



## Select Minnesota Mandatory Minimum Laws

**IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.**

### Gun Offenses

Code Section	Offense	Mandatory Minimum Sentence
Minn. Stat. § 609.11, subd. 4, 5(a)	<p>Defendant is convicted of 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 Minn. Stat. §§ 609.342, subd. 1(a)-(f); 609.343, subd. 1(a)-(f); 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 in violation of § 609.165, subd. 1b, or 624.713, subd. 1(2); a felony violation of chapter 152 (drug offenses); or any attempt to commit any of these offenses</p> <p>AND at the time of the offense the defendant OR an accomplice</p> <ul style="list-style-type: none"> <li>- used (whether by brandishing, displaying, threatening with, or otherwise employing) a <b>dangerous weapon other than a firearm</b></li> <li>- had in possession or used (whether by brandishing, displaying, threatening with, or otherwise employing) a <b>firearm</b></li> </ul>	<p>1st offense: 1 year + 1 day*</p> <p>2nd and subsequent offenses: 3 years*</p> <p>1st offense: 3 years*</p> <p>2nd and subsequent offenses: 5 years*</p> <p>If the offense is a drug crime, the mandatory minimum is added to the sentence imposed for the drug crime.</p>



### Gun Offenses, cont.

Code Section	Offense	Mandatory Minimum Sentence
Minn. Stat. § 609.11, subd. 5(b)	Defendant is convicted of violating <ul style="list-style-type: none"> <li>- § 609.165 (defendant shipped, transported, received, or possessed a gun and had a prior conviction for a crime of violence†) OR</li> <li>- § 624.713, subd. 1(2) (defendant possessed a pistol, semiautomatic weapon, military-style assault weapon, or any other firearm and had previously been convicted of or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in Minnesota or elsewhere, a crime of violence†).</li> </ul>	5 years*

\* There is a safety valve for this offense.

† Crimes of violence are defined in Minn. Stat. § 624.712, subd. 5, as felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm, theft involving the intentional taking or driving of a motor vehicle without the consent of the owner or authorized agent of the owner, theft involving the taking of property from a burning, abandoned, or vacant building, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle, and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subs. 1, 2, or 3 (burglary in the first through third degrees); 609.66, subd. 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment and stalking); 609.855, subd. 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses. “Crimes of violence” include crimes in other states or jurisdictions which would have been crimes of violence, as defined under the Minnesota code, if they had been committed in Minnesota.

### Burglary of an Occupied Dwelling

Code Section	Offense	Mandatory Minimum Sentence
Minn. Stat. § 609.582, subd. 1a	Burglary of an occupied dwelling	6 months in jail



### Gang Offenses

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
Minn. Stat. § 609.229, subd. 3(a), 4	Defendant commits a felony offense for the benefit of, at the direction of, in association with, or motivated by involvement with a criminal gang, with the intent to promote, further, or assist in criminal conduct by gang members, OR Such a felony was committed, and the victim of that offense is under age 18.	1 year + 1 day, unless a longer mandatory minimum or guideline sentence applies, added to the sentence for the underlying crime

### Habitual/Three Strikes Offender

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
Minn. Stat. § 609.1095, subd. 3	Defendant is convicted of a violent crime $\Delta$ that is a felony AND the court determines on the record at sentencing that the person has 2 or more prior felony convictions for violent crimes. $\Delta$	The length of the presumptive sentence under the Sentencing Guidelines, unless a longer mandatory minimum sentence applies or the court imposes a longer aggravated durational departure under Minn. Stat. § 609.1095, subd. 2.

$\Delta$  A “violent crime” means a violation of or an attempt or conspiracy to violate any of the following laws of Minnesota, or any similar laws of the United States or any other state: Minn. Stat. §§ 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subd. 1; 609.561; 609.562; 609.582, subd. 1; 609.66, subd. 1e; 609.687; and 609.855, subd. 5; any provision of §§ 609.229, 609.377, 609.378, 609.749, or 624.713 that is punishable by a felony penalty; or any provision of chapter 152 (drug offenses) that is punishable by a maximum sentence of 15 years or more.

### Violent Offenses

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
Minn. Stat. § 609.106, subd. 2	Defendant is convicted of <ul style="list-style-type: none"> <li>- 1st degree murder under § 609.185(a)(1), (2), (4), or (7);</li> <li>OR</li> <li>- committing 1st degree murder in the course of a kidnapping under § 609.185(3); OR</li> <li>- 1st degree murder under § 609.185(3), (5), or (6), and the court determines on the record at sentencing that the person has one or more previous convictions for a heinous crime.<math>\ddagger</math></li> </ul>	Life without release



### Violent Offenses, cont.

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
Minn. Stat. § 609.107	The defendant is convicted of 2nd or 3rd degree murder AND <ul style="list-style-type: none"> <li>- was previously convicted of a heinous crime‡</li> <li>AND</li> <li>- 15 years have not elapsed since the defendant was discharged from the sentence imposed for that conviction.</li> </ul>	If current conviction is for:  2nd degree murder – 40 years  3rd degree murder – 25 years

‡ A “heinous crime” is any of the following: 1st or 2nd degree murder, attempted 1st or 2nd degree murder, 3rd degree murder, 1st degree assault, or 1st, 2nd, or 3rd degree criminal sexual conduct committed with force or violence.

### Sex Offenses

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
Minn. Stat § 609.3455, subd. 2	Defendant is convicted of a 1st or 2nd degree criminal sexual conduct offense under §§ 609.342, subd. 1(c)-(f) or (h), or 609.343, subd. 1(c)-(f) or (h), AND <ul style="list-style-type: none"> <li>- two or more heinous elements<sup>o</sup> exist, OR</li> <li>- defendant has a prior sex offense conviction for 1st, 2nd, or 3rd degree criminal sexual conduct AND the fact finder determines that a heinous element<sup>o</sup> exists for the present offense</li> </ul>	Life without release
Minn. Stat § 609.3455, subd. 3	Defendant is convicted of a 1st or 2nd degree criminal sexual conduct offense under §§ 609.342, subd. 1(c)-(f) or (h), or 609.343, subd. 1(c)-(f) or (h), AND the fact finder determines that a heinous element <sup>o</sup> exists for the present offense	Life without release

<sup>o</sup> A “heinous element” includes: (1) the offender tortured the complainant; (2) the offender intentionally inflicted great bodily harm upon the complainant; (3) the offender intentionally mutilated the complainant; (4) the offender exposed the complainant to extreme inhumane conditions; (5) the offender was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the weapon or article to cause the complainant to submit; (6) the offense involved sexual penetration or sexual contact with more than one victim; (7) the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the complainant; or (8) the offender, without the complainant’s consent, removed the complainant from one place to another and did not release the complainant in a safe place.