

## MEMORANDUM

To: Task Force on Mandatory Minimum Sentences  
From: Nate Reitz, Task Force Chair  
Date: January 7, 2026  
Subject: **MSGC Departure Data Pertaining to Mandatory Minimums**

The fourteen tables that follow contain seven years of sentencing data for the mandatory minimums being discussed by the task force. Those are:

- Mandatory minimums under Minn. Stat. § 609.11 (involving a firearm, another dangerous weapon, or ammunition) (tables 1–4, pp. 2–5);
- Mandatory minimums for failing to comply with predatory offender registration requirements (tables 5 & 6, pp. 6 & 7); and
- Mandatory minimums for controlled-substance crimes (tables 7–14, pp. 8–15).

The tables describe “departures” from the sentence that the Sentencing Guidelines had recommended in a particular case, but, in this memo, it usually means a departure from the mandatory-minimum sentence as well. Two kinds of departures are discussed in this memo:

- Mitigated **dispositional** departures are stayed sentences when the Guidelines recommended (and the statute required) an executed prison sentence. The Guidelines always recommend prison when one of these mandatory minimums apply, so all the mitigated dispositional departures discussed in this memo are both departures from the Guidelines and departures from the mandatory minimum.
- Mitigated **durational** departures are sentences for a shorter period of time than the Guidelines recommended (and the statute required). When discussing mitigated durational departures, the data tables are referring only to executed prison sentences. In some cases, there is a mitigated durational departure below the Guidelines-recommended duration but above the statutorily required duration; the data tables identify those cases.

The odd-numbered tables are general data tables setting forth the sentencing outcomes for various mandatory minimums. The recipients of departures are broken down by various categories: sex, race/ethnicity, geography, and criminal-history score. Some categories specific to the mandatory minimum are included as well; for example, Table 3 (p. 3), which describes sentencing outcomes for those who committed an offense listed in Minn. Stat. § 609.11, subd. 9, with a firearm or other dangerous weapon, lists sentencing outcomes by the category of underlying offense.

The even-numbered tables contain the most commonly cited departure and plea reasons, as reported by the court to MSGC, in cases of the mitigated departures described in the odd-numbered tables. Because more than one reason may apply, the percentages may exceed 100 percent.

The terms “waivable” and “not waivable” indicate that the Legislature has, or has not, provided a waiver process for the mandatory minimum in statute.

*Table 1. Mandatory Minimum Sentencing Outcomes, Possession of a Firearm or Ammunition by a Person Previously Convicted of a “Crime of Violence” (5-year mandatory minimum, sometimes waivable), 2018–2024.*

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		1577	41.4%	467	12.3%	-	-	1764	46.3%	3808	100.0%
Sex	Male	1506	40.7%	453	12.2%	-	-	1740	47.0%	3699	97.1%
	Female	71	65.1%	14	12.8%	-	-	24	22.0%	109	2.9%
Race	White	578	48.1%	108	9.0%	-	-	516	42.9%	1202	31.6%
	Black	802	39.1%	276	13.5%	-	-	973	47.4%	2051	53.9%
	Am Ind	95	33.6%	46	16.3%	-	-	142	50.2%	283	7.4%
	Hispanic	71	41.3%	23	13.4%	-	-	78	45.3%	172	4.5%
	Asian	31	31.3%	14	14.1%	-	-	54	54.5%	99	2.6%
District	1, includes Lakeville	106	41.4%	34	13.3%	-	-	116	45.3%	256	6.7%
	2, includes St. Paul	305	48.5%	60	9.5%	-	-	264	42.0%	629	16.5%
	3, includes Rochester	97	45.3%	11	5.1%	-	-	106	49.5%	214	5.6%
	4, includes Minneapolis	477	34.9%	247	18.1%	-	-	642	47.0%	1366	35.9%
	5, includes Mankato	65	35.9%	27	14.9%	-	-	89	49.2%	181	4.8%
	6, includes Duluth	75	46.6%	4	2.5%	-	-	82	50.9%	161	4.2%
	7, includes St. Cloud	119	40.6%	29	9.9%	-	-	145	49.5%	293	7.7%
	8, includes Willmar	23	42.6%	5	9.3%	-	-	26	48.1%	54	1.4%
	9, includes Bemidji	107	39.8%	30	11.2%	-	-	132	49.1%	269	7.1%
	10, includes Woodbury	203	52.7%	20	5.2%	-	-	162	42.1%	385	10.1%
Criminal History	0	269	75.6%	27	7.6%	-	-	60	16.9%	356	9.3%
	1	355	63.7%	62	11.1%	-	-	140	25.1%	557	14.6%
	2	346	52.1%	72	10.8%	-	-	246	37.0%	664	17.4%
	3	228	39.2%	78	13.4%	-	-	275	47.3%	581	15.3%
	4	150	31.8%	69	14.6%	-	-	253	53.6%	472	12.4%
	5	105	24.6%	62	14.6%	-	-	259	60.8%	426	11.2%
	6+	124	16.5%	97	12.9%	-	-	530	70.6%	751	19.7%
Cause of Violation	Firearm	1346	39.9%	404	12.0%	-	-	1627	48.2%	3377	88.7%
	Ammunition	231	53.7%	63	14.7%	-	-	136	31.6%	430	11.3%

