

Demographic Impact Statement

House File 1406-0

Aid and Abet Felony Murder

Statement Date: March 2, 2023

The staff of the Minnesota Sentencing Guidelines Commission (MSGC) prepares demographic impact statements for proposed crime bills when it appears that the bill's policy changes would likely increase or decrease the number of people convicted of felonies each year by 50 or more; when it appears that the bill's policy changes would likely increase or decrease the annual need for prison beds by 10 or more; or upon legislative request.

Bill Description

[House File 1406](#), version 0, amends Minn. Stat. § 609.05 (liability for crimes of another) by adding requirements for criminal liability in cases of aiding and abetting first-degree murder under Minn. Stat. § 609.185(a)(3) (intentional murder while committing certain crimes) and second-degree murder under Minn. Stat. § 609.19, subd. 2(1) (felony murder), and establishes conditions for retroactive application of these changes.

Estimated Impact

In its fiscal note,¹ MSGC staff estimated an eventual savings of 18 prison beds (for future cases), and an initial savings of 17 prison beds (for retroactively applied cases), eventually diminishing to zero. These estimates were based on 2019 MSGC monitoring data and the Aiding & Abetting Felony Murder Task Force report pertaining to felony murder cases from 2010–2019. After reviewing that data, MSGC staff assumed that approximately 23 defendants would qualify for relief under the bill's provisions, and that future cases in any given ten-year timeframe would be like those 23 cases. Because the typical predicate offenses for aiding and abetting felony murder (Burglary 1st Degree w/Weapon or Assault or Aggravated Robbery 1st Degree) are ranked at Severity Level 8, it was assumed that defendants qualifying for relief under this bill would receive sentences at this severity level, rather than at Severity Level 10 (for second-degree murder) or for life (for first-degree murder).

Current State Demographics

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 will not be a fair approximation of cases sentenced in the future; therefore, cases sentenced in 2019 are used instead to estimate

¹ MSGC's detailed assumptions can be found in the fiscal note created for HF1406-0.

the impact of this bill. For purposes of this demographic impact statement, however, 2021 data are being used for baseline demographic populations, as these baseline demographic populations are assumed to be less susceptible to pandemic-related variations.

Table 1 displays 2021 demographic information pertaining to three populations within the state: the adult population (on July 1, 2021, as estimated by the U.S. Census Bureau); the annual felony population (that is, the population of people sentenced for felony offenses in 2021); and the adult prison population (as of July 1, 2021). Table 1 breaks down those populations by the following demographic categories: Gender; race and ethnicity; and judicial district. A map of Minnesota’s ten judicial districts may be found at <http://www.mncourts.gov/Find-Courts.aspx>.

Table 1. Minnesota’s 2021 General Adult Population, Annual Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

		General Adult Population		Annual Felony Population		Prison Population		
		2021 Estimated Adult Population		MSGC Category	People Sentenced in 2021		2021 Adult Inmate Population	
U.S. Census Category		Number	Percent		Number	Percent	Number	Percent
Male		2,186,757	49.8	Male	11,715	81.2	6,948	94.3
Female		2,203,066	50.2	Female	2,712	18.8	421	5.7
Race & Ethnicity	White*	3,641,299	82.9	White	8217	56.9	3,443	46.7
	Black or African American*	300,962	6.9	Black	3684	25.5	2,686	36.4
	American Indian*	68,156	1.6	American Indian	1348	9.3	629	8.5
	Hispanic**	211,201	4.8	Hispanic**	788	5.5	404	5.5
	Asian/Pacific Islander*	242,980	5.5	Asian	389	2.7	195	2.6
	--	--	--	Other/Unknown	1	0.0	12	0.2
Judicial District	First	628,428	14.3	First	2,061	14.3	641	8.7
	Second	416,939	9.5	Second	1,352	9.4	814	11.0
	Third	377,090	8.6	Third	955	6.6	562	7.6
	Fourth	991,412	22.6	Fourth	2,541	17.6	1,906	25.9
	Fifth	223,999	5.1	Fifth	964	6.7	394	5.3
	Sixth	203,550	4.6	Sixth	702	4.9	401	5.4
	Seventh	382,192	8.7	Seventh	1,693	11.7	835	11.3
	Eighth	124,011	2.8	Eighth	532	3.7	242	3.3
	Ninth	264,605	6.0	Ninth	1,490	10.3	762	10.3
	Tenth	777,597	17.7	Tenth	2,139	14.8	733	9.9
Total		4,389,823	100.0	Total	14,429	100.0	7,369	100.0

Source of July 1, 2021, population estimate: U.S. Census Bureau (Nov. 2022).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.7%) because residents of more than one race are counted in more than one category.

**This table lists all Hispanic people as Hispanic, regardless of race.

See <https://mncourts.gov/Find-Courts.aspx> for a map of Minnesota’s ten judicial districts.

