

Demographic Impact Statement

House File 2964-0

Predatory offender registration for soliciting a prostitute required, and penalties for soliciting a prostitute enhanced.

Statement Date: May 4, 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

House File 2964-0 amends Minn. Stat. § 609.324, subdivision 3, by increasing the severity of all general prostitution crimes, when committed by patrons, to felonies. Currently, a first offense is a misdemeanor; a subsequent offense, committed within two years of a previous prostitution conviction, is a gross misdemeanor, as is engaging in prostitution as a patron in a public place. The bill also amends Minn. Stat. § 243.166, subdivision 1b (registration of predatory offenders), by adding violations of Minn. Stat. § 609.324, subdivisions 1, clauses (b) and (c) (prostitution with teenage children), and 3 (general prostitution as patron), to the list of offenses for which predatory offender registration (POR) is required. The bill repeals Minn. Stat. § 609.324, subdivision 2 (prostitution in public place).

Most criminal provisions of the bill are effective August 1, 2018, and apply to crimes committed on or after that date. No effective date is specified for the repealer.

Estimated Impact

In its fiscal note, MSGC staff estimated that the bill will result in 149 new felony prostitution offenders,¹ and an additional 34 new felony POR violation offenders,² for a total of 183 new felony offenders annually. MSGC staff estimated that the bill will result in an additional 28 prison sentences a year (10 for prostitution and 18 for POR violations) and an eventual prison bed impact of 22 beds.

¹ Based on 3-year average of gross misdemeanor and misdemeanor prostitution convictions from 2015-17 under Minn. Stat. § 609.324 subds. 2&3 (*Source: Minn. Judicial Branch*); and 3-year average of felony prostitution sentences from 2014-16 under Minn. Stat. § 609.324, subd. 1 ranked at Severity Level 3 (*Source: MSGC Monitoring Data*).

² Based on a ten-year registration period and a 2.3% failure to register rate, derived from MSGC data and Bureau of Criminal Apprehension (BCA) registration data. BCA, "for fiscal note for HF 184" Message to Anne Wall. 24 Jan. 2017. E-mail.

Current State Demographics

Table 1 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>.

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%
Total	4,446,954	100.0%	Total	16,927	100.0%	10,114	100.0%	

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. Sum of percentages of residents in each racial/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.

Demographic Impact

Demographic Characteristics – New Felony Population

In its fiscal note, MSGC staff estimated that the bill would result in 183 new felony offenders annually. First, the MSGC fiscal note estimated that the bill would result in 149 new felony prostitution offenders annually, because, from 2015 to 2017, 149 patrons per year were convicted of provisions that would become felonies under the bill. Second, the MSGC fiscal note estimated that the bill would result in 34 new POR offenders, based on the number of offenders who annually commit the bill's new POR offenses, multiplied by the average POR violation and conviction rate.

One might assume that, in the future, the demographic characteristics of the 149 new felony prostitution offenders will be the same as the known demographic characteristics of the offenders convicted in 2017 of the prostitution provisions that would become felonies under the bill. One might further assume that, in the future, the demographic characteristics of the 34 new POR offenders will be the same as the known demographic characteristics of the following two groups that would, proportionally combined, become subject to POR requirements under the bill: the offenders convicted in 2017 of misdemeanor and gross misdemeanor prostitution offenses as patrons; and the offenders sentenced in 2016 for the existing felony prostitution offenses that become subject to POR requirements under the bill.

If these two assumptions are accurate, it is estimated that the demographic characteristics of the 183 new felony offenders resulting from this bill would be as follows.³

- **Gender:** Male (99.0%); and Female (1.0%).
- **Race & Ethnicity:** White (59.8%); Black (14.2%); American Indian (0.0%); Hispanic (13.4%); Asian (8.3%); and Other/Unknown (4.4%).
- **Judicial District:** First (7.3%); Second (6.5%); Third (15.0%); Fourth (35.7%); Fifth (15.1%); Sixth (1.1%); Seventh (10.4%); Eighth (1.9%); Ninth (2.2%); and Tenth (4.8%).

Table 2, on page 5, shows the demographic change in the population of felony offenders sentenced that would result from the enactment of this bill, if the two assumptions stated above are accurate.

³ Demographic characteristics are based on known demographic characteristics of 98 offenders convicted in 2017 of non-felonies under Minn. Stat. § 609.324, subd. 2 & 3 (Source: Minn. Judicial Branch); and a weighted proportion of 49 felons sentenced in 2016 under Minn. Stat. § 609.324, subd. 1, ranked at Severity Level 3, who would be required to register as predatory offenders under this bill, and who would be assumed to violate the registration requirement.

