

Second-Degree Assault, subd. 1: 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.

Information Requested: Sentencing information for second-degree assault, subd. 1.

Analysis:

- Sentenced 2020-2024
- Second-Degree Assault under Minn. Stat. § 609.222, subd. 1
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by criminal history score (CHS)

From 2020-2024, 1,245 people were sentenced for Second-Degree Assault under Minn. Stat. § 609.222, subd. 1. Of the 1,245 people sentenced, 702 (56%) received a mitigated dispositional departure. Of the 543 people who received an executed prison sentence, 108 (20%) received a mitigated durational departure and 16 (3%) received an aggravated durational departure. 22 (2%) of the 1,245 people received a mitigated departure to a misdemeanor/ gross misdemeanor sentence. The average pronounced prison term for the 542 people who received prison was 37 months. The departure rates by criminal history score are displayed in the table below.

Table 1: Departure Rates for Second-Degree Assault, subd. 1, Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	618	154	464	131	2	20	27.4 months
	100.0%	24.9%	75.1%	85.6%	1.3%	13.1%	
1	166	71	95	58	2	11	30.6 months
	100.0%	42.8%	57.2%	81.7%	2.8%	15.5%	
2	102	53	49	40	1	12	32.8 months
	100.0%	52.0%	48.0%	75.5%	1.9%	22.6%	
3	107	65	42	40	4	21	34.8 months
	100.0%	60.7%	39.3%	61.5%	6.2%	32.3%	
4	78	55	23	45	0	10	41.1 months
	100.0%	70.5%	29.5%	81.8%	0.0%	18.2%	
5	67	53	14	37	2	14	45.9 months
	100.0%	79.1%	20.9%	69.8%	3.8%	26.4%	
6+	107	92	15	67	5	20	54.8 months
	100.0%	86.0%	14.0%	72.8%	5.4%	21.7%	
Total	1,245	543	702	418	16	108	37.1 months
	100.0%	43.6%	56.4%	77.1%	3.0%	19.9%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/ did not object to the departure in 69% of cases, objected to the departure in 11% of cases, and in 20% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous than usual. The prosecutor agreed to/recommended/did not object to the departure in 79% of cases, objected to the departure in 3% of cases, and in 18% of cases the position of the prosecutor was unknown.