

Demographic Impact Statement

Senate File 2445-0

Increase Second-Degree Criminal Sexual Conduct Presumptive Sentence

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

SF2445 increases the presumptive sentence for second-degree criminal sexual conduct (CSC) offenses. It establishes a 90 month executed sentence as the presumptive sentence for all clauses of Minn. Stat. § 609.343, subdivision 1. Second-degree CSC offenses involve sexual contact. Currently the 90-month presumptive sentence applies only to the clauses involving force, injury, or multiple acts over time (subd. 1 (c), (d), (e), (f) and (h)). This bill would apply the 90-month presumptive sentence to the other clauses as well, which involve sexual contact with minors, subd. 1 (a), (b) and (g).

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

Estimated Impact

In its fiscal note, MSGC staff estimated that the bill will likely result in no new felony offenders but will likely result in an eventual prison bed impact of 350 beds annually.

Current State Demographics

Table 1 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	
		2017 Estimated Pop. Age 15 & Older		MSGC Category	Offenders Sentenced in 2017		2017 Adult Inmate Population	
U.S. Census Category		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 no new felony offenders.

Demographic Characteristics – New Prison Population

It is estimated that the bill will likely result in a total projected prison bed impact of 350 beds a year. One might assume that, in the future, the demographic characteristics of the occupants of the new prison beds will be the same as the known demographic characteristics of the offenders sentenced in 2017 for whom prison sentences would be newly mandated or lengthened due to the provisions in the bill.

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

- **Gender:** Male (99%); and Female (1%).
- **Race & Ethnicity:** White (58%); Black (13%); American Indian (5%); Hispanic (19%); Asian (5%).
- **Judicial District:** First (9%); Second (9%); Third (12%); Fourth (13%); Fifth (9%); Sixth (6%); Seventh (13%); Eighth (2%); Ninth (13%); and Tenth (13%).

Table 2, on page 4, 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 2. 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*					
	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	+346.5	99%	9,721	92.9%	+0.2%	437	+3.7%
	Female	737	7.3%	32	+3.5	1%	741	7.1%	-0.2%	33	+0.5%
Race & Ethnicity	White	4,788	47.4%	128	+203.0	58%	4,991	47.7%	+0.3%	133	+4.2%
	Black	3,463	34.2%	1238	+45.5	13%	3,509	33.5%	-0.7%	1,254	+1.3%
	American Indian	967	9.6%	1377	+17.5	5%	985	9.4%	-0.2%	1,402	+1.9%
	Hispanic	601	5.9%	296	+66.5	19%	668	6.4%	+0.5%	329	+11.1%
	Asian	274	2.7%	117	+17.5	5%	292	2.8%	+0.1%	125	+6.6%
Judicial District	First	861	8.5%	137	+31.5	9%	893	8.5%		142	+3.7%
	Second	1,304	12.9%	296	+31.5	9%	1,336	12.8%	-0.1%	304	+2.5%
	Third	769	7.6%	199	+42.0	12%	811	7.8%	+0.2%	210	+5.5%
	Fourth	2,540	25.1%	249	+45.5	13%	2,586	24.7%	-0.4%	254	+1.8%
	Fifth	448	4.4%	192	+31.5	9%	480	4.6%	+0.2%	206	+7.1%
	Sixth	568	5.6%	270	+21.0	6%	589	5.6%		279	+3.7%
	Seventh	1,098	10.9%	280	+45.5	13%	1,144	10.9%		291	+4.2%
	Eighth	293	2.9%	227	+7.0	2%	300	2.9%		233	+2.4%
	Ninth	1,088	10.8%	395	+45.5	13%	1,134	10.8%		412	+4.2%
	Tenth	1,034	10.2%	133	+45.5	13%	1,080	10.3%	+0.1%	139	+4.4%
	Total	10,111	100.0%	225	+350	100%	10,461	100%		233	+3.5%

