

Demographic Impact Statement

House File 216-0

Violent Offenders; Sentencing

Statement Date: April 5, 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 216](#) amends Minn. Stat. § 609.1095, subdivisions 2, 3, and 4 by adding a subdivision. The new subdivision requires aggravated sentences for certain violent offenders; requires consecutive sentences for certain violent offenders; and requires certain offenders to serve the entire pronounced sentence in custody.

The proposed changes are displayed in Table 1.

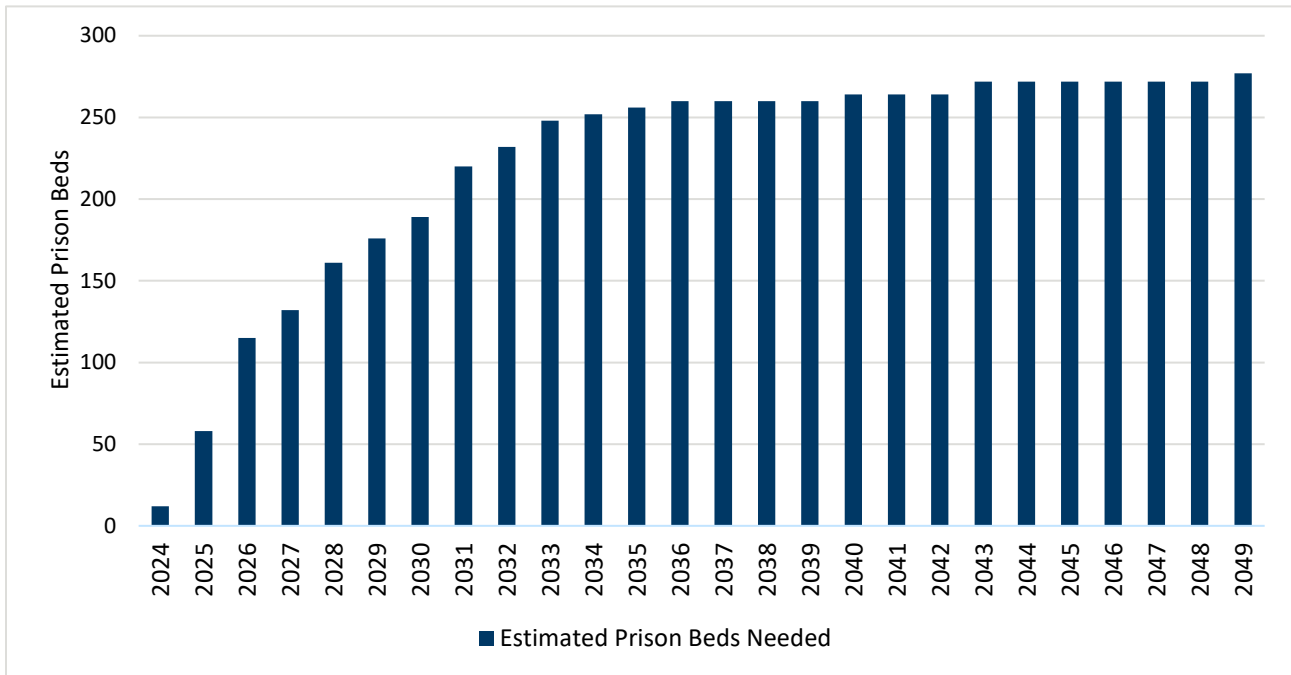
Table 1. Proposed Changes to Minn. Stat. § 609.1095, Increased Sentences For Certain Dangerous And Repeat Felony Offenders

Minn. Stat. § 609.1095	Proposed Change
Subdivision 2	Increased sentences for dangerous offender who commits third violent crime by making an aggravated durational departure from the presumptive imprisonment sentence mandatory for dangerous offenders who commit a third violent crime.
Subdivision 3	Mandatory sentence for dangerous offender who commits third violent felony (current) and either the presumptive sentence does not presume an executed prison sentence (new) or fact finder does not make the determination under subd. 2(2) (new).
Subdivision 4	Increased sentence for offender who commits sixth felony. Instead of being optional, an aggravated durational departure from the presumptive sentence is mandatory for offenders who commit a sixth felony committed as part of a pattern of criminal conduct.
New Subdivision 5	Any person convicted and sentenced must serve any imposed sentences consecutively to any unexpired portion of a previously imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed. Notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135, any person convicted and sentenced is not eligible for probation, parole, discharge, or work release until that person has served the entire announced sentence imposed by the court.

Estimated Impact

In its fiscal note,¹ MSGC staff estimated that the bill’s policy changes will eventually require the need for an additional 277 prison beds. Figure 1 summarizes the prison bed estimates.

