

Demographic Impact Statement

House File 2013-0

Marijuana Threshold Changes

Statement Date: April 12, 2019

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

HF2013 establishes new thresholds for marijuana sale and possession offenses of amounts that do not qualify as first- through fourth-degree offenses. It establishes a new statute (Minn. Stat. § 152.0251) for marijuana offenses with felony, gross misdemeanor, misdemeanor, and petty misdemeanor penalties based on the quantity of marijuana sold or possessed. The threshold levels and current and future penalty levels are displayed in Table 1.

Table 1. Threshold Levels and Current and Future Penalty Levels

Offense	Amount	New Penalty Level	Existing Penalty Level
Sale	>42.5 grams	Felony	Felony
Sale	>10-42.5 grams	Gross Misdemeanor	Felony
Sale	>5-10 grams	Misdemeanor	Felony
Sale	5 grams or less	Petty Misdemeanor	Felony
Possession	250 grams or more	Felony	Felony
Possession	>100-250 grams	Gross Misdemeanor	Felony
Possession	>42.5-100 grams	Misdemeanor	Felony
Possession	42.5 grams or less	Petty Misdemeanor	Petty Misdemeanor

No effective date is specified for this bill.

Estimated Impact

In its fiscal note, MSGC staff estimated that the bill would likely result in 309 fewer felony offenders annually and an eventual prison reduction of 16 beds.

Current State Demographics

Table 2 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 2017); the adult prison population (as of July 1, 2017); and the general population, age 15 and older (on July 1, 2017, as estimated by the U.S. Census Bureau). Table 2 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 2. Minnesota's 2017 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	2017 Estimated Pop. Age 15 & Older		MSGC Category	Offenders Sentenced in 2017		2017 Adult Inmate Population	
		Number	Percent		Number	Percent	Number	Percent
	Male	2,223,712	49.5%	Male	14,703	80.4%	9,374	92.7%
	Female	2,270,163	50.5%	Female	3,584	19.6%	737	7.3%
Race & Ethnicity	White*	3,755,112	83.6%	White	10,480	57.3%	4,788	47.4%
	Black or African American*	279,784	6.2%	Black	4,656	25.5%	3,463	34.2%
	American Indian*	70,247	1.6%	American Indian	1,640	9.0%	967	9.6%
	Hispanic**	203,250	4.5%	Hispanic**	942	5.2%	601	5.9%
	Asian*	234,126	5.2%	Asian	514	3.1%	274	2.7%
	Native Hawaiian/ Other Pacific Islander*	4,998	0.1%	Other/ Unknown	55	0.3%	18	0.2%
Judicial District	First	628,830	14.0%	First	2,404	13.1%	861	8.5%
	Second	439,934	9.8%	Second	1,815	9.9%	1,304	12.9%
	Third	386,982	8.6%	Third	1,426	7.8%	769	7.6%
	Fourth	1,019,718	22.7%	Fourth	3,819	20.9%	2,540	25.1%
	Fifth	233,192	5.2%	Fifth	1,006	5.5%	448	4.4%
	Sixth	210,739	4.7%	Sixth	912	5.0%	568	5.6%
	Seventh	392,773	8.7%	Seventh	1,972	10.8%	1,098	10.9%
	Eighth	128,819	2.9%	Eighth	492	2.7%	293	2.9%
	Ninth	275,394	6.1%	Ninth	1,818	9.9%	1,088	10.8%
	Tenth	777,494	17.3%	Tenth	2,624	14.3%	1,034	10.2%
	Total	4,493,875	100.0%	Total	18,288	100.0%	10,111	100.0%

Source of July 1, 2017, 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, 2017, population estimate: U.S. Census Bureau (June, 2018).

* 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 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 likely result in 309 fewer felony offenders annually. One might assume that, in the future, the demographic characteristics of the offenders moving from felony level offenses to lower level offenses will be the same as the known demographic characteristics of the offenders in the post-DSRA data who would move out of the felony level.

If that assumption is accurate, it is likely estimated that the demographic characteristics of the 309 offenders moving to lower level offenses as a result of this bill would be as follows.

- **Gender:** Male (94%); and Female (6%).
- **Race & Ethnicity:** White (36%); Black (54%); American Indian (1%); Hispanic (5%); Asian (5%).
- **Judicial District:** First (9%); Second (9%); Third (8%); Fourth (45%); Fifth (5%); Sixth (1%); Seventh (11%); Eighth (1%); Ninth (7%); and Tenth (5%).

Table 3, on page 4, shows the demographic change in the population of felony offenders sentenced that would likely result from the enactment of this bill, if the assumption stated above is accurate.

Demographic Characteristics – New Prison Population

It is estimated that the bill will likely result in a projected prison bed reduction of 16 beds a year. One might assume that, in the future, the demographic characteristics of the occupants of the prison bed reduction will likely be the same as the known demographic characteristics of the offenders in the post-DSRA data who would remain at the felony level.

If this assumption is accurate, it is estimated that the demographic characteristics of the occupants of the prison bed reduction resulting from this bill would be as follows.

