

## Demographic Impact Statement

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### House File 3610-0

*Penalty for assaulting a police officer enhanced.*

#### Statement Date: April 5, 2018

The staff of the Minnesota Sentencing Guidelines Commission (MSGC) prepares demographic impact statements for proposed crime bills when it appears that the bill's policy changes would likely increase or decrease the number of people convicted of felonies each year by 50 or more; when it appears that the bill's policy changes would likely increase or decrease the annual need for prison beds by 10 or more; or upon legislative request.

#### Bill Description

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House File 3610-0 amends fourth-degree assault against a peace officer under Minn. Stat. § 609.2231, subd. 1(b), by elevating a physical assault against a peace officer from a gross misdemeanor to a felony. The offense has a two-year statutory maximum.

The bill is effective August 1, 2018, and applies to crimes committed on or after that date.

#### Estimated Impact

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In its fiscal note, MSGC staff estimated that this bill would result in 103 offenders per year moving from gross misdemeanor level convictions to felony level. MSGC staff estimated that four of those offenders would receive prison sentences which may result in some savings of local resources. However, MSGC staff estimated that 99 offenders expected to be placed on felony probation were likely to serve more time on probation and more time in local jails than they currently serve. Therefore, there would be some impact on local correctional resources. Because it is not known how long they serve on gross misdemeanor probation and how much local jail time they receive, the scope of the local impact cannot be estimated.

In making these estimates, it was assumed that the number of offenders sentenced in the future for the newly enhanced felony fourth-degree assault against peace officers will be similar to the number of offenders sentenced in 2017 for the existing gross misdemeanor offense, and that those new felony offenders would be sentenced in a similar manner as those offenders sentenced in 2016 for the existing felony fourth-degree assault against a peace officer under Minn. Stat. § 609.2231, subd. 1(c) (requiring demonstrable bodily harm or the intentional transfer of bodily fluid or feces).

## Current State Demographics

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Table 1, shown on page 3, below, displays current demographic information pertaining to three populations within the state: the felony population (that is, the population of offenders sentenced for felony offenses in 2016); the adult prison population (as of July 1, 2016); and the general population, age 15 and older (on July 1, 2016, as estimated by the U.S. Census Bureau).

Table 1 breaks down those populations by the following demographic categories: Gender; race and ethnicity; and judicial district. A map of Minnesota's ten judicial districts may be found at <http://www.mncourts.gov/Find-Courts.aspx>.

## Demographic Impact

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### Demographic Characteristics – New Felony Population

It is estimated that the bill will result in 103 offenders<sup>1</sup> receiving felony sentences rather than gross misdemeanor sentences. If the bill's provisions had been in effect for the 103 offenders sentenced for the gross misdemeanor offense in 2017, it is estimated that the demographic characteristics of the occupants of those 103 offenders would have been as follows:

- **Gender:** Male (60%); and Female (40%).
- **Race & Ethnicity:** White (57%); Black (7%); American Indian (23%); Hispanic (4%); Asian (0%); and Other/Unknown (9%).
- **Judicial District:** First (9%); Second (6%); Third (8%); Fourth (3%); Fifth (11%); Sixth (7%); Seventh (7%); Eighth (7%); Ninth (21%); and Tenth (11%).

It may be assumed that the demographic characteristics of the offenders sentenced for the new felony offense in the future will be similar to the demographic characteristics of those offenders sentenced for the existing gross misdemeanor offense in 2017. If so, we would expect that the estimated 103 additional felony offenders would share similar demographic characteristics with those characteristics listed in the preceding paragraph. Table 2, below, shows the demographic change in the population of felony offenders sentenced that would result from the enactment of this bill, assuming that future offenders' demographic characteristics are similar to those of offenders sentenced in 2017.

### Demographic Characteristics – New Prison Population

The estimated change in the prison population is less than the threshold that would cause a demographic impact statement to be prepared. No change in the demographic composition of the prison population is therefore estimated.

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<sup>1</sup> MSGC's fiscal-note estimate of 103 offenders was based on 103 convictions from 99 cases i.e., there were multiple convictions in at least one case.

Table 1. Minnesota’s 2016 General Population, Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