Table 2. Departure and Plea Reasons, Possession of a Firearm or Ammunition by a Person Previously Convicted of a “Crime of Violence” (5-year mandatory minimum, sometimes waivable), 2018–2024.

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		1577	100.0%	467	100.0%	-	-
Departure Reasons	Less onerous/weapon type less serious/gun not loaded	260	16.5%	369	79.0%	-	-
	Recommended by court services	255	16.2%	-	-	-	-
	C dep treat/ non-residential or don't know	449	28.5%	-	-	-	-
	Amenable to probation	1189	75.4%	-	-	-	-
	Shows remorse/accepts responsibility	625	39.6%	189	40.5%	-	-
Plea Reasons	Prosecutor did not Object/Plea Negotiation	826	52.4%	276	59.1%	-	-
	Plea Reason Unknown	421	26.7%	121	25.9%	-	-
	Prosecutor Objects	330	20.9%	70	15.0%	-	-

Table 3. Mandatory Minimum Sentencing Outcomes, Commission of a Listed Offense While Defendant/Accomplice Possessed a Firearm or Used Another Dangerous Weapon (1 , 3 , or 5-year mandatory minimum, sometimes waivable), 2018–2024.

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		1624	43.0%	80	2.1%	310	8.2%	1761	46.6%	3775	100.0%
Sex	Male	1310	39.2%	72	2.2%	292	8.7%	1669	49.9%	3343	88.6%
	Female	314	72.7%	8	1.9%	18	4.2%	92	21.3%	432	11.4%
Race	White	656	51.2%	13	1.0%	73	5.7%	540	42.1%	1282	34.0%
	Black	691	38.4%	51	2.8%	186	10.3%	873	48.5%	1801	47.7%
	Am Ind	122	39.1%	6	1.9%	15	4.8%	169	54.2%	312	8.3%
	Hispanic	104	37.7%	7	2.5%	29	10.5%	136	49.3%	276	7.3%
	Asian	51	49.0%	3	2.9%	7	6.7%	43	41.3%	104	2.8%
District	1, incl. Lakeville	123	45.1%	5	1.8%	21	7.7%	124	45.4%	273	7.2%
	2, incl. St. Paul	238	45.5%	18	3.4%	48	9.2%	219	41.9%	523	13.9%
	3, incl. Rochester	96	37.9%	4	1.6%	11	4.3%	142	56.1%	253	6.7%
	4, incl. Minneapolis	491	37.9%	39	3.0%	180	13.9%	585	45.2%	1295	34.3%
	5, incl. Mankato	92	51.1%	1	0.6%	6	3.3%	81	45.0%	180	4.8%
	6, incl. Duluth	74	46.0%	-	-	1	0.6%	86	53.4%	161	4.3%
	7, incl. St. Cloud	173	44.4%	4	1.0%	16	4.1%	197	50.5%	390	10.3%
	8, incl. Willmar	38	39.2%	-	-	3	3.1%	56	57.7%	97	2.6%
	9, incl. Bemidji	112	46.1%	3	1.2%	6	2.5%	122	50.2%	243	6.4%
	10, incl. Woodbury	187	51.9%	6	1.7%	18	5.0%	149	41.4%	360	9.5%

