

Second-Degree Arson: Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. Persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

SECOND-DEGREE ARSON

Analysis:

- Sentenced 2020-2024
- Second-Degree Arson under Minn. Stat. § 609.562
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 71 people were sentenced for Second-Degree Arson under Minn. Stat. § 609.562. Of the 71 people sentenced, 57 (80%) cases had a presumptive stayed disposition and 14 (20%) had a presumptive disposition of commit. None of the presumptive stayed cases received an aggravated dispositional departure. 7 (50%) presumptive commit cases received a mitigated dispositional departure. In total, 9 people received prison.¹ Of the 9 people who received an executed prison sentence, two received a mitigated durational departure, and none received an aggravated durational departure. Three cases received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the nine cases that received prison was 33 months.

Table 1. Sentencing Information for Second-Degree Arson, Sentenced 2020-2024

CHS	Total	Presumptive Disposition		Dispositional Departure		Durational Departure (prison only)		Average Pronounced Prison Term (months)
		Stay	Commit	None	Mitigated	None	Mitigated	
0	44	44	0	---	---	---	---	--
	100.0%	100.0%	0.0%	---	---	---	---	
1	11	11	0	---	---	1	0	23 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	
2	2	2	0	---	---	0	1	18 months
	100.0%	100.0%	0.0%	---	---	0.0%	100.0%	
3	4	0	4	1	3	1	0	33 months
	100.0%	0.0%	100.0%	25.0%	75.0%	100.0%	0.0%	
4	7	0	7	4	3	4	0	34 months
	100.0%	0.0%	100.0%	57.1%	42.9%	100.0%	0.0%	
5	1	0	1	0	1	---	---	--
	100.0%	0.0%	100.0%	0.0%	100.0%	---	---	
6+	2	0	2	2	0	1	1	44 months
	100.0%	0.0%	100.0%	100.0%	0.0%	50.0%	50.0%	
Total	71	57	14	7	7	7	2	33 months
	100.0%	80.3%	19.7%	50.0%	50.0%	77.8%	22.2%	

The most common reasons cited for mitigated dispositional departures were offense less onerous, shows remorse/accepts responsibility, amenable to probation, and drug court. The prosecutor agreed to/recommended/did not object to the departure in 86% of cases and in 14% of cases the position of the prosecutor was unknown.

The reasons cited for mitigated durational departures were offense less onerous, shows remorse/accepts responsibility, amenable to probation, and no prior record/no prior felony. The prosecutor agreed to/recommended/did not object to the departure in 60% of cases and in 40% of cases the position of the prosecutor was unknown.

¹Two people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to nine.