* 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

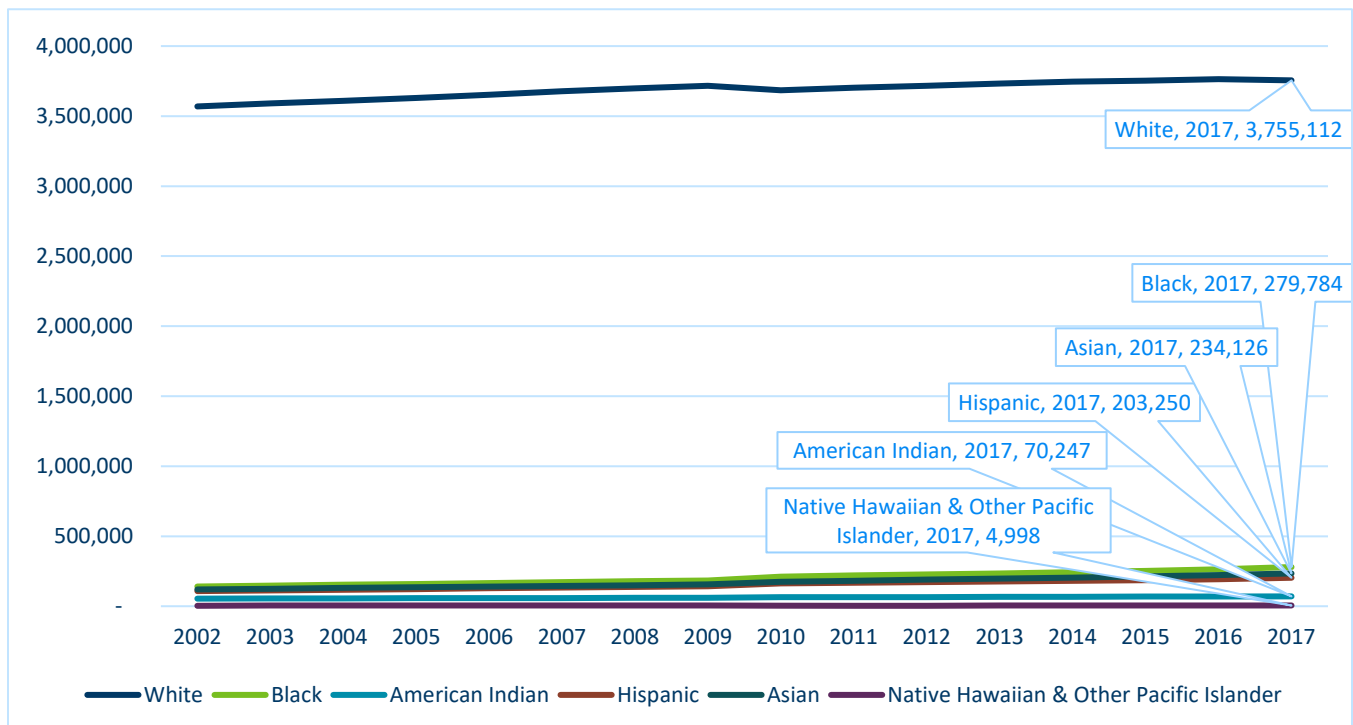
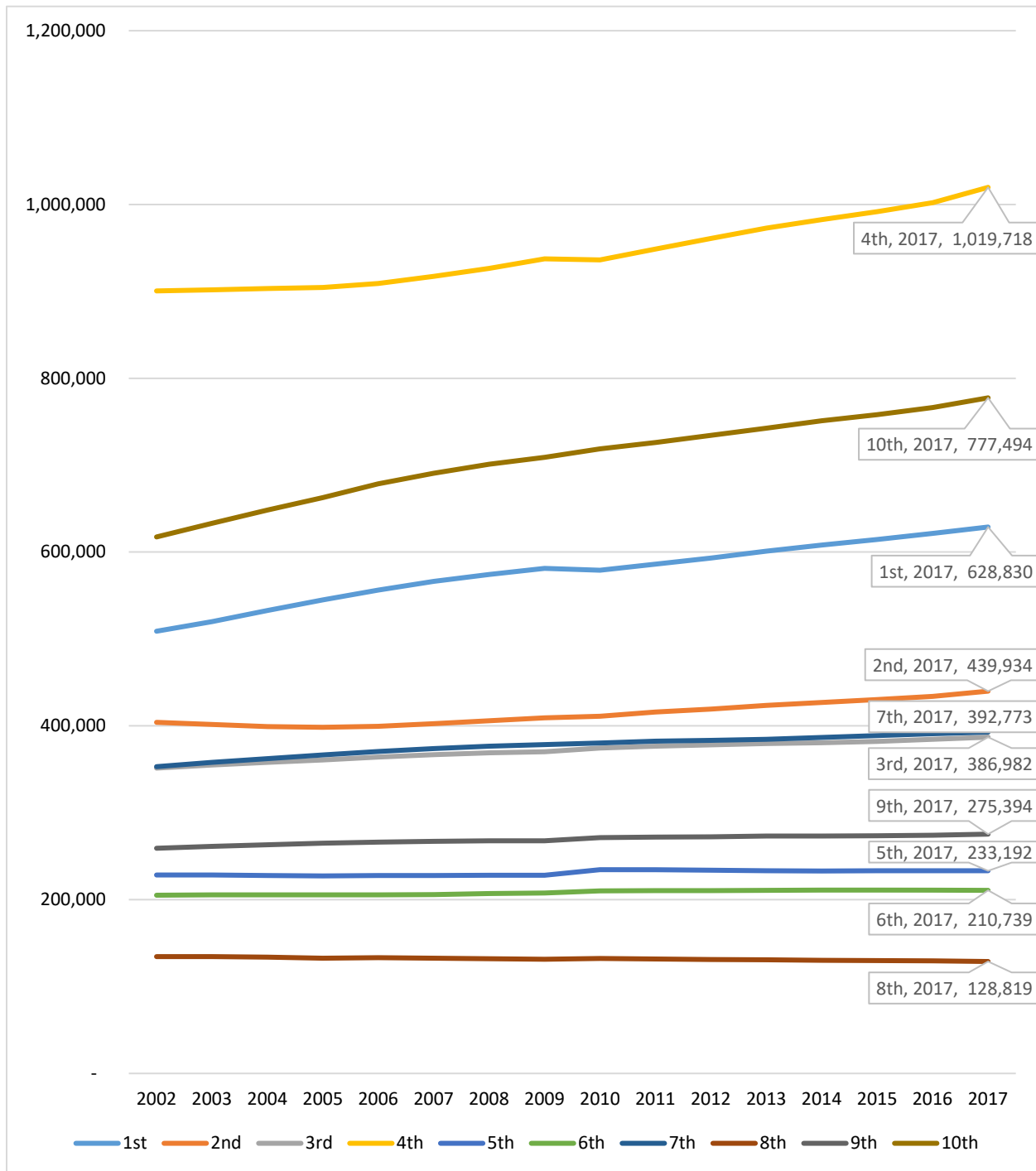


