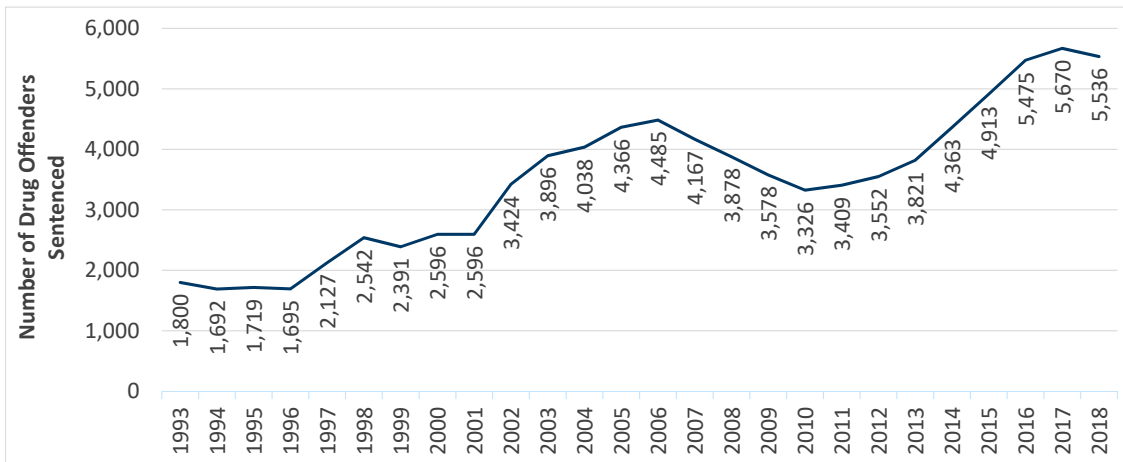




2018 Sentencing Practices: Impact of the 2016 Drug Sentencing Reform Act

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Number of Offenders Sentenced for Felony Drug Convictions, 1993–2018

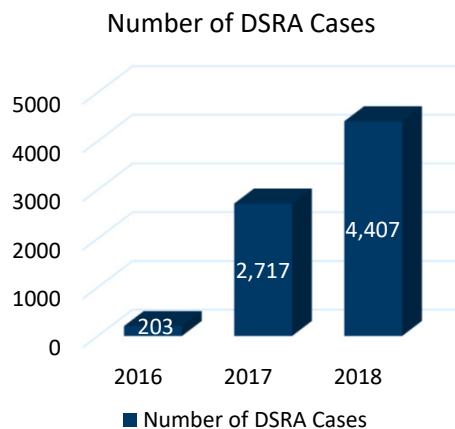


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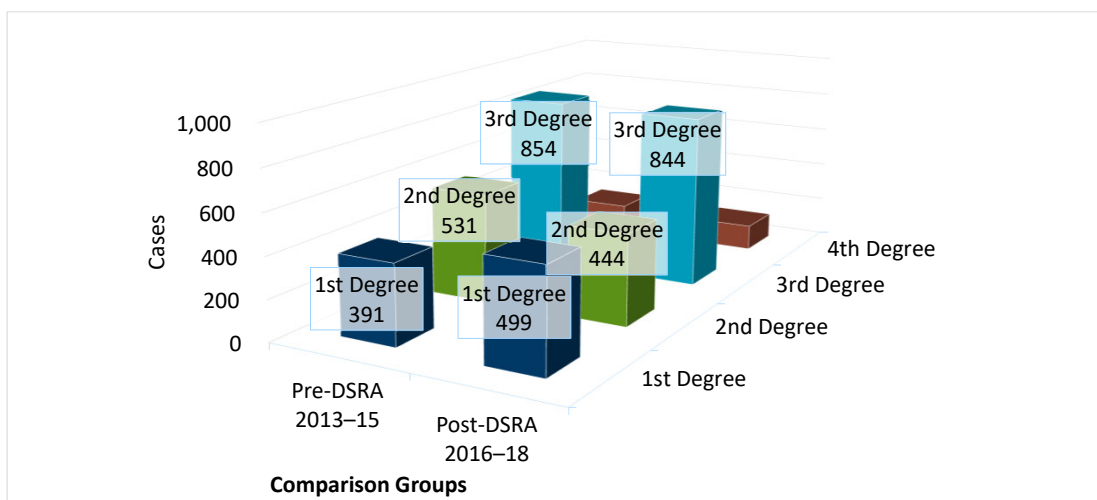
2