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Criminal History	0	1054	62.4%	19	1.1%	62	3.7%	554	32.8%	1689	44.7%
	1	250	46.0%	14	2.6%	43	7.9%	236	43.5%	543	14.4%
	2	124	33.6%	13	3.5%	33	8.9%	199	53.9%	369	9.8%
	3	74	24.3%	13	4.3%	32	10.5%	185	60.9%	304	8.1%
	4	55	20.3%	7	2.6%	35	12.9%	174	64.2%	271	7.2%
	5	27	14.4%	7	3.7%	39	20.7%	115	61.2%	188	5.0%
	6+	40	9.7%	7	1.7%	66	16.1%	298	72.5%	411	10.9%
Offense*	completed murder or manslaughter	8	1.9%	1	0.2%	48	11.3%	368	86.6%	425	11.3%
	attempted murder or manslaughter	3	3.1%	-	-	8	8.3%	85	88.5%	96	2.5%
	kidnapping or false imprisonment	1	14.3%	-	-	-	-	6	85.7%	7	0.2%
	robbery or carjacking	183	43.8%	9	2.2%	77	18.4%	149	35.6%	418	11.1%
	drive-by-shooting	32	30.5%	8	7.6%	5	4.8%	60	57.1%	105	2.8%
	burglary	41	37.3%	2	1.8%	4	3.6%	63	57.3%	110	2.9%
	assault 1	35	18.4%	-	-	22	11.6%	133	70.0%	190	5.0%
	assault 2 - weapon	984	56.6%	46	2.6%	89	5.1%	618	35.6%	1737	46.0%
	assault 2 – weapon & substantial harm	106	45.1%	8	3.4%	21	8.9%	100	42.6%	235	6.2%
	assault 3	14	63.6%	-	-	3	13.6%	5	22.7%	22	0.6%
	criminal sexual conduct	1	10.0%	-	-	1	10.0%	8	80.0%	10	0.3%
	aggravated stalking	15	83.3%	-	-	-	-	3	16.7%	18	0.5%
	arson 1, 2, or 3	-	-	-	-	-	-	-	-	0	-
	witness tampering or escape	-	-	-	-	-	-	-	-	0	-
	felon in possession	-	-	-	-	-	-	-	-	0	-
	felony drug crime	201	50.0%	6	1.5%	32	8.0%	163	40.5%	402	10.6%
Weapon Use	firearm possessed	387	51.7%	13	1.7%	46	6.1%	302	40.4%	748	19.8%
	firearm possessed - subsequent	4	16.7%	5	20.8%	6	25.0%	9	37.5%	24	0.6%
	firearm used	424	32.9%	36	2.8%	95	7.4%	735	57.0%	1290	34.2%
	firearm used - subsequent	6	4.7%	15	11.8%	17	13.4%	89	70.1%	127	3.4%
	other dangerous weapon used	790	51.5%	-	-	144	9.4%	599	39.1%	1533	40.6%
	other dangerous weapon used - subsequent	13	24.5%	11	20.8%	2	3.8%	27	50.9%	53	1.4%

\*Unless otherwise specified, includes attempted cases.

*Table 4. Departure and Plea Reasons, Commission of a Listed Offense While Defendant/Accomplice Possessed a Firearm or Used Another Dangerous Weapon (1 , 3 , or 5-year mandatory minimum, sometimes waivable), 2018–2024.*

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		1624	100.0%	80	100.0%	310	100.0%
Departure Reasons	Recommended by court services	271	16.7%	-	-	-	-
	C dep treat/ non-residential or don't know	393	24.2%	-	-	-	-
	Amenable to probation	1139	70.1%	-	-	-	-
	Shows remorse/accepts responsibility	614	37.8%	26	32.5%	128	41.3%
	Unknown	-	-	18	22.5%	-	-
	Less onerous/weapon type less serious/gun not loaded	-	-	29	36.2%	138	44.5%
Plea Reasons	Prosecutor did not Object/Plea Negotiation	1000	61.6%	52	65.0%	235	75.8%
	Plea Reason Unknown	366	22.5%	23	28.7%	63	20.3%
	Prosecutor Objects	258	15.9%	5	6.2%	12	3.9%

Table 5. Mandatory Minimum Sentencing Outcomes, Failure to Register as a Predatory Offender (1- or 2-year mandatory minimum, waivable), 2018–2024.

