

Demographic Impact Statement

House File 2651-0

Penalty for Assaulting Police Officer Enhanced

Statement Date: March 16, 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 2651](#), as introduced, amends Minn. Stat. § 609.2231 (Assault in the Fourth Degree), under subdivision 1(b) by enhancing the penalty for physically assaulting a peace officer (without inflicting demonstrable bodily harm or intentionally throwing or otherwise transferring bodily fluids or feces) from a gross misdemeanor to a felony with a statutory maximum of two years or a payment of a fine of not more than \$4,000, or both.

Estimated Impact

In its fiscal note,¹ MSGC staff estimated that the bill's policy changes would eventually result in 118 new felony cases annually and there would be an eventual need for eight prison beds. It was assumed that that the new, two-year assault against a peace officer under subd. 1(b) would be ranked at SL 1. It was assumed that the Commission would increase the severity level for the existing, three-year assault against a peace officer under subd. 1(c) from SL 1 to SL 2. At SL 1 and SL 2, cases with a criminal history score of 6 or more are recommended prison sentences.

According to MJB, from 2018 to 2022, there were 590 gross misdemeanor cases sentenced for physically assaulting a peace officer under Minn. Stat. § 609.2231, subd. 1(b); an average of 118 per year. In the future, it was assumed that the bill would cause these 118 gross misdemeanor cases annually to become felonies ranked at SL 1, which would have the same imprisonment rate and average prison sentence as the existing felony assaults. It was assumed that the existing felony assault against a peace officer under subd. 1(c) would be moved to SL 2, with the same imprisonment rate but with longer prison time (from 16 mos. to 18 mos.) to accommodate the increase to SL 2.

¹ MSGC's detailed assumptions can be found in the fiscal note created for HF2651-0.

Current State Demographics

Due to the COVID-19 health pandemic, case volume data in 2020 and 2021 were assumed to be unreliable and were therefore not used in the fiscal note. 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 – New Felony Population

In its fiscal note, MSGC staff estimated that 118 new felony cases per year will result under the provisions of this bill, based on the existing 118 gross misdemeanor cases annually that will become felonies.

One might assume that, in the future, the demographic characteristics of the people who will be sentenced for these new felony cases will be the same as the known demographic characteristics of the 590 people sentenced between 2018 to 2022 for a gross misdemeanor fourth-degree assault offenses under subdivision 1(b), as reported to MSGC by the Minnesota Judicial Branch (MJB). If that assumption is accurate, it is estimated that the demographic characteristics of the annual felony population created by this bill would be as follows.

- **Gender:** Male (62.1%); and Female (36.5%).
- **Race & Ethnicity:** White (48.0%); Black (10.7%); American Indian (18.7%); Hispanic (8.0%); Asian (2.5%); Multiracial/Other/Unknown (12.0%).
- **Judicial District:** First (6.6%); Second (5.4%); Third (7.3%); Fourth (6.3%); Fifth (11.2%); Sixth (9.8%); Seventh (14.6%); Eighth (5.8%); Ninth (24.6%); and Tenth (8.3%).

Table 2, on page 4, shows the demographic change in the population of felony cases sentenced that would result from the enactment of this bill, if the assumptions stated above are accurate. Because MSGC does not have a category corresponding to MJB's Multiracial/Other/Unknown category, that category is omitted from Table 2's "Race & Ethnicity" calculations. The magnitude of the change for the remaining racial categories will be understated.