- **Gender:** Male (95%); and Female (5%).
- **Race & Ethnicity:** White (53%); Black (35%); American Indian (0%); Hispanic (4%); Asian (9%).
- **Judicial District:** First (5%); Second (7%); Third (16%); Fourth (37%); Fifth (11%); Sixth (4%); Seventh (0%); Eighth (2%); Ninth (11%); and Tenth (9%).

Table 4, on page 5, shows the demographic change in the prison population that would likely result from the enactment of this bill, if the assumption stated above is accurate.

Table 3. 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

		Felony Population			Estimated Change in Felony Offenders*		Estimated Resulting Felony Population*				
		2017 Felony Population			Estimated Change in Felony Offenders*				% -point change relative to other categories**	Estimated resulting rate per 100,000*†	% change from existing felony pop.
MSGC Category	No.	%	Rate per 100,000†	No.	%	No.	%				
Male		14,703	80.4%	661	-290.5	94%	14,413	80.5%	+0.1%	648	-2.0%
Female		3,584	19.6%	158	-18.5	6%	3,566	19.9%	+0.3%	157	-0.5%
Race & Ethnicity	White	10,480	57.3%	279	-111.2	36%	10,369	57.9%	+0.6%	276	-1.1%
	Black	4,656	25.5%	1664	-166.9	54%	4,489	25.1%	-0.4%	1,604	-3.6%
	American Indian	1,640	9.0%	2335	-3.1	1%	1,637	9.1%	+0.1%	2,330	-0.2%
	Hispanic	942	5.2%	463	-15.5	5%	927	5.2%		456	-1.6%
	Asian	514	3.1%	220	-15.5	5%	499	2.8%	-0.3%	213	-2.9%
Judicial District	First	2,404	13.1%	382	-27.8	9%	2,376	13.3%	+0.2%	378	-1.2%
	Second	1,815	9.9%	413	-27.8	9%	1,787	10.0%	+0.1%	406	-1.5%
	Third	1,426	7.8%	368	-24.7	8%	1,401	7.8%		362	-1.8%
	Fourth	3,819	20.9%	375	-139.1	45%	3,680	20.6%	-0.3%	361	-3.6%
	Fifth	1,006	5.5%	431	-15.5	5%	991	5.5%		425	-1.5%
	Sixth	912	5.0%	433	-3.1	1%	909	5.1%	+0.1%	431	-0.3%
	Seventh	1,972	10.8%	502	-34.0	11%	1,938	10.8%		493	-1.7%
	Eighth	492	2.7%	382	-3.1	1%	489	2.7%		380	-0.6%
	Ninth	1,818	9.9%	660	-21.6	7%	1,796	10.0%	+0.1%	652	-1.2%
	Tenth	2,624	14.3%	337	-15.5	5%	2,609	14.6%	+0.3%	336	-0.6%
Total		18,288	100%	407	-306	100%	17,898	100%		398	-2.1%

* This table’s projections assume that future offenders’ demographic characteristics will be similar to past offenders, as stated on page **Error! Bookmark not defined.** The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 residents age 15 and older, as shown on Table 1, “General Population” (2017 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.

Table 4. Minnesota’s Existing Inmate Population, Estimated Change in Prison Beds, and Estimated Resulting Prison Population, by Gender, Race and Ethnicity, and Judicial District

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
		2017 Adult Inmate Population							% -point change relative to other categories**	Estimated resulting rate per 100,000*†	% change from existing felony pop.
MSGC Category	No.	%	Rate per 100,000†	Beds	%	No.	%				
	Male	9,374	92.7%	422	-15.2	95%	9,359	92.7%		421	-0.2%
	Female	737	7.3%	32	-0.8	5%	736	7.3%		32	-0.1%
Race & Ethnicity	White	4,788	47.4%	128	-8.5	53%	4,780	47.3%	-0.1%	127	-0.2%
	Black	3,463	34.2%	1238	-5.6	35%	3,457	34.2%		1,236	-0.2%
	American Indian	967	9.6%	1377	0.0	0%	967	9.6%		1,377	0.0%
	Hispanic	601	5.9%	296	-0.6	4%	600	5.9%		295	-0.2%
	Asian	274	2.7%	117	-1.4	9%	273	2.7%		117	-0.4%
Judicial District	First	861	8.5%	137	-0.8	5%	860	8.5%		137	-0.1%
	Second	1,304	12.9%	296	-1.1	7%	1,303	12.9%		296	-0.1%
	Third	769	7.6%	199	-2.6	16%	766	7.6%		198	-0.4%
	Fourth	2,540	25.1%	249	-5.9	37%	2,534	25.1%		249	-0.2%
	Fifth	448	4.4%	192	-1.8	11%	446	4.4%		191	-0.4%
	Sixth	568	5.6%	270	-0.6	4%	567	5.6%		269	-0.2%
	Seventh	1,098	10.9%	280	0.0	0%	1,098	10.9%		280	0.0%
	Eighth	293	2.9%	227	-0.3	2%	293	2.9%		227	0.0%
	Ninth	1,088	10.8%	395	-1.8	11%	1,086	10.8%		394	-0.2%
	Tenth	1,034	10.2%	133	-1.4	9%	1,033	10.2%		133	-0.1%
	Total	10,111	100.0%	225	-16	100%	10,095	100%		225	-0.2%

* This table’s projections assume that future offenders’ demographic characteristics will be similar to past offenders, as stated on page **Error! Bookmark not defined.**. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 residents age 15 and older, as shown on Table 1, “General Population” (2017 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.