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		1170	52.1%	69	3.1%	318	14.2%	687	30.6%	2244	100.0%
Sex	Male	1134	51.7%	69	3.1%	316	14.4%	675	30.8%	2194	97.8%
	Female	36	72.0%	-	-	2	4.0%	12	24.0%	50	2.2%
Race	White	624	54.6%	25	2.2%	123	10.8%	370	32.4%	1142	50.9%
	Black	366	54.0%	34	5.0%	137	20.2%	141	20.8%	678	30.2%
	Am Ind	83	35.6%	6	2.6%	36	15.5%	108	46.4%	233	10.4%
	Hispanic	70	46.4%	4	2.6%	16	10.6%	61	40.4%	151	6.7%
	Asian	27	67.5%	-	-	6	15.0%	7	17.5%	40	1.8%
District	1, incl. Lakeville	130	58.6%	7	3.2%	22	9.9%	63	28.4%	222	9.9%
	2, incl. St. Paul	203	56.4%	11	3.1%	100	27.8%	46	12.8%	360	16.0%
	3, incl. Rochester	119	55.3%	1	0.5%	11	5.1%	84	39.1%	215	9.6%
	4, incl. Minneapolis	197	55.5%	26	7.3%	70	19.7%	62	17.5%	355	15.8%
	5, incl. Mankato	118	54.4%	7	3.2%	20	9.2%	72	33.2%	217	9.7%
	6, incl. Duluth	35	47.3%	-	-	6	8.1%	33	44.6%	74	3.3%
	7, incl. St. Cloud	90	41.9%	5	2.3%	25	11.6%	95	44.2%	215	9.6%
	8, incl. Willmar	46	49.5%	-	-	2	2.2%	45	48.4%	93	4.1%
	9, incl. Bemidji	92	35.2%	7	2.7%	36	13.8%	126	48.3%	261	11.6%
	10, incl. Woodbury	140	60.3%	5	2.2%	26	11.2%	61	26.3%	232	10.3%
Criminal History	0	151	88.8%	-	-	1	0.6%	18	10.6%	170	7.6%
	1	161	70.0%	8	3.5%	1	0.4%	60	26.1%	230	10.2%
	2	243	67.1%	7	1.9%	17	4.7%	95	26.2%	362	16.1%
	3	209	53.3%	20	5.1%	30	7.7%	133	33.9%	392	17.5%
	4	145	42.8%	13	3.8%	62	18.3%	119	35.1%	339	15.1%
	5	91	36.8%	11	4.5%	61	24.7%	84	34.0%	247	11.0%
	6+	170	33.7%	10	2.0%	146	29.0%	178	35.3%	504	22.5%
First/Sub?	First	949	54.7%	3	0.2%	282	16.3%	500	28.8%	1734	77.3%
	Subsequent	221	43.3%	66	12.9%	36	7.1%	187	36.7%	510	22.7%

Table 6. Departure and Plea Reasons, Failure to Register as a Predatory Offender (1- or 2-year mandatory minimum, waivable), 2018–2024.

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		1170	100.0%	69	100.0%	318	100.0%
Departure Reasons	Less onerous/weapon type less serious/gun not loaded	277	23.7%	45	65.2%	193	60.7%
	Recommended by court services	190	16.2%	-	-	-	-
	C dep treat/ non-residential or don't know	209	17.9%	-	-	-	-
	Amenable to probation	788	67.4%	-	-	-	-
	Shows remorse/accepts responsibility	397	33.9%	20	29.0%	87	27.4%
	Unknown	-	-	7	10.1%	43	13.5%
Plea Reasons	Prosecutor did not Object/Plea Negotiation	832	71.1%	51	73.9%	252	79.2%
	Plea Reason Unknown	217	18.5%	12	17.4%	57	17.9%
	Prosecutor Objects	121	10.3%	6	8.7%	9	2.8%

Table 7. Mandatory Minimum Sentencing Outcomes, Aggravated First-Degree Controlled Substance Crime (grid time, at least 86 months, no lower range, not waivable), Date of Offense before Aug. 1, 2016, 2018–2024.