Demographic Impact

Demographic Characteristics – Reduced Prison Population

The expected eventual total prison bed savings is 18 beds, resulting from shorter future sentences. In addition, an initial reduction of 17 beds—eventually declining to zero—will result from the retroactive application of the sentences for non-murder predicate offenses. The impact will begin in FY2024, with a maximum bed reduction of 21 beds in FY2034, with an eventual bed reduction of 18 beds in FY2034 and every year thereafter.

One might assume that, in the future, the demographic characteristics of the people who would have occupied the 18 prison beds not needed as a result of this bill will be the same as the known demographic characteristics of the people who would have met the requirements for criminal liability in cases of aiding and abetting first-degree murder under Minn. Stat. § 609.185(a)(3) (intentional murder while committing certain crimes) or second-degree murder under Minn. Stat. § 609.19, subd. 2(1) (felony murder), if this bill had been in effect. If that assumption is accurate, it is estimated that the demographic characteristics of occupants of the prison beds reduced by this bill would be as follows.

- **Gender:** Male (78.3%); Female (21.7%).
- **Race & Ethnicity:** White (39.1%); Black (47.8%); American Indian (0%); Hispanic (13.0%); Asian (0%).
- **Judicial District:** First (17.4%); Second (21.7%); Third (0%); Fourth (47.8%); Fifth (0%); Sixth (4.3%); Seventh (4.3%); Eighth (0%); Ninth (0%); and Tenth (4.3%).

Table 2, on page 4, shows the demographic change in the prison bed population that would result from the enactment of this bill, if the assumptions stated above are accurate.

Table 2. Minnesota’s Existing Annual Prison Population, Estimated Change in Prison Beds, and Estimated Resulting Prison Population, by Gender, Race and Ethnicity, and Judicial District

Prison Population		2021 Adult Inmate Population		Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*					
MSGC Category	No.	%	Rate per 100,000†	Beds	%	No.	%	%‑point change relative to other categories**	Estimated resulting rate per 100,000*†	% change from existing felony pop.	
											Male
Female	421	5.7	19	‑3.9	21.7	417	5.7		19	‑0.9	
Race & Ethnicity	White	3,443	46.7	95	‑7.0	39.1	3,436	46.7		94	‑0.2
	Black	2,686	36.4	892	‑8.6	47.8	2,677	36.4		890	‑0.3
	American Indian	629	8.54	923			629	8.56		923	
	Hispanic	404	5.5	191	‑2.3	13.0	402	5.5		190	‑0.6
	Asian	195	2.65	80			195	2.65		80	
Judicial District	First	641	8.7	102	‑3.1	17.4	638	8.7		102	‑0.5
	Second	814	11.0	195	‑3.9	21.7	810	11.0		194	‑0.5
	Third	562	7.6	149			562	7.6		149	
	Fourth	1,906	25.9	192	‑8.6	47.8	1,897	25.8	‑0.1	191	‑0.5
	Fifth	394	5.35	176			394	5.36		176	
	Sixth	401	5.4	197	‑0.8	4.3	400	5.4		197	‑0.2
	Seventh	835	11.3	218	‑0.8	4.3	834	11.3		218	‑0.1
	Eighth	242	3.3	195			242	3.3		195	
	Ninth	762	10.34	288			762	10.37		288	
	Tenth	733	9.95	94	‑0.8	4.3	732	9.96		94	‑0.1
Total	7,369	100.0	168	‑18.0	100.0	7,351	100.0		167	‑0.3	

* This table’s projections assume that the demographic characteristics of people sentenced in the future will be similar to the characteristics of people sentenced in the past, as stated on page 3. The accuracy of these projections will therefore vary according to the accuracy of these assumptions.

† Rate per 100,000 adult residents, as shown on Table 1, “General Population” (2021 U.S. Census Bureau Estimate).

** I.e., the expected change, in percentage points, of the category’s share of the annual prison population relative to the other demographic categories.

Appendix: Historical Demographic Data

The following figures illustrate the change in the state’s population, imprisonment rates, and felony sentencing rates from 2002 through 2021. Rates (shown in figures 4 through 9) are per 100,000 Minnesota adult residents.

