault sentence in state prison and is not entitled to credit against the sentence for time served in confinement for the earlier sentence.

### **Firearms Used in Commission of Domestic Assault or Stalking Offense**

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**§§ 609.224 (3); 609.2242 (3)** The court must make written findings as to whether an offender convicted of assault or domestic assault owns or possesses a firearm and used it in any way during the assault.

**§§ 609.2242 (3)(b); 609.749 (8)(d)** The court must order summary forfeiture of any firearm used during the commission of a domestic assault or stalking offense.

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## Sex Offenders

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**§ 609.3455 (6), (7)** If a court sentences a felony-level sex offender to prison, the court must also sentence the offender to serve a minimum period of “conditional release” after release from prison. The mandatory conditional release periods are ten years for first-time offenders and life for certain repeat offenders and egregious first-time offenders. The conditional release period runs concurrent with the offender’s supervised release term.

**§ 609.1351** When sentencing a convicted sex offender, the court must make a preliminary determination as to whether civil commitment as a sexually psychopathic personality or a sexually dangerous person is appropriate and, if so, must forward its findings to the county attorney.

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## DNA Analysis

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**§ 609.117** The court must order persons convicted of or adjudicated for a felony to provide a biological sample for DNA analysis.

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## Harm to Service Animal

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**§§ 343.21 (9a);  
609.226 (4)** If a person or a person’s dog causes harm to another person’s service animal or otherwise renders the service animal unable to perform its functions, the court must order, as part of the sentence, that the offender pay restitution for all costs and expenses associated with the crime. The court may reduce the amount of restitution or order it paid in installments if the offender is indigent.

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## Fleeing a Peace Officer

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**§ 609.487 (5)** When a person is convicted of fleeing a peace officer in a motor vehicle, the court must notify the Commissioner of Public Safety and order the commissioner to revoke the person’s driver’s license for the time period specified in the driver’s licensing law.

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## Theft of Public Assistance

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**§ 609.52 (4)** When a court determines the appropriate sentence for a person convicted of theft by wrongfully obtaining public assistance, it must consider the fact that the person will be disqualified from receiving public assistance as a result of the conviction.

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## Insurance Fraud

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**§ 609.611 (3)** The court must order a person convicted of insurance fraud to pay restitution to persons aggrieved by the violation in addition to any other sentence imposed for the offense.



## Appendix

### Lesser-Known Mandatory Sentencing Provisions

Citation	Sentencing Requirement
§ 12.34	Person required to provide emergency services who fails to do so: not less than ten days in jail
§ 17.181	Discrimination in purchase of farm products: not less than \$50 fine for each violation or three months in jail
§ 21.122	Violation of seed potatoes law: not less than \$25 fine or ten days in jail for first violation; not less than \$50 fine or 30 days in jail for second/subsequent violation
§ 31.58	Violation of slaughter house/packing plant law: not less than \$25 fine or 30 days in jail for first offense; not less than \$50 fine or 60 days in jail for second/subsequent offense
§ 31.611	Selling veal of calves killed when less than four weeks old: not less than \$50 fine or 60 days in jail
§ 34.113	Violation of nonalcoholic beverage law: not less than \$25 fine or 30 days in jail for first violation; not less than \$50 fine or 60 days in jail for second/subsequent violation
§ 60A.16	Violation of insurance company merger law: not less than \$20,000 fine and not less than one year in jail
§ 72A.08	Violation of law prohibiting rebates on insurance policy: not less than \$60 fine nor more than \$200 fine
§ 97A.301	Violation of gross misdemeanor-level game and fish law: not less than \$100 fine and not less than 90 days in jail (unless otherwise specified)
§ 121A.70	Violation of fraternity/sorority “rushing” law: not less than \$2 fine
§ 148.105	Unauthorized chiropractic practice: not less than \$1,000 fine or 30 days in jail
§ 154.19	Violation of barbers law: not less than \$10 fine or ten days in jail
§ 169.444	Violation of law requiring vehicles to stop for school buses: not less than \$300 fine
§ 169.82	Violation of law regulating hitching trailers to motor vehicles: not less than \$25 fine
§ 180.05	Refusing mine inspection: not less than \$500 fine
§ 184.38	Violation of employment agency fee law: not less than \$100 fine
§ 234.25	Violation of certain grain storage and delivery laws: not less than \$100 fine
§ 235.04	Overloading grain car: not less than \$10 nor more than \$25 fine
§ 239.511	Violation of certain weights and measures laws: not less than \$10 fine or ten days in jail
§ 296A.23 (7)	Violation of certain commercial motor carrier laws: not less than \$200 fine
§ 308B.311	Agricultural product marketing contract interference and false report: not less than \$100 fine

<b>Citation</b>	<b>Sentencing Requirement</b>
§ 325D.68	Violation of food products monopolization law: not less than \$50 fine
§ 375.182	Neglect of duty by county board member: not less than \$100 fine
§ 617.28	Violation of law prohibiting certain medical advertisements: not less than \$50 fine
§ 617.299	Violation of law prohibiting the exhibition of obscene movies at drive-in theater: not less than 20 days in jail
§ 624.68	Violation of law prohibiting insolvent banks from receiving deposits: not less than one year at Stillwater prison or \$1,000 fine

## Topical Index

assaults .....	6, 15	identity theft .....	11
burglary .....	8	insurance .....	9, 16
charges for all offenders.....	9, 10	jail booking fees .....	11
child pornography .....	13	murder .....	5
controlled substances and alcohol	2, 4, 9, 12,	predatory and sex offenders ...	4, 6, 7, 13, 15,
14		16	
criminal gangs .....	6	prostitution .....	10
disorderly house .....	11	service animal .....	16
DNA analysis .....	16	stalking .....	13, 15
domestic abuse .....	4, 6, 12, 15	theft of public assistance.....	16
DWI.....	3, 12, 14	water pollution .....	11
fleeing a peace officer.....	16	weapons.....	5, 15

*For more information about sentencing, visit the criminal justice area of our website, [www.house.mn/hrd/hrd.htm](http://www.house.mn/hrd/hrd.htm).*