

# GROSS MISDEMEANOR SENTENCING

## Reform Gross Misdemeanor Sentencing

### What is the issue?

Under Minnesota state law, the maximum sentence for a gross misdemeanor is 365 days. This conflicts with federal immigration law, which defines an offense that carries a sentence of 365 days or more as an aggravated felony.

### Why is this a problem?

Minnesota has deemed certain offenses to be gross misdemeanors, yet here the federal law overrides the state's intent. The difference between the state and federal definitions creates an inconsistency for people in Minnesota. Two people may be convicted of the same gross misdemeanor in Minnesota, but one can be sentenced to 364 days while the other is sentenced to 365 days. Yet the person with the 365-day sentence may face virtually automatic deportation if they are a non-citizen because federal immigration law considers the offense a felony. In contrast, the person with the 364-day sentence may face immigration problems, but will likely have more options, because federal immigration law draws the line at 365 days.

### What is the solution?

**HF 614/SF 901** would reduce the maximum sentence for Minnesota gross misdemeanors by one day to 364 days, thereby resolving this inconsistency and ensuring that the state's policy-making intent is met. It will make sure that the immigration consequences of a gross misdemeanor will not differ based on a sentence that is one day longer. It will also provide clarity to defendants, attorneys and courts when assessing immigration consequences of a criminal conviction in Minnesota.

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