Estimated Adult Population

Figure 1. Minnesota Adult Residents, Estimated 2002–21, by Gender and Total

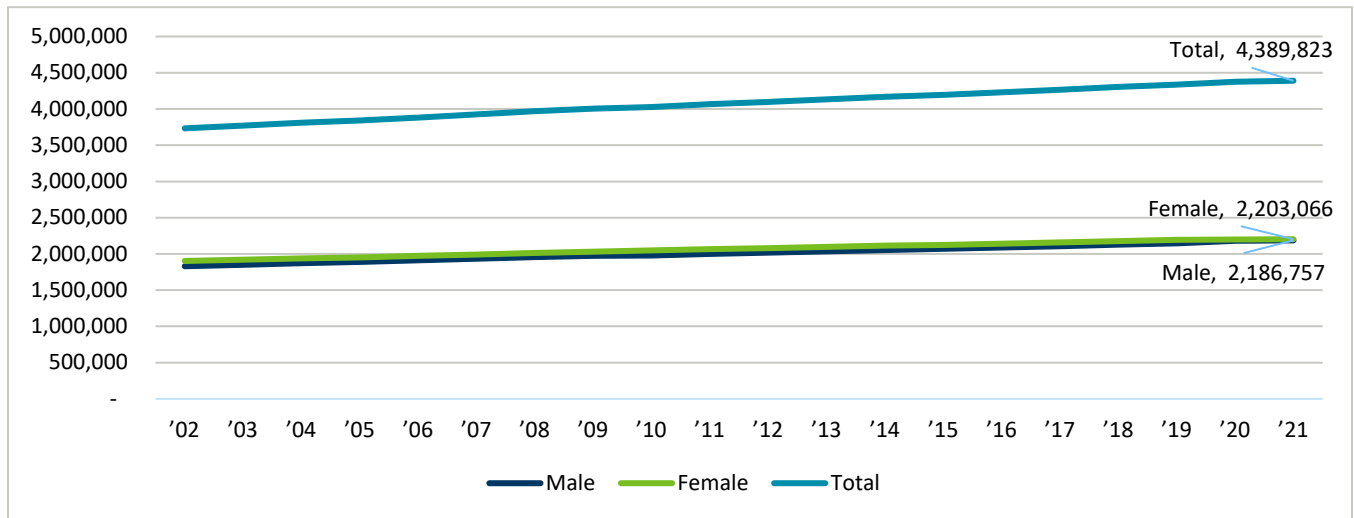


Figure 2. Minnesota Adult Residents, Estimated 2002–21, by Race and Ethnicity

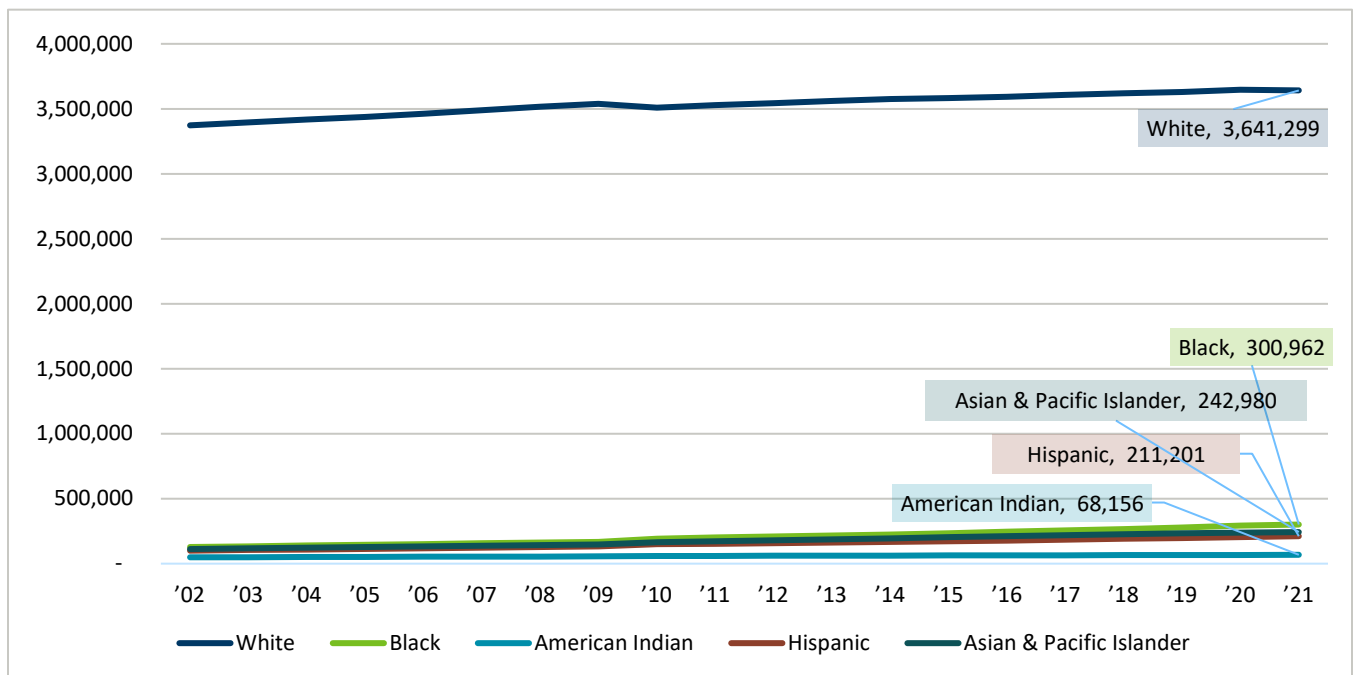
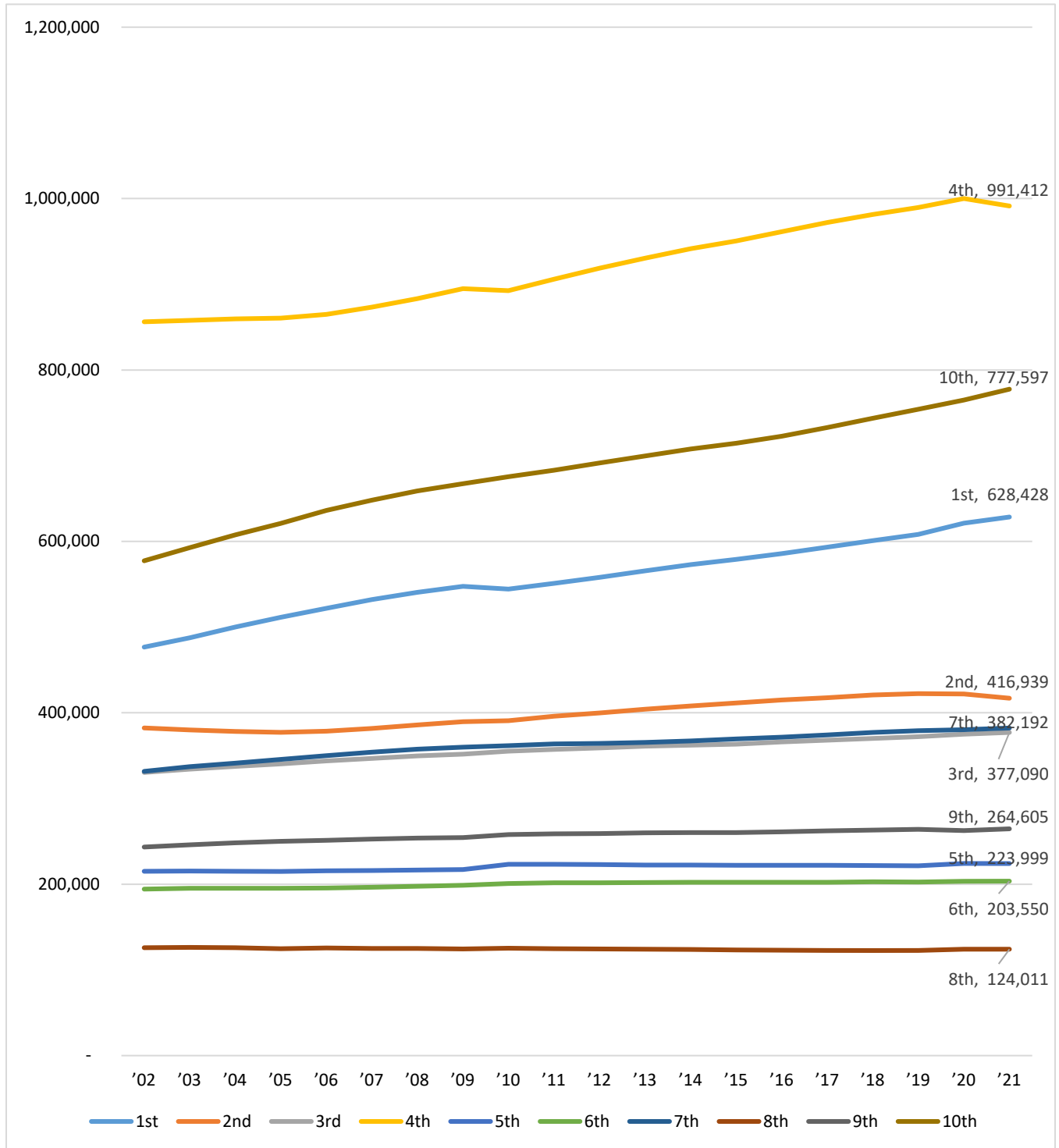


Figure 3. Minnesota Adult Residents, Estimated 2002–21, by Judicial District



Notes for Figure 1 through Figure 3: Minnesota residents age 18 and older on July 1 of the respective year. Source of residential population estimates: U.S. Census Bureau. Except for Hispanic residents, residents of more than one race are counted in more than one category.