Demographic Characteristics – New Prison Population

It is estimated that the bill will result in 28 new prisoners a year (10 for prostitution and 18 for failure to register) and a total projected prison bed impact of 22 beds a year.

Without data regarding specific offenders' felony sentencing factors (e.g., criminal history scores), the demographic characteristics of the occupants of these 22 beds cannot reliably be estimated. Table 3, on page 6, therefore shows only the total effect of the change in the prison population statewide, without breaking the change down by demographic characteristics.

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.	%	% -point change relative to other categories**	Estimated resulting rate per 100,000*†	% change from existing felony pop.	
	No.	%	Rate per 100,000†								
Male	13,702	80.9%	623	+181	99.0%	13,883	81.1%	+0.2%	631	+1.3%	
Female	3,225	19.1%	143	+2	1.0%	3,227	18.9%	-0.2%	144	+0.1%	
Race & Ethnicity	White	9,813	58.0%	261	+109	59.8%	9,922	58.0%		264	+1.1%
	Black	4,209	24.9%	1,597	+26	14.2%	4,235	24.8%	-0.1%	1,606	+0.6%
	American Indian	1,472	8.7%	2,126		0.0%	1,472	8.6%	-0.1%	2,126	
	Hispanic	903	5.3%	467	+24	13.4%	927	5.4%	+0.1%	479	+2.7%
	Asian	525	3.1%	236	+15	8.3%	540	3.2%	+0.1%	243	+2.9%
	Other/Unknown	5	0.0%	***	+8	4.4%	13	0.1%		***	***
	Judicial District	First	2,192	12.9%	353	+13	7.3%	2,205	12.9%	-0.1%	355
Second		1,784	10.5%	411	+12	6.5%	1,796	10.5%		414	+0.7%
Third		1,344	7.9%	350	+28	15.0%	1,372	8.0%	+0.1%	357	+2.0%
Fourth		3,341	19.7%	333	+65	35.7%	3,406	19.9%	+0.2%	340	+2.0%
Fifth		1,075	6.4%	461	+28	15.1%	1,103	6.4%	+0.1%	473	+2.6%
Sixth		862	5.1%	409	+2	1.1%	864	5.0%		410	+0.2%
Seventh		1,689	10.0%	432	+19	10.4%	1,708	10.0%		437	+1.1%
Eighth		432	2.6%	334	+3	1.9%	435	2.5%		336	+0.8%
Ninth		1,688	10.0%	616	+4	2.2%	1,692	9.9%	-0.1%	617	+0.2%
Tenth		2,520	14.9%	329	+9	4.8%	2,529	14.8%	-0.1%	330	+0.3%
Total	16,927	100.0%	381	+183	100.0%	17,110	100.0%		385	+1.1%	

* This table’s projections assume that future offenders’ demographic characteristics will be similar to past offenders, as stated on page 3. The accuracy of these projections will therefore vary according to the accuracy of these assumptions. When Judicial Branch data characterized a past offender’s gender or race as “unknown” or “refused,” the offender was omitted from the percentages applied to the assumptions for future offenders.

† Rate per 100,000 residents age 15 and older, as shown on Table 1, “General Population” (2016 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category’s share of the annual felony population relative to the other demographic categories.

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

Source of data for Estimated Change in Felony Offenders Sentenced: Minn. Judicial Branch & MSGC Monitoring Data.

Table 3. Minnesota’s Existing Annual Prison Population, Estimated Change in Prison Offenders Sentenced, and Estimated Resulting Annual Prison Population

Existing Annual Prison Population		Estimated Change in Prison Population	Estimated Resulting Annual Prison Population		
2016 Adult Inmates			No.	Estimated resulting rate per 100,000†	% change from existing felony pop.
No.	Rate per 100,000†				
10,114	227	+28	10,142	228	+0.3%

† Rate per 100,000 residents age 15 and older, as shown on Table 1, “General Population” (2016 U.S. Census Bureau Estimate).

Appendix: Historical Demographic Data

The following figures illustrate the change in the state’s population, imprisonment rates, and felony sentencing rates for the period 2002 to 2016. Rates are per 100,000 Minnesota residents age 15 and older.

