

Demographic Impact Statement

House File 100-3A

Legalize Cannabis

Statement Date: February 22, 2023

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 100](#), version 3A, amends existing criminal penalties and thresholds for marijuana sale and possession, legalizes some cannabis possession and sale, and transfers marijuana to controlled substance Schedule III.

Estimated Impact

In its fiscal note,¹ MSGC staff estimated that the bill's policy changes would eventually result in the reduction of 293 felony cases annually and eliminate the need for 38 prison beds. These estimates were based on staff's collection of detailed information from criminal complaints for the 364 felony-level marijuana cases sentenced in 2019. It was assumed that, in the future, the number of cannabis cases sentenced would equal the number of marijuana cases sentenced in 2019. It was also assumed that the distribution of cases among the cannabis types, and the quantities involved, would be similar to those found in 2019.

After the bill's penalty levels were applied to the 364 felony cannabis cases sentenced in 2019, MSGC staff determined that: 5 cases would continue to receive prison sentences; 66 cases would become, or would continue to be, felony probation cases; 12 cases would become gross misdemeanors; 79 cases would become misdemeanors; 57 cases would become petty misdemeanors; and 145 cases would no longer be crimes.

Current State Demographics

Due to the COVID-19 health pandemic, case volume data in 2020 and 2021 were assumed to be unreliable and were therefore not used in the fiscal note. It was instead assumed that future cannabis cases would be similar in case volume, drug characteristics, and drug quantity, to marijuana cases sentenced in 2019. For purposes of this

¹ MSGC's detailed assumptions can be found in the fiscal note created for HF100-3A.

demographic impact statement, however, 2021 data are being used for baseline demographic populations, as these baseline demographic populations are assumed to be less susceptible to pandemic-related variations.

Table 1 displays 2021 demographic information pertaining to three populations within the state: the adult population (on July 1, 2021, as estimated by the U.S. Census Bureau); the annual felony population (that is, the population of people sentenced for felony offenses in 2021); and the adult prison population (as of July 1, 2021). 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 2021 General Adult Population, Annual Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

		General Adult Population		Annual Felony Population		Prison Population		
		2021 Estimated Adult Population		MSGC Category	People Sentenced in 2021		2021 Adult Inmate Population	
U.S. Census Category		Number	Percent		Number	Percent	Number	Percent
Male		2,186,757	49.8	Male	11,715	81.2	6,948	94.3
Female		2,203,066	50.2	Female	2,712	18.8	421	5.7
Race & Ethnicity	White*	3,641,299	82.9	White	8217	56.9	3,443	46.7
	Black or African American*	300,962	6.9	Black	3684	25.5	2,686	36.4
	American Indian*	68,156	1.6	American Indian	1348	9.3	629	8.5
	Hispanic**	211,201	4.8	Hispanic**	788	5.5	404	5.5
	Asian/Pacific Islander*	242,980	5.5	Asian	389	2.7	195	2.6
	--	--	--	Other/Unknown***	1	0.0	12	0.2
Judicial District	First	628,428	14.3	First	2,061	14.3	641	8.7
	Second	416,939	9.5	Second	1,352	9.4	814	11.0
	Third	377,090	8.6	Third	955	6.6	562	7.6
	Fourth	991,412	22.6	Fourth	2,541	17.6	1,906	25.9
	Fifth	223,999	5.1	Fifth	964	6.7	394	5.3
	Sixth	203,550	4.6	Sixth	702	4.9	401	5.4
	Seventh	382,192	8.7	Seventh	1,693	11.7	835	11.3
	Eighth	124,011	2.8	Eighth	532	3.7	242	3.3
	Ninth	264,605	6.0	Ninth	1,490	10.3	762	10.3
	Tenth	777,597	17.7	Tenth	2,139	14.8	733	9.9
Total		4,389,823	100.0	Total	14,429	100.0	7,369	100.0

Source of July 1, 2021, population estimate: U.S. Census Bureau (Nov. 2022).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.7%) because residents of more than one race are counted in more than one category.

**This table lists all Hispanic people as Hispanic, regardless of race.

See <https://mncourts.gov/Find-Courts.aspx> for a map of Minnesota’s ten judicial districts.

Demographic Impact

Demographic Characteristics – Felony Population Eliminated

In its fiscal note, MSGC staff estimated that 145 felony cases per year would no longer be crimes under the provisions of this bill and an additional 148 felony cases would become non-felony level offenses.

One might assume that, in the future, the demographic characteristics of the people who would have been sentenced for those 293 felony cases will be the same as the known demographic characteristics of the people sentenced in 2019 for felony marijuana offenses with cannabis quantities below the bill's felony thresholds. If that assumption is accurate, it is estimated that the demographic characteristics of the annual felony population eliminated by this bill would be as follows.

- **Gender:** Male (91.5%); and Female (8.5%).
- **Race & Ethnicity:** White (52.2%); Black (30.4%); American Indian (4.4%); Hispanic (8.9%); Asian (3.8%).
- **Judicial District:** First (11.6%); Second (5.8%); Third (7.2%); Fourth (19.5%); Fifth (15.0%); Sixth (1.0%); Seventh (8.2%); Eighth (8.9%); Ninth (8.5%); and Tenth (14.3%).