Felony Sentencing Rates

Figure 4. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Gender and Total

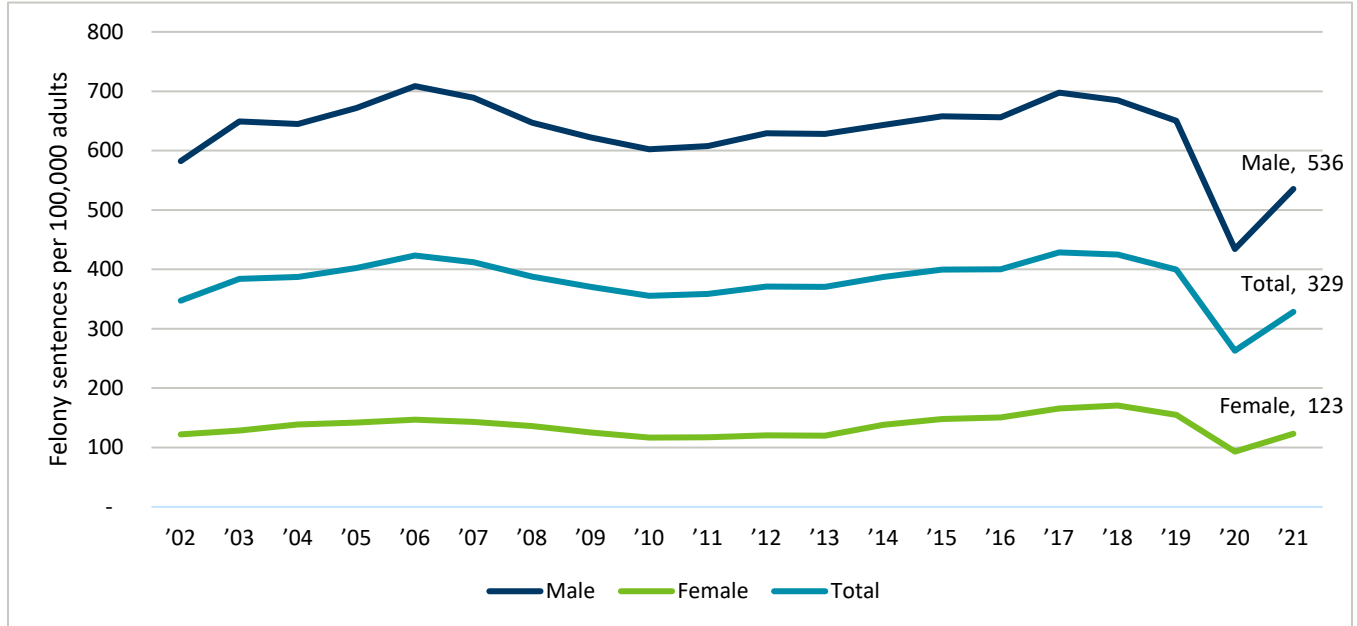


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

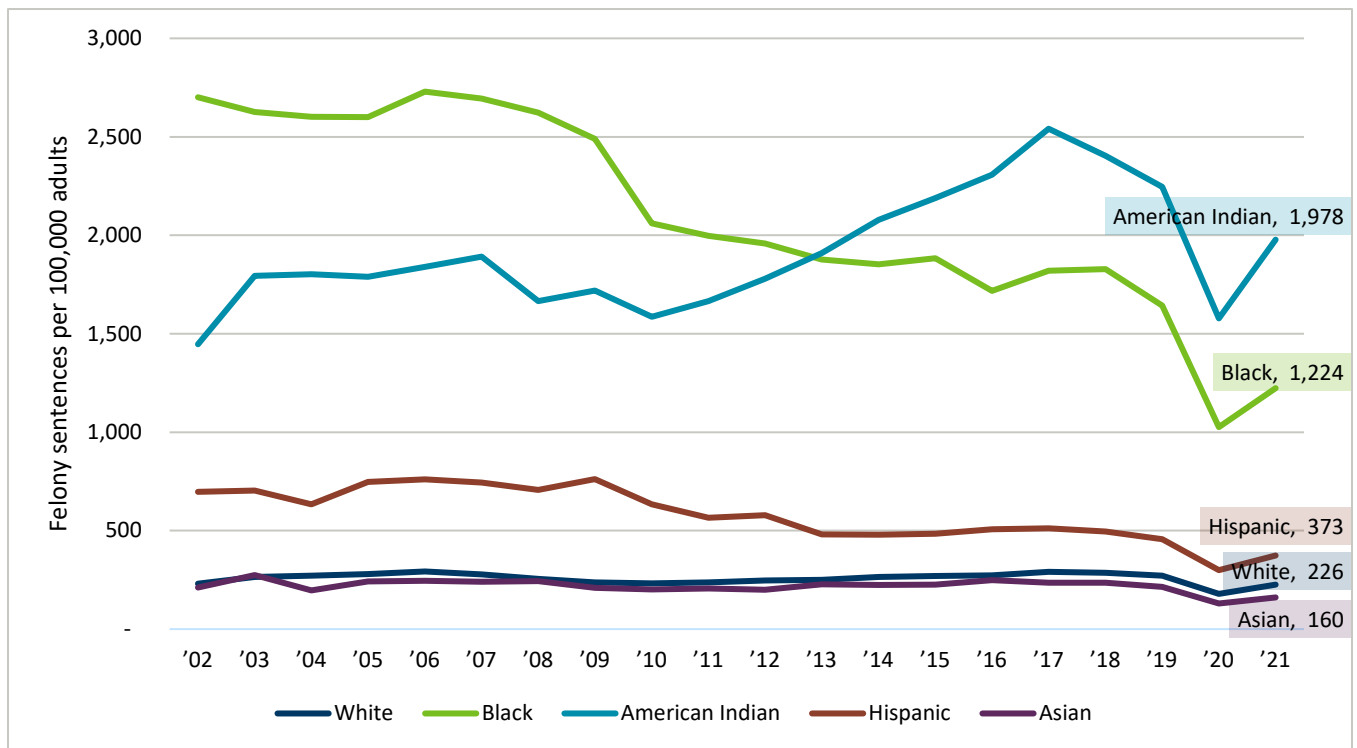
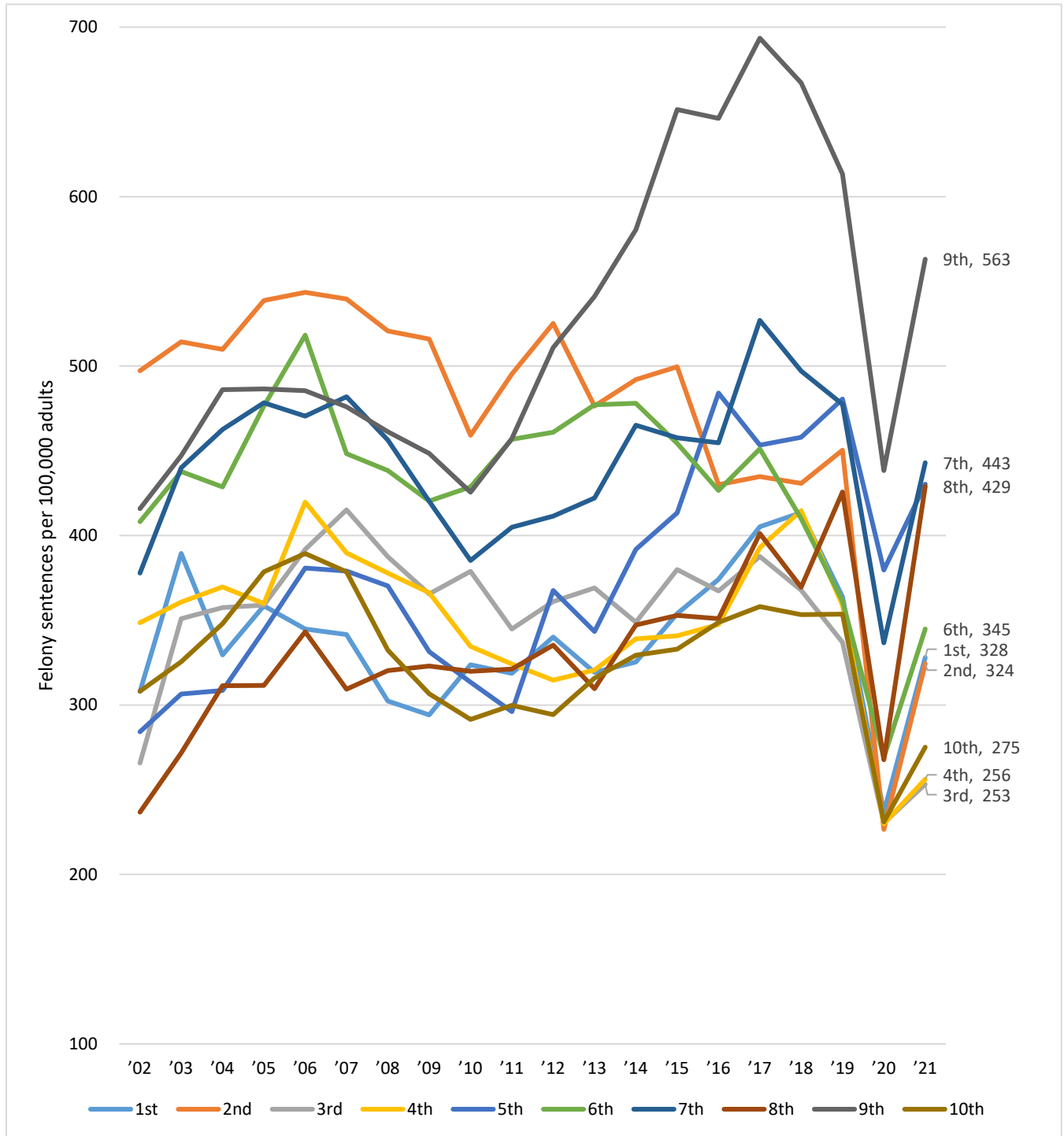


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



Notes for Figure 4 through Figure 6: Rates are people sentenced for felonies annually per 100,000 Minnesota residents age 18 and older on July 1 of the respective year. Source of residential population estimates: U.S. Census Bureau. Except for Hispanic residents, residents of more than one race are counted in more than one category.