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

		Annual Felony Population			Estimated Change in Felony Cases*		Estimated Resulting Annual Felony Population*				
		People Sentenced in 2021					No.	%	No.	%	% -point change relative to other categories**
MSGC Category	No.	%	Rate per 100,000†	No.	%	No.					
	Male	11,715	81.2%	536	+73.3	62.1%	11,788	81.0%	-0.2%	539	+0.6%
	Female	2,712	18.8%	123	+43.1	36.5%	2,755	18.9%	+0.1%	125	+1.6%
Race & Ethnicity	White	8,217	56.95%	226	+56.6	48.0%	8,274	56.88%	-0.1%	227	+0.7%
	Black	3,684	25.5%	1,224	+12.6	10.7%	3,697	25.4%	-0.1%	1,228	+0.3%
	American Indian	1348	9.3%	1,978	+22.1	18.7%	1,370	9.4%	+0.1%	2,010	+1.6%
	Hispanic	788	5.5%	373	+9.4	8.0%	797	5.5%		378	+1.2%
	Asian	389	2.7%	160	+3.0	2.5%	392	2.7%		161	+0.8%
Judicial District	First	2061	14.3%	328	+7.8	6.6%	2,069	14.2%	-0.1%	329	+0.4%
	Second	1,352	9.37%	324	+6.4	5.4%	1,358	9.34%		326	+0.5%
	Third	955	6.6%	253	+8.6	7.3%	964	6.6%		256	+0.9%
	Fourth	2,541	17.6%	256	+7.4	6.3%	2,548	17.5%	-0.1%	257	+0.3%
	Fifth	964	6.7%	430	+13.2	11.2%	977	6.7%		436	+1.4%
	Sixth	702	4.9%	345	+11.6	9.8%	714	4.9%		351	+1.6%
	Seventh	1,693	11.73%	443	+17.2	14.6%	1,710	11.76%		447	+1.0%
	Eighth	532	3.7%	429	+6.8	5.8%	539	3.7%		435	+1.3%
	Ninth	1,490	10.3%	563	+29.0	24.6%	1,519	10.4%	+0.1%	574	+1.9%
	Tenth	2,139	14.82%	275	+9.8	8.3%	2,149	14.77%	-0.1%	276	+0.5%
	Total	14,429	100.0	329	+118.0	100.0	14,547	100.0		331	+0.8%

* 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 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 felony 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