Table 2, on page 4, shows the demographic change in the population of felony cases sentenced that would result from the enactment of this bill, if the assumptions stated above are accurate.

Demographic Characteristics – Reduced Prison Population

Thirty-three of the 38 cases that received a prison sentence in 2019 would not receive a prison sentence under the provisions of this bill. Of those 33 cases, 16 would move to non-felony level offenses and 17 would no longer be offenses. The average sentence for these 33 cases was 20.5 months. Assuming a one-third reduction of the pronounced duration for supervised release, those 33 sentences required 38 prison beds that would not be needed after passage of the bill.

One might assume that, in the future, the demographic characteristics of the people who would have occupied the 38 prison beds not needed as a result of this bill will be the same as the known demographic characteristics of the people sentenced to prison in 2019 who would not have been sentenced to prison if this bill had been in effect. If that assumption is accurate, it is estimated that the demographic characteristics of occupants of the prison beds reduced by this bill would be as follows.

- **Gender:** Male (97.4%); Female (2.6%).
- **Race & Ethnicity:** White (39.5%); Black (42.1%); American Indian (2.6%); Hispanic (2.6%); Asian (13.2%).
- **Judicial District:** First (7.9%); Second (10.5%); Third (13.2%); Fourth (15.8%); Fifth (18.4%); Sixth (0%); Seventh (10.5%); Eighth (10.5%); Ninth (10.5%); and Tenth (2.6%).

Table 3, on page 5, shows the demographic change in the prison bed population that would result from the enactment of this bill, if the assumptions stated above are accurate.

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

		Annual Felony Population			Estimated Change in Felony Cases*		Estimated Resulting Annual Felony Population*				
		People Sentenced in 2021							%-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		11,715	81.2	536	-268.1	91.5	11,447	81.0	-0.2	523	-2.3
Female		2,712	18.8	123	-24.9	8.5	2,687	19.0	+0.2	122	-0.9
Race & Ethnicity	White	8,217	56.9	226	-152.9	52.2	8,064	57.0	+0.1	221	-1.9
	Black	3,684	25.5	1,224	-89.1	30.4	3,595	25.4	-0.1	1,194	-2.4
	American Indian	1,348	9.3	1,978	-12.9	4.4	1,335	9.4	+0.1	1,959	-1.0
	Hispanic	788	5.5	373	-26.1	8.9	762	5.4	-0.1	361	-3.3
	Asian	389	2.7	160	-11.1	3.8	378	2.7		156	-2.9
Judicial District	First	2,061	14.28	328	-34.0	11.6	2,027	14.34	+0.1	323	-1.6
	Second	1,352	9.37	324	-17.0	5.8	1,335	9.44	+0.1	320	-1.3
	Third	955	6.6	253	-21.1	7.2	934	6.6		248	-2.2
	Fourth	2,541	17.6	256	-57.1	19.5	2,484	17.6		251	-2.2
	Fifth	964	6.7	430	-44.0	15.0	920	6.5	-0.2	411	-4.6
	Sixth	702	4.87	345	-2.9	1.0	699	4.95	+0.1	343	-0.4
	Seventh	1,693	11.73	443	-24.0	8.2	1,669	11.81	+0.1	437	-1.4
	Eighth	532	3.7	429	-26.1	8.9	506	3.6	-0.1	408	-4.9
	Ninth	1,490	10.33	563	-24.9	8.5	1,465	10.36		554	-1.7
	Tenth	2,139	14.8	275	-41.9	14.3	2,097	14.8		270	-2.0
Total		14,429	100.0	329	-293.0	100.0	14,136	100.0		322	-2.0

* This table’s projections assume that the demographic characteristics of people sentenced in the future will be similar to the characteristics of people sentenced in the past, as stated on page 3. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown on Table 1, “General Population” (2021 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.

Table 3. Minnesota’s Existing Annual Prison 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*				
		2021 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	6,948	94.3	318	-37.0	97.4	6,911	94.3		316	-0.5
	Female	421	5.7	19	-1.0	2.6	420	5.7		19	-0.2
Race & Ethnicity	White	3,443	46.72	95	-15.0	39.5	3,428	46.76		94	-0.4
	Black	2,686	36.4	892	-16.0	42.1	2,670	36.4		887	-0.6
	American Indian	629	8.54	923	-1.0	2.6	628	8.57		921	-0.2
	Hispanic	404	5.5	191	-1.0	2.6	403	5.5		191	-0.2
	Asian	195	2.65	80	-5.0	13.2	190	2.59	-0.1	78	-2.6
Judicial District	First	641	8.7	102	-3.0	7.9	638	8.7		102	-0.5
	Second	814	11.0	195	-4.0	10.5	810	11.0		194	-0.5
	Third	562	7.6	149	-5.0	13.2	557	7.6		148	-0.9
	Fourth	1,906	25.87	192	-6.0	15.8	1,900	25.92	+0.1	192	-0.3
	Fifth	394	5.35	176	-7.0	18.4	387	5.28	-0.1	173	-1.8
	Sixth	401	5.44	197			401	5.47		197	
	Seventh	835	11.3	218	-4.0	10.5	831	11.3		217	-0.5
	Eighth	242	3.28	195	-4.0	10.5	238	3.25		192	-1.6
	Ninth	762	10.3	288	-4.0	10.5	758	10.3		286	-0.5
	Tenth	733	9.95	94	-1.0	2.6	732	9.99		94	-0.1
	Total	7,369	100.0	168	-38.0	100.0	7,331	100.0		167	-0.5

* This table’s projections assume that the demographic characteristics of people sentenced in the future will be similar to the characteristics of people sentenced in the past, as stated on page 3. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown on Table 1, “General Population” (2021 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.