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		8	13.6%	8	13.6%	-	-	43	72.9%	59	100.0%
Sex	Male	7	13.0%	6	11.1%	-	-	41	75.9%	54	91.5%
	Female	1	20.0%	2	40.0%	-	-	2	40.0%	5	8.5%
Race	White	5	15.6%	5	15.6%	-	-	22	68.8%	32	66.7%
	Black	2	18.2%	1	9.1%	-	-	8	72.7%	11	22.9%
	Am Ind	1	20.0%	1	20.0%	-	-	3	60.0%	5	10.4%
	Hispanic	-	-	-	-	-	-	-	-	-	-
	Asian	-	-	-	-	-	-	-	-	-	-
District	1, incl. Lakeville	1	16.7%	2	33.3%	-	-	3	50.0%	6	14.0%
	2, incl. St. Paul	-	-	-	-	-	-	-	-	-	-
	3, incl. Rochester	1	33.3%	-	-	-	-	2	66.7%	3	7.0%
	4, incl. Minneapolis	2	16.7%	2	16.7%	-	-	8	66.7%	12	27.9%
	5, incl. Mankato	1	33.3%	1	33.3%	-	-	1	33.3%	3	7.0%
	6, incl. Duluth	-	-	-	-	-	-	-	-	-	-
	7, incl. St. Cloud	2	16.7%	1	8.3%	-	-	9	75.0%	12	27.9%
	8, incl. Willmar	-	-	-	-	-	-	-	-	-	-
	9, incl. Bemidji	-	-	-	-	-	-	-	-	-	-
	10, incl. Woodbury	1	14.3%	-	-	-	-	6	85.7%	7	16.3%
Criminal History	0	5	20.0%	-	-	-	-	20	80.0%	25	58.1%
	1	-	-	-	-	-	-	-	-	-	-
	2	2	33.3%	1	16.7%	-	-	3	50.0%	6	14.0%
	3	-	-	-	-	-	-	-	-	-	-
	4	-	-	-	-	-	-	-	-	-	-
	5	-	-	-	-	-	-	-	-	-	-
	6+	1	8.3%	1	8.3%	-	-	10	83.3%	12	27.9%
Possess Weapon?	No Dangerous Weapon	2	7.1%	4	14.3%	-	-	22	78.6%	28	47.5%
	Possess Firearm	6	19.4%	4	12.9%	-	-	21	67.7%	31	52.5%



Table 8. Departure and Plea Reasons, Aggravated First-Degree Controlled Substance Crime (grid time, at least 86 months, no lower range, not waivable), Date of Offense before Aug. 1, 2016, 2018–2024.

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		8	100.0%	8	100.0%	-	-
Departure Reasons	Recommended by court services	4	50.0%	-	-	-	-
	Amenable to treatment	1	12.5%	-	-	-	-
	C dep treat/ non-residential or don't know	4	50.0%	-	-	-	-
	Amenable to probation	7	87.5%	-	-	-	-
	Drug Court-No reasons in transcript	3	37.5%	-	-	-	-
	CD Treat per 152.152	2	25.0%	-	-	-	-
	Unknown	-	-	2	25.0%	-	-
	Offender played minor, lesser, or passive role	-	-	2	25.0%	-	-
	Less onerous/weapon type less serious/gun not loaded	-	-	3	37.5%	-	-
	Shows remorse/accepts responsibility	-	-	3	37.5%	-	-
Err in applying drug mand min or 2nd or sub policy	-	-	1	12.5%	-	-	
Plea Reasons	Prosecutor did not Object/Plea Negotiation	6	75.0%	7	87.5%	-	-
	Plea Reason Unknown	1	12.5%	-	-	-	-
	Prosecutor Objects	1	12.5%	1	12.5%	-	-

Table 9. Mandatory Minimum Sentencing Outcomes, High-Amount First-Degree Controlled Substance Crime (grid time, at least 65 months, no lower range, sometimes waivable for possession), Date of Offense before Aug. 1, 2016, 2018–2024.

