

Demographic Impact Statement

House File 812-0

Expansion of Position of Authority

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

HF812 amends the definition of position of authority in Minn. Stat. § 609.341, subd. 10, to include persons in current or recent positions of authority. The definition is expanded to include persons who have or assume positions of authority within 120 days immediately preceding the act. This expanded definition is applied to first-through fourth-degree criminal sexual conduct offenses.

This bill is effective August 1, 2019, and apply to crimes committed on or after that date.

Estimated Impact

In its fiscal note, MSGC staff estimated that the bill will result in one additional sentence a year for Minn. Stat. § 609.342, subd. 1(b), one additional sentence a year for § 609.343, subd. 1(b), two additional sentences a year for § 609.344 1(e), and one additional sentence a year for § 609.345, subd. 1(b) or § 609.345, subd. 1(e), for a total of five new felony offenders annually. MSGC staff estimated that the bill will result in one additional prison sentence a year for a first-degree criminal sexual conduct (CSC), and an eventual prison bed impact of 12 beds.

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 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 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 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 result in five new felony offenders annually. Since the anticipated number of new convictions is less than the 50 necessary to trigger a DIS, no demographic impact statement is prepared.

Demographic Characteristics – New Prison Population

It is estimated that the bill will result in one new prisoner a year and a total projected prison bed impact of 12 beds a year. One might assume that, in the future, the demographic characteristics of the three new prisoners will be the same as the known demographic characteristics of the offenders receiving prison sentences from 2013-2017 for § 609.342, subd. 1(b), with non-family assailants.¹

If this assumption is accurate, it is estimated that the demographic characteristics of the three new felony offenders occupying prison beds resulting from this bill would likely be as follows.²

- **Gender:** Male (100%).
- **Race & Ethnicity:** White (64.7%); Black (23.5%); American Indian (0%); Hispanic (5.9%); and Asian (5.9%).
- **Judicial District:** First (17.6%); Second (0%); Third (5.9%); Fourth (5.9%); Fifth (0%); Sixth (5.9%); Seventh (11.8%); Eighth (5.9%); Ninth (17.6%); and Tenth (29.4%).

Table 2, on page 4, shows the demographic change in the prison population that would result from the enactment of this bill, if the assumption stated above is accurate.

¹ In its fiscal note, MSGC staff “assumed that the increase [in the number of offenses sentenced] will not occur among cases in which the assailants were family members, as the position of authority arising from such a relationship is assumed permanent. It is[] therefore assumed that the increase will occur only among cases described as ‘non-family assailant.’ ”

² Demographic characteristics are based on known demographic characteristics of the 17 offenders receiving prison sentences from 2013-2017 for first degree CSC under Minn. Stat. § 609.342 subd. 1(b) where the MOC code indicated a non-family assailant. (Source: MSGC monitoring data 2013-2017).

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

	Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
	MSGC Category	2017 Adult Inmate Population				No.	%	No.	%	% -point change relative to other categories**	Estimated resulting rate per 100,000*†
		No.	%	Rate per 100,000†							
	Male	9,374	92.7%	422	+12	100%	9,386	92.7%		422	+0.1%
	Female	737	7.3%	32	0	---	737	7.3%		32	0.0%
Race & Ethnicity	White	4,788	47.4%	128	+7.8	64.7%	4,796	47.4%		128	+0.2%
	Black	3,463	34.2%	1,238	+2.8	23.5%	3,466	34.2%		1,239	+0.1%
	American Indian	967	9.6%	1,377	0	---	967	9.6%		1,377	0.0%
	Hispanic	601	5.9%	296	+0.7	5.9%	602	5.9%		296	+0.1%
	Asian	274	2.7%	117	+0.7	5.9%	275	2.7%		117	+0.3%
	Other/Unknown	18	0.2%	***	0	---	18	0.2%		***	***
		Total	10,111	100.0%	225	+12	100.0%	10,123	100.0%		225
Judicial District	First	861	8.5%	137	+2.1	17.6%	863	8.5%		137	+0.2%
	Second	1,304	12.9%	296	0	---	1,304	12.9%		296	0.0%
	Third	769	7.6%	199	+0.7	5.9%	770	7.6%		199	+0.1%
	Fourth	2,540	25.1%	249	+0.7	5.9%	2,541	25.1%		249	0.0%
	Fifth	448	4.4%	192	0	---	448	4.4%		192	0.0%
	Sixth	568	5.6%	270	+0.7	5.9%	569	5.6%		270	+0.1%
	Seventh	1,098	10.9%	280	+1.4	11.8%	1,099	10.9%		280	+0.1%
	Eighth	293	2.9%	227	+0.7	5.9%	294	2.9%		228	+0.2%
	Ninth	1,088	10.8%	395	+2.1	17.6%	1,090	10.8%		396	+0.2%
	Tenth	1,034	10.2%	133	+3.5	29.4%	1,038	10.2%		133	+0.3%

* 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” (2017 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category’s share of the annual prison 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.

