

## First-Degree Burglary, subd. 1(b): 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(B)

#### Analysis:

- Sentenced 2020-2024
- First-Degree Burglary with Weapon under Minn. Stat. § 609.582, subd. 1(b)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score (CHS)

From 2020-2024, 90 people were sentenced for First-Degree Burglary under subd. 1(b). 37 (41%) received a mitigated dispositional departure. Of the 53 people who received prison, 3 (6%) received an aggravated durational departure and 9 (17%) received a mitigated durational departure. The average pronounced prison term for the 53 people who received prison was 70.5 months.

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

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	33	13	20	11	1	1	46.5 months
	100.0%	39.4%	60.6%	84.6%	7.7%	7.7%	
1	13	8	5	6	0	2	50.5 months
	100.0%	61.5%	38.5%	75.0%	0.0%	25.0%	
2	7	4	3	2	0	2	52.5 months
	100.0%	57.1%	42.9%	50.0%	0.0%	50.0%	
3	11	6	5	4	0	2	66.5 months
	100.0%	54.5%	45.5%	66.7%	0.0%	33.3%	
4	9	6	3	5	1	0	95.8 months
	100.0%	66.7%	33.3%	83.3%	16.7%	0.0%	
5	5	5	0	4	0	1	81.6 months
	100.0%	100.0%	0.0%	80.0%	0.0%	20.0%	
6+	12	11	1	9	1	1	103.3 months
	100.0%	91.7%	8.3%	81.8%	9.1%	9.1%	
Total	90	53	37	41	3	9	70.5 months
	100.0%	58.9%	41.1%	77.4%	5.7%	17.0%	

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 51% of cases, objected to the departure in 30% of cases, and in 19% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated dispositional departures were offense less onerous, shows remorse/accepts responsibility, and recommended by court services. The prosecutor agreed to/recommended/did not object to the departure in eight cases, and in one case the position of the prosecutor was unknown.