Figure 1. Estimated Increased Prison-Bed Need by Fiscal Year



Current State Demographics

Due to the ongoing COVID-19 health pandemic, case volume data in 2020 is unreliable (fell by more than 30%) and therefore the 2020 data is not being used for demographic impact statements. Therefore, it is assumed that future cases involving violent offenders will be similar in numbers and offense to violent offender cases sentenced in 2019. 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 2 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 2 breaks down those populations by the following demographic categories: Gender; race and ethnicity;

¹ MSGC’s detailed assumptions can be found in the fiscal note created for SF3224-0.

and judicial district. A map of Minnesota’s ten judicial districts may be found at <http://www.mncourts.gov/Find-Courts.aspx>.

Table 2. 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 – New Prison Population

In its fiscal note, MSGC staff estimated that the bill's policy changes would require the eventual need for an additional 277 prison beds by 2049 resulting from an additional 3,319 months in prison: 14 months caused by one additional pronounced sentence; 331 months caused by an increase in the time to be served equal to one-third of that total pronounced sentence; 2,230 months caused by eliminating the one-third supervised release term; 180 months caused by five additional executed sentences; 45 months caused by three additional pronounced sentences increase; and 519 months caused by eliminating the one-third supervised release term.

One might assume that, in the future, the demographic characteristics of the occupants of those beds will be the same as the known demographic characteristics of the people sentenced in 2019 who would have occupied those 277 prison beds, based on the assumptions above, if the bill had been in effect.

If that assumption is accurate, it is estimated that the demographic characteristics of the occupants of the prison beds resulting from this bill would be as follows.

- **Gender:** Male (98.5%); Female (1.5%).
- **Race & Ethnicity:** White (37.3%); Black (40.3%); American Indian (17.9%); Hispanic (3.0%); Asian (1.5%).
- **Judicial District:** First (4.5%); Second (7.5%); Third (6.0%); Fourth (31.3%); Fifth (1.5%); Sixth (11.9%); Seventh (11.9%); Eighth (4.5%); Ninth (10.4%); and Tenth (10.4%).

Table 3, on page 5, shows the demographic change in the prison population that would result from the enactment of this bill, if the assumptions stated above are accurate.

Table 3. Minnesota’s Existing Annual Prison Population, Estimated Change in Prison Beds Needed, and Estimated Resulting Annual Prison Population, by Gender, Race and Ethnicity, and Judicial District

		Prison Population			Estimated Change in Prison Beds Needed*		Estimated Resulting Prison Population*				
		2019 Adult Inmate Population							Percent-point change relative to other categories**	Estimated resulting rate per 100,000*†	Percent change from existing prison pop.
MSGC Category	Number	Percent	Rate per 100,000†	Beds	Percent	Number	Percent				
	Male	6,948	94.29%	318	+272.8	98.5%	7,221	94.44%	+0.2%	330	+3.9%
	Female	421	5.71%	19	+4.2	1.5%	425	5.56%	-0.2%	19	+1.0%
Race & Ethnicity	White	3,443	46.7%	95	+103.3	37.3%	3,546	46.4%	-0.3%	97	+3.0%
	Black	2,686	36.45%	892	+111.6	40.3%	2,798	36.59%	+0.1%	930	+4.2%
	American Indian	629	8.54%	923	+49.6	17.9%	679	8.88%	+0.3%	996	+7.9%
	Hispanic	404	5.5%	191	+8.3	3.0%	412	5.4%	-0.1%	195	+2.1%
	Asian	195	2.6%	80	+4.2	1.5%	199	2.6%		82	+2.1%
Judicial District	First	641	8.70%	102	+12.5	4.5%	653	8.55%	-0.2%	104	+1.9%
	Second	814	11.0%	195	+20.8	7.5%	835	10.9%	-0.1%	200	+2.6%
	Third	562	7.63%	149	+16.6	6.0%	579	7.57%	-0.1%	153	+3.0%
	Fourth	1,906	25.9%	192	+86.7	31.3%	1,993	26.1%	+0.2%	201	+4.5%
	Fifth	394	5.3%	176	+4.2	1.5%	398	5.2%	-0.1%	178	+1.1%
	Sixth	401	5.44%	197	+33.0	11.9%	434	5.68%	+0.2%	213	+8.2%
	Seventh	835	11.33%	218	+33.0	11.9%	868	11.35%		227	+3.9%
	Eighth	242	3.3%	195	+12.5	4.5%	254	3.3%		205	+5.2%
	Ninth	762	10.3%	288	+28.8	10.4%	791	10.3%		299	+3.8%
	Tenth	733	9.95%	94	+28.8	10.4%	762	9.96%		98	+3.9%
	Total	7,369	100%	168	+277	100%	7,646	100%		174	+3.8%

* 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 4. 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 2, “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 2. Minnesota Adult Residents, Estimated 2002–21, by Gender and Total