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

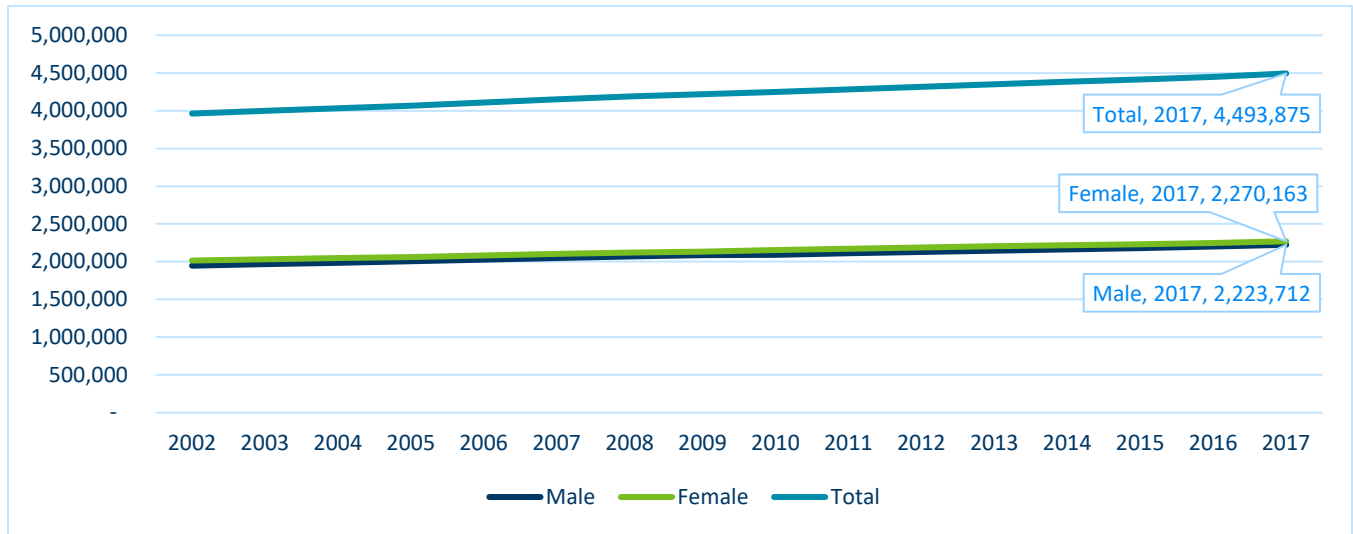


Figure 2. Minnesota Residents Age 15 and Older, Estimated 2002-17, by Race and Ethnicity

