

Demographic Impact Statement

House File 4174-2UE

Task Force; Aiding and Abetting Felony Murder

Statement Date: April 6, 2022

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 4174, version 2UE](#), 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) or second-degree murder under Minn. Stat. § 609.19, subd. 2(1) (felony murder). In the case of the first-degree crime, the bill provides that an accomplice is not liable for murder unless the accomplice shared in the principal's intent to cause death. In the case of the second-degree crime, the bill provides that an accomplice is not liable for murder unless the accomplice was a major participant in the underlying felony and acted with extreme indifference to human life. This bill also establishes conditions for retroactive application of these changes; provides for resentencing defendants thus relieved of criminal liability to appropriate non-murder offenses; and extends the Task Force on Aiding and Abetting Felony Murder (AAFMTF) until January 16, 2023.

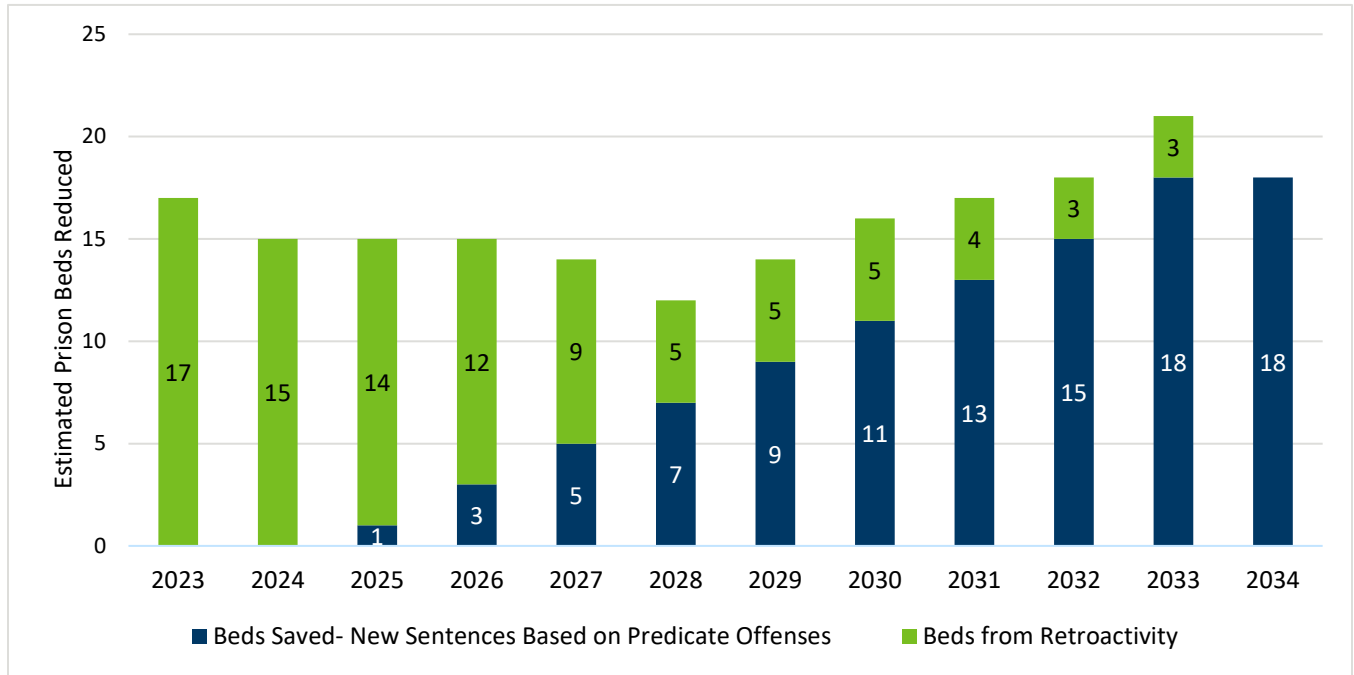
Estimated Impact

In its fiscal note,¹ MSGC staff estimated that the bill's policy changes will eventually eliminate the need for 21 prison beds in peak year 2033, followed by an 18-bed reduction in 2034 and every year thereafter. This estimate resulted from a review of the factual offense characteristics of 126 defendants convicted of aiding and abetting felony murder over one decade, as detailed in the first table in Appendix C of the [AAFMTF report](#). Of the 126 cases, 23 defendants were identified as not having a principal, violent, or weapons-related role in the felony murder. MSGC staff assumed that those 23 cases were plausibly representative of the number and type of cases that would, within any given decade, qualify for relief—being sentenced (or resentenced) to a Severity Level 8 predicate offense (Burglary 1st Degree [w/Weapon or Assault] or Aggravated Robbery 1st Degree) instead of

¹ MSGC's detailed assumptions can be found in the fiscal notes created for HF4174-2UE and SF3840-0.

murder—which resulted in the estimated prison-bed reduction. Figure 1 summarizes the timing of the estimated reduction.

