

Minnesota Sentencing Guidelines Commission

Frequency and Severity of Unranked Offenses: Sentenced 1981-2010

There are a number of felony offenses that are intentionally left unranked by the Commission. In determining how, and if, crimes should be assigned a severity level, the Commission considers how judges have generally sentenced the offenses, along with the legislated sentences, rankings for similar crimes, and other relevant information. When crimes are unranked, it may be because they are so seldom charged that no sentencing patterns are discernible, because they are new crimes that are not easily comparable to existing offenses, or because the offense encompasses such a wide range of behavior that it is best to allow judges discretion in determining the severity level. When an offense is unranked, judges assign what they determine to be an appropriate severity level and explain the rationale on the record (Minn. Sentencing Guidelines 2.A).

The data below represents a summary of all unranked offenses sentenced between 1981 and 2010. If the severity level of the offense is listed as "N/A," the offense has never been sentenced.

It should be noted that effective August 1, 2006, third-degree criminal sexual conduct (Minn. Stat. § 609.344, subd. 1(a)), fourth-degree criminal sexual conduct (Minn. Stat. § 609.345, subd. 1(a)), use of minors in a sexual performance (Minn. Stat. § 617.246), and possession/dissemination of child pornography (Minn. Stat. § 617.247) are no longer unranked offenses. These offenses are now ranked on the Sex Offender Grid. Information on the ranking of these offenses, committed prior to August 1, 2006, can be obtained by submitting a data request to the MSGC office (contact number and e-mail provided below).

For those seeking additional information on offenders sentenced for Aiding an Offender, Accomplice after the Fact (Minn. Stat. § 609.495, subd. 3), a separate report is available on our website (<http://www.msgc.state.mn.us>).

To obtain any of the data below for specific years or for additional details not provided in this document, please contact the Sentencing Guidelines Commission at 651-296-0144 or email at sentencing.guidelines@state.mn.us.

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OFFENSE	SEVERITY LEVEL	TOTAL CASES
Altering Engrossed Bill M.S. §3.191	N/A	0
Refusal to Assist M.S. §6.53	I	1
Membership Camping Practices M.S. §82A.25, §82A.03, or §82A.13	N/A	0
Subdivided Land Fraud M.S. §83.43	I	2
Violation of Compact (2nd or subsequent) M.S. §116C.835	N/A	0
Abortion-Related Offenses M.S. §145.412, §617.20, or §617.22	N/A	0
Forced Execution of Declaration: Bodily Harm M.S. §145B.105, subd.2	N/A	0
Issuing a Receipt-Related Offenses M.S. §227.50 or §227.52	N/A	0
Horse Racing: Prohibited Act M.S. §240.25	N/A	0
Interstate Compact Violation M.S. §243.161	I	3
	II	3
Sales Tax Violations M.S. §297A.39 <i>Repealed</i>	III	2
	IV	2
Motor Vehicle Excise Tax M.S. §297B.10	I	7
	II	5
	III	12
	IV	3
Cigarette Tax and Regulation Violations M.S. §297F.20	I	2
	II	3
	III	3
Pipeline Safety M.S. §299J.07, subd.2	N/A	0
Price Fixing / Collusive Bidding M.S. §325D.53, subd.1(3), subd.2, or subd.3	N/A	0
Unlawful Transfer of Sounds M.S. §325E.201	II	1
Torture / Cruelty to Companion Animal M.S. §343.21, subd.1 or subd.7	I	17
	II	16
	III	9
	IV	6
Harm to Service Animal Providing Service M.S. §343.21, subd.8(a)	N/A	0
Animal Fighting	I	2