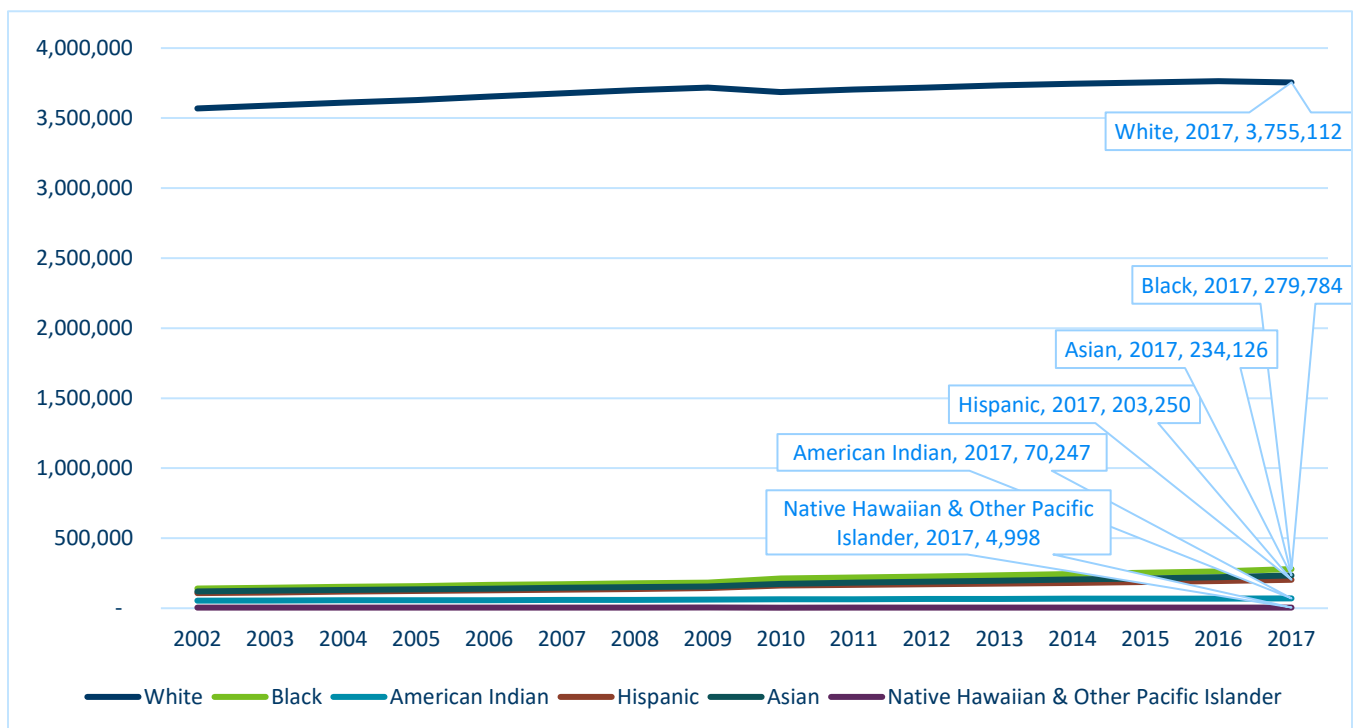