Appendix: Historical Demographic Data

The following figures illustrate the change in the state’s population, imprisonment rates, and felony sentencing rates from 2002 through 2021. Rates (shown in figures 4 through 9) are per 100,000 Minnesota adult residents.

Estimated Adult Population

Figure 1. Minnesota Adult Residents, Estimated 2002–21, by Gender and Total

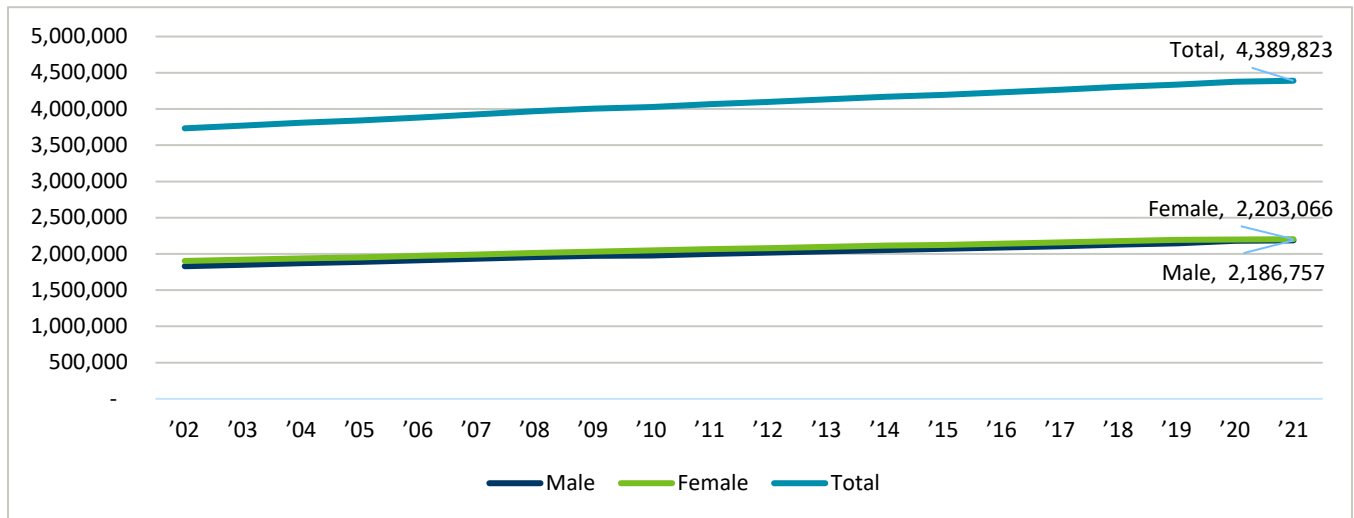


Figure 2. Minnesota Adult Residents, Estimated 2002–21, by Race and Ethnicity

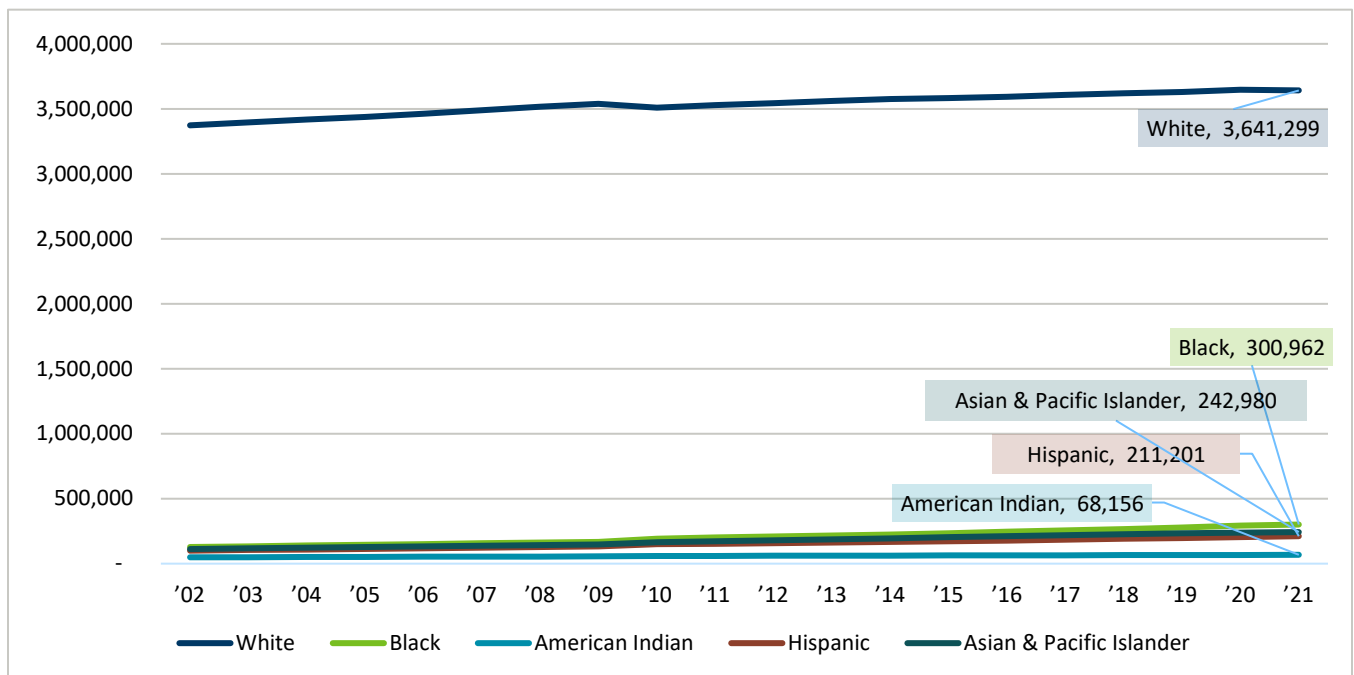
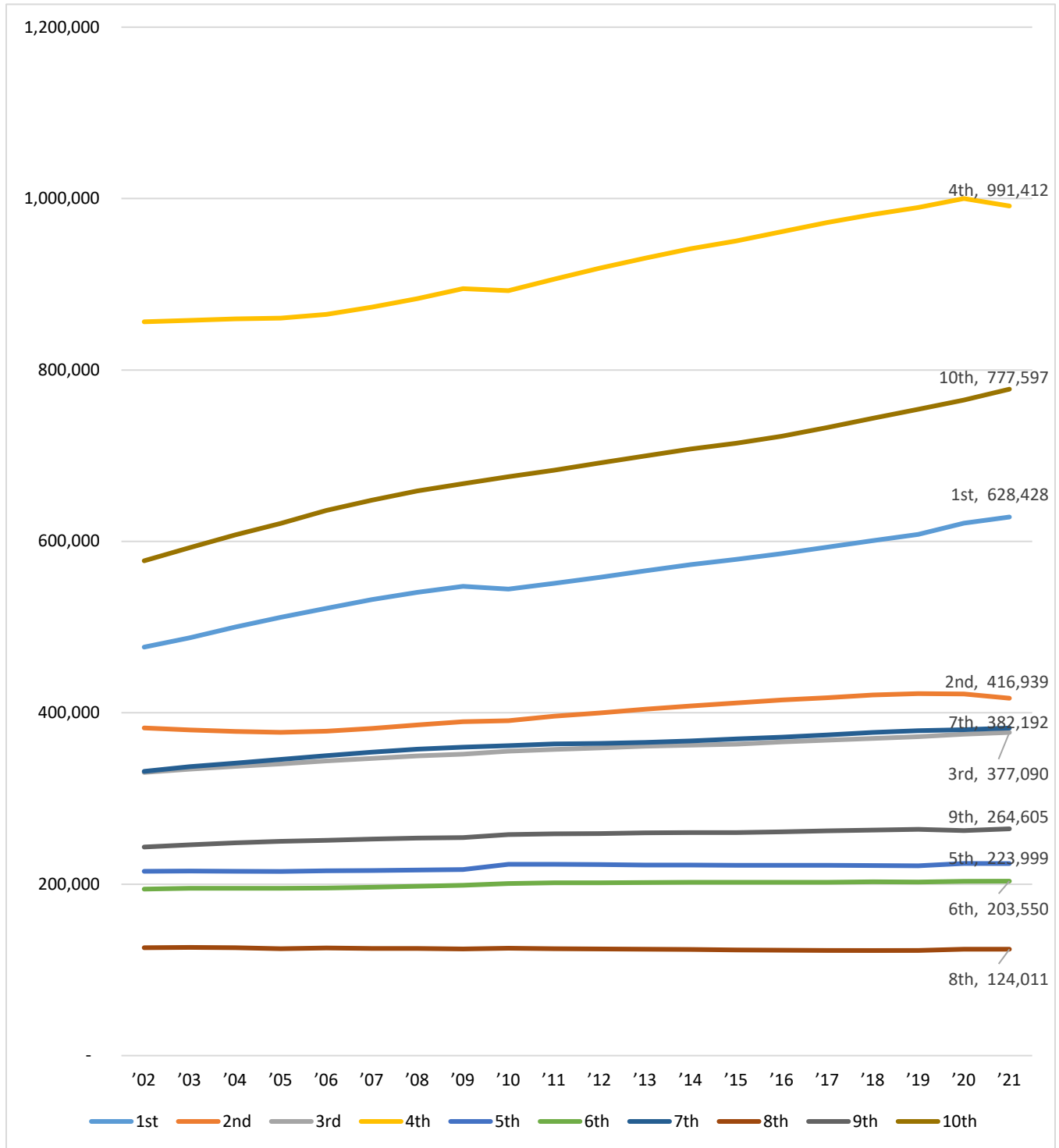