Figure 3. Minnesota Residents Age 15 and Older, Estimated 2002-17, by Judicial District



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

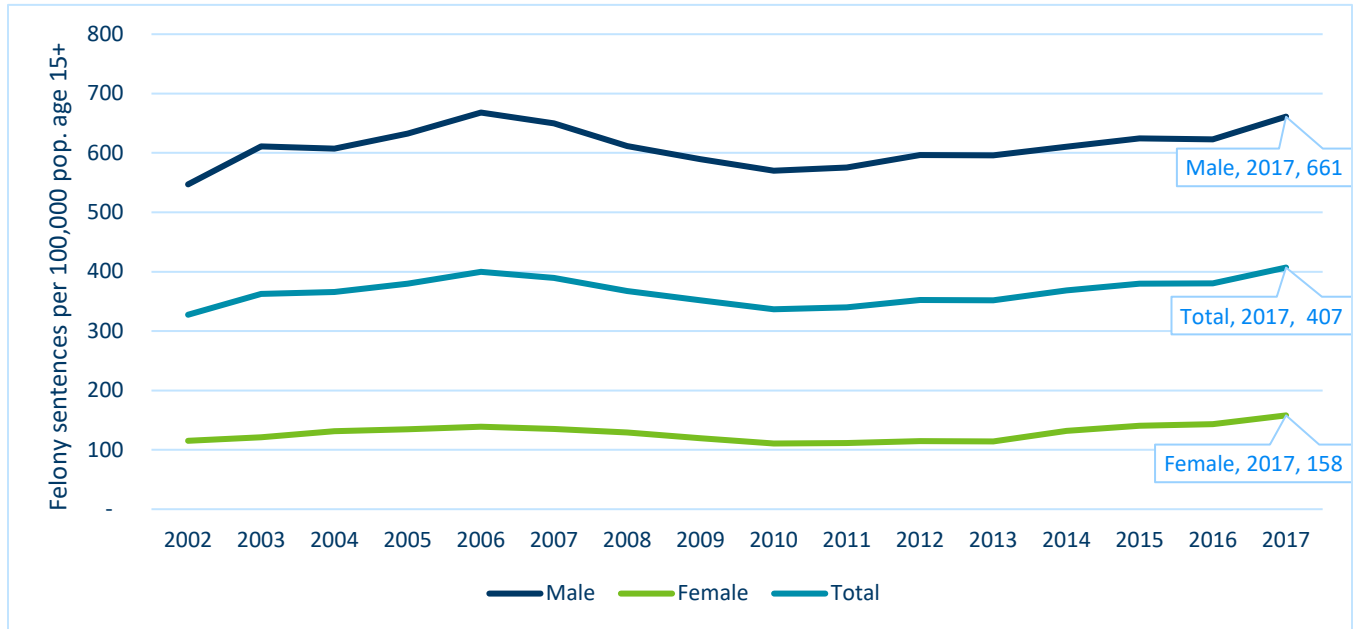