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 2017. 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 2002-17, by Gender and Total

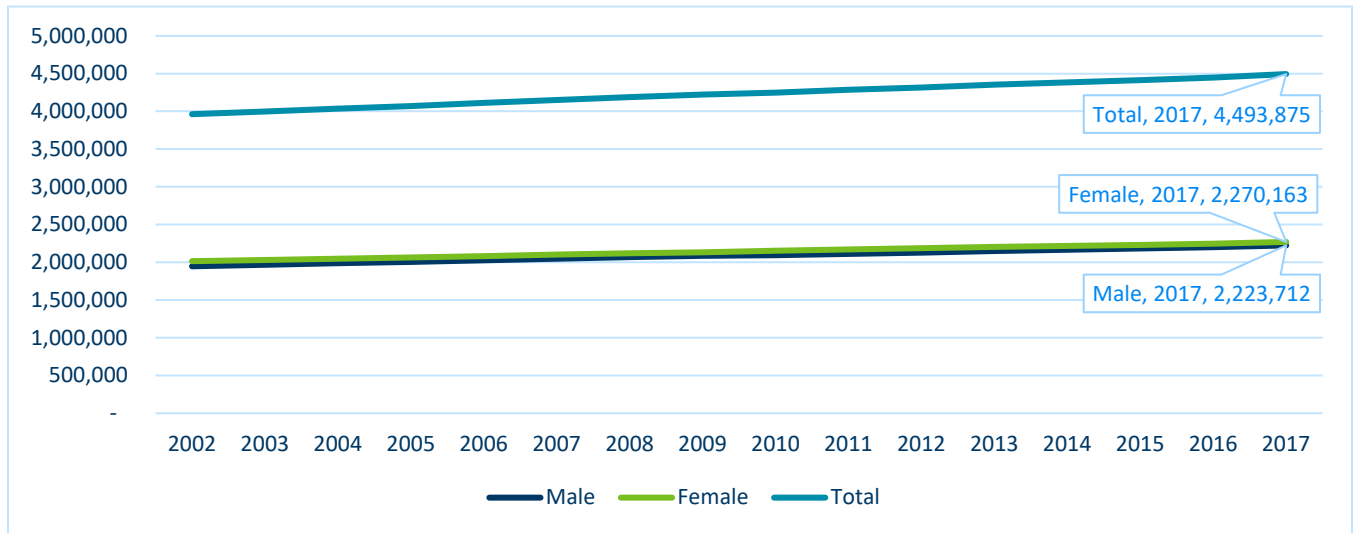


Figure 2. Minnesota Residents Age 15 and Older, Estimated 2002-17, by Race and Ethnicity

