



Minnesota Safety Valves

IMPORTANT NOTE: Laws change frequently, and this may not be an up-to-date description of safety valves available. Talk with a lawyer in your state if you have questions about safety valves.

Code Section	Safety Valve Provision for Gun Offenses under Minn. Stat. § 609.11
Minn. Stat. § 609.11, subd. 8	<p>Before sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences listed in Minn. Stat. § 609.11. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, <i>or on its own motion</i>, the court may sentence the defendant without regard to the mandatory minimum sentences in § 609.11 if the court finds substantial and compelling reasons to do so.</p> <p>However, the court cannot sentence a defendant without regard to the mandatory minimum sentences in § 609.11 if the defendant has a prior conviction for an offense in which he used or possessed a firearm while committing any of the following: 1st, 2nd, or 3rd degree murder; 1st, 2nd, or 3rd degree assault; burglary; kidnapping; false imprisonment; 1st or 2nd degree manslaughter; aggravated robbery; simple robbery; 1st degree or aggravated 1st degree witness tampering; criminal sexual conduct under §§ 609.342, subd. 1(a)-(f), 609.343, subd. 1(a)-(f), or 609.344, subd. 1(a)-(e) and (h)-(j); escape from custody; 1st, 2nd, or 3rd degree arson; drive-by shooting under § 609.66, subd. 1e; harassment and stalking under § 609.749, subd. 3(3); possession or other unlawful use of a firearm under §§ 609.165, subd. 1b, or 624.713, subd. 1(b); or a felony violation of chapter 152 (drug offenses).</p>