Impact of the 2016 Drug Sentencing Reform Act (DSRA)

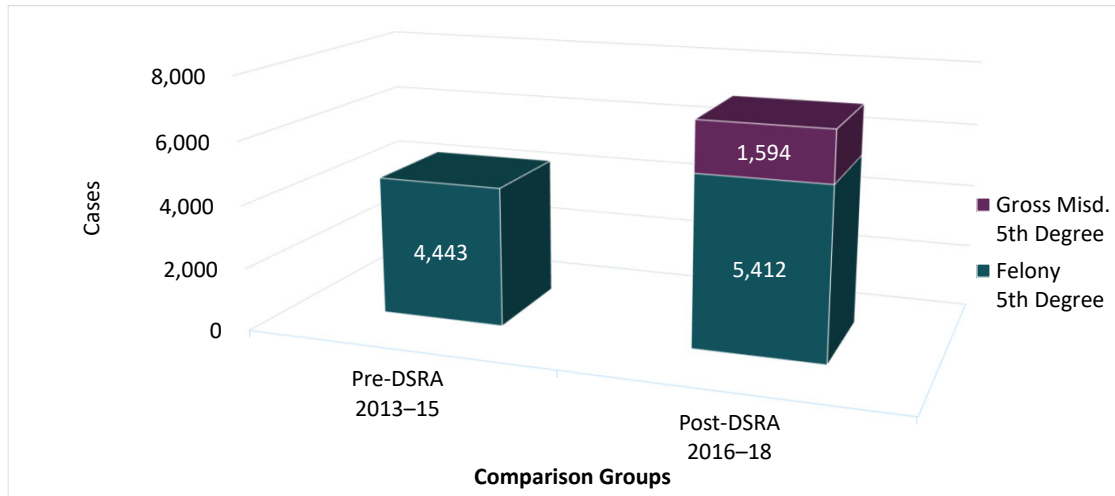
- Of the 5,536 drug cases sentenced in 2018, 81 percent were committed after the DSRA took effect.
- The DSRA applied to 203 cases sentenced in 2016, 2,717 cases sentenced in 2017, and 4,407 cases sentenced in 2018.



Case Volume, 1st–4th Degree Drug Offenses, Pre- and Post-DSRA Comparison Groups



Case Volume, 5th Degree Drug Offenses, Pre- and Post-DSRA Comparison Groups



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Presumptive and Actual Prison Rates, Pre- and Post-DSRA Comparison Groups