Estimated Population, Age 15 and Older

Figure 1. Minnesota Residents Age 15 and Older, Estimated 2002-16, by Gender and Total



Figure 2. Minnesota Residents Age 15 and Older, Estimated 2002-16, by Race and Ethnicity

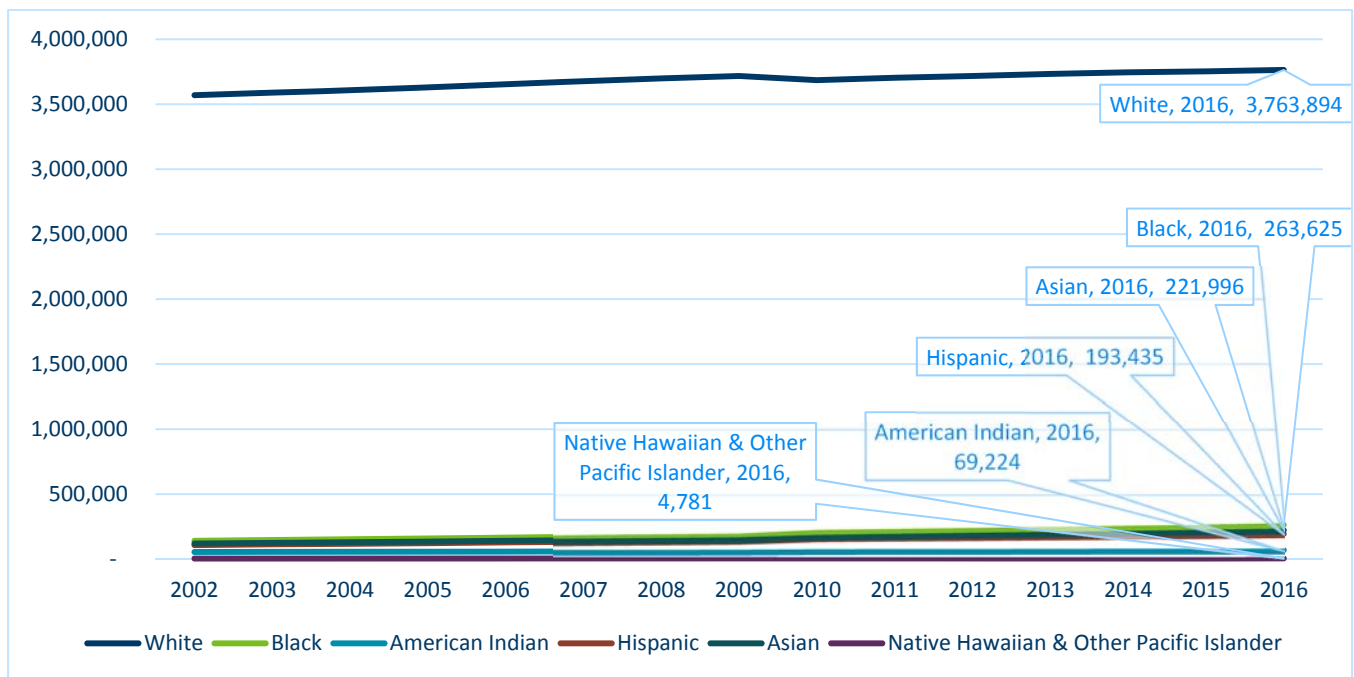
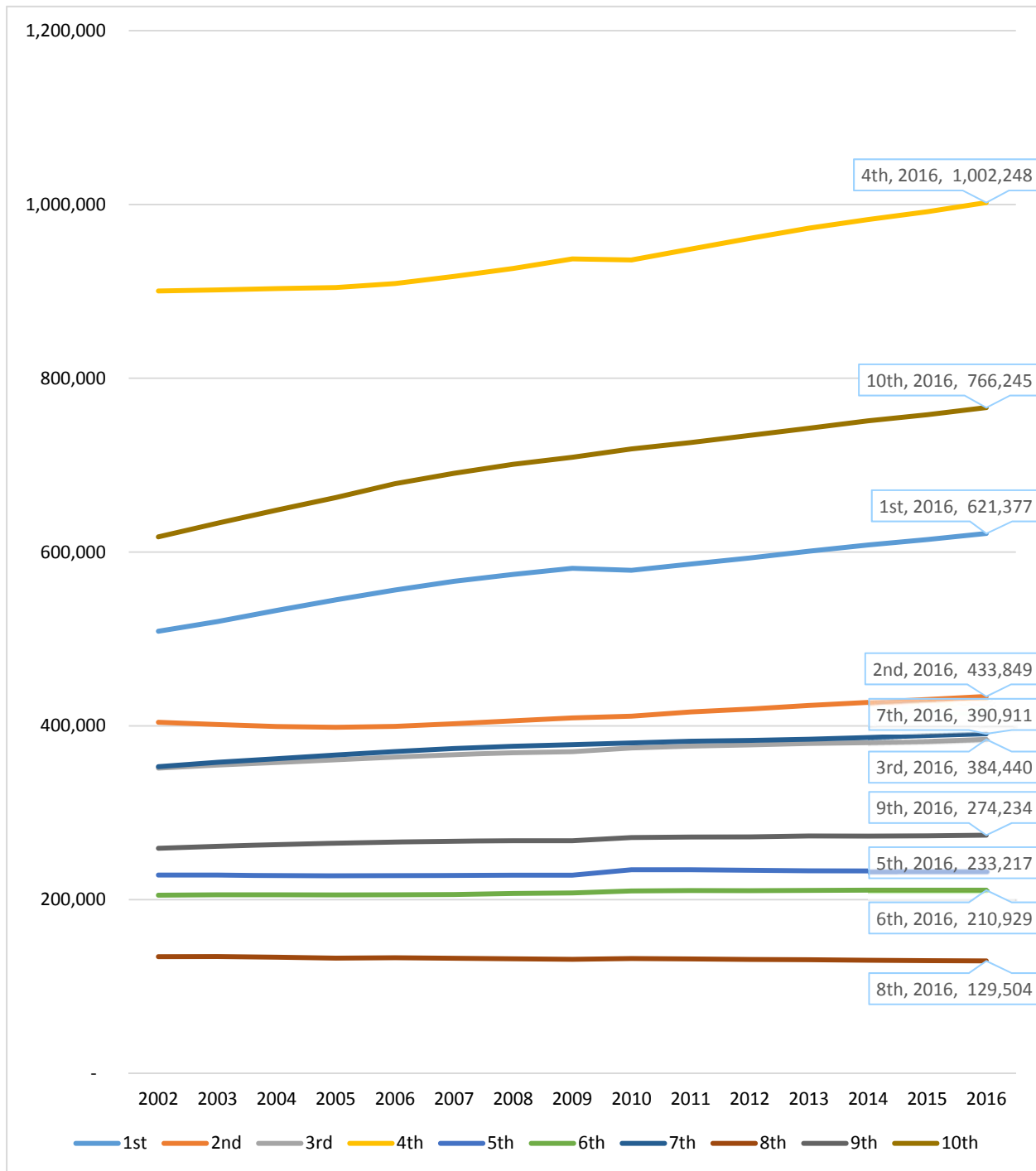


