

# Minnesota Criminal Sentencing Enhancements 1987-2005

## 1987

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- ✓ 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

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- ✓ 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 offender 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 of controlled substance crimes 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

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- ✓ Enhanced penalties for repeat DWI offenders.
- ✓ 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

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- ✓ Enhanced penalties for DWI offenders.
- ✓ 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

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- ✓ 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 period of at least five years is set for sex offenders and at least ten years for repeat sex offenders.

## 1993

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- √ 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

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- √ 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.
- √ Increased penalties for repeat DWI offenders.
- √ Current sexual psychopath civil commitment law recodified with updated language and new provisions relating to sexually dangerous persons.

## 1995

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- √ 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

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

## 1997

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- √ 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

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- √ 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

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- √ 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

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- √ 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**

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- √ 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**

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- √ 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**

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- √ Increased penalties for identity theft if eight or more victims or amount stolen is over \$35,000.
- √ New crime for possession of methamphetamine precursors.

## **2004**

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- √ Blood alcohol concentration level reduced to .08 for DWIs, criminal vehicular homicide, and injury offenses (effective August 1, 2005).

## **2005**

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- √ 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.