Figure 3. Minnesota Adult Residents, Estimated 2002–21, by Judicial District



Notes for Figure 1 through Figure 3: Minnesota residents age 18 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 Adult Residents, 2002–21, by Gender and Total

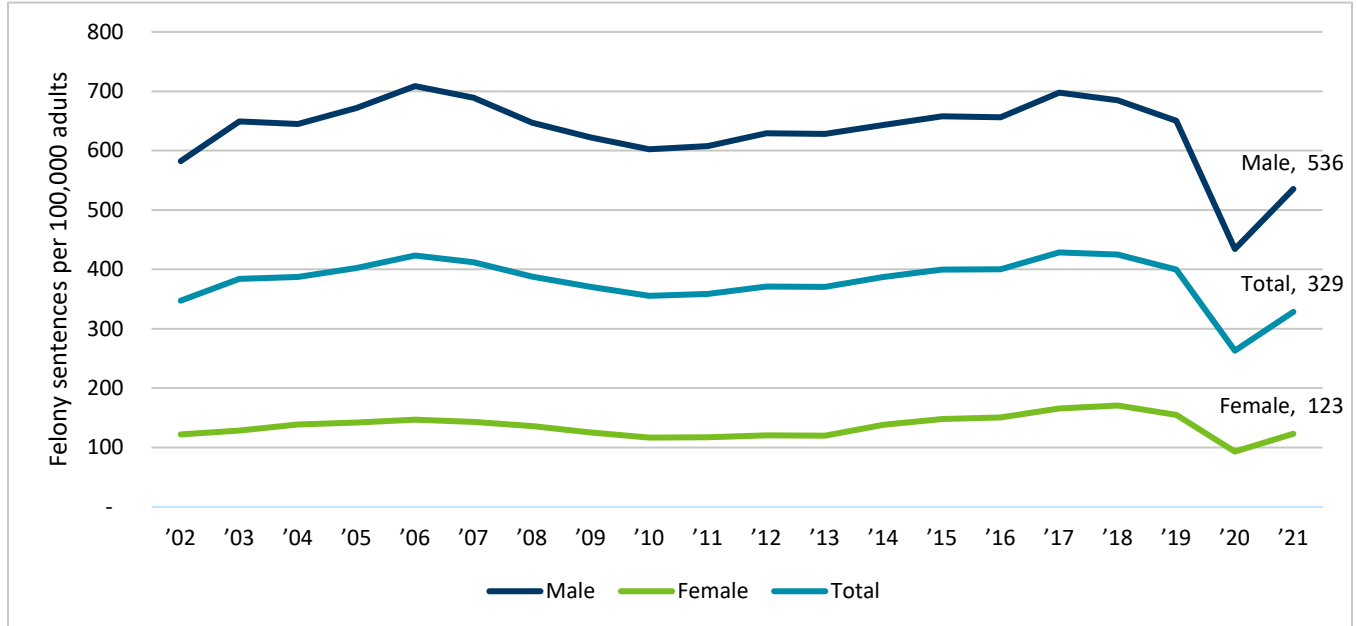


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