Figure 3. Minnesota Residents Age 15 and Older, Estimated 2002-16, by Judicial District



Notes for Figure 1 through Figure 3: Minnesota residents age 15 and older on July 1 of the respective year. Source of residential population estimates: U.S. Census Bureau. Except for Hispanic residents, residents of more than one race are counted in more than one category.

Felony Sentencing Rates

Figure 4. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-16, by Gender and Total

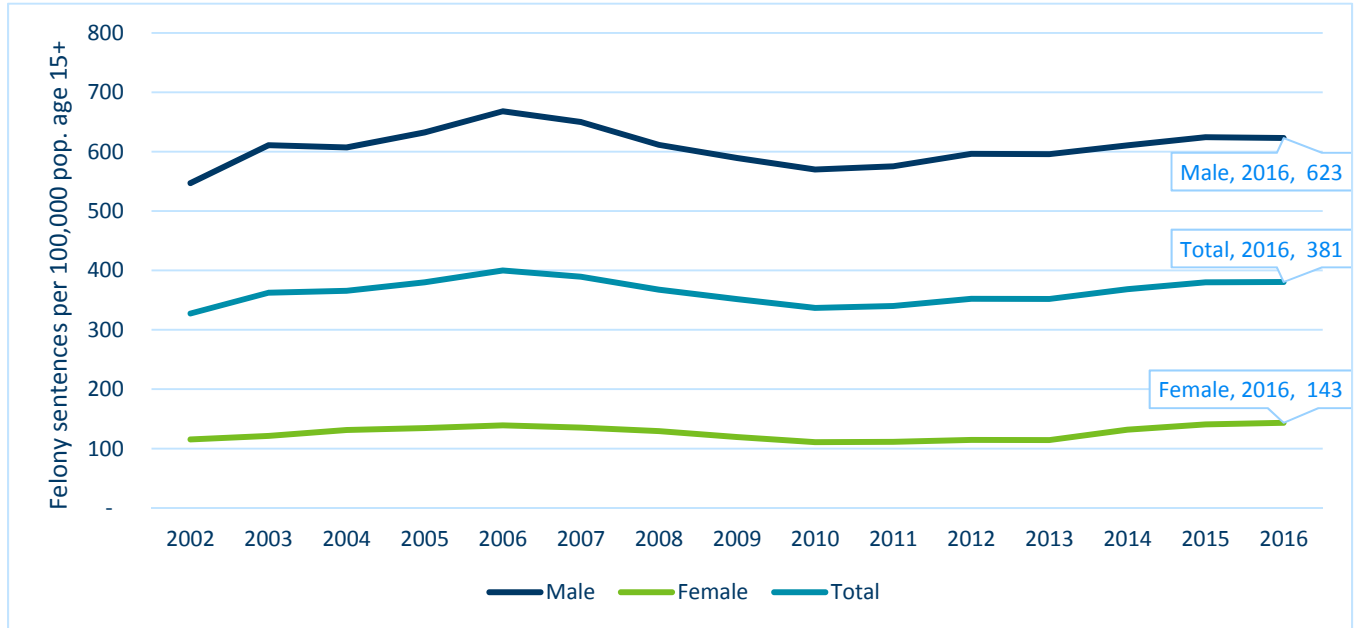


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-16, by Race and Ethnicity

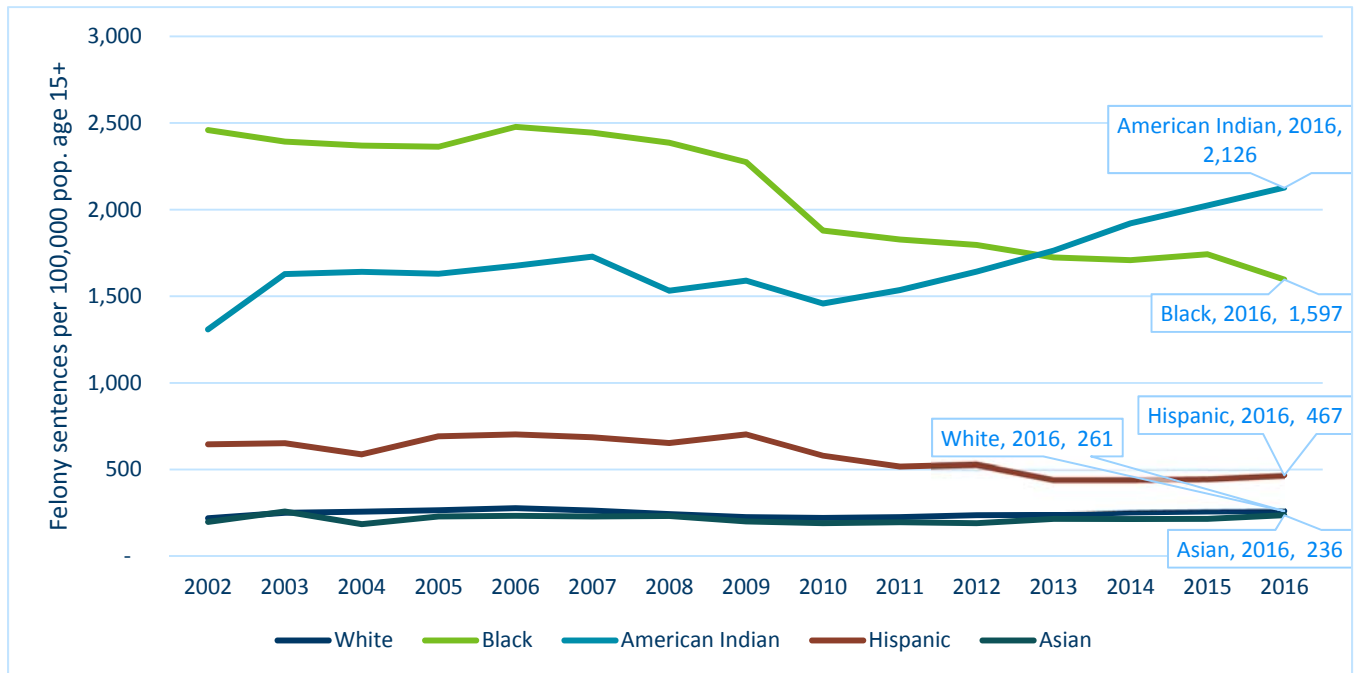
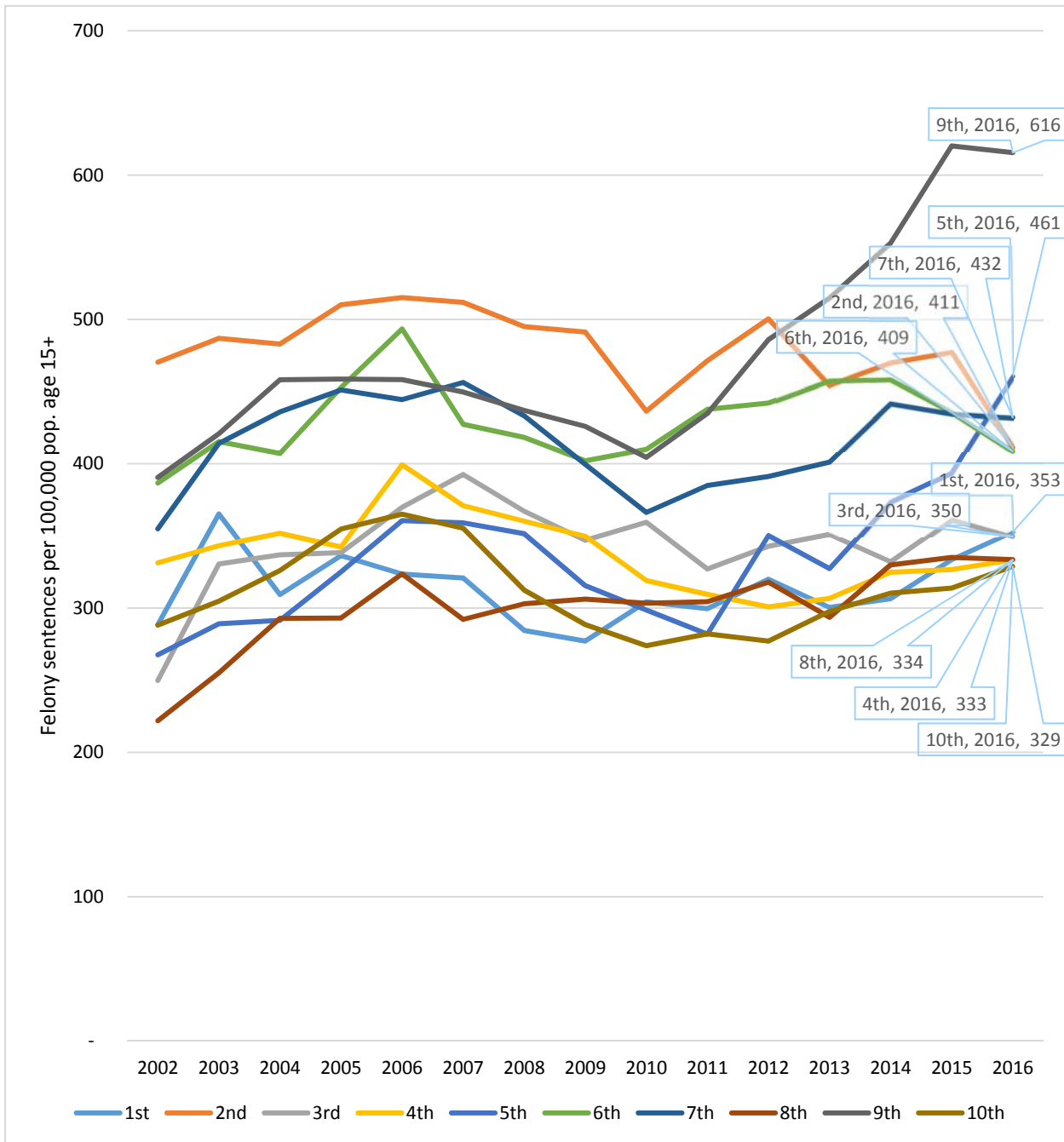