Imprisonment Rates

Figure 7. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Gender and Total

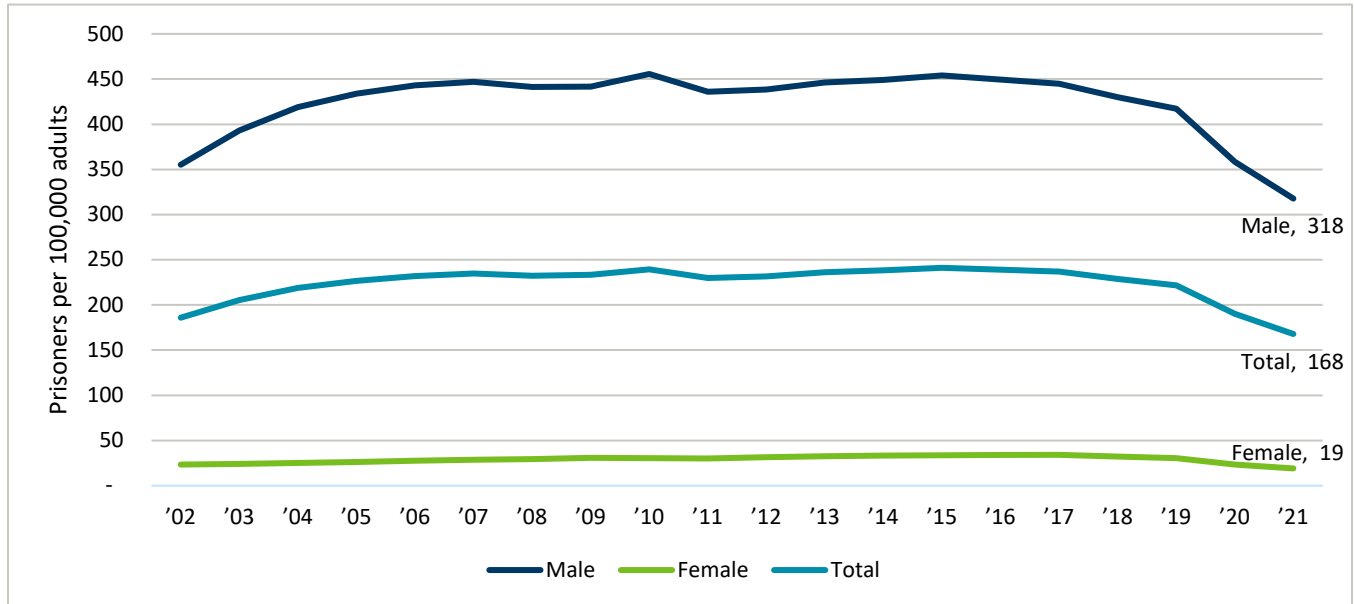


Figure 8. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

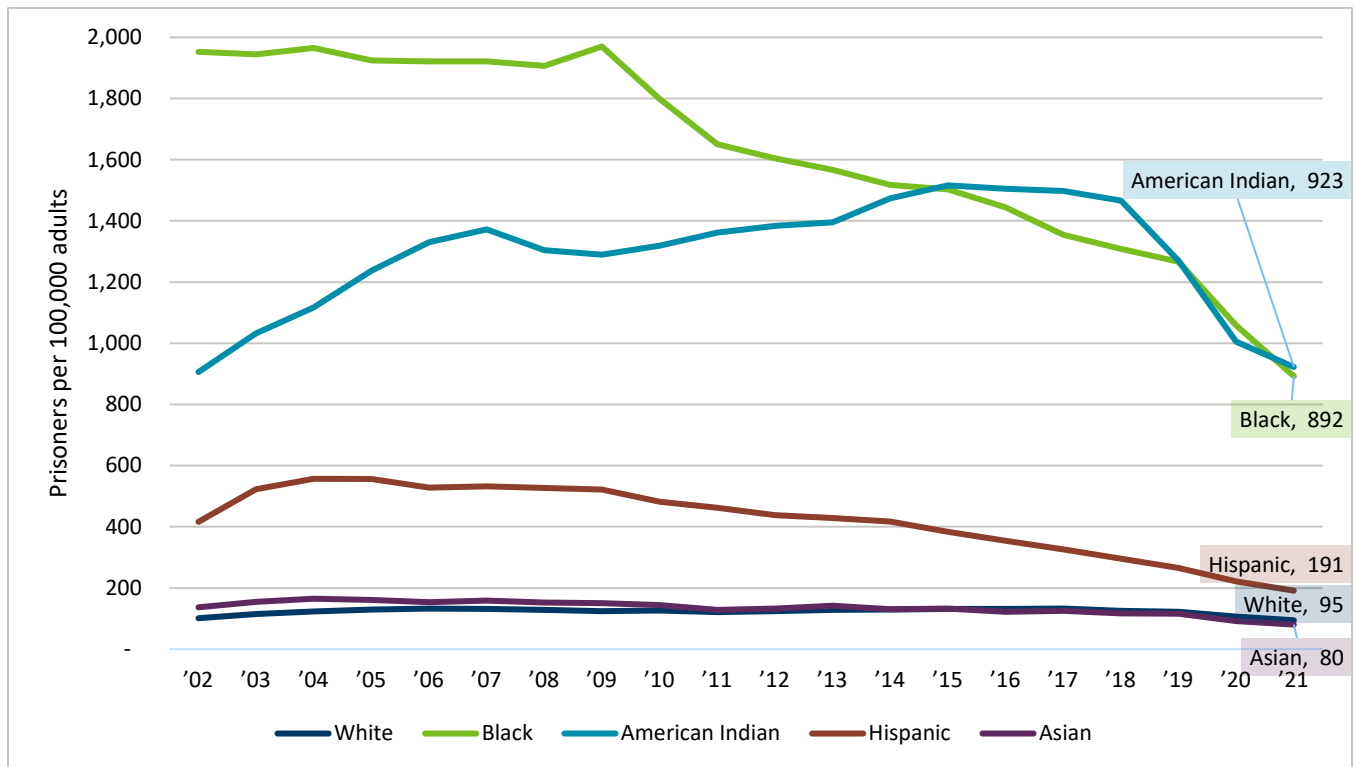
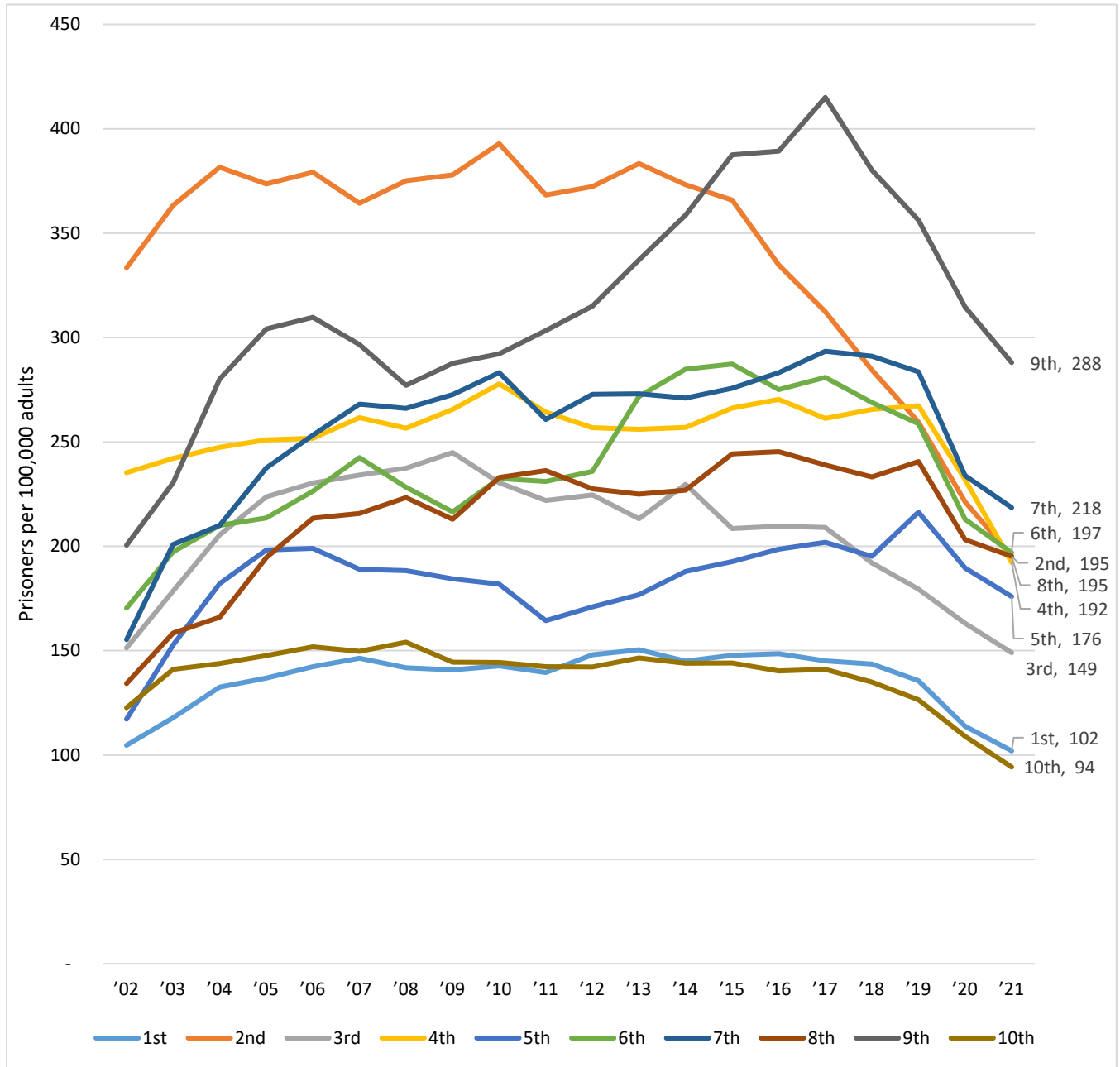


Figure 9. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



Notes for Figure 7 through Figure 9: Rates are prisoners on July 1 of the respective year per 100,000 Minnesota residents age 18 and older on the same date. Source of prison population counts: Minn. Dep't of Corrections. Source of residential population estimates: U.S. Census Bureau. Except for Hispanic residents, residents of more than one race are counted in more than one category. Other/unknown and Hawaiian/Pacific Islander are excluded, except for 2005–07, in which case they were included in the Asian prison population counts. Not all prisoners were associated with a particular judicial district.