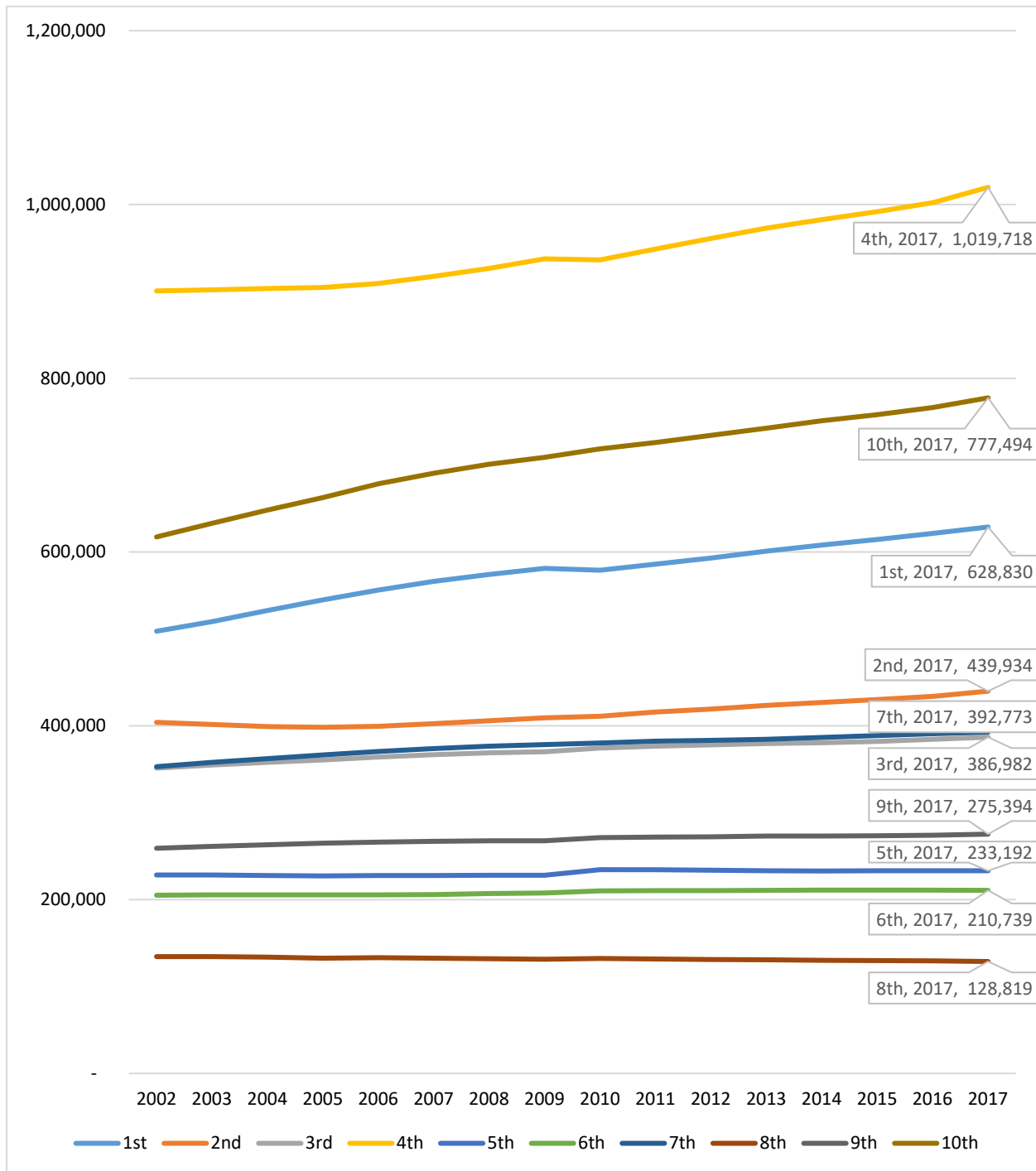