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-16, by Judicial District



Notes for Figure 4 through Figure 6: Rates are felony offenders sentenced annually per 100,000 Minnesota residents age 15 and older on July 1 of the respective year. Source of residential population estimates: U.S. Census Bureau. Except for Hispanic residents, residents of more than one race are counted in more than one category. Other/unknown and Hawaiian/Pacific Islander are excluded.

Imprisonment Rates

Figure 7. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-16, by Gender and Total

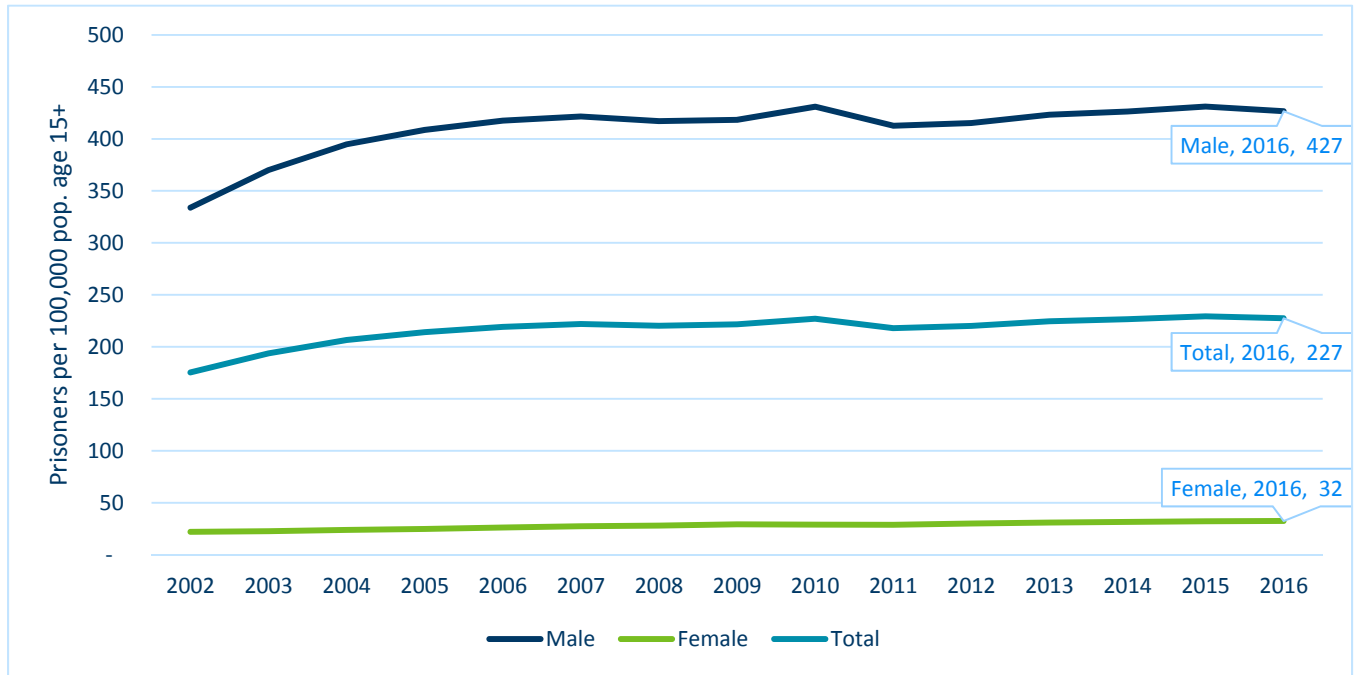


Figure 8. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-16, by Race and Ethnicity

