

First-Degree Burglary, subd. 1(a): 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.

FIRST-DEGREE BURGLARY, SUBD. 1(A)

Note: First-Degree Burglary of an Occupied Dwelling is automatically a presumptive commit to prison if the person has a prior burglary offense.

Analysis:

- Sentenced 2020-2024
- First-Degree Burglary of an Occupied Dwelling under Minn. Stat. § 609.582, subd. 1(a)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 548 people were sentenced for First-Degree Burglary under subd. 1(a) – 275 (50%) had a presumptive stayed disposition and 273 (50%) had a presumptive disposition of commit to prison. 92 (34%) of the 273 presumptive prison cases received a mitigated dispositional departure. None of the presumptive stay cases received an aggravated dispositional departure. In total, 190 people received prison.¹ Of the 190 people who received prison, 4 (2%) received an aggravated durational departure, and 42 (22%) received a mitigated durational departure. In seven cases the person received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 190 people who received prison was 47 months.

Table 1. Sentencing Information for First-Degree Burglary under Subd. 1(a), Sentenced 2020-2024

CHS	Total	Presumptive Disposition		Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	160	156	4	0	4	3	0	0	21.0 months
	100.0%	97.5%	2.5%	0.0%	100.0%	100.0%	0.0%	0.0%	
1	70	66	4	0	4	--	--	--	--
	100.0%	94.3%	5.7%	0.0%	100.0%	--	--	--	
2	56	53	3	1	2	5	0	2	30.4 months
	100.0%	94.6%	5.4%	33.3%	66.7%	71.4%	0.0%	28.6%	
3	46	0	46	21	25	17	0	4	34.7 months
	100.0%	0.0%	100.0%	45.7%	54.3%	81.0%	0.0%	19.0%	
4	54	0	54	36	18	28	1	7	40.8 months
	100.0%	0.0%	100.0%	66.7%	33.3%	77.8%	2.8%	19.4%	
5	46	0	46	35	11	24	0	11	43.5 months
	100.0%	0.0%	100.0%	76.1%	23.9%	68.6%	0.0%	31.4%	
6+	116	0	116	88	28	67	3	18	55.9 months
	100.0%	0.0%	100.0%	75.9%	24.1%	76.1%	3.4%	20.5%	
Total	548	275	273	181	92	144	4	42	46.9 months
	100.0%	50.2%	49.8%	66.3%	33.7%	75.8%	2.1%	22.1%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 65% of cases, objected in 10% of cases, and in 25% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were offense less onerous and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 76% of cases, objected to the departure in 5% of cases, and in 19% of cases the position of the prosecutor was unknown.

¹ Nine people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 190.