

## Felonies with Statutory Maximums of Less than Four Years: Sentenced 2018

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

**Information Requested:** Felonies with statutory maximums of less than four years, sentenced in 2018. Number of prison vs. probation by offense and total of all offenses. Distribution of pronounced probation durations, all offenses.

**Analysis:**

- Sentenced 2018
- Sentenced for a felony level offense with a statutory maximum that is less than four years

In 2018, 18,284 offenders were sentenced for a felony offense. Of the 18,284 felony offenders sentenced, 1,299 (7.1%) had a statutory maximum that was less than four years. Table 1 displays the pronounced sentence type by offense. Of the 1,299 felony cases that had a statutory maximum of less than four years, 148 (11.4%) received prison, 965 (74.3%) received probation, and 186 (14.3%) received a mitigated departure to a misdemeanor/gross misdemeanor sentence.

**Table 1: Pronounced Sentence Type for Felony Offenses that have a Statutory Maximum Less than Four Years, Sentenced 2018**

Felony Offense with a Statutory Maximum of Less than Four Years	PRONOUNCED SENTENCE TYPE			Total
	Prison	Felony Probation	Misdemeanor/Gross Misdemeanor Sentence	
Other Person	1	0	0	1
	100.0%	0.0%	0.0%	100.0%
Criminal Vehicular Injury – Substantial Bodily Harm	3	62	6	71
	4.2%	87.3%	8.5%	100.0%
Assault, 4 <sup>th</sup> Degree	27	156	41	224
	12.1%	69.6%	18.3%	100.0%
False Imprisonment	1	9	2	12
	8.3%	75.0%	16.7%	100.0%
Parental Rights	0	7	6	13
	0.0%	53.8%	46.2%	100.0%
Accidents	0	3	1	4
	0.0%	75.0%	25.0%	100.0%
Solicit Minor Sex	7	74	6	87
	8.0%	85.1%	6.9%	100.0%
Threats of Violence – Bomb Threat/Replica Firearm	1	8	7	16
	6.3%	50.0%	43.8%	100.0%
Private Images	0	13	2	15
	0.0%	86.7%	13.3%	100.0%
Other Property	0	3	2	5
	0.0%	60.0%	40.0%	100.0%
Theft	1	4	0	5
	20.0%	80.0%	0.0%	100.0%
Shoplifting Gear	2	26	7	35
	5.7%	74.3%	20.0%	100.0%
Possess Burglary Tools	20	75	10	105
	19.0%	71.4%	9.5%	100.0%

Felony Offense with a Statutory Maximum of Less than Four Years	PRONOUNCED SENTENCE TYPE			Total
	Prison	Felony Probation	Misdemeanor/Gross Misdemeanor Sentence	
Other Forgery	1	9	0	10
	10.0%	90.0%	0.0%	100.0%
Financial Transaction Card Fraud	1	7	1	9
	11.1%	77.8%	11.1%	100.0%
Mail Theft	8	37	7	52
	15.4%	71.2%	13.5%	100.0%
Other Drug	2	8	1	11
	18.2%	72.7%	9.1%	100.0%
Other Other	0	12	1	13
	0.0%	92.3%	7.7%	100.0%
Other Weapon Related	0	1	0	1
	0.0%	100.0%	0.0%	100.0%
Discharge Firearm	0	15	6	21
	0.0%	71.4%	28.6%	100.0%
Flee Police	73	405	69	547
	13.3%	74.0%	12.6%	100.0%
Aid Offender	0	31	11	42
	0.0%	73.8%	26.2%	100.0%
<b>Total</b>	<b>148</b>	<b>965</b>	<b>186</b>	<b>1,299</b>
	<b>11.4%</b>	<b>74.3%</b>	<b>14.3%</b>	<b>100.0%</b>

Table 2 displays how many cases got each duration of probation that was pronounced. The 148 offenders who received prison and the 186 offenders who received a misdemeanor/gross misdemeanor sentence are excluded from Table 2.

**Table 2: Distribution of Pronounced Probation Terms in Months for Felony Offenses that have a Statutory Maximum Less than Four Years, Sentenced 2018**

Pronounced Probation Term (months)	Number of Offenders	Percent
0.03*	5	.5
1	2	.2
2	1	.1
3	1	.1
6	1	.1
8	1	.1
12	7	.7
18	1	.1
24	70	7.3
25	1	.1
30	1	.1
36	683	70.8
48	104	10.8
60	80	8.3
72	5	.5
120	2	.2
<b>Total</b>	<b>965</b>	<b>100.0</b>

\* Five offenders were put on probation for one day, then immediately discharged due to the large amount of jail time already served.