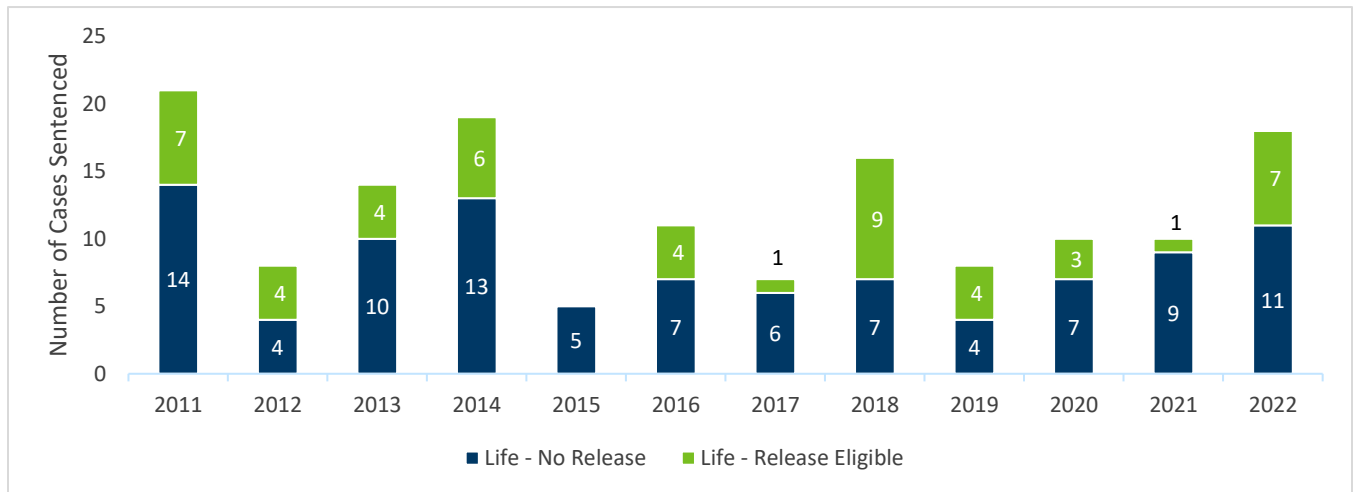


## Life Sentences

Eighteen people received life sentences in 2022, the highest number since 2014. Of the eighteen life sentences, seventeen were for first-degree murder, and one was for first-degree criminal sexual conduct. Eleven will never be eligible for release: ten because the conviction was for premeditated first-degree murder,<sup>34</sup> and one because the conviction was first-degree criminal sexual conduct with two or more heinous elements or as a repeat offender. Life sentences are excluded from the average pronounced prison sentences reported.

Figure 14. Life Sentence Cases, 2011–2022



## Departures from the Sentencing Guidelines

A “departure” is a pronounced sentence other than that recommended in the appropriate cell of the applicable Guidelines Grid. Since the presumptive sentence is based on a typical case, the appropriate use of departures by the courts when substantial and compelling circumstances exist can actually enhance proportionality by varying the sanction in an atypical case.