Figure 1. Estimated Reduced 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 will be similar to Appendix C of the AAFMTF Report which contains several data tables pertaining to felony murder cases in Minnesota from 2010 through 2019 in numbers, and offense.

Similarly, 2019 data is being used for baseline demographic populations. Table 1 displays 2019 demographic information pertaining to three populations within the state: the adult population (on July 1, 2019, as estimated by the U.S. Census Bureau); the felony population (that is, the population of people sentenced for felony offenses in 2019); and the adult prison population (as of July 1, 2019). 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 2019 General Population, Felony Population, and Prison Population, by Gender, Race and Ethnicity, and Judicial District

		General Population		Felony Population		Prison Population		
		2019 Estimated Adult Population		MSGC Category	People Sentenced in 2019		2019 Adult Inmate Population	
U.S. Census Category		Number	Percent		Number	Percent	Number	Percent
Male		2,143,984	49.4%	Male	13,937	80.4%	8,941	93.1%
Female		2,192,857	50.6%	Female	3,398	19.6%	666	6.9%
Race & Ethnicity	White*	3,630,866	83.7%	White	9,853	56.8%	4,427	46.1%
	Black or African American*	279,724	6.4%	Black	4,580	26.4%	3,534	36.8%
	American Indian*	66,098	1.5%	American Indian	1,492	8.6%	843	8.8%
	Hispanic**	196,951	4.5%	Hispanic**	903	5.2%	525	5.5%
	Asian*	227,146	5.2%	Asian	499	2.9%	270	2.8%
	Native Hawaiian/ Other Pacific Islander*	4,949	0.1%	Other/ Unknown***	8	0.0%	8	0.1%
Judicial District	First	608,685	14.0%	First	2,213	12.8%	825	8.6%
	Second	421,917	9.7%	Second	1,902	11.0%	1,096	11.4%
	Third	372,157	8.6%	Third	1,254	7.2%	668	7.0%
	Fourth	989,145	22.8%	Fourth	3,551	20.5%	2,646	27.5%
	Fifth	221,578	5.1%	Fifth	1,064	6.1%	479	5.0%
	Sixth	202,759	4.7%	Sixth	732	4.2%	524	5.5%
	Seventh	379,084	8.7%	Seventh	1,810	10.4%	1,075	11.2%
	Eighth	122,571	2.8%	Eighth	522	3.0%	295	3.1%
	Ninth	264,228	6.1%	Ninth	1,620	9.3%	941	9.8%
	Tenth	754,717	17.4%	Tenth	2,667	15.4%	954	9.9%
Total		4,336,841	100.0%	Total	17,335	100.0%	9,607	100.0%

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2021).

*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 (101.6%) 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.

***The MSGC category of “Other/Unknown” is not a valid comparison group to the U.S. Census category of “Native Hawaiian/Other Pacific Islander.”

Source of July 1, 2019, Adult Inmate Population: Minn. Department of Corrections. Judicial district populations exclude 104 inmates whose governing sentences were for offenses committed in non-Minnesota jurisdictions.

Demographic Impact

Demographic Characteristics – New Prison Population

In its fiscal note, MSGC staff estimated that the bill’s policy changes would reduce the need prison beds in 2033 by 21 beds: 18 beds from shorter future sentences and 3 beds from the retroactive application of the sentences for predicate offenses rather than murder.