Figure 3. Minnesota Residents Age 15 and Older, Estimated 2002-17, by Judicial District



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

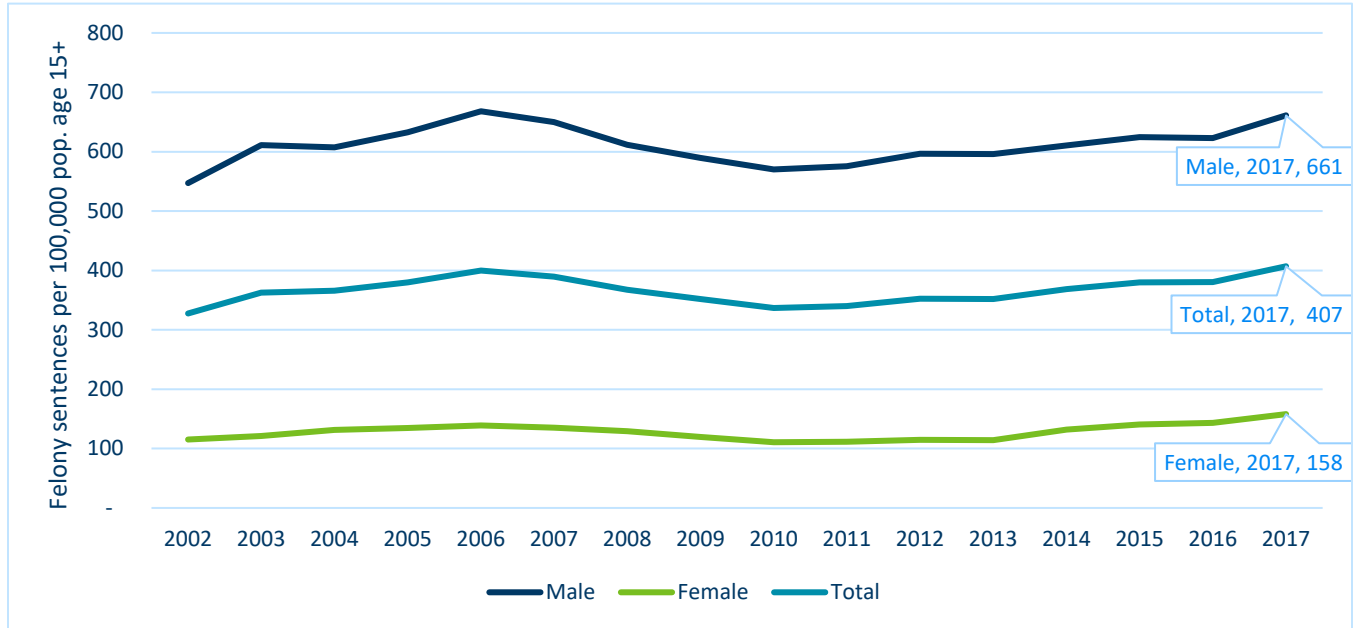