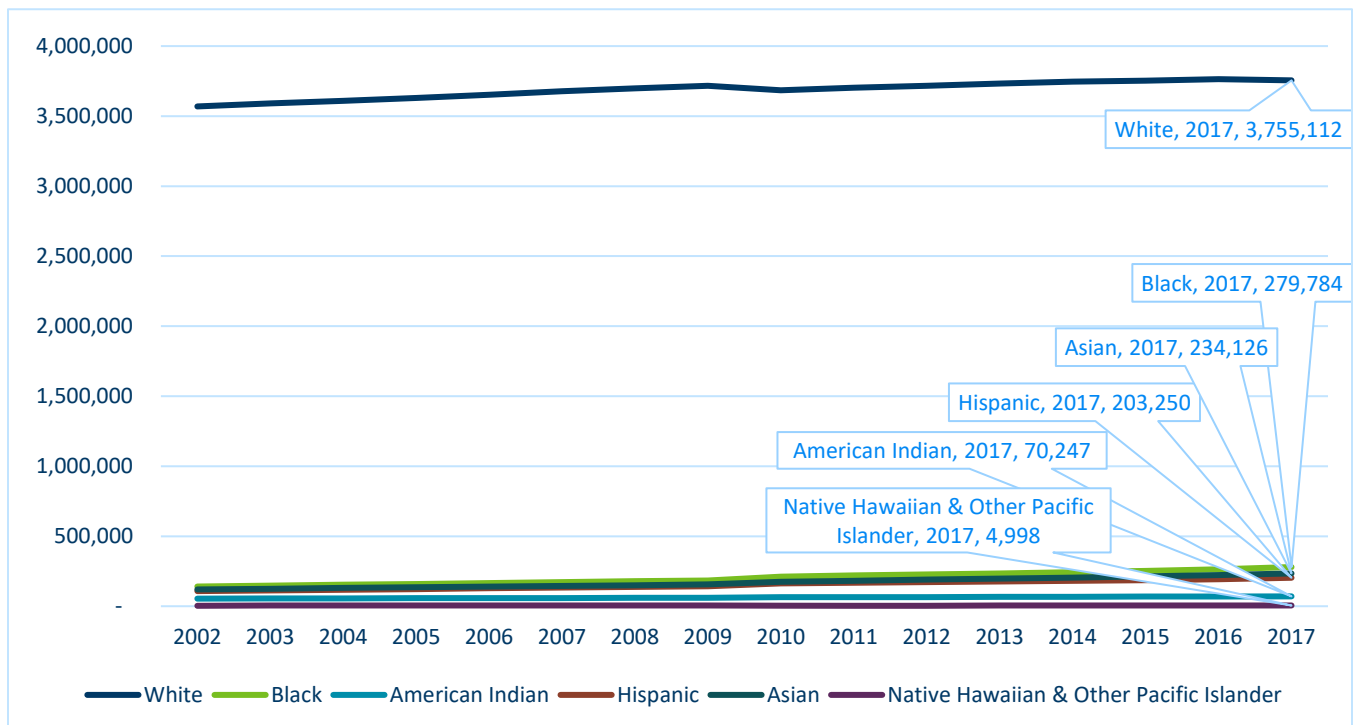
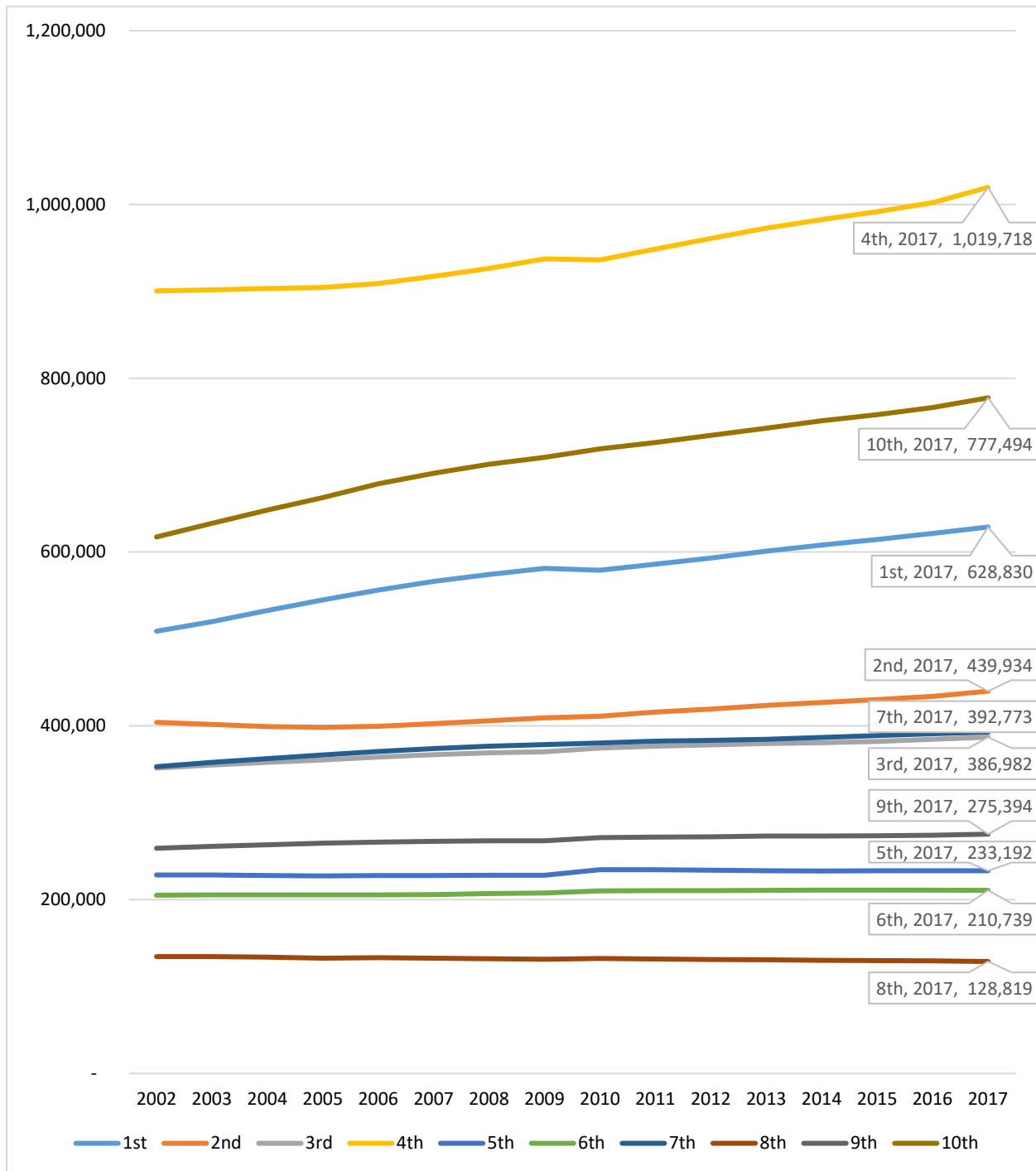


Figure 3. Minnesota Residents Age 15 and Older, Estimated 2002-17, by Judicial District