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 23 defendants assumed to be plausibly representative of the number and type of cases that would qualify for relief based on the case information detailed in the AAFMTF Report (see discussion on page 1). 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 (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 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 2. 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	8,941	93.1%	417	-16.4	78.3%	8,925	93.1%		416	-0.2%	
	Female	666	6.9%	30	-4.6	21.7%	661	6.9%		30	-0.7%	
Race & Ethnicity	White	4,427	46.1%	122	-8.2	39.1%	4,419	46.1%	(No category changes, relative to its fellow categories, by 0.1 percentage points or more)	122	-0.2%	
	Black	3,534	36.8%	1,263	-10.0	47.8%	3,524	36.8%		1,260	-0.3%	
	American Indian	843	8.8%	1,275			843	8.8%		1,275		
	Hispanic	525	5.46%	267	-2.7	13.0%	522	5.45%		265	-0.5%	
	Asian	270	2.8%	119			270	2.8%		119		
Judicial District	First	825	8.6%	136	-3.7	17.4%	821	8.6%			135	-0.4%
	Second	1,096	11.4%	260	-4.6	21.7%	1,091	11.4%			259	-0.4%
	Third	668	7.0%	179			668	7.0%			179	
	Fourth	2,646	27.5%	268	-10.0	47.8%	2,636	27.5%			266	-0.4%
	Fifth	479	5.0%	216			479	5.0%			216	
	Sixth	524	5.5%	258	-0.9	4.3%	523	5.5%		258	-0.2%	
	Seventh	1,075	11.2%	284	-0.9	4.3%	1,074	11.2%		283	-0.1%	
	Eighth	295	3.1%	241			295	3.1%		241		
	Ninth	941	9.8%	356			941	9.8%		356		
	Tenth	954	9.9%	126	-0.9	4.3%	953	9.9%		126	-0.1%	
	Total	9,607	100%	222	-21.0	100%	9,586	100%		221	-0.2%	

* 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 1, “General Population” (2019 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 for the period 2002 through 2020. Rates are per 100,000 Minnesota adult residents.