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Race and Ethnicity

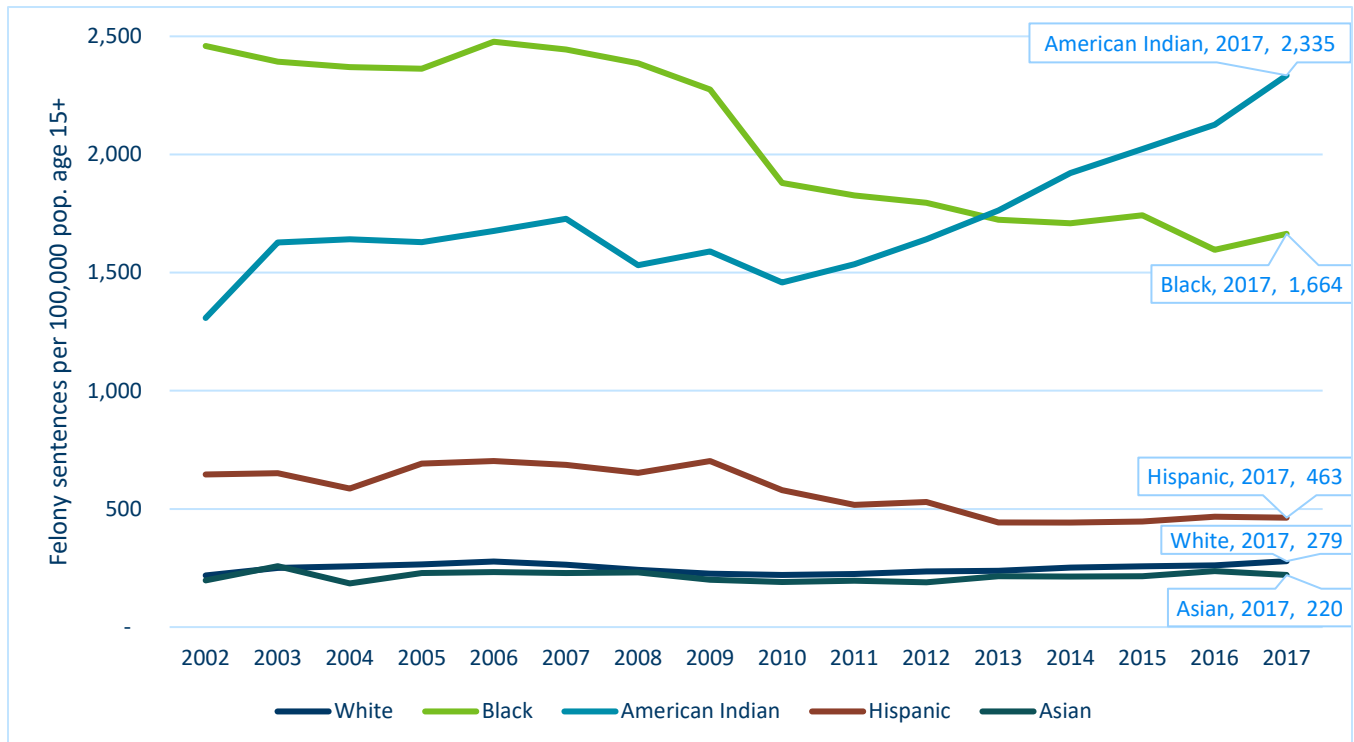
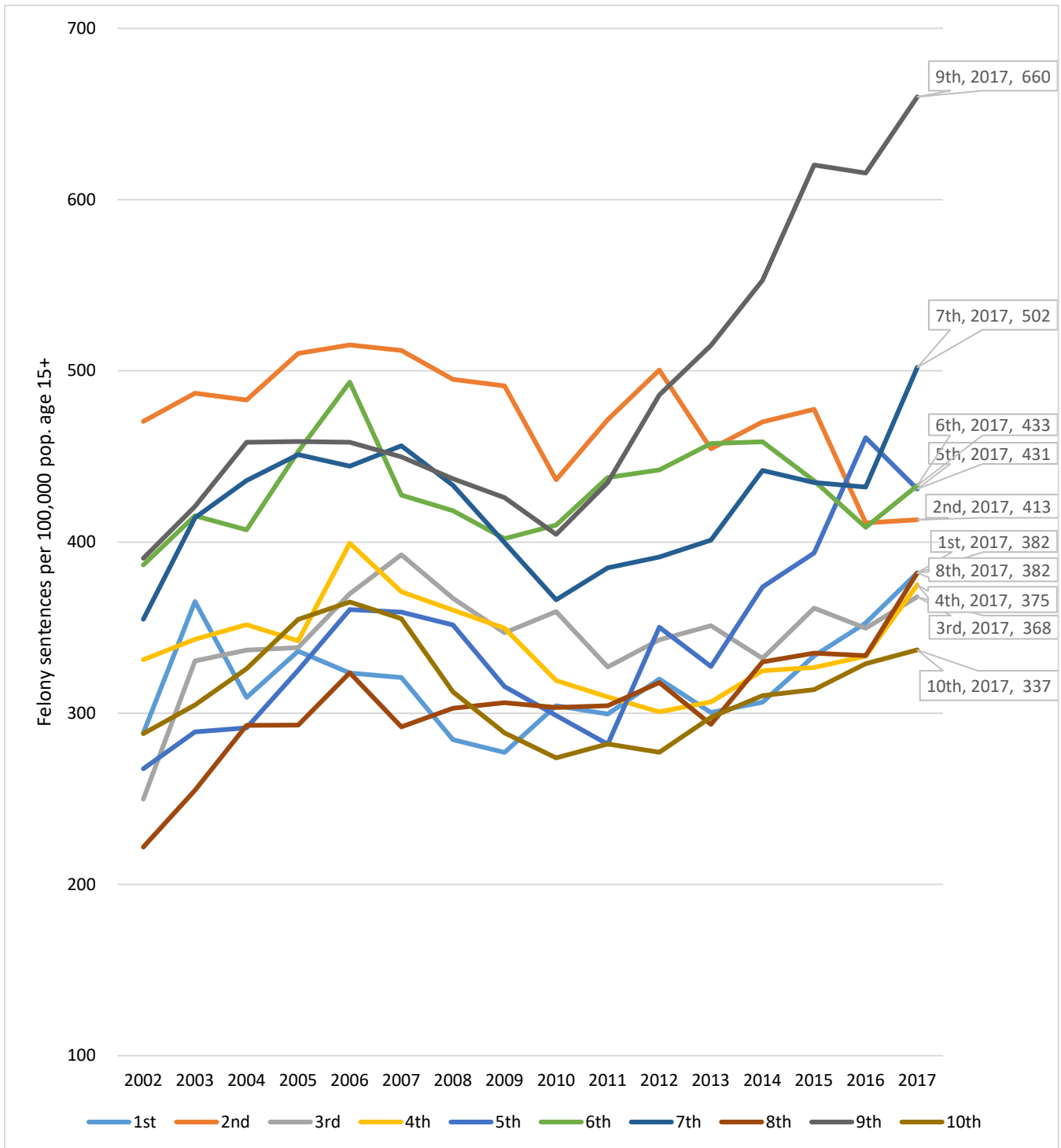


