

Second-Degree Burglary, subd. 2(a)(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.

SECOND-DEGREE BURGLARY, SUBD. 2(A)(1)

Analysis:

- Sentenced 2020-2024
- Second-Degree Burglary of Unoccupied Dwelling under Minn. Stat. § 609.582, subd. 2(a)(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 979 people were sentenced for Second-Degree Burglary under subd. 2(a)(1) – 596 (61%) had a presumptive stayed disposition and 383 (39%) had a presumptive disposition of commit to prison. 175 (41%) of the 425 presumptive commit cases received a mitigated dispositional departure. One received an aggravated dispositional departure. Of the 242 people who received prison¹, 4 (2%) received an aggravated durational departure and 44 (18%) received a mitigated durational departure. 40 (4%) of all cases received a mitigated departure to a misdemeanor/gross misdemeanor sentence.

Table 1: Sentencing Information for Second-Degree Burglary under Subd. 2(a)(1), Sentenced 2020-2024

CHS	Total	Presumptive Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	342	342	0	---	---	2	0	0	18.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
1	134	134	0	---	---	2	0	0	23.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
2	121	120	1	1	0	3	3	1	28.3 months
	100.0%	99.2%	0.8%	100.0%	0.0%	42.9%	42.9%	14.3%	
3	71	0	71	37	34	34	0	2	31.5 months
	100.0%	0.0%	100.0%	52.1%	47.9%	94.4%	0.0%	5.6%	
4	77	0	77	44	33	34	1	9	33.7 months
	100.0%	0.0%	100.0%	57.1%	42.9%	77.3%	2.3%	20.5%	
5	51	0	51	21	30	13	0	8	37.0 months
	100.0%	0.0%	100.0%	41.2%	58.8%	61.9%	0.0%	38.1%	
6+	183	0	183	130	53	106	0	24	43.8 months
	100.0%	0.0%	100.0%	71.0%	29.0%	81.5%	0.0%	18.5%	
Total	979	596	383	233	150	194	4	44	38.7 months
	100.0%	60.9%	39.1%	60.8%	39.2%	80.2%	1.7%	18.2%	

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 66% of cases, objected in 11% of cases, and in 23% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational 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 77% of cases, objected in 2% of cases, and in 21% 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 cases that received prison to 242.