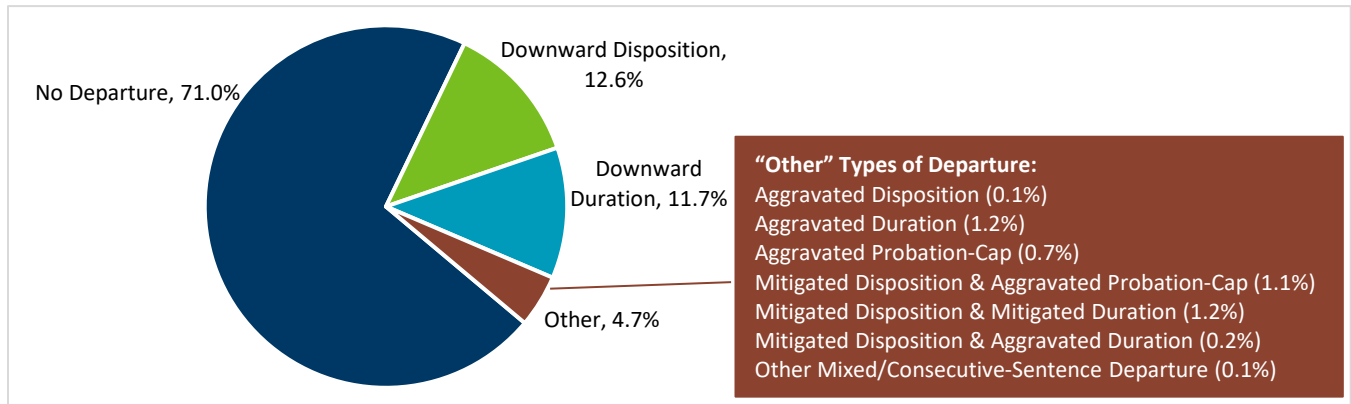
### Total Departures

In 71 percent of cases, the sentence imposed adhered to the Guidelines Grid and was not a departure. In the remaining 29 percent of cases, there was some type of departure; *i.e.*, downward (“mitigated”), upward (“aggravated”), or mixed (Figure 15). Among the aggravated departures was a new type of departure: a departure from the new five-year presumptive probation cap.<sup>35</sup> Such a departure occurred in 0.7 percent of the 2022 cases (116 cases).

<sup>34</sup> Life imprisonment without possibility of release has been the mandatory sentence for premeditated murder and certain sex offenses since 2005. [2005 Minn. Laws ch. 136](#), art. 2, §§ 5 & 21, & art. 17, § 9.

<sup>35</sup> Effective August 1, 2020, it was an aggravated/upward length of stay departure to exceed five-years or the length of the statutory maximum punishment, whichever was less, in a circumstance other than as described in 2020 Guidelines section

Figure 15. Total Departure Rates, All Cases, 2022

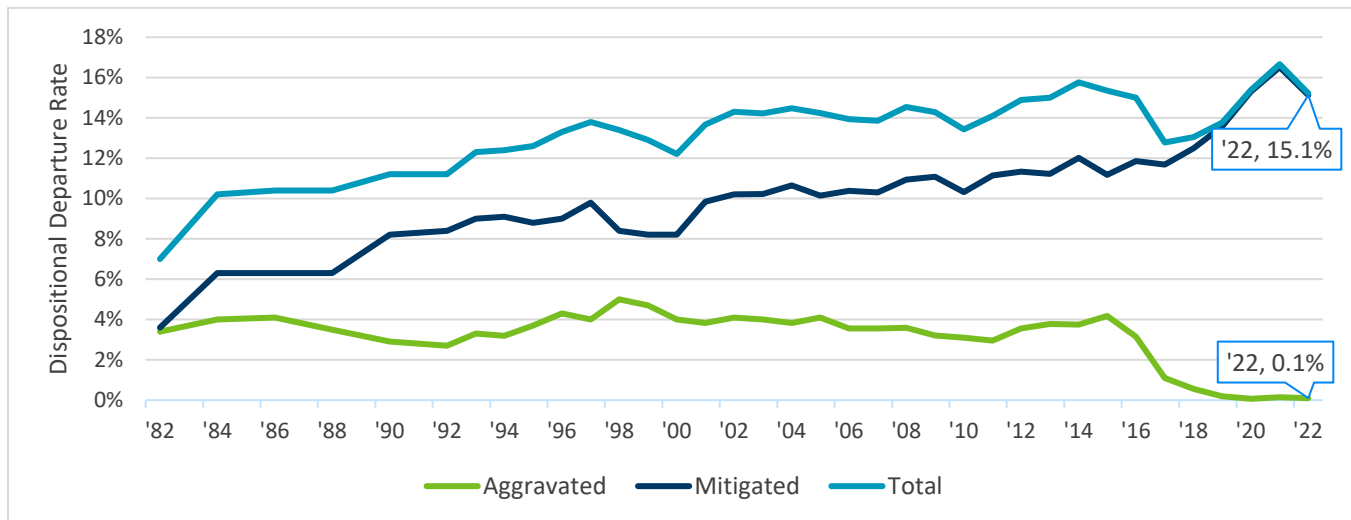


### Dispositional Departures

While Figure 15, above, reports both the dispositional and durational departure rates among all cases, this section focuses on dispositional departures. A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types: downward (“mitigated”) and upward (“aggravated”). An aggravated dispositional departure occurs when the Guidelines recommend a stayed sentence but the court pronounces an executed prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend an executed prison sentence but the court pronounces a stayed sentence.

In 2022, 15.2 percent of cases had a sentence that was a dispositional departure from the Guidelines: 15.1 percent mitigated; and 0.1 percent aggravated. The majority of the increase in the total departure rate since 1981 has resulted from increases in the mitigated dispositional departure rate (Figure 16).

Figure 16. Dispositional Departure Rates, All Cases, 1982–2022



3.A.2.d. This policy applied until August 1, 2023, at which time the Legislature codified similar five-year probation lengths in [Minn. Stat. § 609.135](#); refer to discussion on page 5.