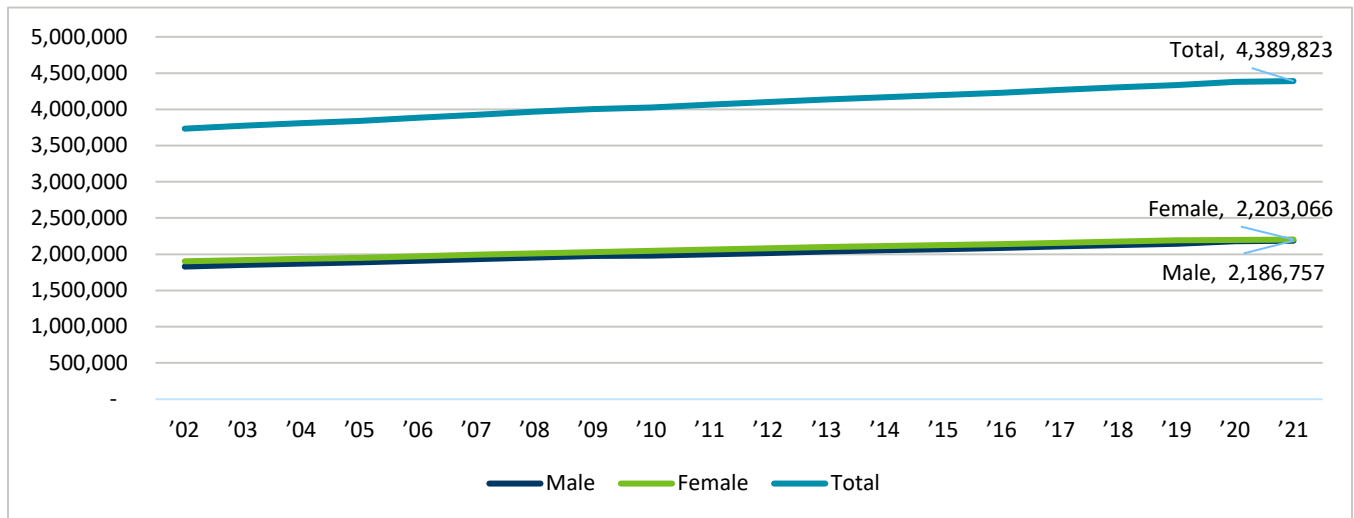


Figure 2. Minnesota Adult Residents, Estimated 2002–21, by