Estimated Adult Population

Figure 2. Minnesota Adult Residents, Estimated 2002–20, by Gender and Total

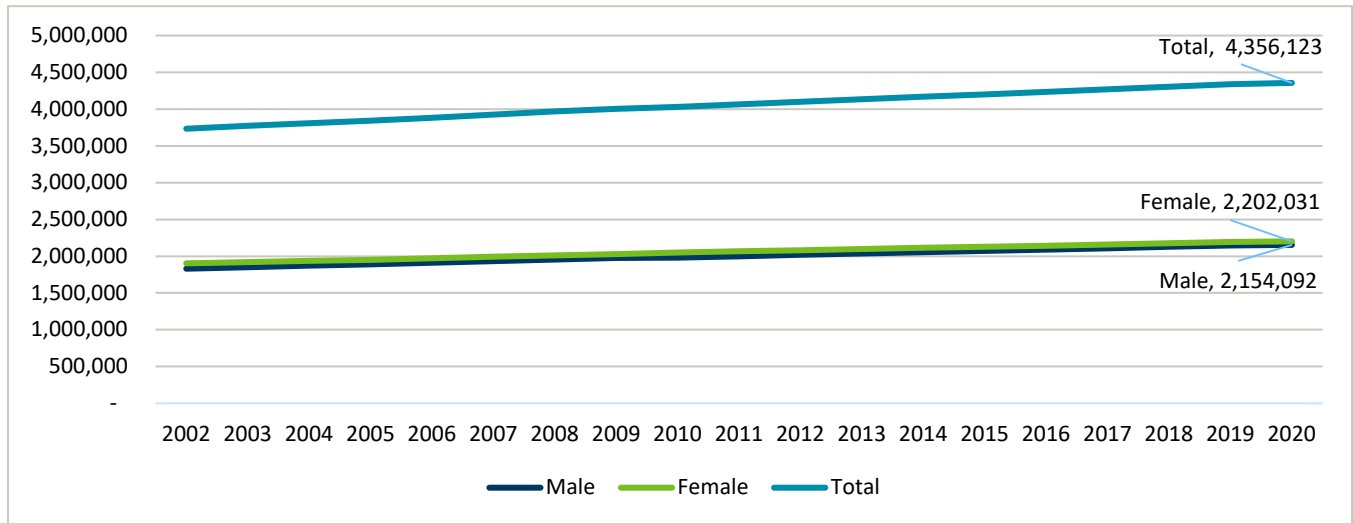


Figure 3. Minnesota Adult Residents, Estimated 2002–20, by Race and Ethnicity

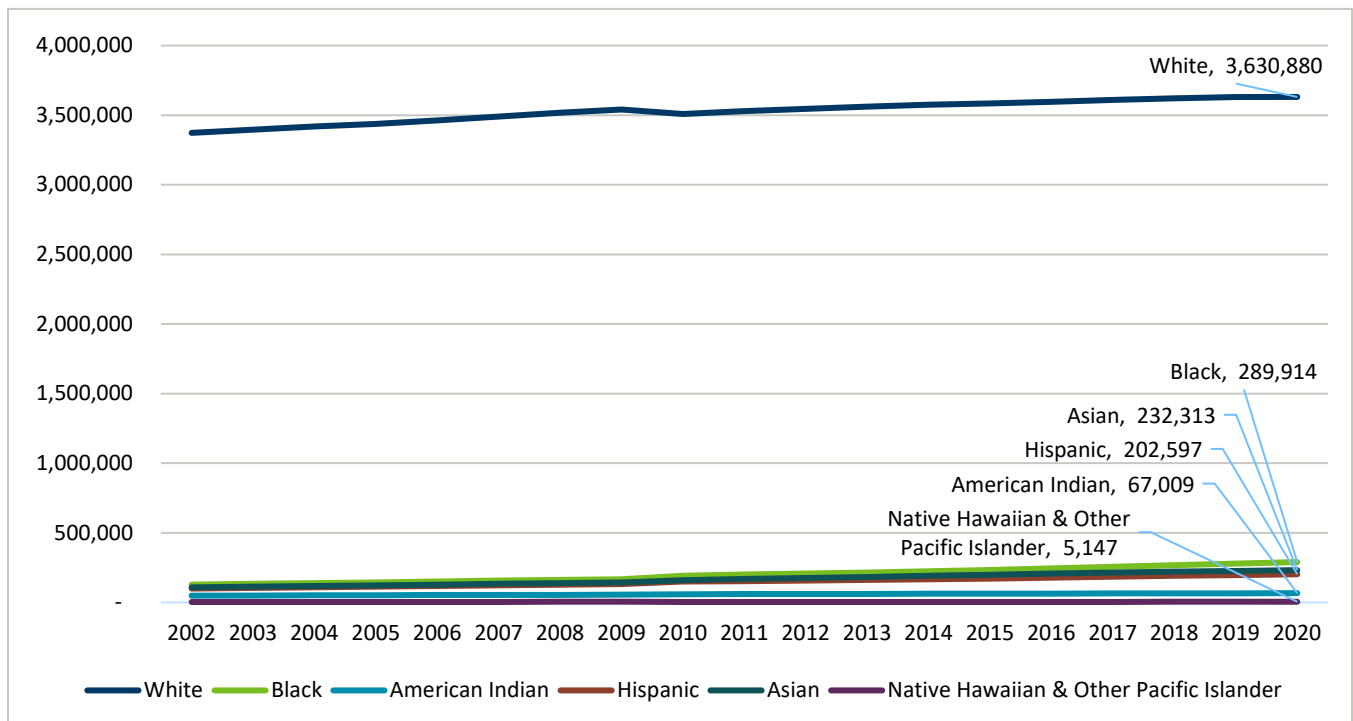
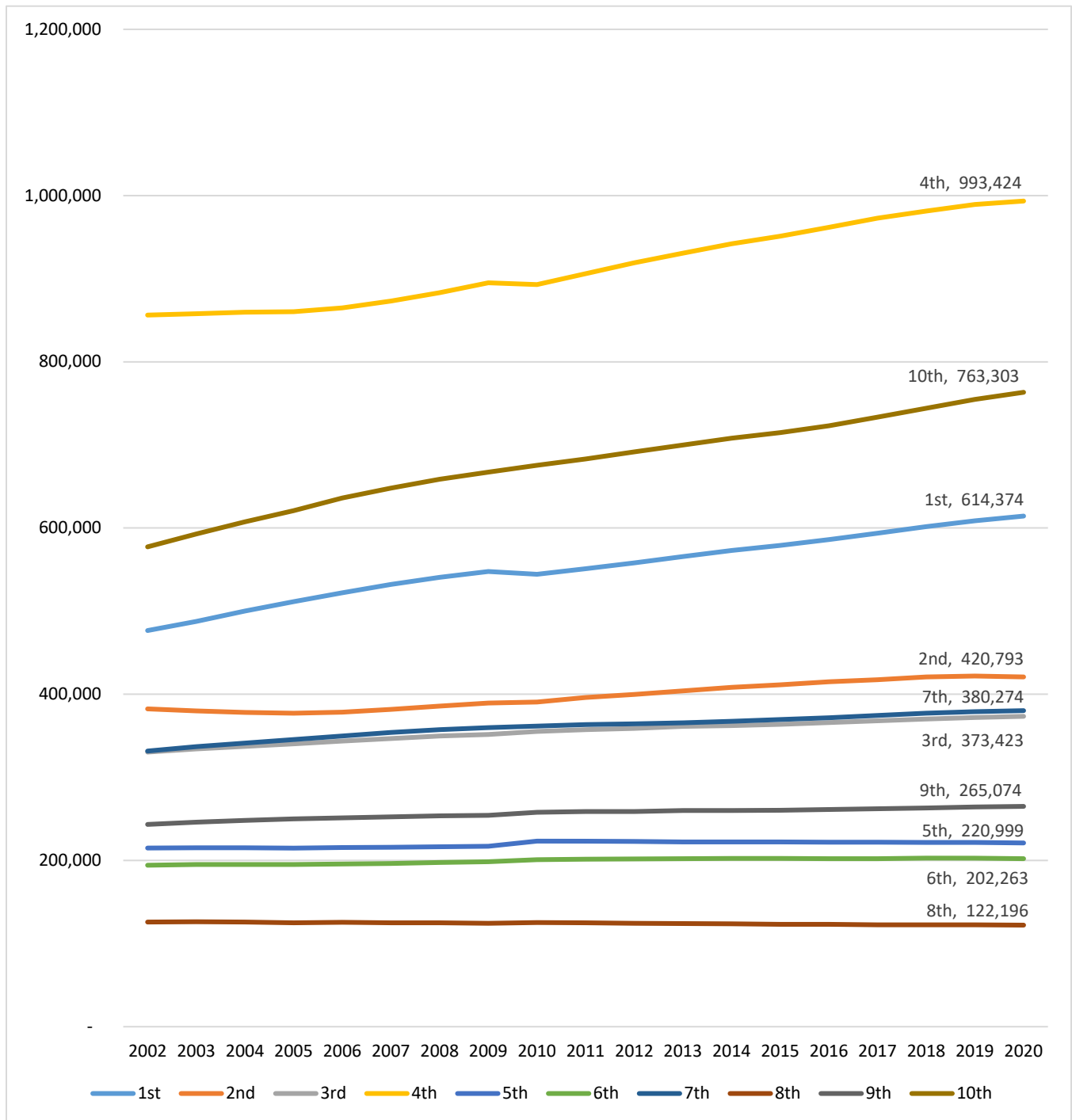