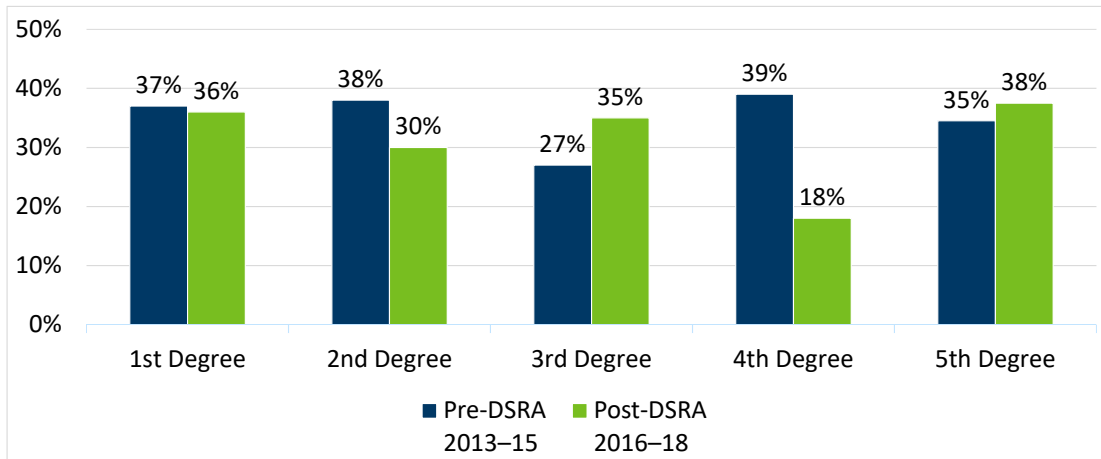
Degree	Pre-DSRA 2013-15 Comparison Group			Post-DSRA 2016-18 Comparison Group		
	Number	Presumptive Prison Rate	Prison Rate	Number	Presumptive Prison Rate	Prison Rate
First	391	100%	63%	499	100%	65%
Second	531	100%	62%	444	50%	36%
Third	854	49%	37%	844	38%	26%
Fourth	144	25%	22%	128	26%	29%
Fifth*	4,443	9%	15%	5,412	11%	13%
Total	6,363	28%	25%	7,327	23%	20%

*Felony only.

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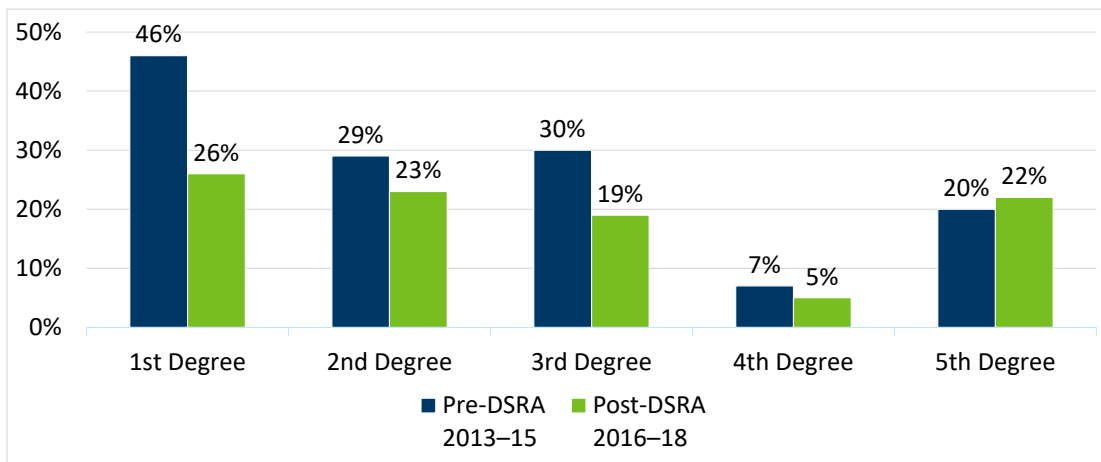
Mitigated Dispositional Departure Rates, Presumptive Commitments Only, Pre- & Post-DSRA Comparison Groups



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Mitigated Durational Departure Rates, Executed Prison Sentences Only, Pre- & Post-DSRA Comparison Groups



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Estimated Prison Beds Needed, Pre- & Post-DSRA Comparison Groups

Degree	Pre-DSRA 2013–15 Comparison Group			Post-DSRA 2016–18			Change in Post-DSRA Estimated Beds Needed
	Number Receiving Prison	Average Duration (months)	Est. Beds Needed	Number Receiving Prison	Average Duration (months)	Est. Beds Needed	
First	245	93	1,275	322	87	1,556	+22%
Second	328	66	1,202	159	77	681	-43%
Third	317	37	657	216	44	532	-19%
Fourth	31	25	43	37	26	54	+26%
Fifth	661	16	604	722	17	696	+15%
Total	1,582	43	3,780	1,456	43	3,520	-7%

Because "estimated prison beds" in this table represent more than one year of sentencing data, these numbers should be used for relative comparison only between the pre-DSRA and post-DSRA groups. In addition, all estimated prison beds are not needed the first year; the need is, instead, apportioned over time.