Race and Ethnicity

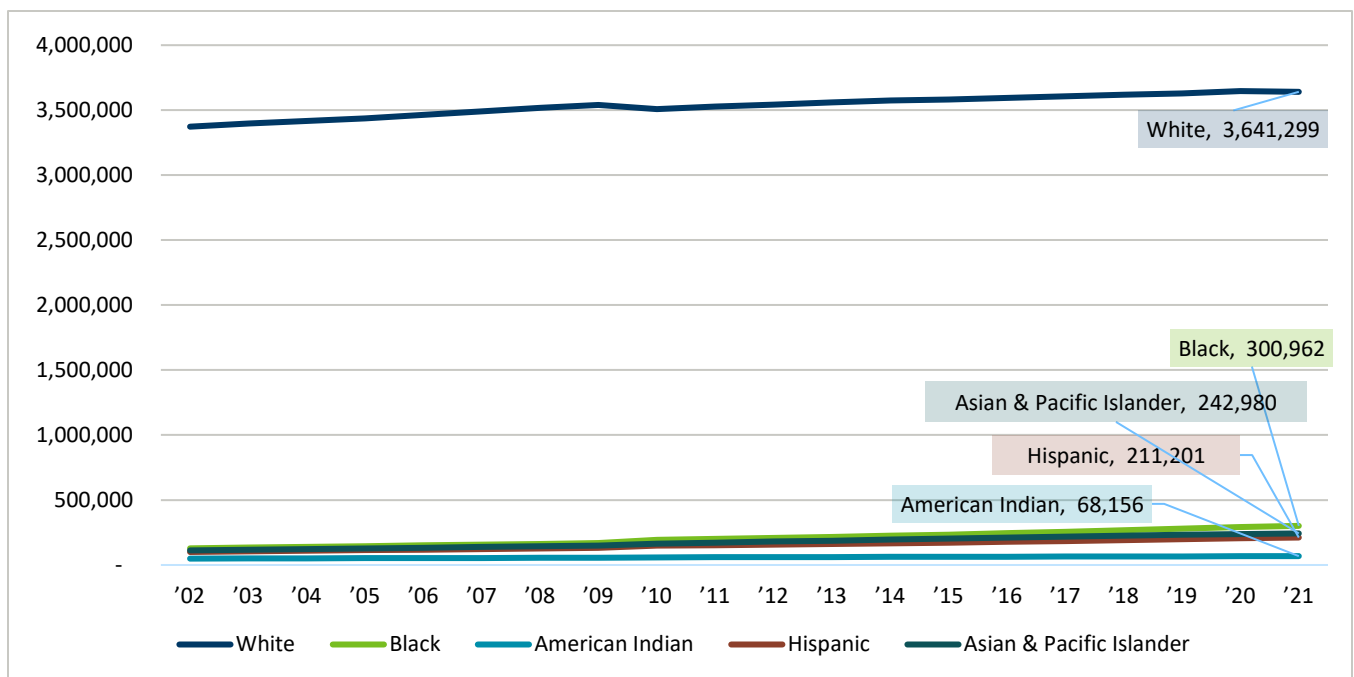
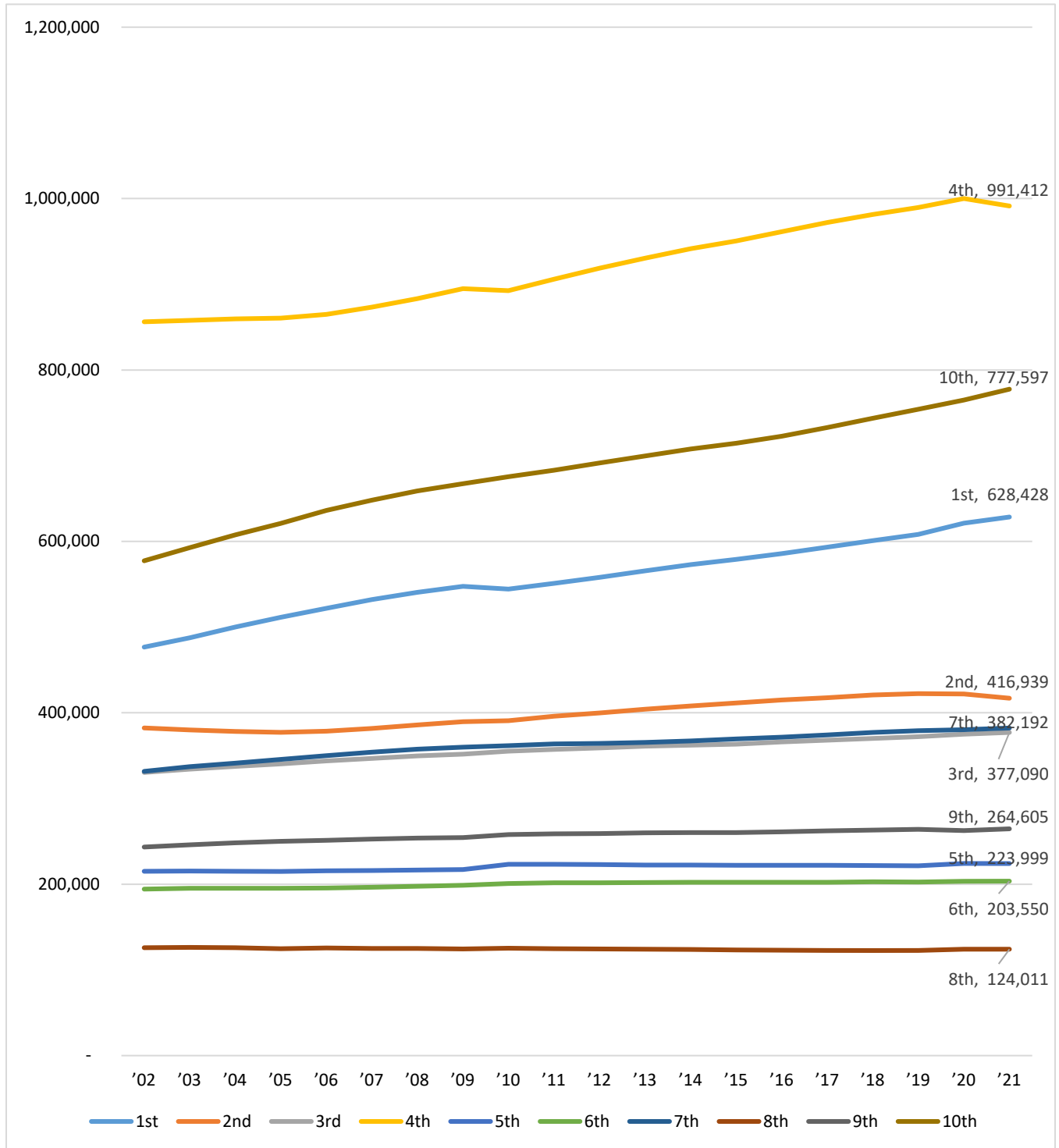