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, 2002-17, by Gender and Total

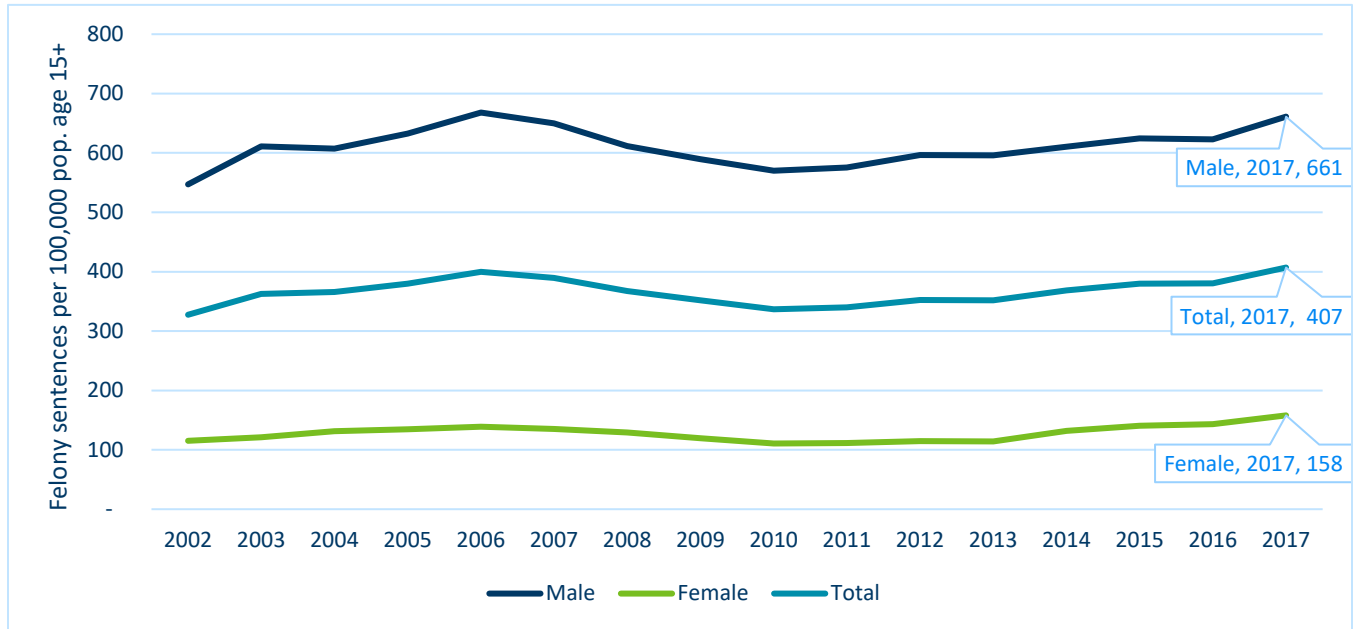