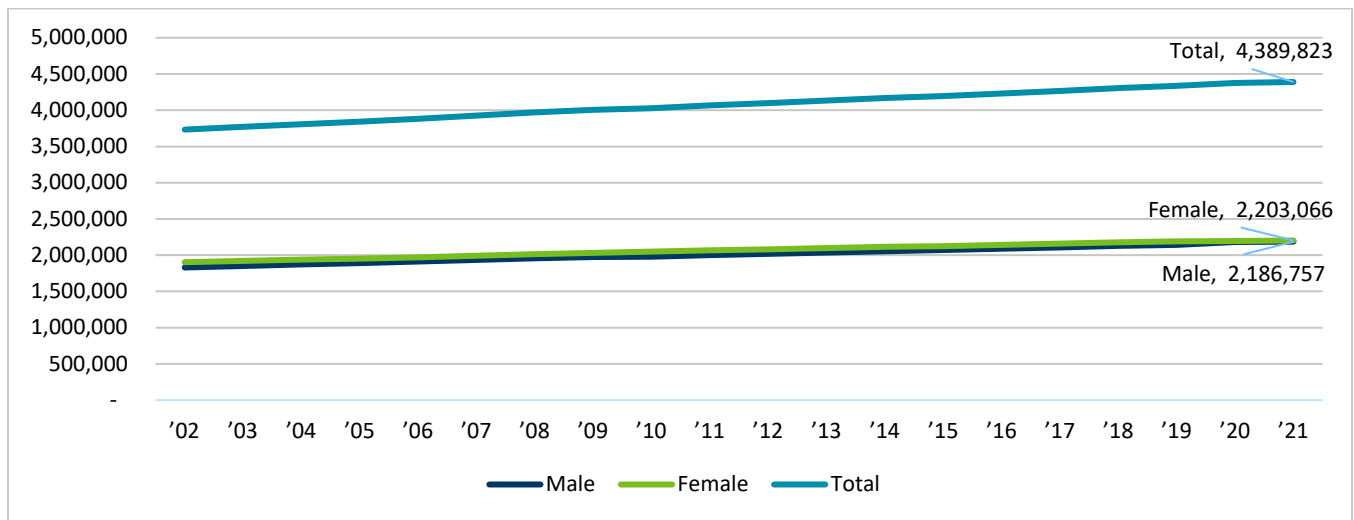


Figure 3. Minnesota Adult Residents, Estimated 2002–21, by Race and Ethnicity

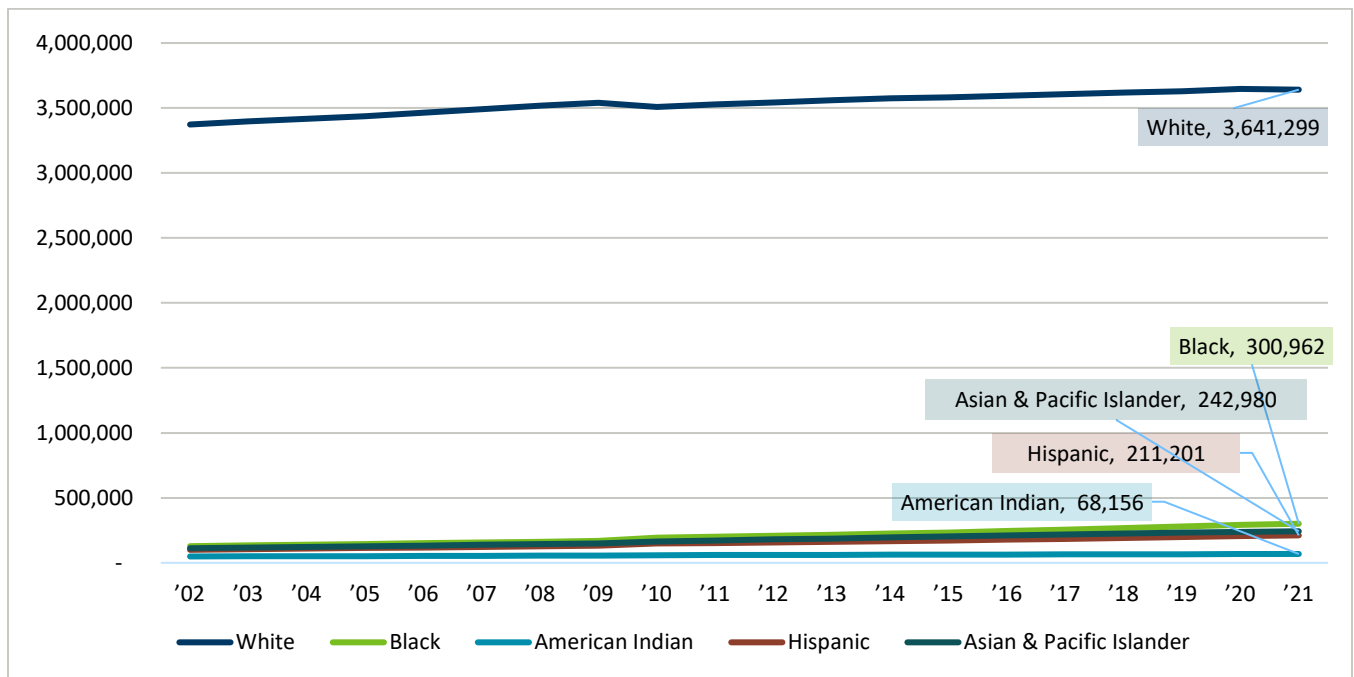
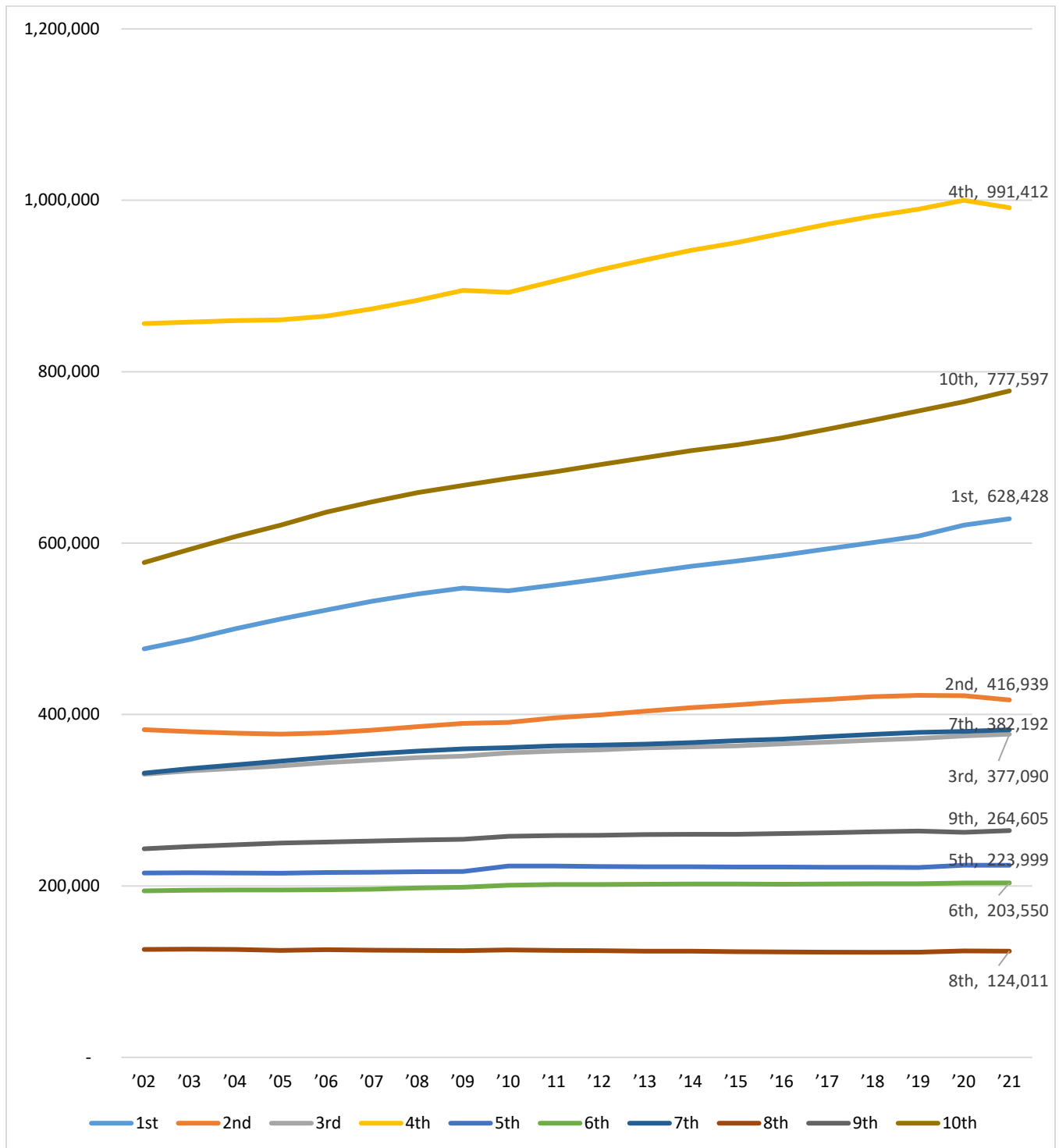


Figure 4. Minnesota Adult Residents, Estimated 2002–21, by Judicial District



Notes for Figure 2 through Figure 4: 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 5. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Gender and Total