Estimated Prison-Bed Demand Avoided for Post-DSRA Felony Drug Cases

Degree (Post-DSRA)	Post-DSRA (2016–18) Felony Drug Cases			Difference
	Number of Cases	Estimated Prison Beds Needed Based on Actual Sentences	Estimated Prison Beds Needed if Sentenced in 2015	
First – Heroin, Cocaine, Meth	463	1,461	1,420	+41
Second – Heroin, Cocaine, Meth	387	668	963	-295
Third – Heroin, Cocaine, Meth	748	492	1,000	-508
Fourth – Heroin, Cocaine, Meth	90	50	125	-75
Fifth* – Heroin, Cocaine, Meth	4,192	574	1,464	-890
First & Second – Marijuana	38	23	20	+3
All other felony cases	1,409	252	299	-47
Post-DSRA (2016–18) Total	7,327	3,520	5,291	-1,771
Annualized Total**	5,560	2,671	4,015	-1,344

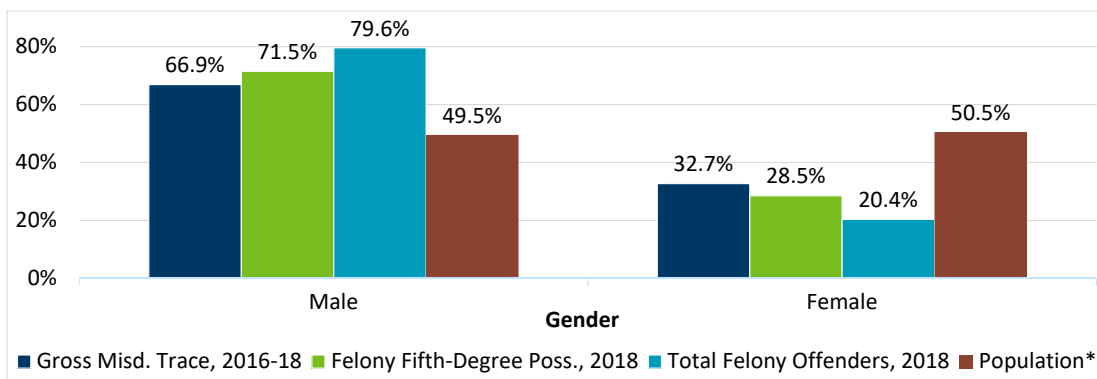
All estimated prison beds are not needed the first year; the need is, instead, apportioned over time.

**Felony only. Does not include gross misdemeanor fifth-degree cases. If they were included, they would not increase the estimated prison beds needed.*

***"Annualized Total" is the Post-DSRA Total multiplied by 75.8%, which is the ratio of the average annual number of felony drug cases from 2016–18 (5,560) to the number of felony cases in the Post-DSRA group (7,327).*

Use of DSRA Gross Misdemeanor Offense, Gender

Distribution by Gender of Gross Misdemeanor Possession of Trace Amount Cases Sentenced 8/1/2016 to 12/31/2018; Felony Fifth Degree Possession Sentenced 2018; Total Felony Offenders Sentenced 2018; and Population Age 15 and Older