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Race and Ethnicity

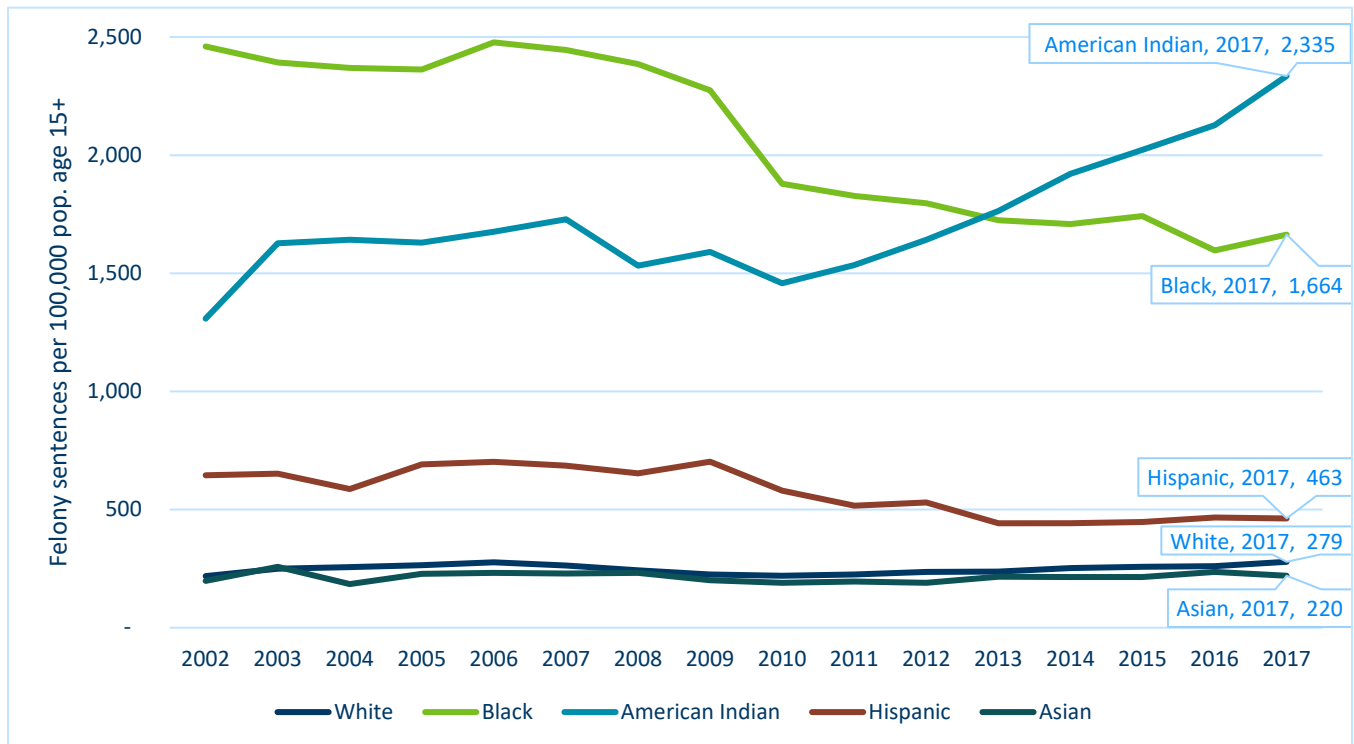
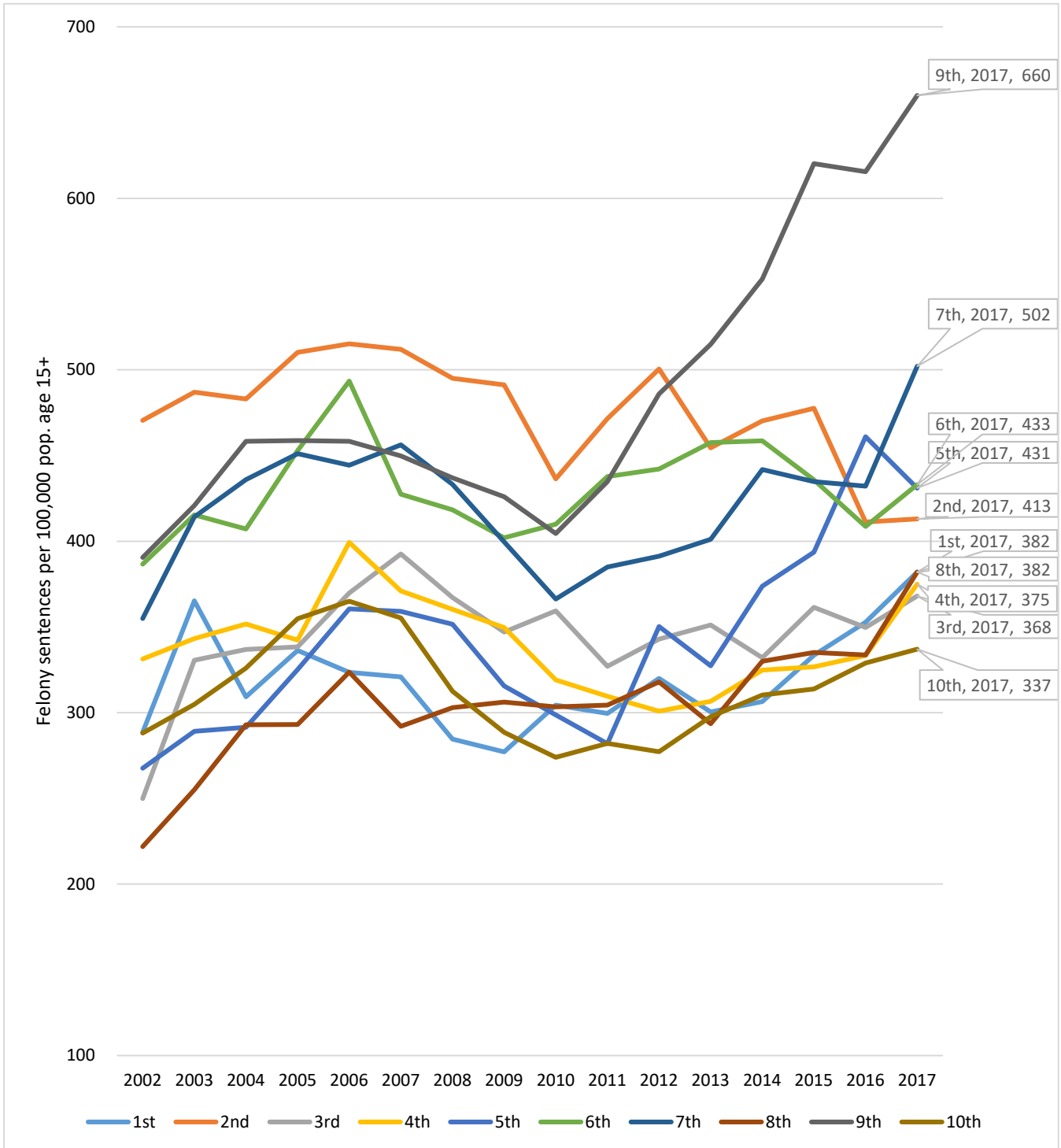