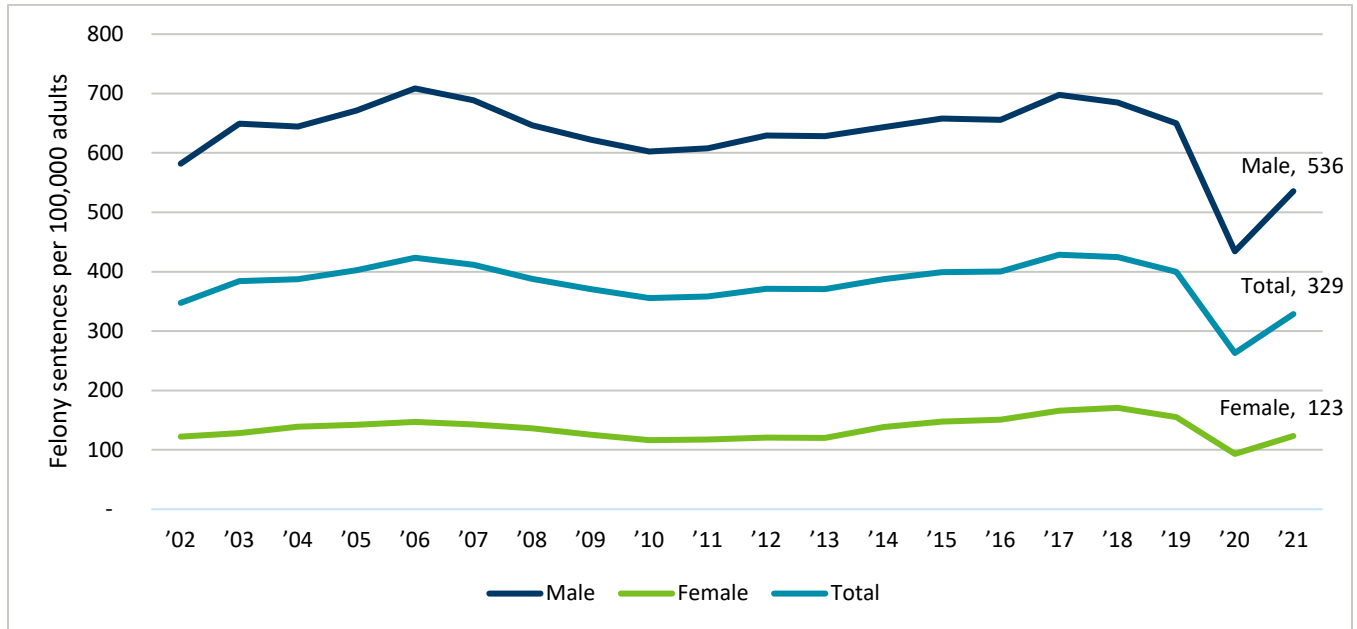


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

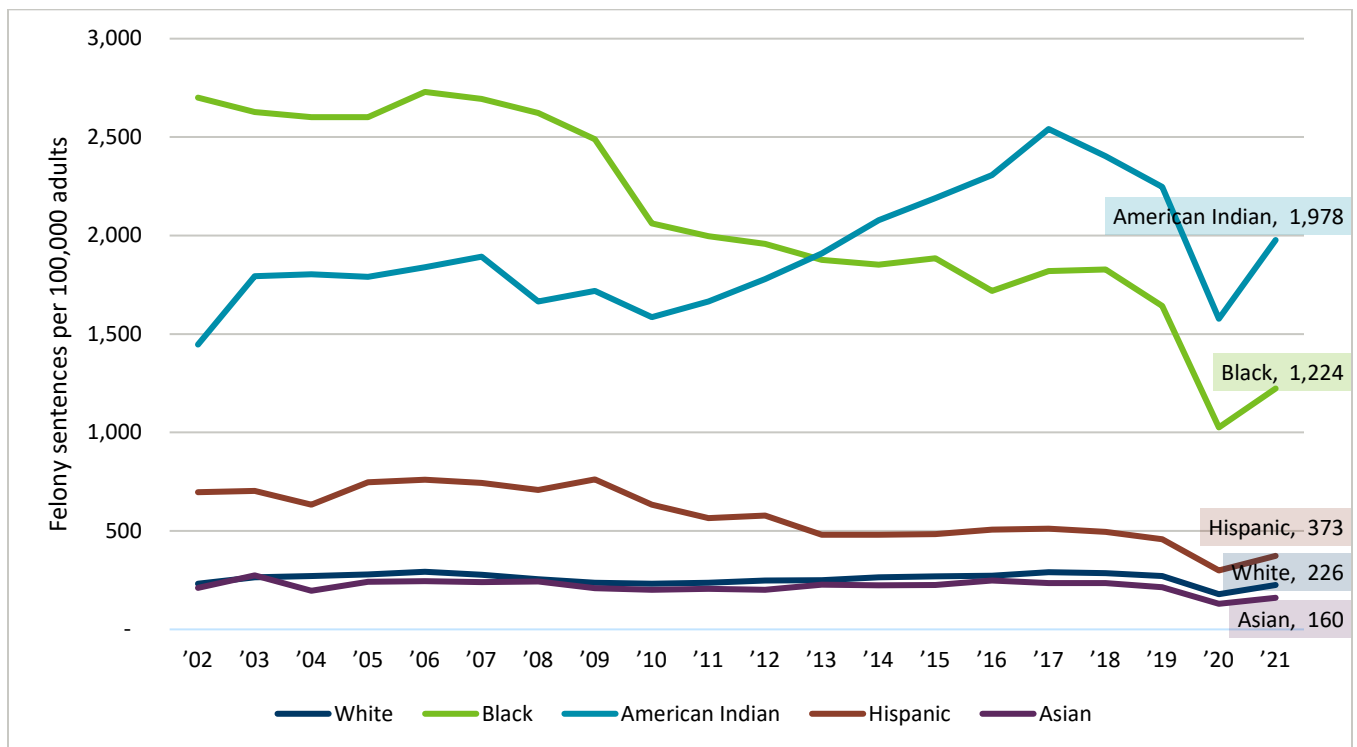
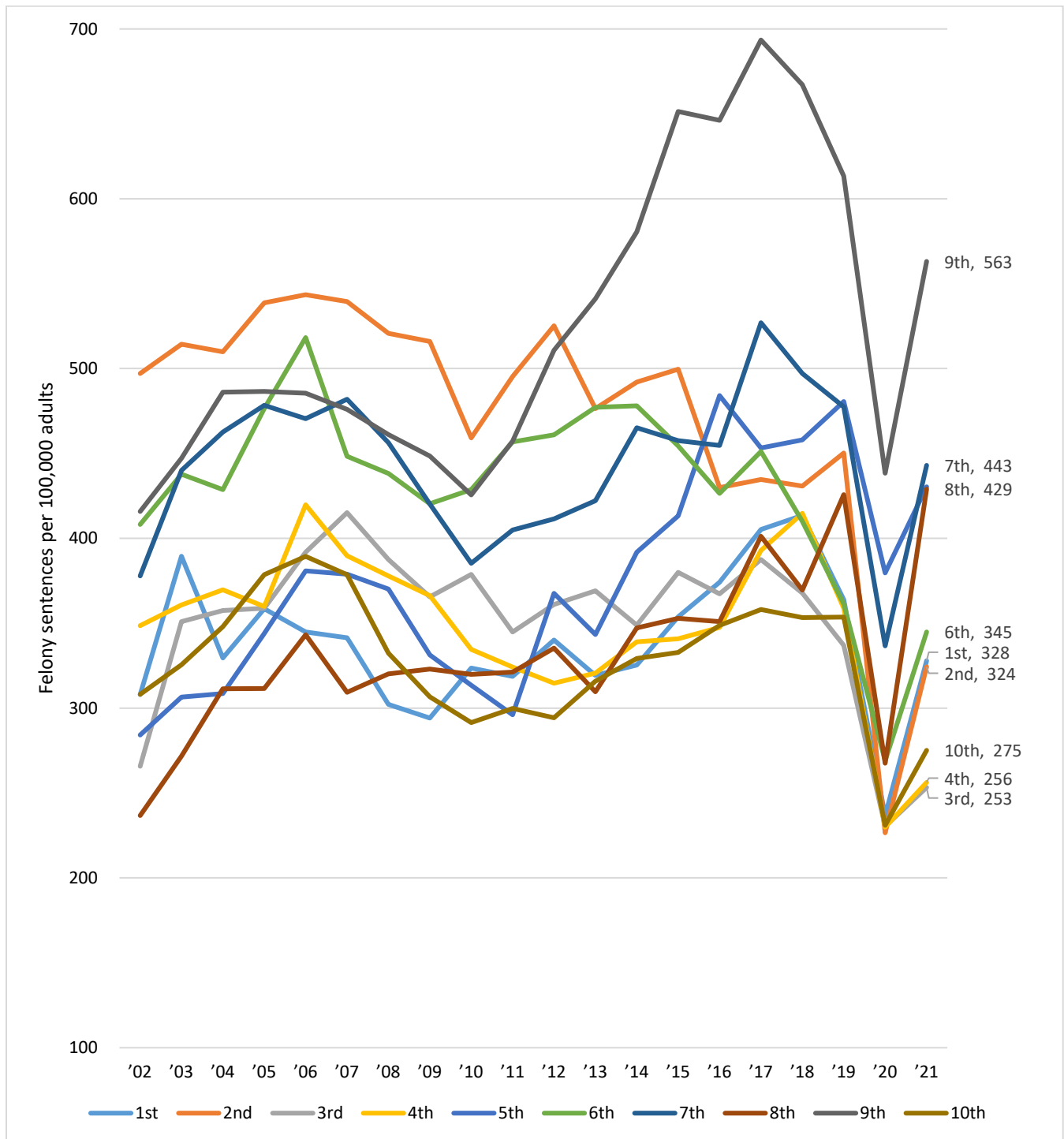


Figure 7. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



Notes for Figure 5 through Figure 7: 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 8. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Gender and Total