General Population			Felony Population			Prison Population		
U.S. Census Category	2016 Estimated Pop. Age 15 & Older		MSGC Category	Offenders Sentenced in 2016		2016 Adult Inmate Population		
	Number	Percent		Number	Percent	Number	Percent	
Male	2,199,515	49.5%	Male	13,702	80.9%	9,384	92.8%	
Female	2,247,439	50.5%	Female	3,225	19.1%	730	7.2%	
Race & Ethnicity	White*	3,763,894	84.6%	White	9,813	58.0%	4,711	46.6%
	Black or African American*	263,625	5.9%	Black	4,209	24.9%	3,537	35.0%
	American Indian*	69,224	1.6%	American Indian	1,472	8.7%	960	9.5%
	Hispanic**	193,435	4.3%	Hispanic**	903	5.3%	631	6.2%
	Asian*	221,996	5.0%	Asian	525	3.1%	259	2.6%
	Native Hawaiian/ Other Pacific Islander*	4,781	0.1%	Other/ Unknown	5	0.0%	16	0.2%
Judicial District	First	621,377	14.0%	First	2,192	12.9%	870	8.7%
	Second	433,849	9.8%	Second	1,784	10.5%	1,389	13.9%
	Third	384,440	8.6%	Third	1,344	7.9%	767	7.7%
	Fourth	1,002,248	22.5%	Fourth	3,341	19.7%	2,599	26.0%
	Fifth	233,217	5.2%	Fifth	1,075	6.4%	441	4.4%
	Sixth	210,929	4.7%	Sixth	862	5.1%	556	5.6%
	Seventh	390,911	8.8%	Seventh	1,689	10.0%	1,052	10.5%
	Eighth	129,504	2.9%	Eighth	432	2.6%	302	3.0%
	Ninth	274,234	6.2%	Ninth	1,688	10.0%	1,017	10.2%
	Tenth	766,245	17.2%	Tenth	2,520	14.9%	1,014	10.1%
<b>Total</b>	<b>4,446,954</b>	<b>100.0%</b>	<b>Total</b>	<b>16,927</b>	<b>100.0%</b>	<b>10,114</b>	<b>100.0%</b>	

Source of July 1, 2016, Adult Inmate Population: Minn. Department of Corrections. Judicial district populations exclude 107 inmates whose governing sentences were for offenses committed in non-Minnesota jurisdictions.

Source of July 1, 2016, population estimate: U.S. Census Bureau (June, 2017).

\* Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

\*\* Lists all Hispanic offenders and residents as Hispanic, regardless of race.

Table 2. Minnesota’s Existing Annual Felony Population, Estimated Change in Felony Offenders Sentenced, and Estimated Resulting Annual Felony Population, by Gender, Race and Ethnicity, and Judicial District

Existing Annual Felony Population			Estimated Change in Felony Offenders Sentenced*		Estimated Resulting Annual Felony Population*				
MSGC Category	Offenders Sentenced in 2016		No.	%	No.	%	% change from existing felony pop.	% -point change relative to other categories**	
	No.	%							
Male	13,702	80.9%	+59	60%	13,761	80.8%	+0.4%	-0.1%	
Female	3,225	19.1%	+40	40%	3,265	19.2%	+1.2%	+0.1%	
Race & Ethnicity	White	9,813	58.0%	+56	57%	9,869	58.0%	+0.6%	
	Black	4,209	24.9%	+7	7%	4,216	24.8%	+0.2%	-0.1%
	American Indian	1,472	8.7%	+23	23%	1,495	8.8%	+1.6%	+0.1%
	Hispanic***	903	5.3%	+4	4%	907	5.3%	+0.4%	
	Asian	525	3.1%			525	3.1%		
	Other/Unk.	5	0.0%	+9	9%	14	0.1%	****	****
Judicial District	First	2,192	12.9%	+9	9%	2,201	12.9%	+0.4%	
	Second	1,784	10.5%	+6	6%	1,790	10.5%	+0.3%	
	Third	1,344	7.9%	+8	8%	1,352	7.9%	+0.6%	
	Fourth	3,341	19.7%	+3	3%	3,344	19.6%	+0.1%	-0.1%
	Fifth	1,075	6.4%	+11	11%	1,086	6.4%	+1.0%	
	Sixth	862	5.1%	+7	7%	869	5.1%	+0.8%	
	Seventh	1,689	10.0%	+16	16%	1,705	10.0%	+0.9%	
	Eighth	432	2.6%	+7	7%	439	2.6%	+1.6%	
	Ninth	1,688	10.0%	+21	21%	1,709	10.0%	+1.2%	+0.1%
	Tenth	2,520	14.9%	+11	11%	2,531	14.9%	+0.4%	
<b>Total</b>	<b>16,927</b>	<b>100.0%</b>	<b>+99</b>	<b>100%</b>	<b>17,026</b>	<b>100.0%</b>	<b>+0.6%</b>		

\* Assuming future offenders’ demographic characteristics are similar to those of offenders sentenced in 2017.

\*\* I.e., the expected change, in percentage points, of the category’s share of the annual felony population relative to the other, related gender, racial/ethnic, or geographical categories.

\*\*\* Lists all Hispanic offenders and residents as Hispanic, regardless of race.

\*\*\*\* Comparisons within the “other/unknown” category are not likely reliable.

Source of data for 2017 Estimated Change in Felony Offenders Sentenced: Minn. Judicial Branch. MSGC’s fiscal-note estimate of 103 offenders was based on 103 convictions from 99 cases i.e., there were multiple convictions in at least one case.