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		151	40.7%	73	19.7%	-	-	147	39.6%	371	100.0%
Sex	Male	97	34.3%	66	23.3%	-	-	120	42.4%	283	76.3%
	Female	54	61.4%	7	8.0%	-	-	27	30.7%	88	23.7%
Race	White	98	42.2%	46	19.8%	-	-	88	37.9%	232	62.5%
	Black	24	41.4%	14	24.1%	-	-	20	34.5%	58	15.6%
	Am Ind	4	26.7%	2	13.3%	-	-	9	60.0%	15	4.0%
	Hispanic	17	32.1%	6	11.3%	-	-	30	56.6%	53	14.3%
	Asian	8	61.5%	5	38.5%	-	-	-	-	13	3.5%
District	1, incl. Lakeville	17	47.2%	6	16.7%	-	-	13	36.1%	36	9.7%
	2, incl. St. Paul	20	55.6%	13	36.1%	-	-	3	8.3%	36	9.7%
	3, incl. Rochester	15	50.0%	3	10.0%	-	-	12	40.0%	30	8.1%
	4, incl. Minneapolis	30	38.0%	22	27.8%	-	-	27	34.2%	79	21.3%
	5, incl. Mankato	6	50.0%	2	16.7%	-	-	4	33.3%	12	3.2%
	6, incl. Duluth	3	50.0%	1	16.7%	-	-	2	33.3%	6	1.6%
	7, incl. St. Cloud	17	30.4%	10	17.9%	-	-	29	51.8%	56	15.1%
	8, incl. Willmar	2	20.0%	2	20.0%	-	-	6	60.0%	10	2.7%
	9, incl. Bemidji	7	30.4%	4	17.4%	-	-	12	52.2%	23	6.2%
	10, incl. Woodbury	34	41.0%	10	12.0%	-	-	39	47.0%	83	22.4%
Criminal History	0	72	59.5%	11	9.1%	-	-	38	31.4%	121	32.6%
	1	19	44.2%	3	7.0%	-	-	21	48.8%	43	11.6%
	2	18	45.0%	6	15.0%	-	-	16	40.0%	40	10.8%
	3	11	30.6%	8	22.2%	-	-	17	47.2%	36	9.7%
	4	5	17.9%	9	32.1%	-	-	14	50.0%	28	7.5%
	5	6	19.4%	9	29.0%	-	-	16	51.6%	31	8.4%
	6+	20	27.8%	27	37.5%	-	-	25	34.7%	72	19.4%
Sale or Possess?	Sale	54	38.0%	29	20.4%	-	-	59	41.5%	142	38.3%
	Possession	97	42.4%	44	19.2%	-	-	88	38.4%	229	61.7%

Table 10. Departure and Plea Reasons, High-Amount First-Degree Controlled Substance Crime (grid time, at least 65 months, no lower range, sometimes waivable for possession), Date of Offense before Aug. 1, 2016, 2018–2024.

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		151	100.0%	73	100.0%	-	-
Departure Reasons	Recommended by court services	20	13.2%	-	-	-	-
	C dep treat/ non-residential or don't know	63	41.7%	-	-	-	-
	Amenable to probation	110	72.8%	-	-	-	-
	Shows remorse/accepts responsibility	47	31.1%	26	35.6%	-	-
	CD Treat per 152.152	26	17.2%	-	-	-	-
	Unknown	-	-	13	17.8%	-	-
	Less onerous/weapon type less serious/gun not loaded	-	-	24	32.9%	-	-
Plea Reasons	Prosecutor did not Object/Plea Negotiation	79	52.3%	47	64.4%	-	-
	Plea Reason Unknown	35	23.2%	22	30.1%	-	-
	Prosecutor Objects	37	24.5%	4	5.5%	-	-

Table 11. Mandatory Minimum Sentencing Outcomes, First-Degree Controlled Substance Crime as a Subsequent Controlled Substance Conviction (4 years, not waivable), Date of Offense before Aug. 1, 2016, 2018–2024.