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Judicial District



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, 2002-17, by Gender and Total

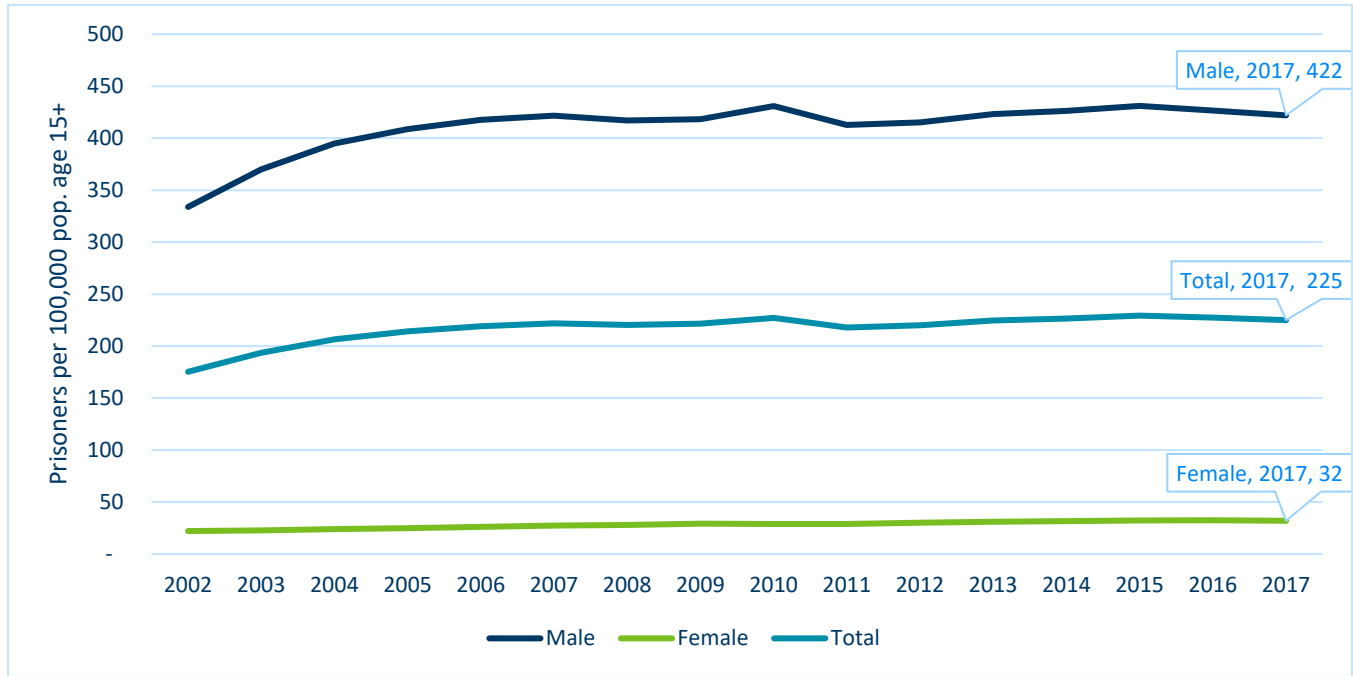


Figure 8. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Race and Ethnicity