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OFFENSE	SEVERITY LEVEL	TOTAL CASES
M.S. §343.31	II	5
	III	0
	IV	6
Aiding Suicide M.S. §609.215	VI	5
	VII ¹	0
	VIII ¹	1
Female Genital Mutilation M.S. §609.2245	IX ¹	1
	N/A	0
Labor Trafficking M.S. §609.282 (Effective 8/1/2005)	N/A	0
Unlawful Conduct with Documents in the Furtherance of Labor or Sex Trafficking; M.S. §609.283 (Effective 8/1/2005)	N/A	0
Bigamy M.S. §609.355	I	3
	II	3
	III	2
	IV	4
	V	0
Incest M.S. §609.365	VI	2
	IV	1
	V	18
	VI	16
	VII ¹	2
Treason M.S. §609.385	VIII ¹	8
	IX ¹	6
	N/A	0
Misprision of Treason; M.S. §609.39	N/A	0
Obstructing Military Forces; M.S. §609.395	N/A	0
Corrupting Legislator; M.S. §609.425	N/A	0
Escape with Violence from Misd. or Gross Misd. M.S. §609.485, subd.4(a)(3)	I	1
Aiding an Offender – Accomplice After the Fact M.S. §609.495, subd.3	I	38
	II	30
	III	26
	IV	35
	V	37
	VI	36
	VII ¹	13
	VIII ¹	54
	IX ¹	24
X ¹	7	

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OFFENSE	SEVERITY LEVEL	TOTAL CASES
	XI ¹	3
	E	1
Concealing Criminal Proceedings M.S. §609.496 or §609.497	I	2
	II	0
	III	2
	IV	0
	V	0
	VI	1
Warning Subject of Investigation or Surveillance M.S. §609.4971 or §609.4975	II	1
Damage to Property: Critical Public Service M.S. §609.594, subd.2 (Effective 7/1/2002)	I	1
	III	2
	IV	1
Killing or Harming a Public Safety Dog M.S. §609.596, subd.1	N/A	0
Assaulting or Harming a Police Horse M.S. §609.597, subd.3(1) or subd.3(2)	N/A	0
Insurance Fraud: Employment of Runners M.S. §609.612, subd.2 (Effective 8/1/2002)	N/A	0
Counterfeiting Currency M.S. §609.632 (Effective 8/1/2006)	I	3
	II	17
	III	6
	IV	1
	V	2
	VIII	1
State Lottery Fraud M.S. §609.651, subd.1, with 4(b)	N/A	0
Hazardous Wastes; M.S. §609.671	I	5
	II	3
	III	3
	IV	7
	V	2
	VI	7
Adulteration (not resulting in illness, pain, or bodily harm) M.S. §609.687, subd.3(3)	III	1
Real / Simulated Weapons of Mass Destruction M.S. §609.712 (Effective 7/1/2002)	N/A	0
Fraudulent / Improper Financing M.S. §609.7475 (Effective 8/1/2006)	N/A	0

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Gambling Acts M.S. §609.76, subd.3, 4, 5, 6, or subd.7	II	1
	III	1
Lawful Gambling Fraud M.S. §609.763	I	2
	II	4
	III	6
Falsely Impersonating Another M.S. §609.83	IV	2
	I	9
	II	15
	III	1
Police Radios During Commission of Crime M.S. §609.856	IV	0
	V	1
	II	10
Unauthorized Computer Access M.S. §609.891	III	2
	V	1
Computer Encryption M.S. §609.8912 (Effective 8/1/2006)	N/A	0
Racketeering M.S. §609.904	II	2
	III	0
	IV	2
	V	2
	VI	19
	VII ¹	1
	VIII ¹	10
	IX ¹	15
	X ¹	3
Obscene Materials Distribution M.S. §617.241, subd.4	IV	1
Metal Penetrating Bullets M.S. §624.74	N/A	0
Wire Communications Violations M.S. §626A.02, §626A.03, or §626A.26	I	2
	II	0
	III	1
Failure to Report M.S. §626.556, subd.6	N/A	0

¹ These rankings represent the severity levels effective on and after August 1, 2002. On that date, a new Severity Level VII was added to the Sentencing Guidelines Grid, with old severity levels VII, VIII, IX, and X becoming VIII, IX, X, and XI.