Figure 3. Minnesota Adult Residents, Estimated 2002–21, by Judicial District



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

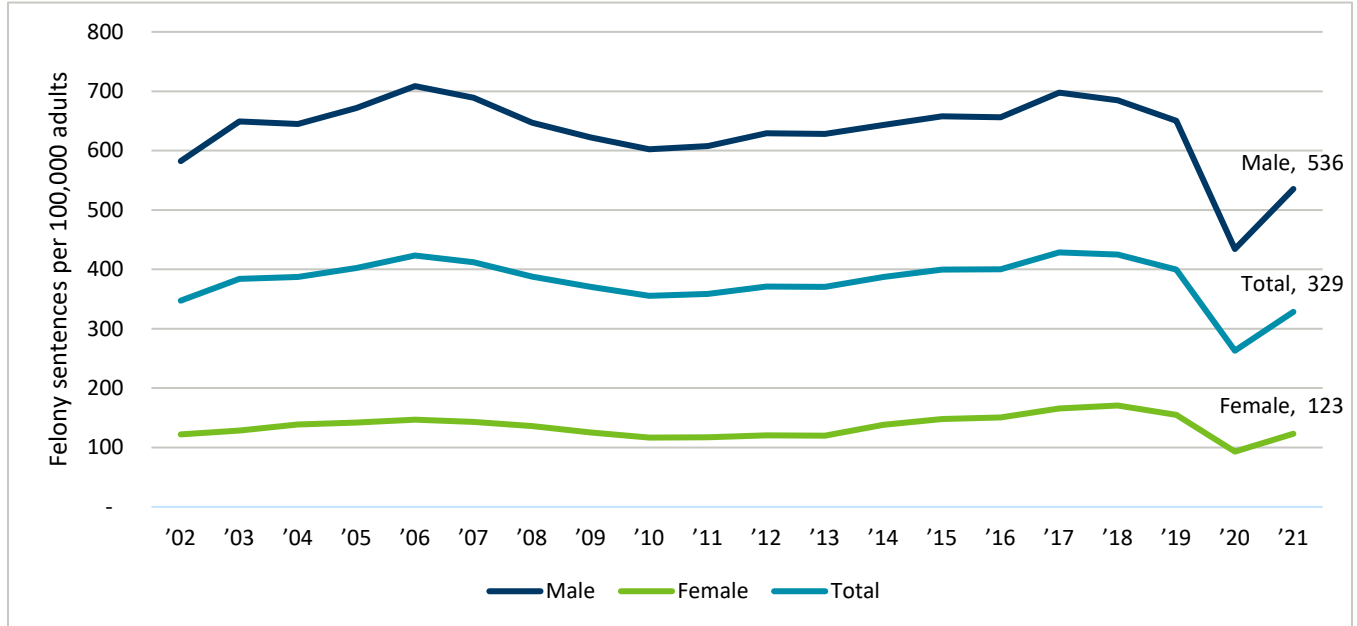