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		52	23.1%	2	0.9%	34	15.1%	137	60.9%	225	100.0%
Sex	Male	39	20.3%	2	1.0%	31	16.1%	120	62.5%	192	85.3%
	Female	13	39.4%	-	-	3	9.1%	17	51.5%	33	14.7%
Race	White	40	27.6%	-	-	15	10.3%	90	62.1%	145	69.4%
	Black	9	19.6%	1	2.2%	10	21.7%	26	56.5%	46	22.0%
	Am Ind	2	20.0%	-	-	1	10.0%	7	70.0%	10	4.8%
	Hispanic	-	-	-	-	-	-	-	-	0	-
	Asian	1	12.5%	-	-	2	25.0%	5	62.5%	8	3.8%
District	1, incl. Lakeville	2	22.2%	-	-	3	33.3%	4	44.4%	9	4.0%
	2, incl. St. Paul	5	45.5%	-	-	3	27.3%	3	27.3%	11	4.9%
	3, incl. Rochester	4	18.2%	-	-	2	9.1%	16	72.7%	22	9.8%
	4, incl. Minneapolis	8	27.6%	1	3.4%	9	31.0%	11	37.9%	29	12.9%
	5, incl. Mankato	4	18.2%	-	-	1	4.5%	17	77.3%	22	9.8%
	6, incl. Duluth	4	20.0%	1	5.0%	2	10.0%	13	65.0%	20	8.9%
	7, incl. St. Cloud	9	21.4%	-	-	5	11.9%	28	66.7%	42	18.7%
	8, incl. Willmar	3	33.3%	-	-	1	11.1%	5	55.6%	9	4.0%
	9, incl. Bemidji	5	17.9%	-	-	2	7.1%	21	75.0%	28	12.4%
	10, incl. Woodbury	8	24.2%	-	-	6	18.2%	19	57.6%	33	14.7%
Criminal History	0	1	100.0%	-	-	-	-	-	-	1	0.4%
	1	2	33.3%	-	-	-	-	4	66.7%	6	2.7%
	2	9	37.5%	1	4.2%	5	20.8%	9	37.5%	24	10.7%
	3	15	34.1%	1	2.3%	7	15.9%	21	47.7%	44	19.6%
	4	11	28.2%	-	-	8	20.5%	20	51.3%	39	17.3%
	5	3	10.0%	-	-	7	23.3%	20	66.7%	30	13.3%
	6+	11	13.6%	-	-	7	8.6%	63	77.8%	81	36.0%
Sale or Possess?	Sale	32	24.6%	2	1.5%	16	12.3%	80	61.5%	130	57.8%
	Possession	20	21.1%	-	-	18	18.9%	57	60.0%	95	42.2%

Table 12. Departure and Plea Reasons, First-Degree Controlled Substance Crime as a Subsequent Controlled Substance Conviction (4 years, not waivable), Date of Offense before Aug. 1, 2016, 2018–2024.

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		52	100.0%	2	100.0%	34	100.0%
Departure Reasons	Recommended by court services	10	19.2%				
	C dep treat/ non-residential or don't know	21	40.4%				
	Amenable to probation	32	61.5%				
	Other type of treatment Program	6	11.5%				
	Shows remorse/accepts responsibility	15	28.8%	1	50.0%	8	23.5%
	Drug Court-No reasons in transcript	6	11.5%				
	CD Treat per 152.152	9	17.3%				
	Unknown			1	50.0%		
	Offender played minor, lesser, or passive role			1	50.0%		
	Less onerous/weapon type less serious/gun not loaded					18	52.9%
Plea Reasons	Prosecutor did not Object/Plea Negotiation	35	67.3%	2	100.0%	21	61.8%
	Plea Reason Unknown	12	23.1%			10	29.4%
	Prosecutor Objects	5	9.6%			3	8.8%

Table 13. Mandatory Minimum Sentencing Outcomes, Second-Degree Controlled Substance Crime as a Subsequent Controlled Substance Conviction (3 years, not waivable), Date of Offense before Aug. 1, 2016, 2018–2024.