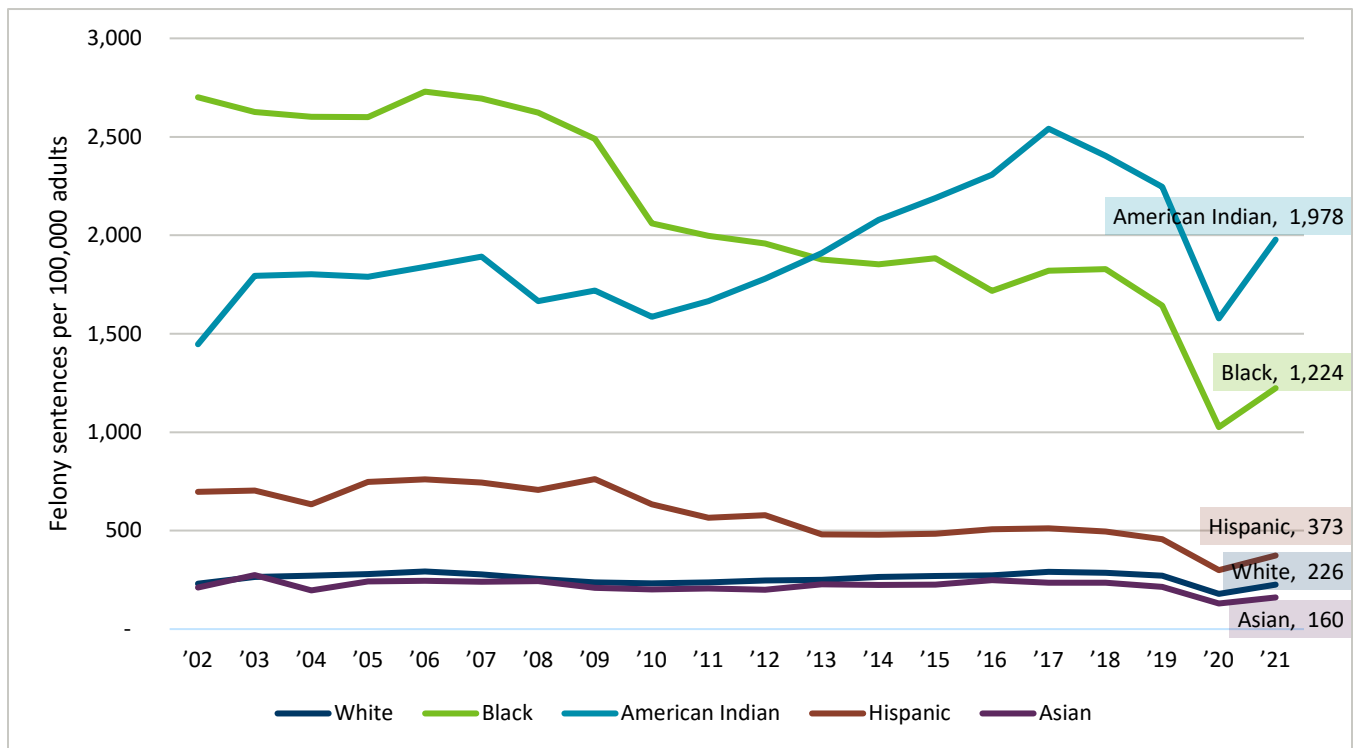
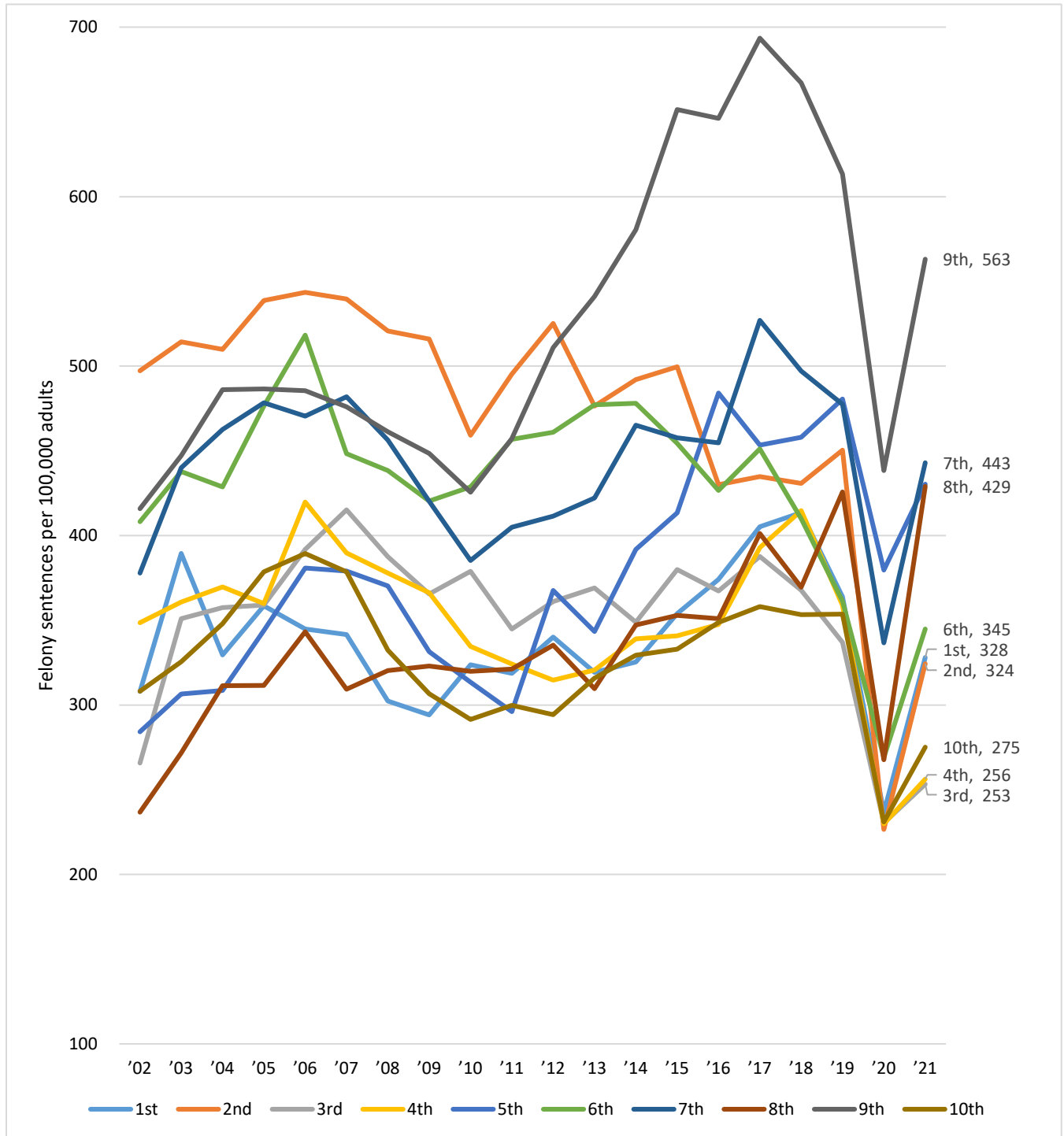


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



Notes for Figure 4 through Figure 6: Rates are people sentenced for felonies annually per 100,000 Minnesota residents age 18 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.