Figure 5. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

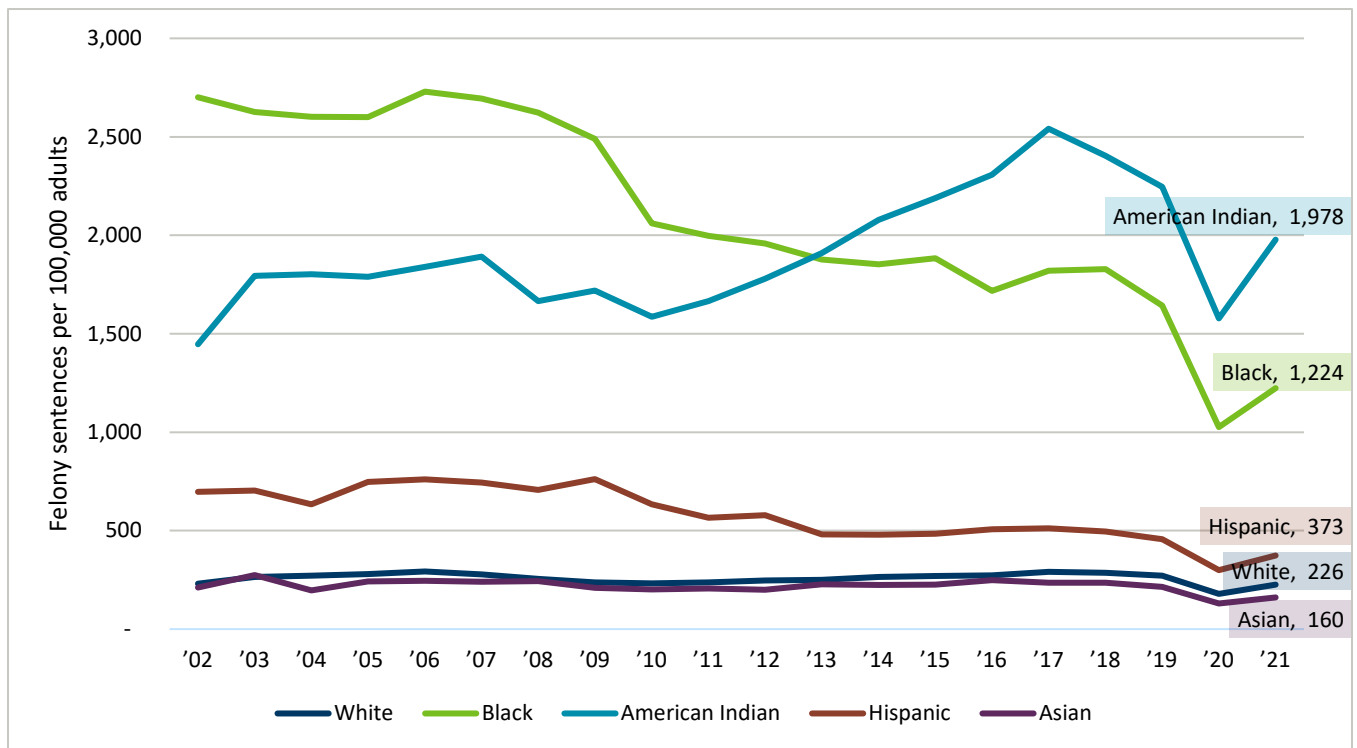
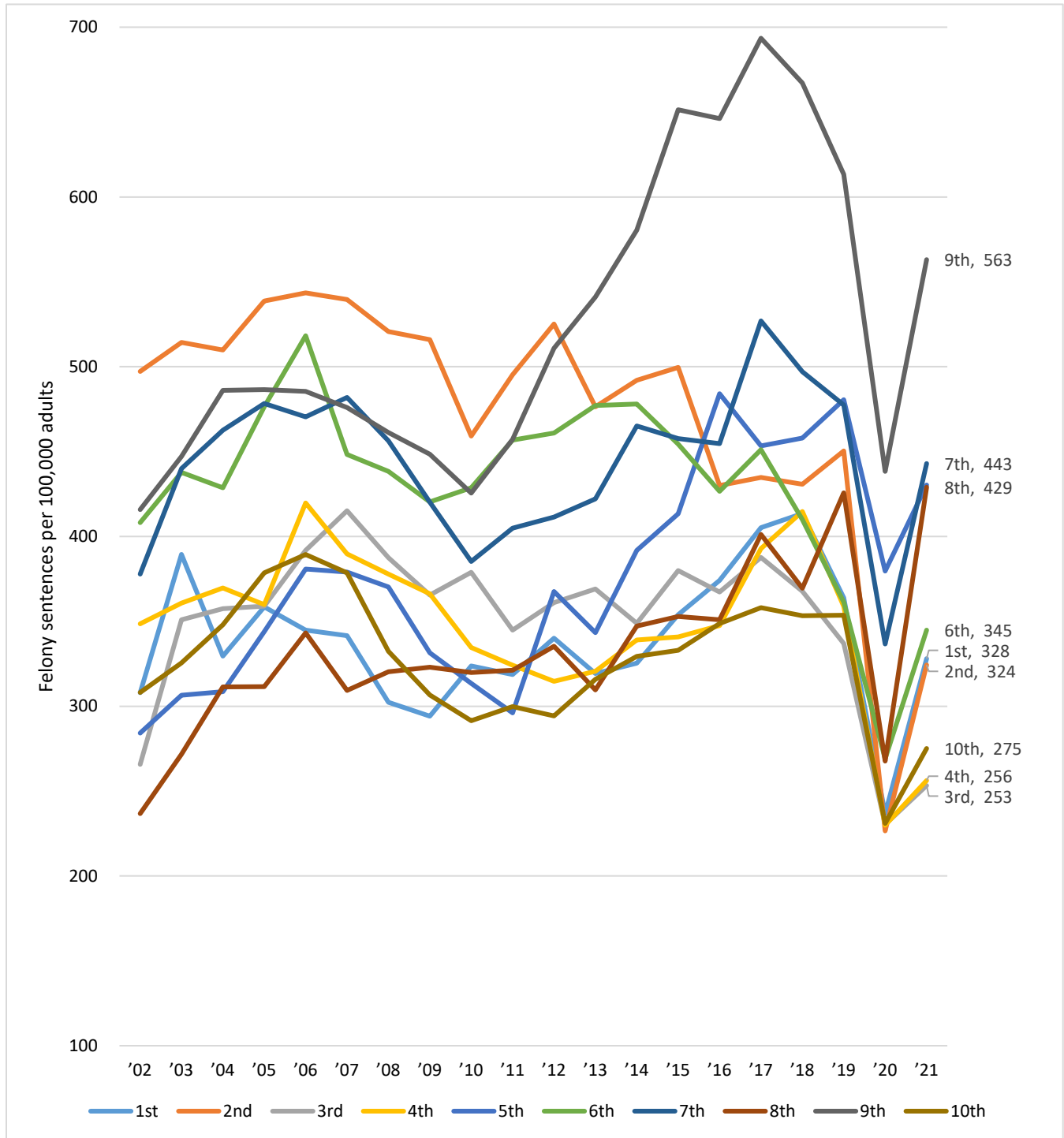