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Race and Ethnicity

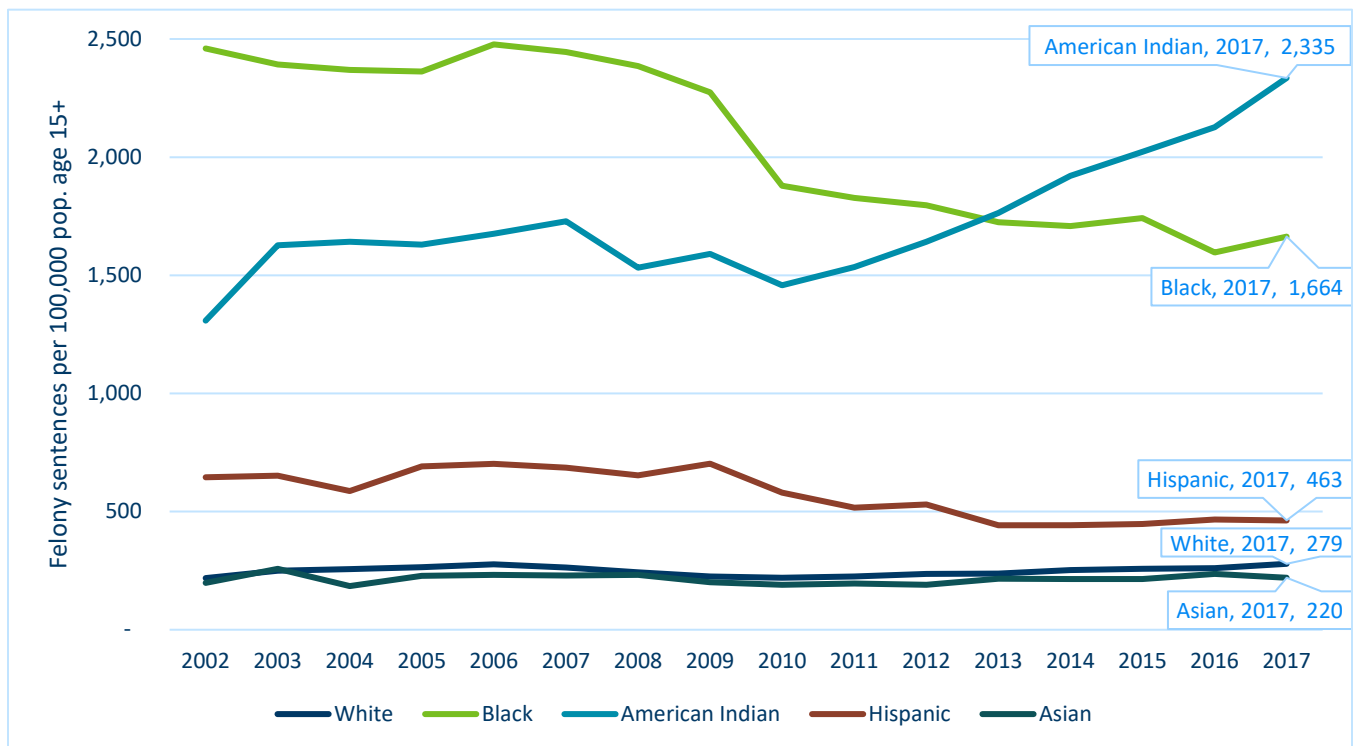
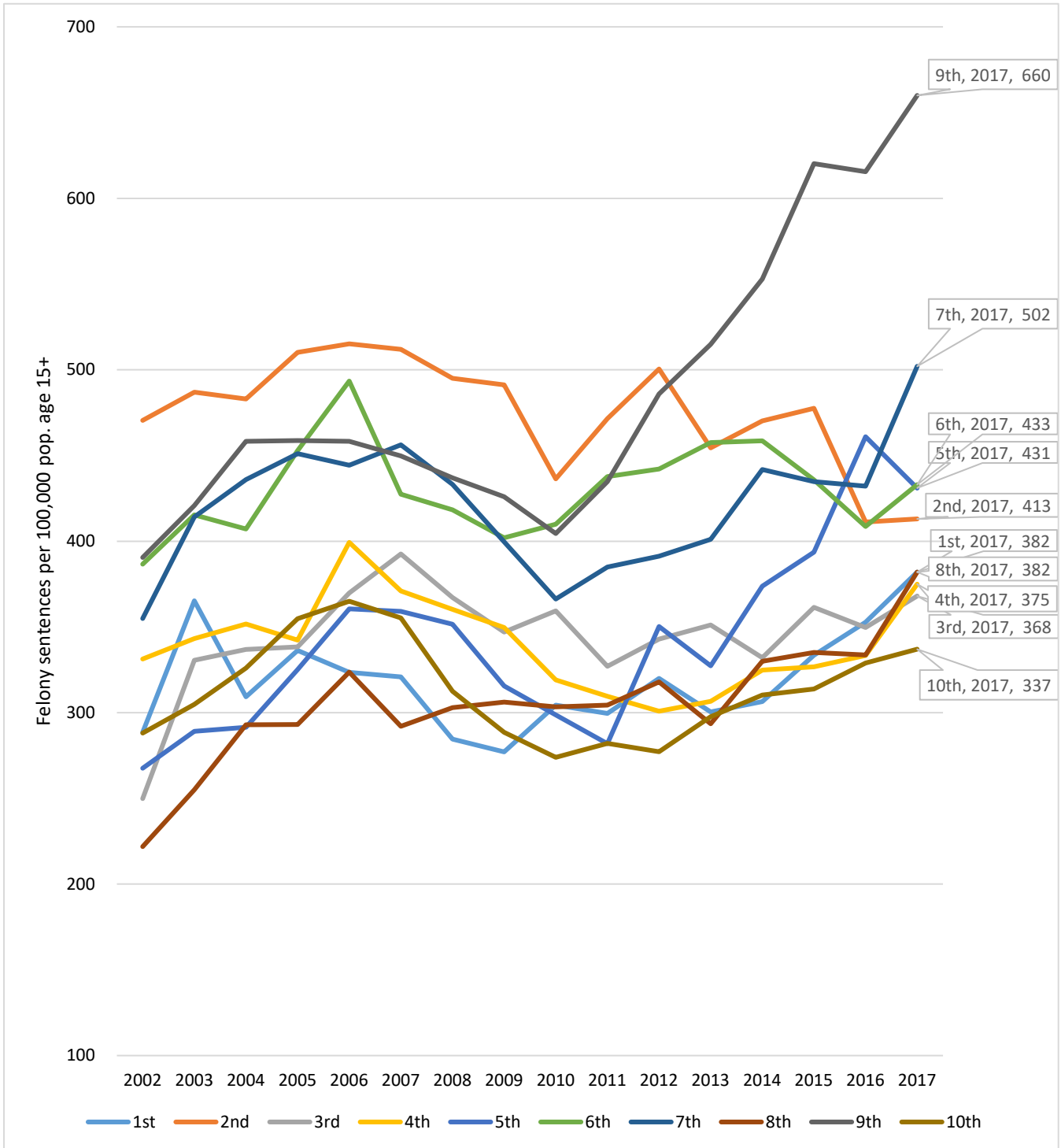


