

Third-Degree Burglary: 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.

THIRD-DEGREE BURGLARY

Analysis:

- Sentenced 2020-2024
- Third-Degree Burglary under Minn. Stat. § 609.582, subd. 3
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 1,728 people were sentenced for Third-Degree Burglary – 1,069 (62%) were presumptive stays and 659 (38%) were presumptive commitments. None of the presumptive stayed cases received an aggravated dispositional departure. Of the 659 people who were presumptive commitments, 307 (47%) received a mitigated dispositional departure. In total, 374 people received prison¹. Of the 374 people who received an executed prison sentence, 71 (19%) received a mitigated durational departure and 5 (1%) received an aggravated durational departure. Seven percent (123) of all cases received a mitigated durational departure to a misdemeanor/gross misdemeanor sentence.

Table 1. Sentencing Information for Third-Degree Burglary, Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	423	421	2	1	1	3	1	0	18.3 months
	100.0%	99.5%	0.5%	50.0%	50.0%	75.0%	25.0%	0.0%	
1	238	238	0	---	---	1	0	1	13.5 months
	100.0%	100.0%	0.0%	---	---	50.0%	0.0%	50.0%	
2	215	215	0	---	---	9	0	0	18.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
3	195	195	0	---	---	11	0	0	21.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
4	141	0	141	54	87	44	0	7	21.6 months
	100.0%	0.0%	100.0%	38.3%	61.7%	86.3%	0.0%	13.7%	
5	110	0	110	44	66	35	0	9	24.0 months
	100.0%	0.0%	100.0%	40.0%	60.0%	79.5%	0.0%	20.5%	
6+	406	0	406	253	153	195	4	54	28.3 months
	100.0%	0.0%	100.0%	62.3%	37.7%	77.1%	1.6%	21.3%	
Total	1,728	1,069	659	352	307	298	5	71	26.2 months
	100.0%	61.9%	38.1%	53.4%	46.6%	79.7%	1.3%	19.0%	

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 71% of cases, objected to the departure in 7% of cases, and in 22% 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 78% of cases, objected in 3% of cases, and in 20% of cases the position of the prosecutor was unknown.

¹ 25 people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of offenders that received prison to 374.