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Judicial District



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

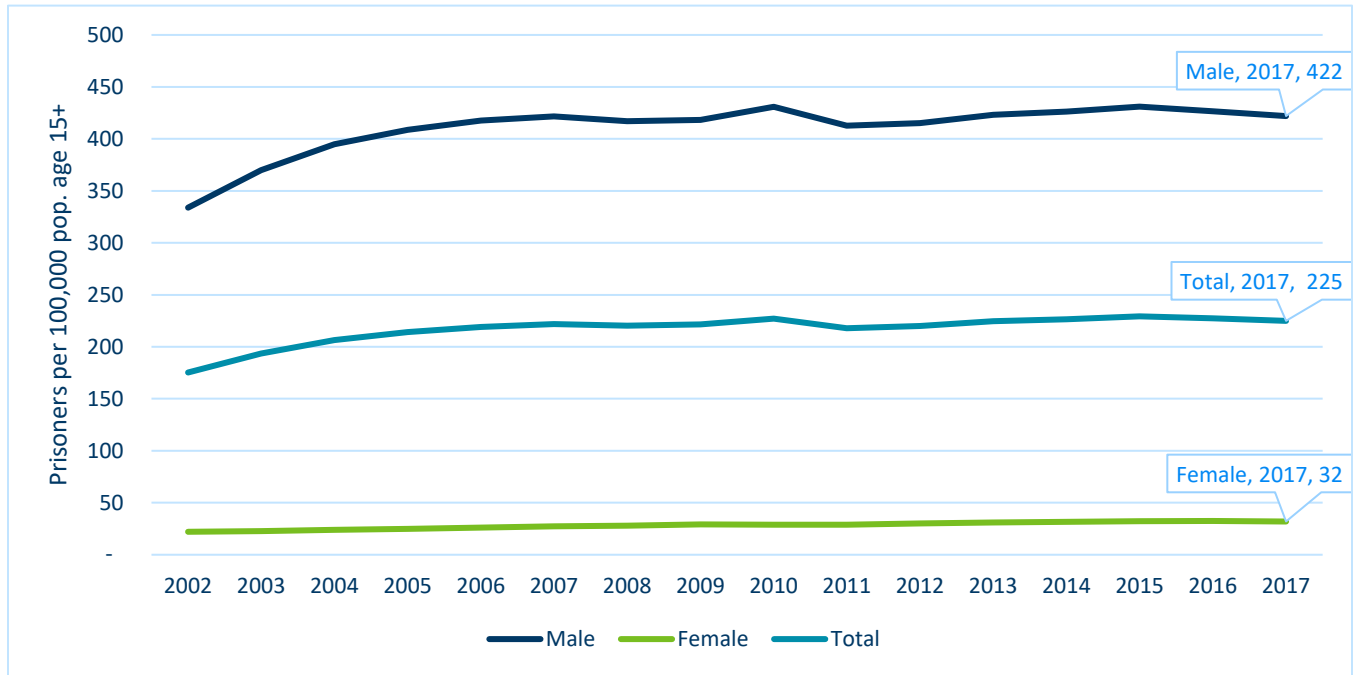


Figure 8. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Race and Ethnicity