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Judicial District



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

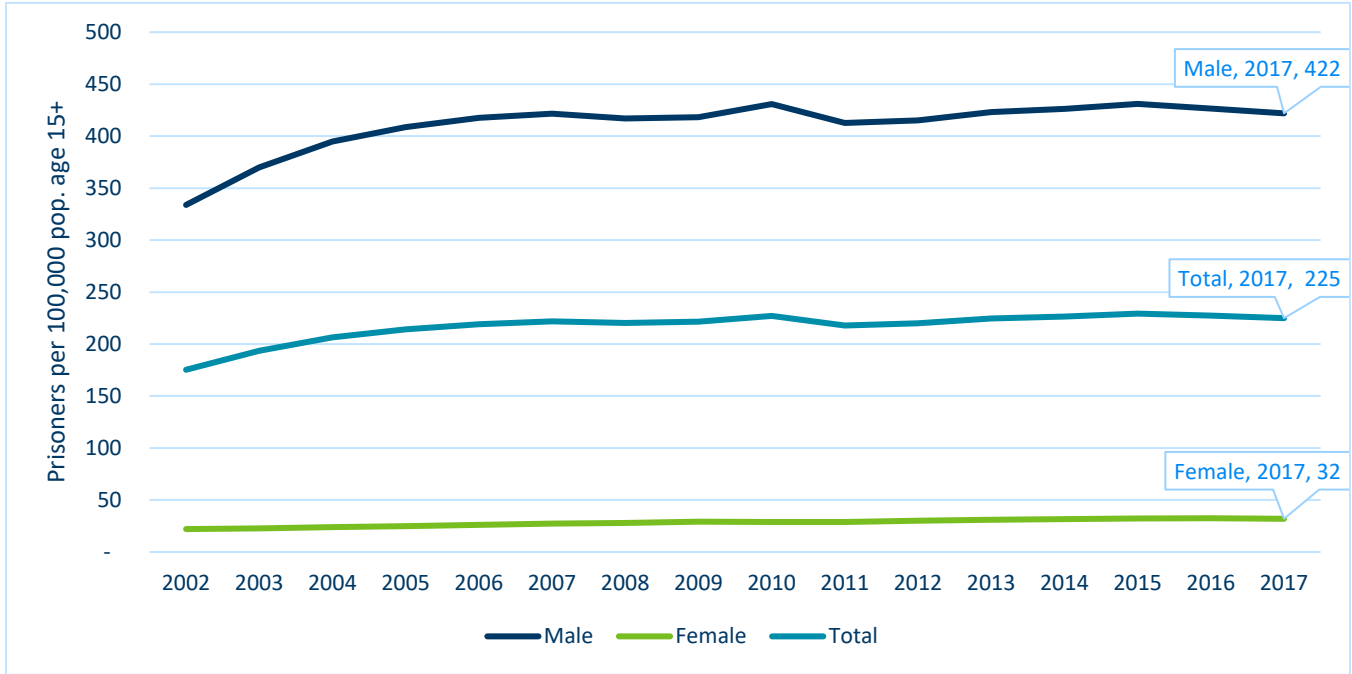