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



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

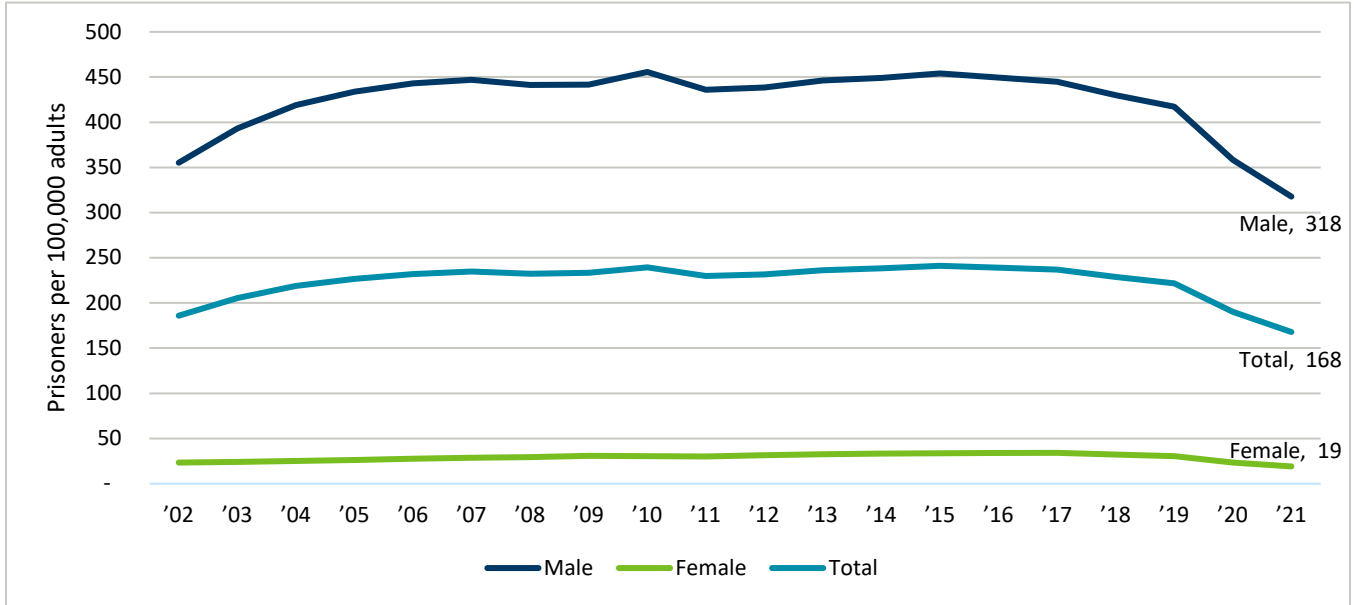


Figure 8. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Race and Ethnicity