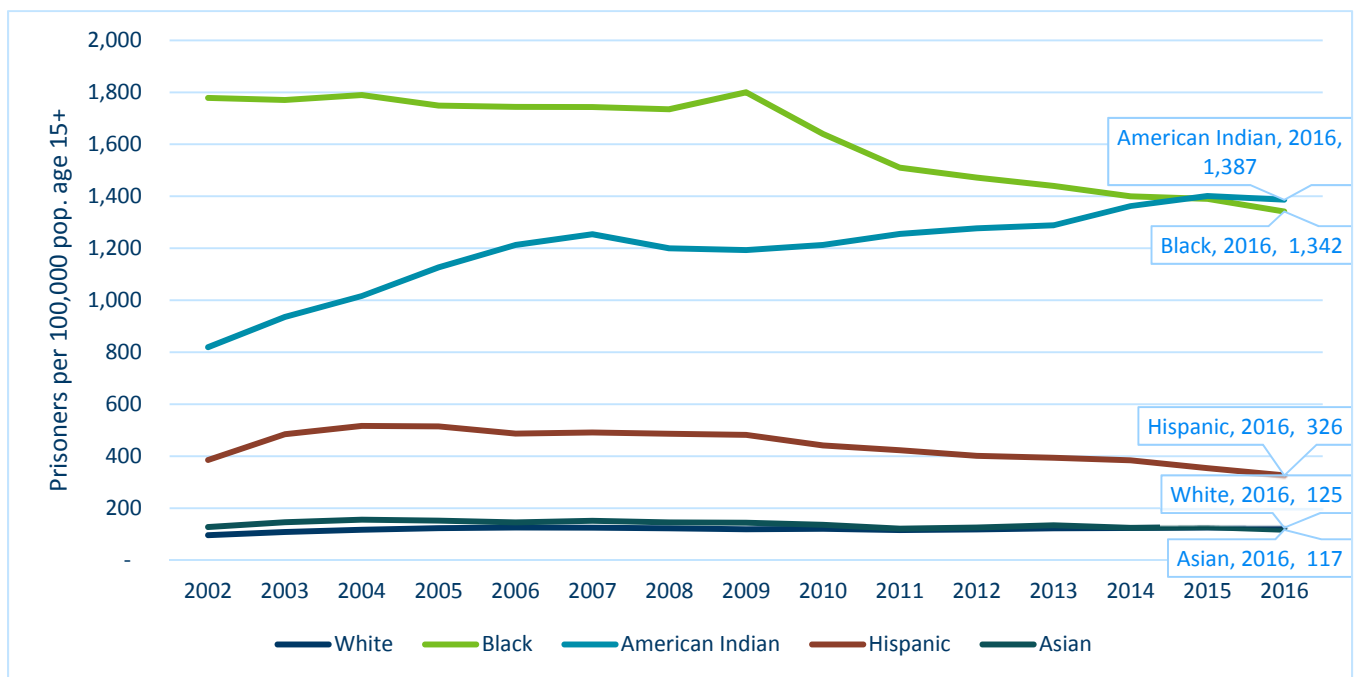
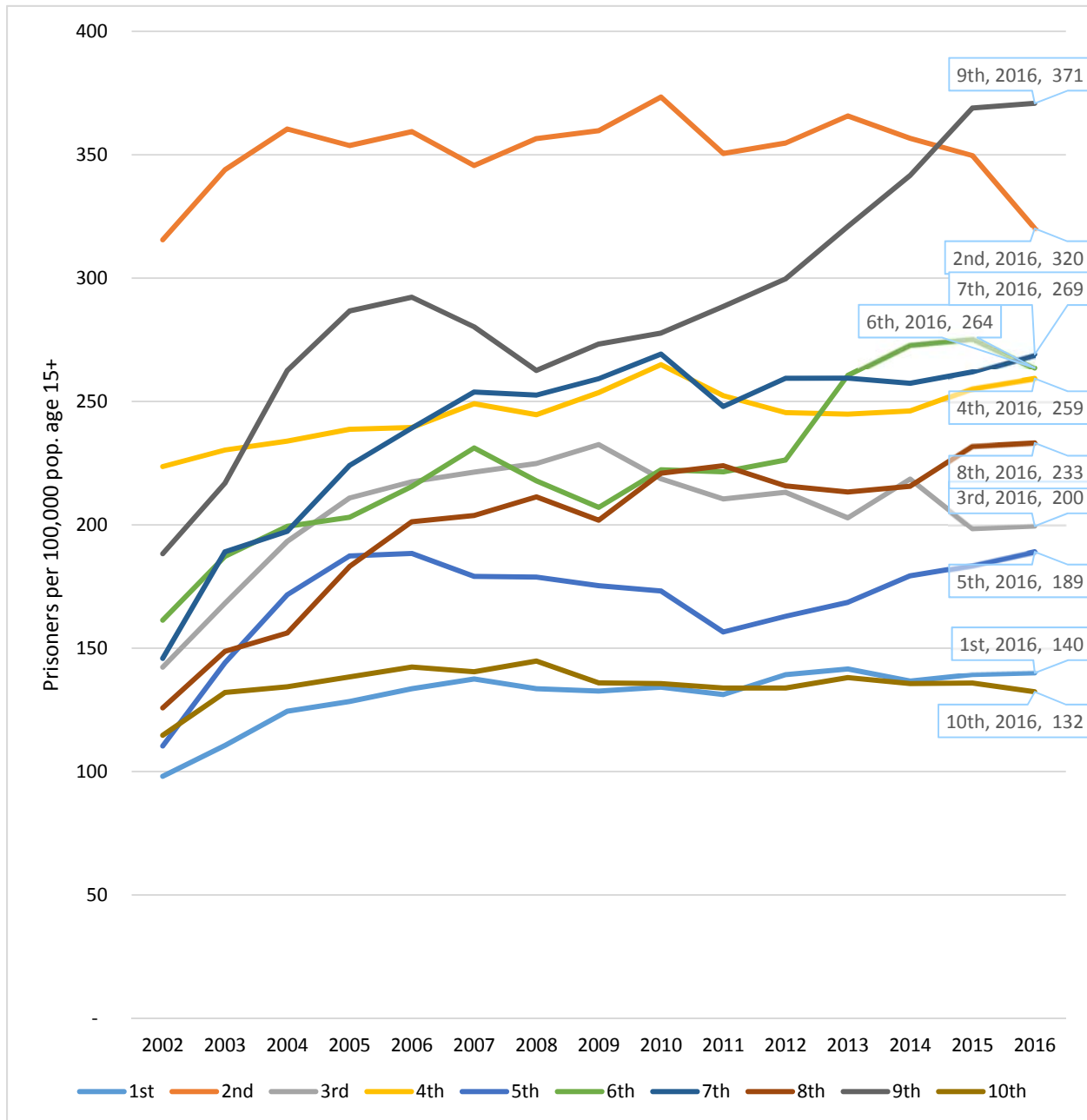


Figure 9. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-16, by Judicial District



Notes for Figure 7 through Figure 9: Rates are prisoners on July 1 of the respective year per 100,000 Minnesota residents age 15 and older on the same date. Source of prison population counts: Minn. Dep't of Corrections. Source of residential population estimates: U.S. Census Bureau. Except for Hispanic residents, residents of more than one race are counted in more than one category. Other/unknown and Hawaiian/Pacific Islander are excluded, except for 2005-07, in which case they were included in the Asian prison population counts. Not all prisoners were associated with a particular judicial district.