Variable	Value	Mitigated Dispositional Departures		Mitigated Durational Departures				No Mitigated Departure		Total Cases	
				Below Mand Min		Above Mand Min					
		N	%	N	%	N	%	N	%	N	%
Total		38	26.2%	-	-	17	11.7%	90	62.1%	145	100.0%
Sex	Male	31	25.0%	-	-	15	12.1%	78	62.9%	124	85.5%
	Female	7	33.3%	-	-	2	9.5%	12	57.1%	21	14.5%
Race	White	30	29.7%	-	-	11	10.9%	60	59.4%	101	73.7%
	Black	5	16.7%	-	-	5	16.7%	20	66.7%	30	21.9%
	Am Ind	1	33.3%	-	-	-	-	2	66.7%	3	2.2%
	Hispanic	-	-	-	-	-	-	-	-	-	-
	Asian	2	66.7%	-	-	-	-	1	33.3%	3	2.2%
District	1, incl. Lakeville	-	-	-	-	-	-	-	-	-	-
	2, incl. St. Paul	6	50.0%	-	-	3	25.0%	3	25.0%	12	8.6%
	3, incl. Rochester	3	12.0%	-	-	1	4.0%	21	84.0%	25	17.9%
	4, incl. Minneapolis	6	40.0%	-	-	5	33.3%	4	26.7%	15	10.7%
	5, incl. Mankato	3	21.4%	-	-	1	7.1%	10	71.4%	14	10.0%
	6, incl. Duluth	1	14.3%	-	-	1	14.3%	5	71.4%	7	5.0%
	7, incl. St. Cloud	11	50.0%	-	-	1	4.5%	10	45.5%	22	15.7%
	8, incl. Willmar	1	10.0%	-	-	-	-	9	90.0%	10	7.1%
	9, incl. Bemidji	2	13.3%	-	-	1	6.7%	12	80.0%	15	10.7%
	10, incl. Woodbury	5	25.0%	-	-	3	15.0%	12	60.0%	20	14.3%
Criminal History	0	-	-	-	-	-	-	-	-	-	-
	1	3	75.0%	-	-	1	25.0%	-	-	4	2.8%
	2	10	43.5%	-	-	4	17.4%	9	39.1%	23	15.9%
	3	6	31.6%	-	-	1	5.3%	12	63.2%	19	13.1%
	4	5	27.8%	-	-	2	11.1%	11	61.1%	18	12.4%
	5	2	10.5%	-	-	2	10.5%	15	78.9%	19	13.1%
	6+	12	19.4%	-	-	7	11.3%	43	69.4%	62	42.8%
Sale or Possess?	Sale	14	25.5%	-	-	6	10.9%	35	63.6%	55	37.9%
	Possession	24	26.7%	-	-	11	12.2%	55	61.1%	90	62.1%

Table 14. Departure and Plea Reasons, Second-Degree Controlled Substance Crime as a Subsequent Controlled Substance Conviction (3 years, not waivable), Date of Offense before Aug. 1, 2016, 2018–2024.

Reason Type	Reason	Mitigated Dispositional Departures		Mitigated Durational Departures			
				Below Mand Min		Above Mand Min	
		N	%	N	%	N	%
Total		38	100.0%	-	-	17	100.0%
Departure Reasons	Recommended by court services	5	13.2%	-	-	2	11.8%
	Compliance with probation/extended supervision	4	10.5%	-	-	-	-
	C dep treat/ non-residential or don't know	16	42.1%	-	-	-	-
	Amenable to probation	29	76.3%	-	-	-	-
	Shows remorse/accepts responsibility	16	42.1%	-	-	5	29.4%
	Drug Court-No reasons in transcript	4	10.5%	-	-	-	-
	CD Treat per 152.152	6	15.8%	-	-	-	-
	Unknown	-	-	-	-	2	11.8%
	Less onerous/weapon type less serious/gun not loaded	-	-	-	-	9	52.9%
Plea Reasons	Prosecutor did not Object/Plea Negotiation	24	63.2%	-	-	12	70.6%
	Plea Reason Unknown	5	13.2%	-	-	3	17.6%
	Prosecutor Objects	9	23.7%	-	-	2	11.8%