

MEMORANDUM

To: Interested Commission Members and Legislators
From: Nate Reitz, Executive Director
Date: March 2, 2023
Subject: **SF 1595-0, Statement of No Demographic Impact Statement**

In compliance with the Commission's Demographic Impact Statement (DIS) Policy, I have directed MSGC research staff not to prepare a DIS for SF 1595-0. I am, however, attaching some limited demographic data to this memorandum which you may find useful.

As introduced, [SF 1595](#) establishes a gross misdemeanor burglary offense for shoplifting within a year of being told to leave and not return. If the trespasser-thief had a prior theft-related conviction, the burglary offense will be a felony. In our fiscal note, we estimated that the bill would:

- Cause 232 people annually to be convicted of burglary, rather than misdemeanor trespass or nonfelony theft;
- Cause 33 of those 232 people annually to be convicted of felony burglary; and
- Create the need for 11 additional prison beds to house some of those 33 people. This estimate meets the significance criteria (± 10 prison beds) for preparation of a DIS.

We do have a basis upon which to estimate the demographic profile of the 232 new burglars. Some 232 people are now annually charged with both nonfelony theft and a particular type of trespass—returning within a year of being told to leave and not return—and convicted of one or both offenses. Because the new burglary offense is essentially a combination of these two offenses, we assume that these 232 people will become burglars under the bill. Table 1 shows the demographic profile of these 232 people.

On the other hand, we do not have a basis for estimating the demographic profile of the 33 people who will be subject to the bill's felony provisions, nor of the occupants of the 11 prison beds required by the bill. This is because we estimated those subsets using unrelated assumptions (the ratio of gross misdemeanor to felony theft of \$500–\$1,000, which also requires a prior theft-related conviction; and the existing imprisonment rate for third-degree burglary).

The Commission's current [DIS Policy](#) requires that demographic population estimates “ha[ve] foundational reliability, and [that] the underlying scientific evidence [be] generally accepted in the relevant scientific community within the meaning of Minnesota Rule of Evidence 702.” Because MSGC staff has no knowledge

as to the demographic characteristics of the future prisoners in question, we cannot, consistent with the DIS policy, prepare a DIS. We can, however, provide you with the demographic profile of the new burglars (gross misdemeanor and felony) caused by the bill, shown in the last two columns of Table 1. Please contact me with any questions.

Table 1. Minnesota’s 2021 General Adult Population, Annual Felony Population, Prison Population, and Demographic Profile of New Burglars Under SF 1595, by Gender, Race and Ethnicity, and Judicial District

	General Adult Population			Annual Felony Population			Prison Population		Population of SF 1595’s New Burglars	
	U.S. Census Category	2021 Estimated Adult Population		MSGC Category	People Sentenced in 2021		2021 Adult Inmate Population		Number	Percent
		Number	Percent		Number	Percent	Number	Percent		
	Male	2,186,757	49.8	Male	11,715	81.2	6,948	94.3	133	57.3
	Female	2,203,066	50.2	Female	2,712	18.8	421	5.7	99	42.7
Race & Ethnicity	White*	3,641,299	82.9	White	8217	56.9	3,443	46.7	110	47.4
	Black or African American*	300,962	6.9	Black	3684	25.5	2,686	36.4	53	22.8
	American Indian*	68,156	1.6	American Indian	1348	9.3	629	8.5	35	15.1
	Hispanic**	211,201	4.8	Hispanic**	788	5.5	404	5.5	10	4.3
	Asian/Pacific Islander*	242,980	5.5	Asian	389	2.7	195	2.6	4	1.7
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Judicial District	First	628,428	14.3	First	2,061	14.3	641	8.7	28	12.1
	Second	416,939	9.5	Second	1,352	9.4	814	11.0	56	24.1
	Third	377,090	8.6	Third	955	6.6	562	7.6	9	3.9
	Fourth	991,412	22.6	Fourth	2,541	17.6	1,906	25.9	31	13.4
	Fifth	223,999	5.1	Fifth	964	6.7	394	5.3	3	1.3
	Sixth	203,550	4.6	Sixth	702	4.9	401	5.4	27	11.6
	Seventh	382,192	8.7	Seventh	1,693	11.7	835	11.3	34	14.7
	Eighth	124,011	2.8	Eighth	532	3.7	242	3.3	2	0.9
	Ninth	264,605	6.0	Ninth	1,490	10.3	762	10.3	18	7.8
	Tenth	777,597	17.7	Tenth	2,139	14.8	733	9.9	24	10.3
	Total	4,389,823	100.0	Total	14,429	100.0	7,369	100.0	232	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.

*** These 20 cases include other, unknown, and multiracial categories. Data source: Court Research Office, State Court Administrator’s Office; MSGC fiscal note.