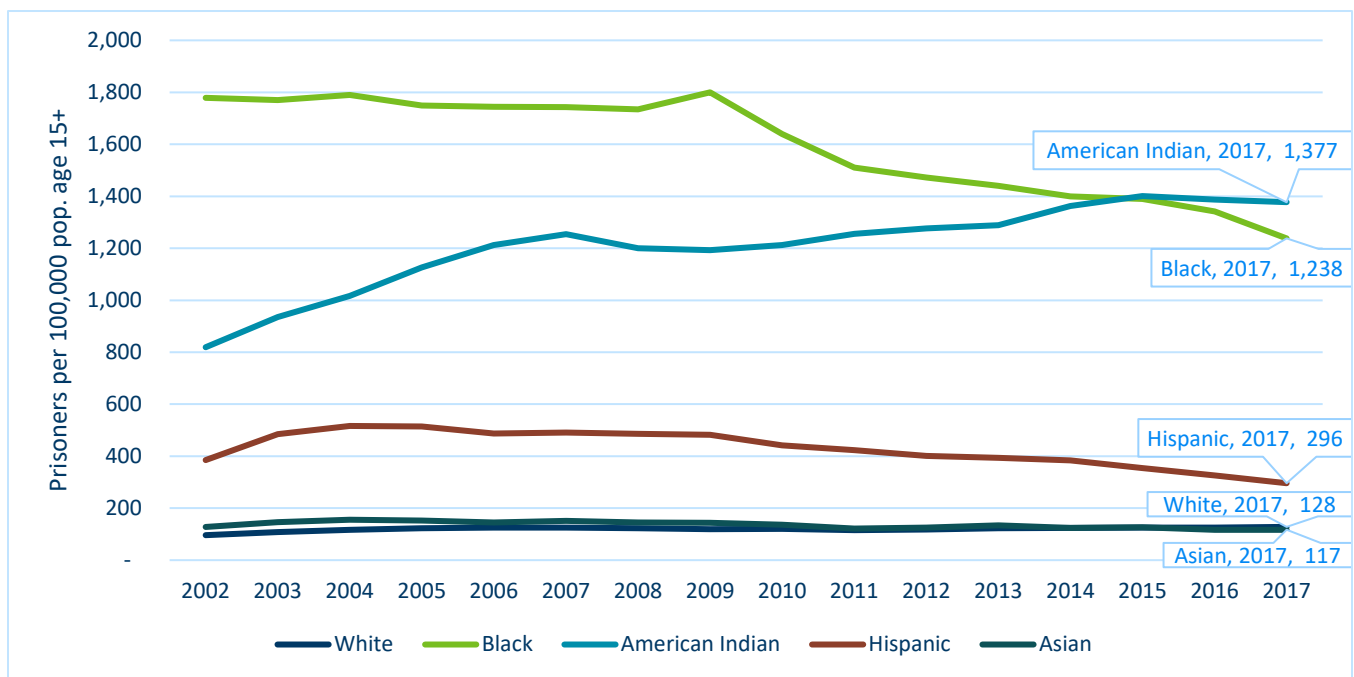
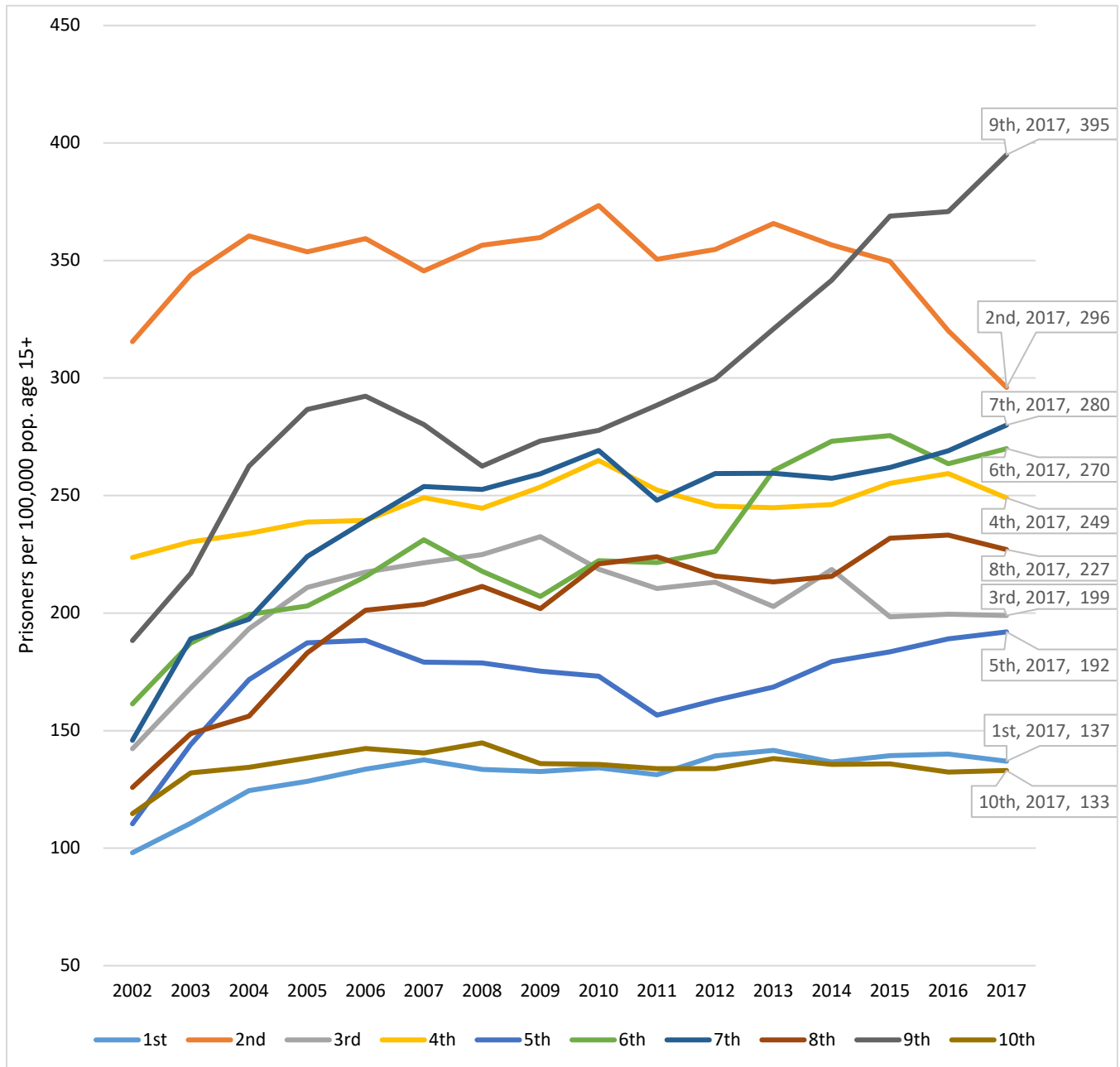


Figure 9. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Judicial District



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.