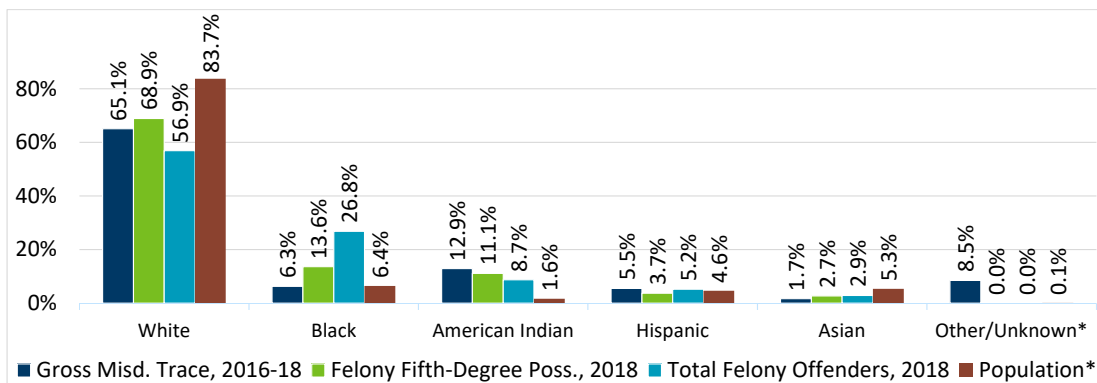


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Use of DSRA Gross Misdemeanor Offense, Race/Ethnicity

Distribution by Race & Ethnicity of Gross Misdemeanor Possession of Trace Amount Cases Sentenced 8/1/2016 to 12/31/2018; Felony Fifth Degree Possession Sentenced 2018; Total Felony Offenders Sentenced 2018; and Population Age 15 and Older

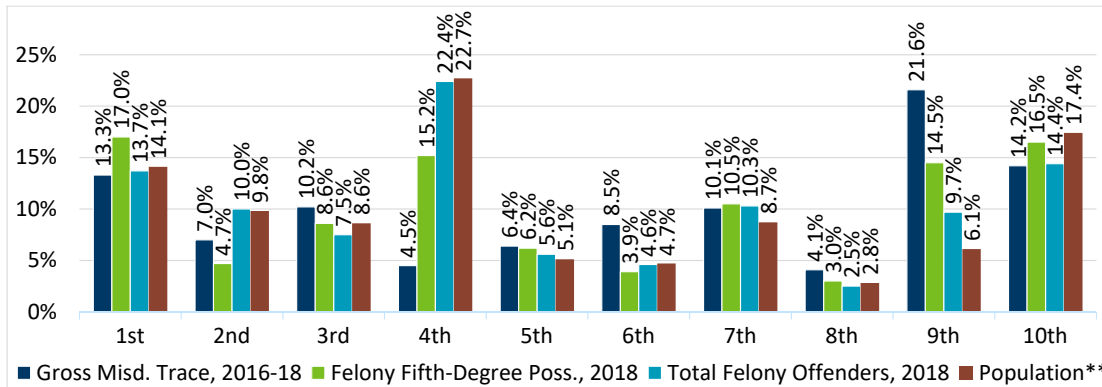


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Use of DSRA Gross Misdemeanor Offense, Judicial District

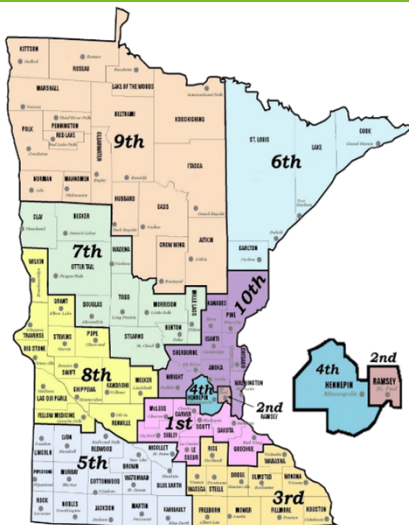
Distribution by Judicial District of Gross Misdemeanor Possession of Trace Amount Cases Sentenced 8/1/2016 to 12/31/2018; Felony Fifth Degree Possession Sentenced 2018; Total Felony Offenders Sentenced 2018; and Population Age 15 and Older



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Minnesota Judicial District



Source: Minn. Judicial Branch

First Carver Dakota Goodhue Le Sueur McLeod Scott Sibley	Second Ramsey	Third Dodge Fillmore Freeborn Houston Mower Olmsted Rice Steele Wabasha Waseca Winona	Fourth Hennepin	Fifth Blue Earth Brown Cottonwood Faribault Jackson Lincoln Lyon Martin Murray Nicollet Nobles	Pipestone Redwood Rock Watowan	Sixth Carlton Cook Lake St. Louis
Seventh Becker Benton Clay Douglas Mille Lacs Morrison Otter Tail Stearns Todd Wadena	Eighth Big Stone Chippewa Grant Kandiyohi Lac qui Parle Meeker Pope Renville Stevens Swift	Traverse Wilkin Yellow Medicine	Ninth Aitkin Beltrami Cass Clearwater Crow Wing Hubbard Itasca Kittson Koochiching Lake of the Woods	Mahnomen Marshall Norman Pennington Polk Red Lake Roseau	Tenth Anoka Chisago Isanti Kanabec Pine Sherburne Washington Wright	