Figure 8. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Race and Ethnicity

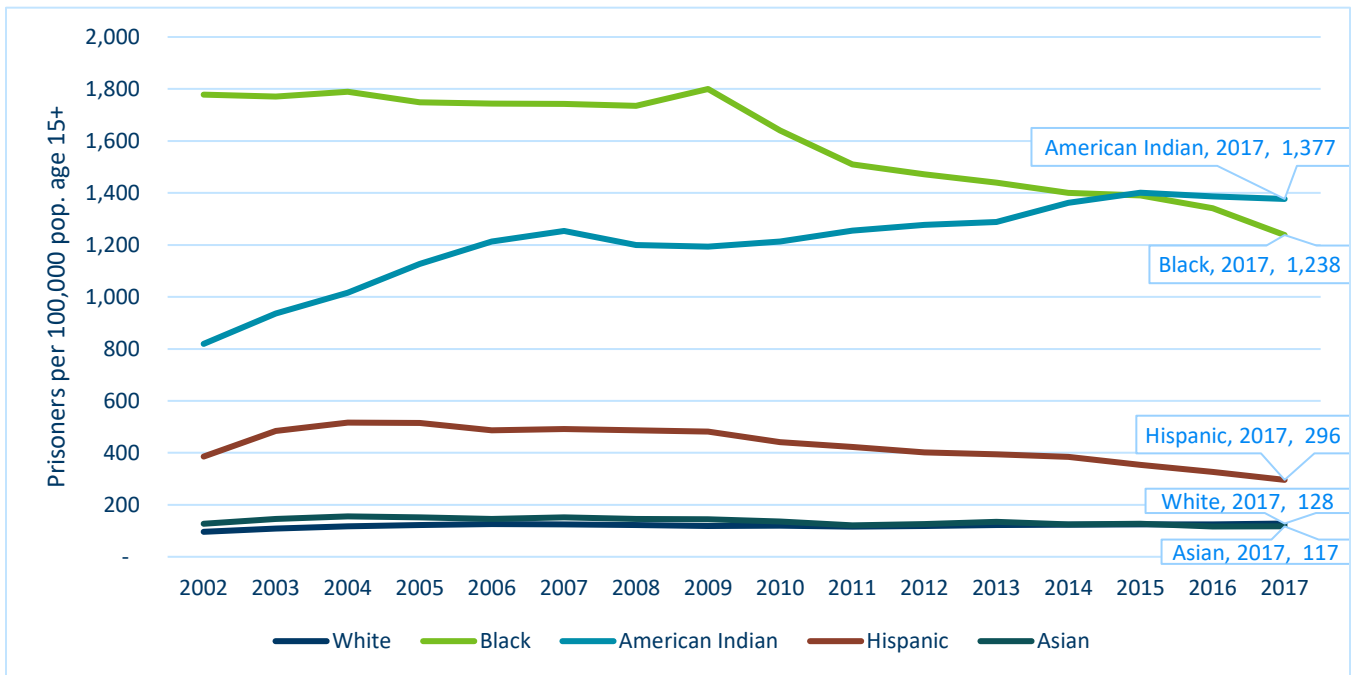
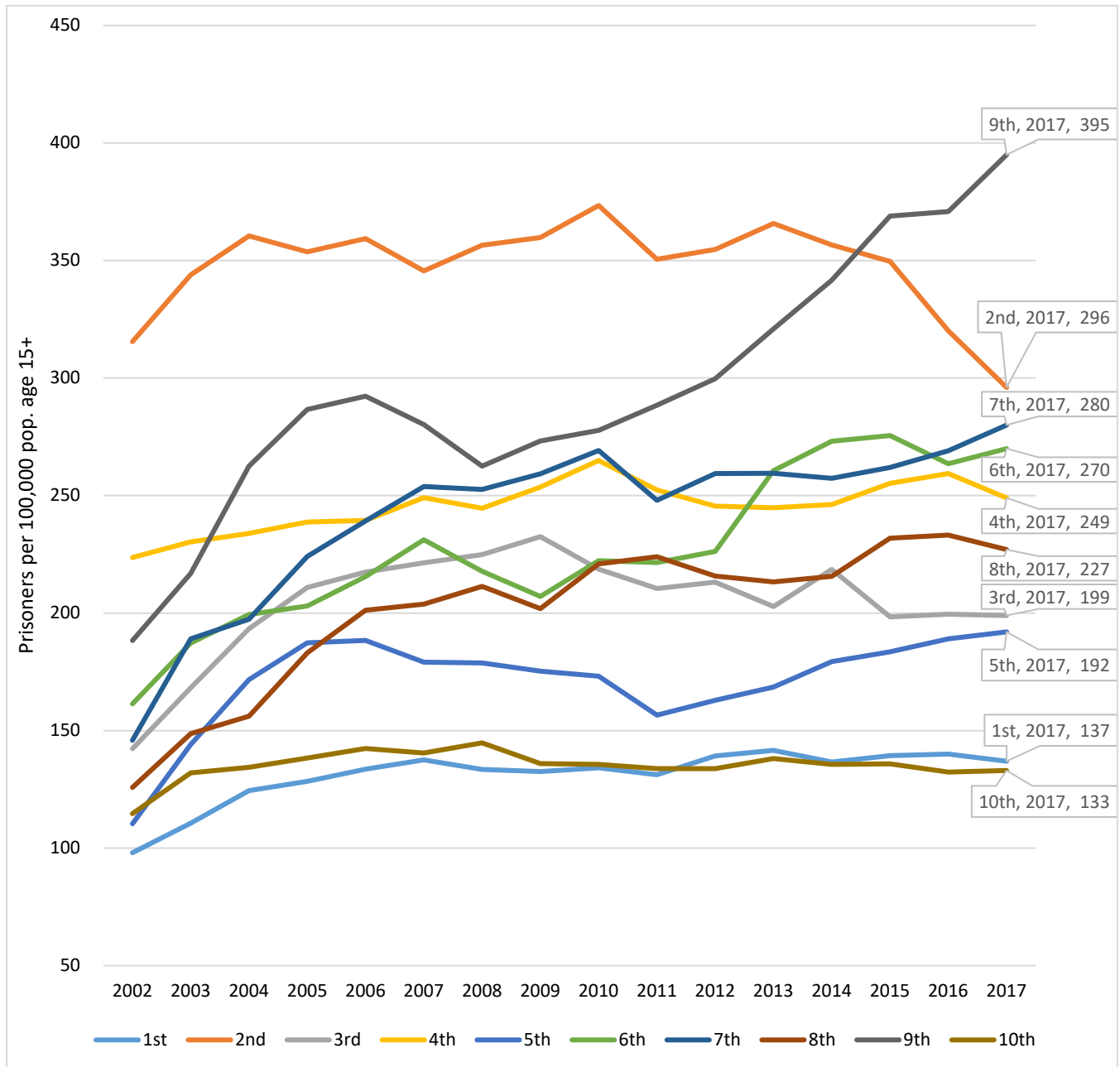


Figure 9. Imprisonment Rates per 100,000 Minnesota Residents Age 15 and Older, 2002-17, by Judicial District



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.