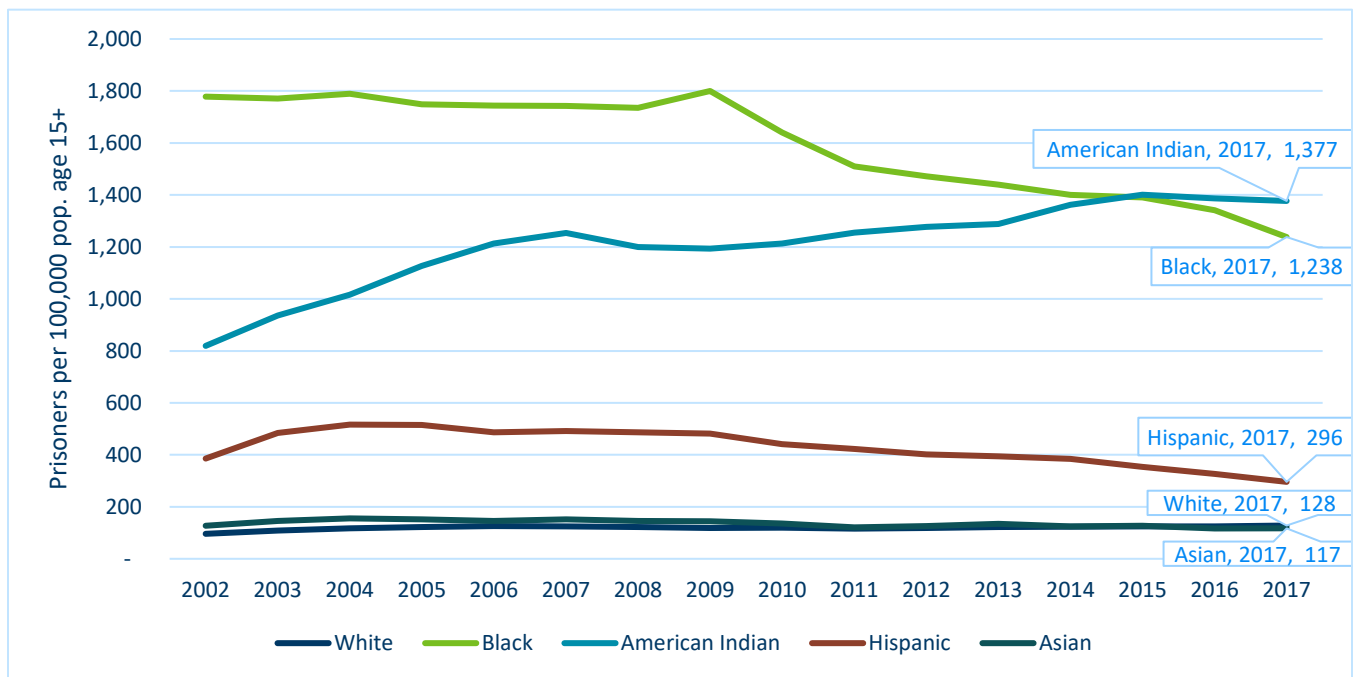
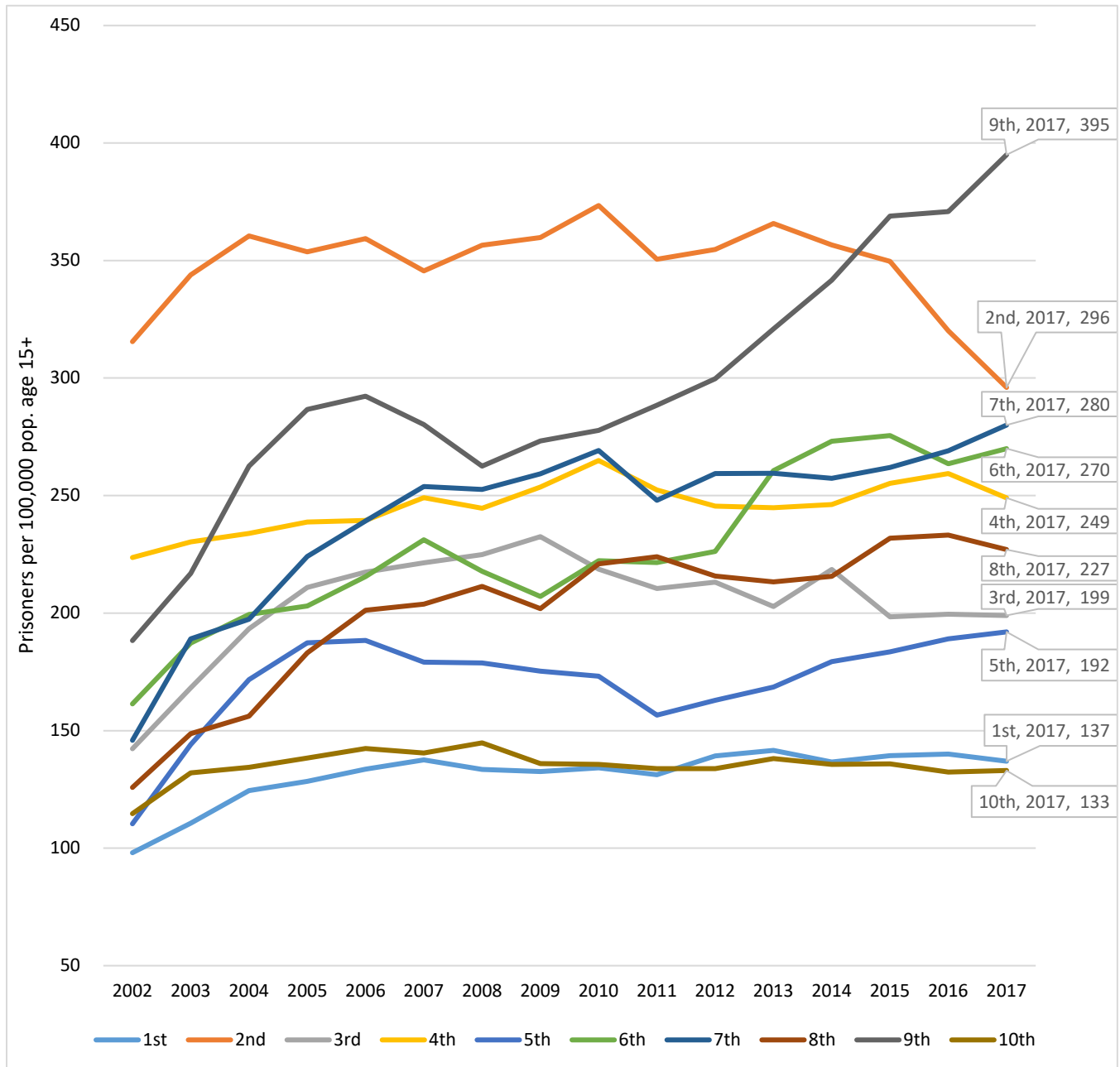


Figure 9. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Judicial District



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.