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Standard Sentencing Grid- Effective August 1, 2018

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE							
	0	1	2	3	4	5	6 or more	
<i>Murder, 2nd Degree</i> (intentional murder, drive-by-shootings)	11	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 ²	426 363-480 ²
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Assault, 1st Degree</i>	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree;</i> <i>Burglary, 1st Degree (w/ Weapon</i> <i>or Assault)</i>	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI;</i> <i>Financial Exploitation of a</i> <i>Vulnerable Adult</i>	7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 ²
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied</i> <i>Dwelling)</i>	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary;</i> <i>Simple Robbery</i>	5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	4	12 ¹	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	3	12 ¹	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12 ¹	12 ¹	13	15	17	19	21 18-25
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19 17-22

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Sex Offender Grid- Effective August 1, 2018

SEVERITY LEVEL OF CONVICTION OFFENSE		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or More
<i>CSC 1st Degree</i>	A	144 144-172	156 144-187	168 144-201	180 153-216	234 199-280	306 261-360	360 306-360 ²
<i>CSC 2nd Degree-(c)(d)(e)(f)(h)</i> <i>Prostitution; Sex Trafficking 3rd Degree-1(a)</i>	B	90 90 ³ -108	110 94-132	130 111-156	150 128-180	195 166-234	255 217-300	300 255-300 ²
<i>CSC 3rd Degree-(c)(d)</i> <i>(g)(h)(i)(j)(k)(l)(m)(n)(o)</i> <i>Prostitution; Sex Trafficking 2nd Degree-1a</i>	C	48 41-57	62 53-74	76 65-91	90 77-108	117 100-140	153 131-180	180 153-180 ²
<i>CSC 2nd Degree-(a)(b)(g)</i> <i>CSC 3rd Degree-(a)(e)(f) or(b)with ref. to</i> <i>subd. 2(1)</i> <i>Dissemination of Child Pornography</i> <i>(Subsequent or by Predatory Offender)</i>	D	36	48	60 51-72	70 60-84	91 78-109	119 102-142	140 119-168
<i>CSC 4th Degree-(c)(d)</i> <i>(g)(h)(i)(j)(k)(l)(m)(n)(o)</i> <i>Use Minors in Sexual Performance</i> <i>Dissemination of Child Pornography 2</i>	E	24	36	48	60 51-72	78 67-93	102 87-120	120 102-120 ²
<i>CSC 4th Degree-</i> <i>(a)(b)(e)(f); CSC 5th Degree;</i> <i>Possession of Child Pornography</i> <i>(Subsequent or by Predatory Offender)</i>	F	18	27	36	45 39-54	59 51-70	77 66-92	84 72-100
<i>CSC 3rd Degree-(b) with subd. 2(2);</i> <i>Indecent Exposure</i> <i>Possession of Child Pornography; Solicit</i> <i>Child for Sexual Conduct 2</i>	G	15	20	25	30	39 34-46	51 44-60	60 51-60 ²
<i>Registration Of Predatory Offenders</i>	H	12 ¹ 12 ¹ -14	14 12 ¹ -16	16 14-19	18 16-21	24 21-28	30 26-36	36 31-43

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Drug Offender Grid- Effective August 1, 2018

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	D9	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	D8	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	D7	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	D6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	D5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	D4	12 ¹	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	D3	12 ¹	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	D2	12 ¹	12 ¹	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	D1	12 ¹	12 ¹	12 ¹	13	15	17	19 <i>17-22</i>