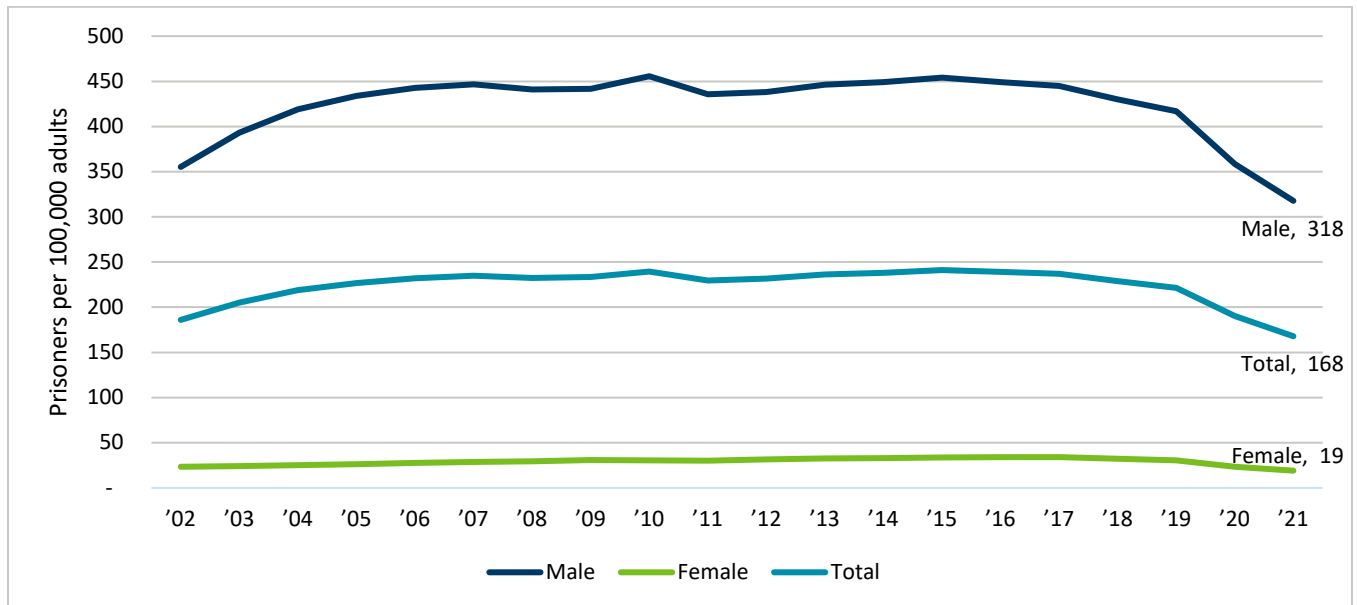


Figure 9. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

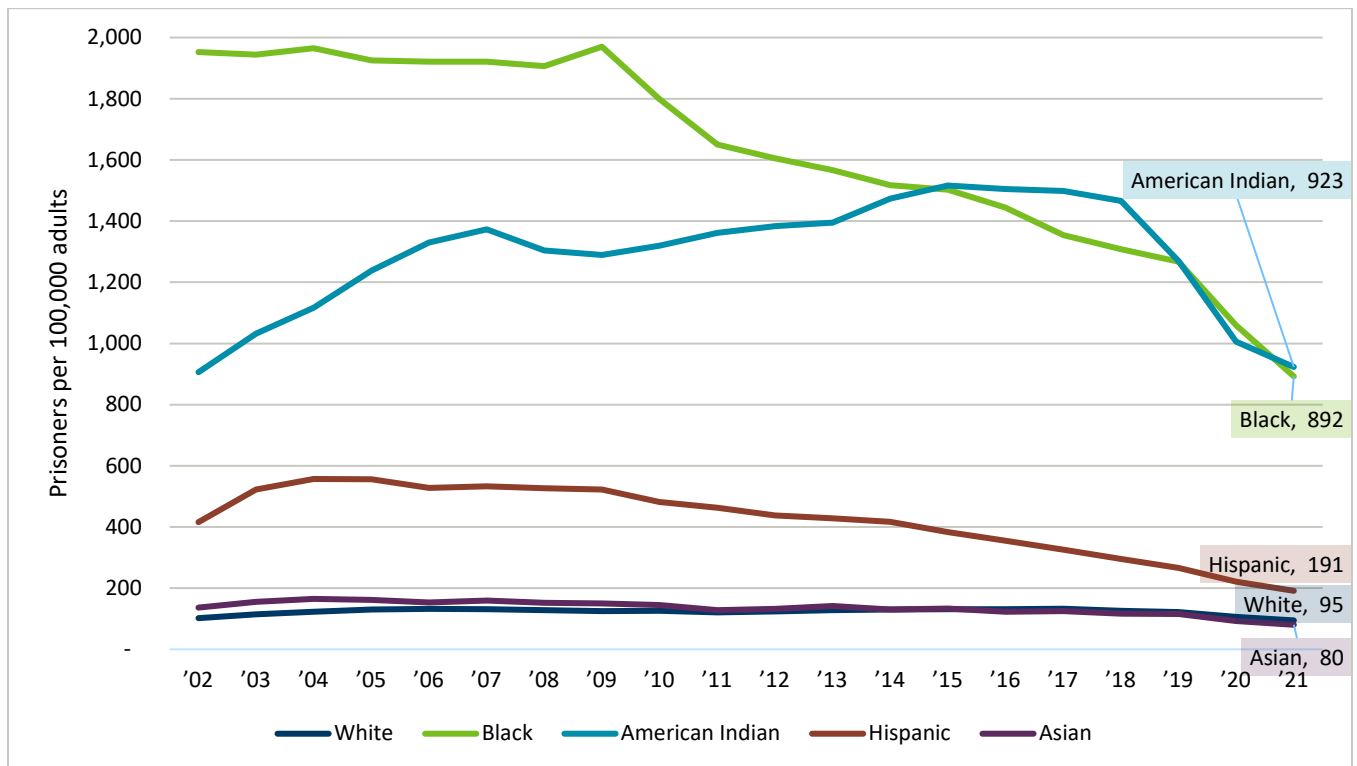
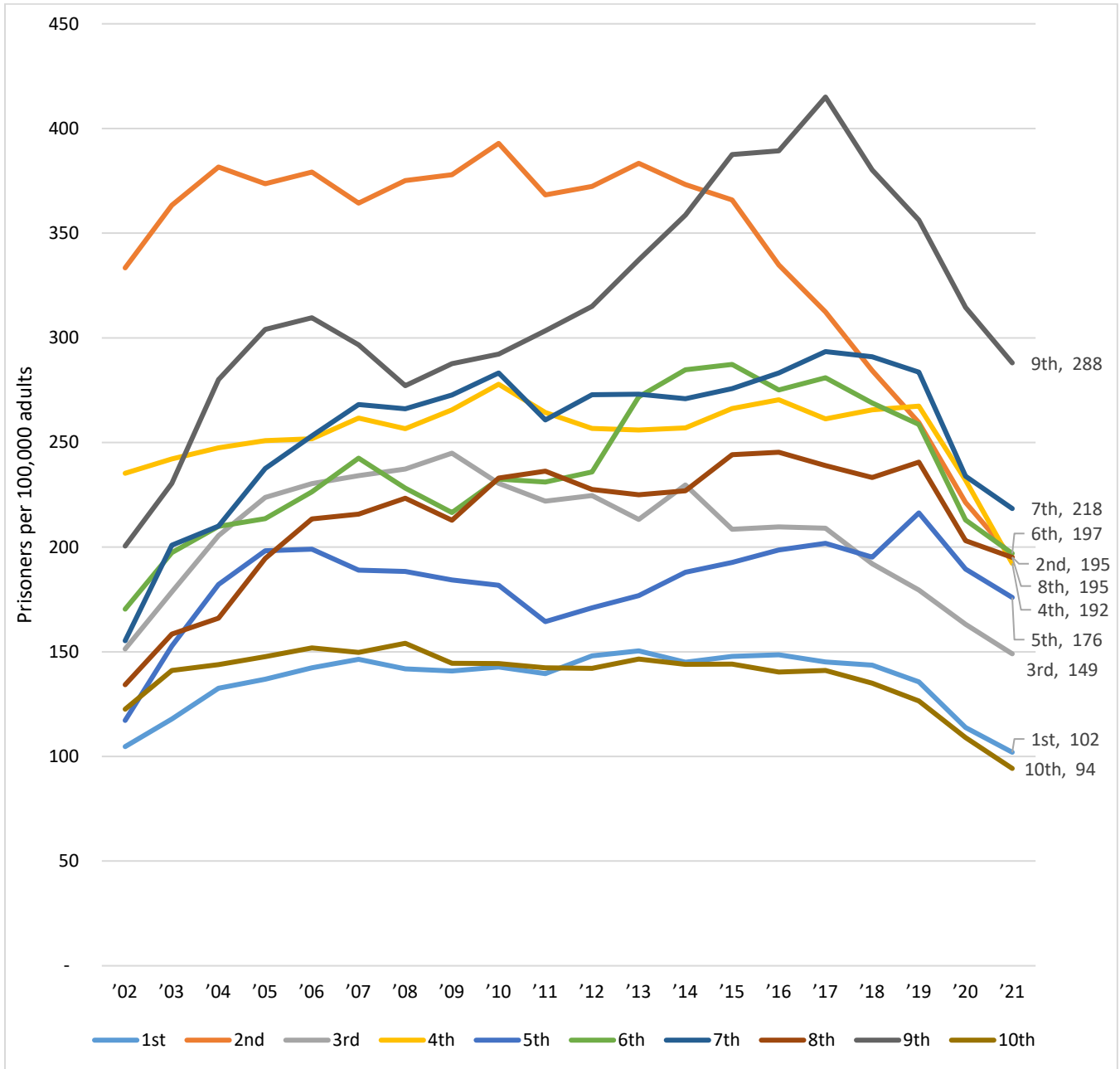


Figure 10. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



Notes for Figure 8 through Figure 10: 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.