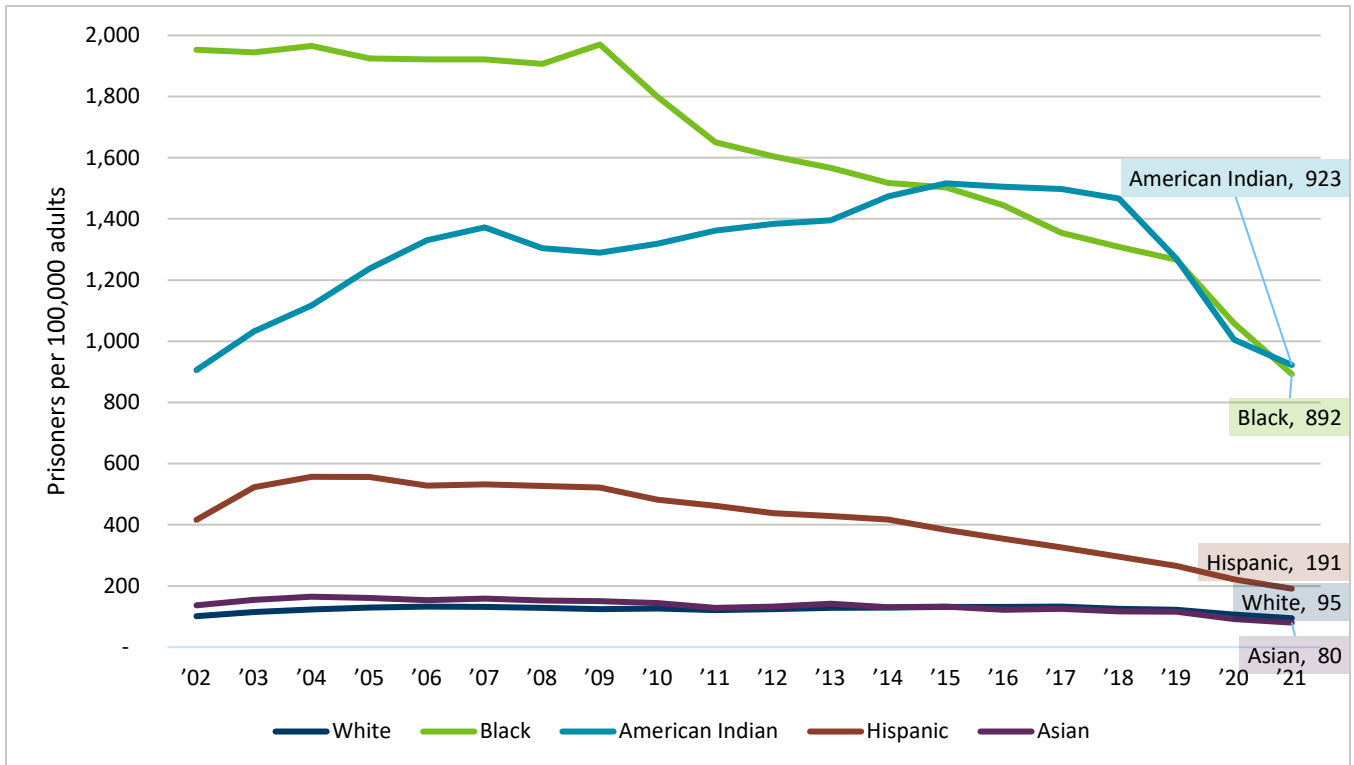
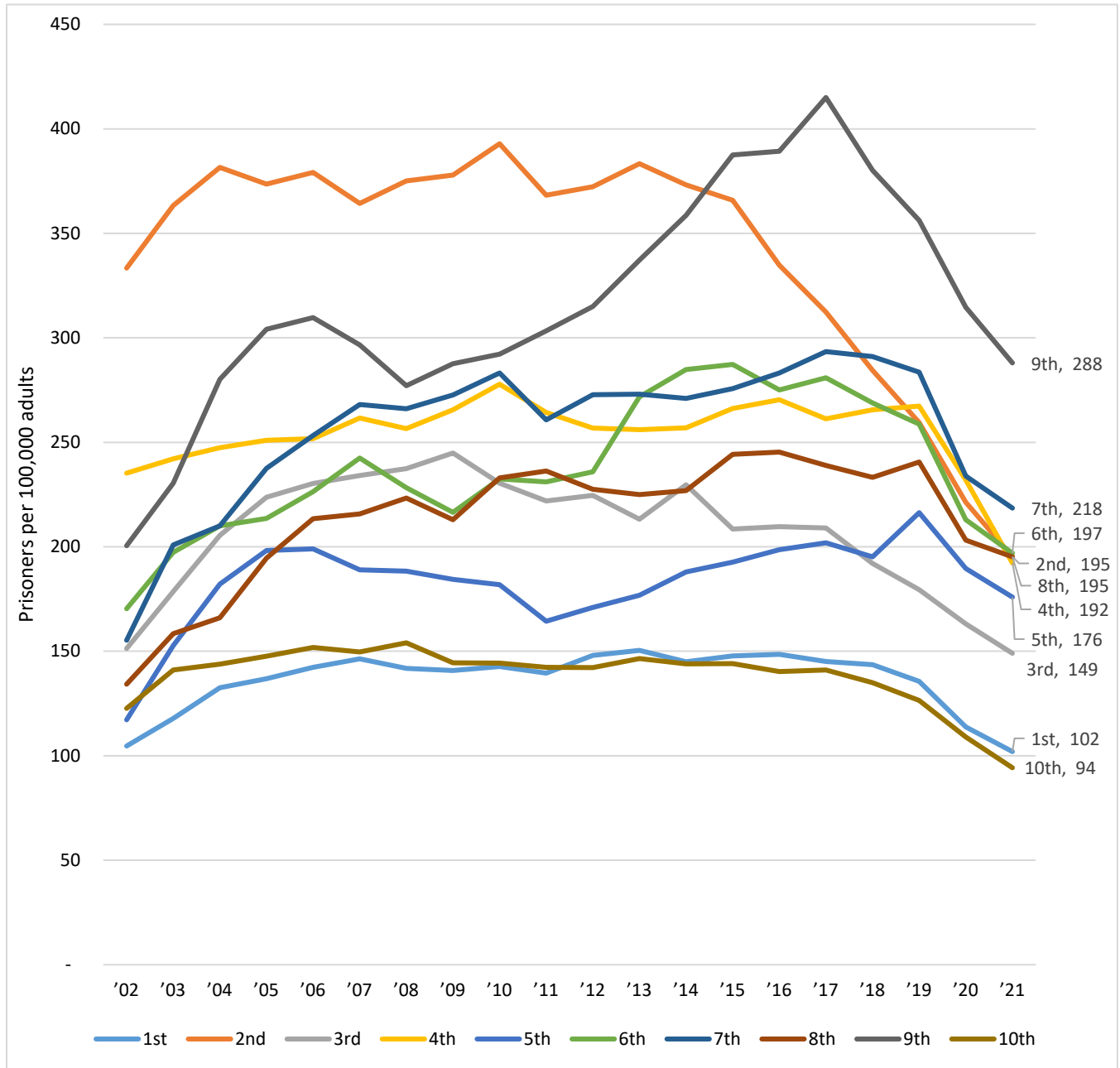


Figure 9. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–21, by Judicial District



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.