Imprisonment Rates

Figure 7. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Gender and Total

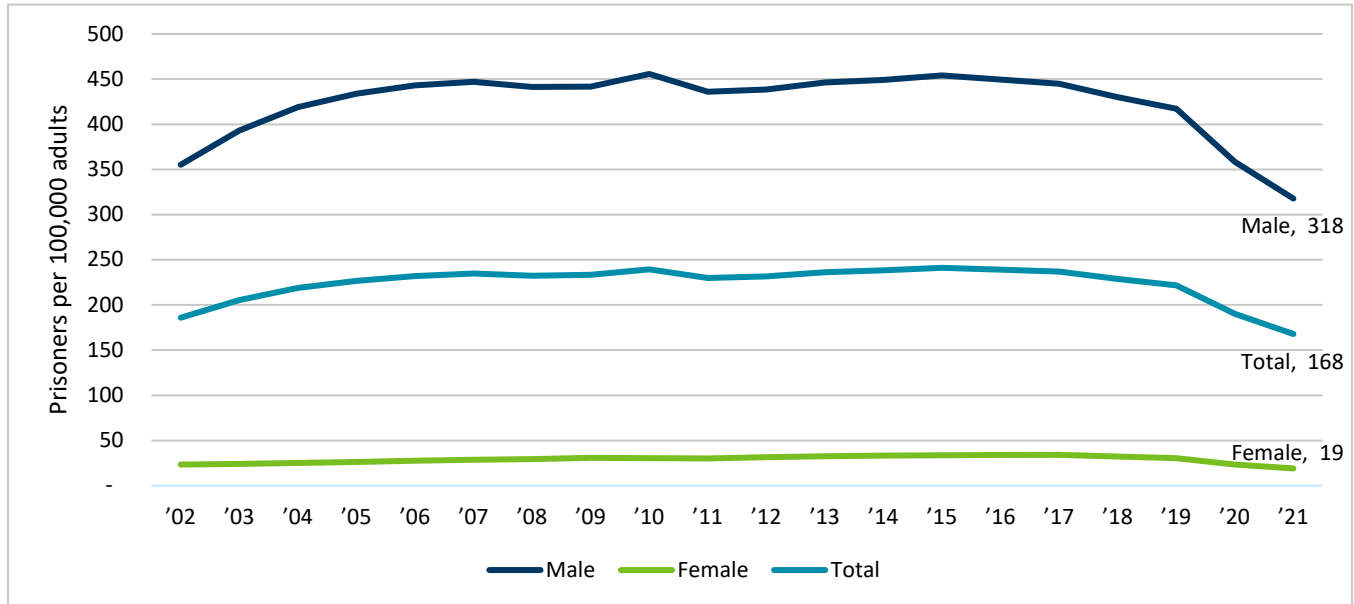


Figure 8. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

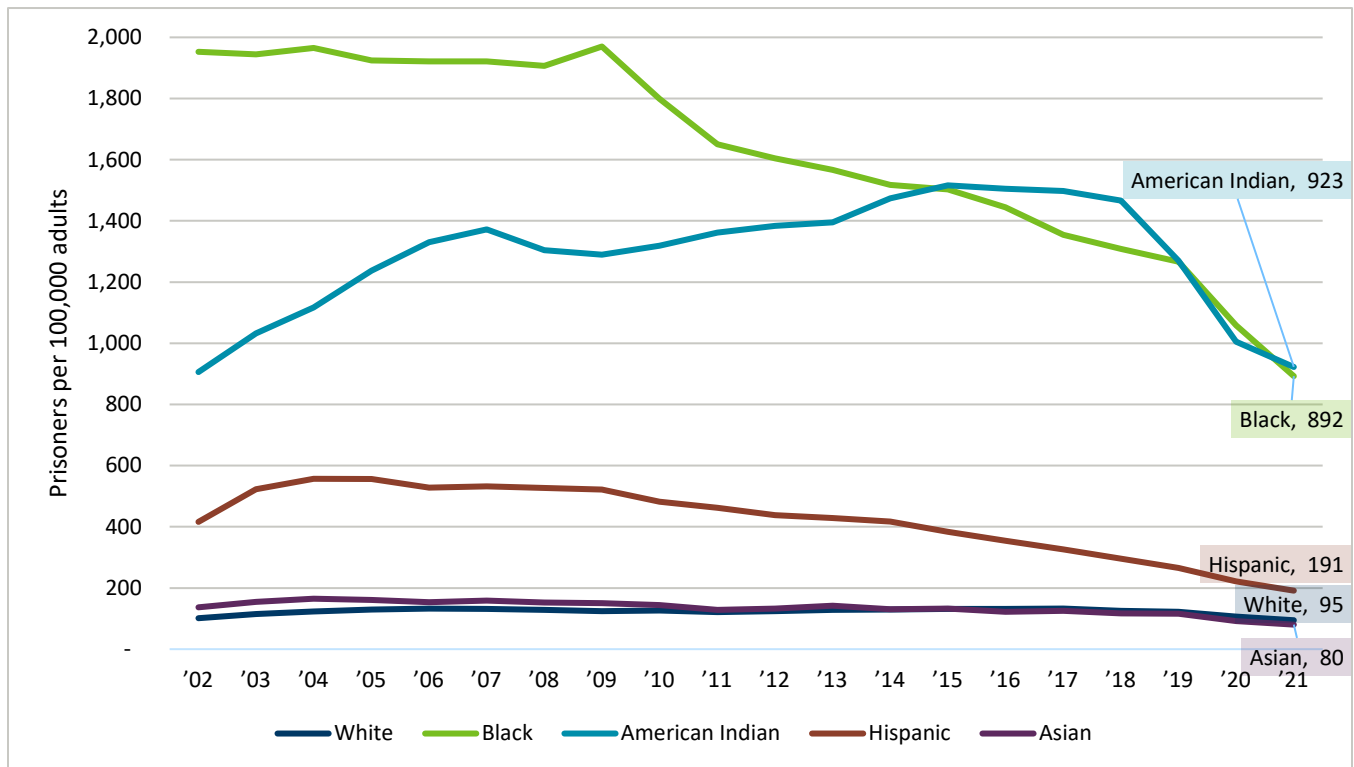
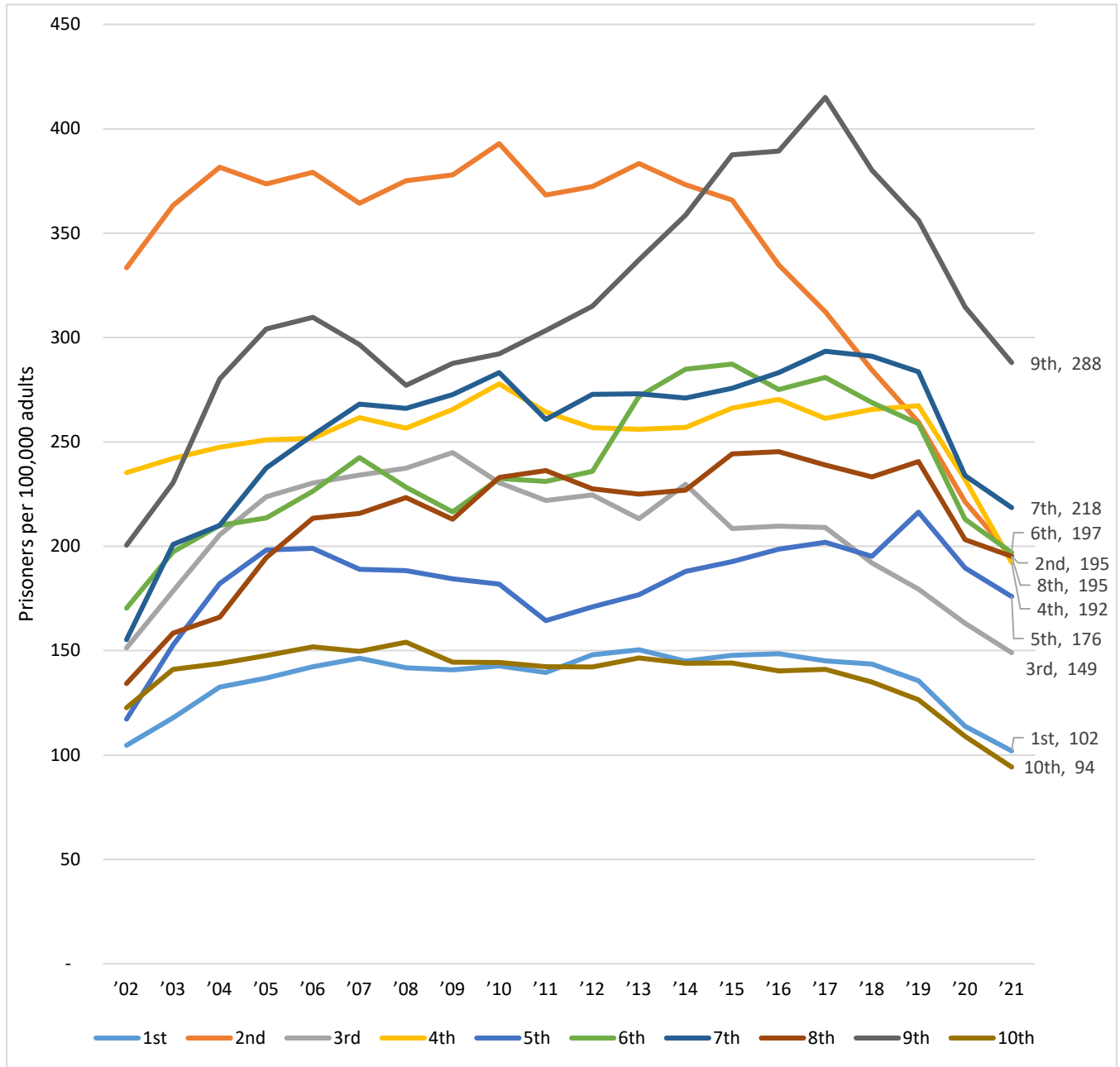


Figure 9. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



Notes for Figure 7 through Figure 9: Rates are prisoners on July 1 of the respective year per 100,000 Minnesota residents age 18 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.