Figure 4. Minnesota Adult Residents, Estimated 2002–20, by Judicial District



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, 2002–20, by Gender and Total

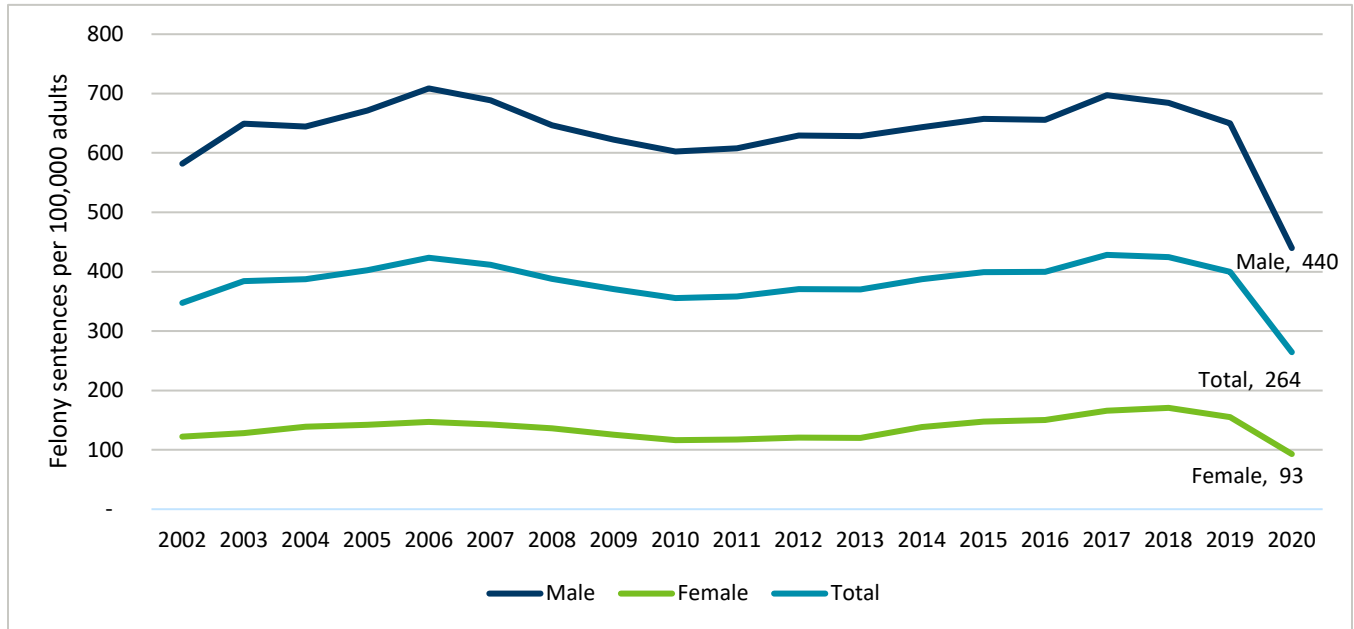


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–20, by Race and Ethnicity

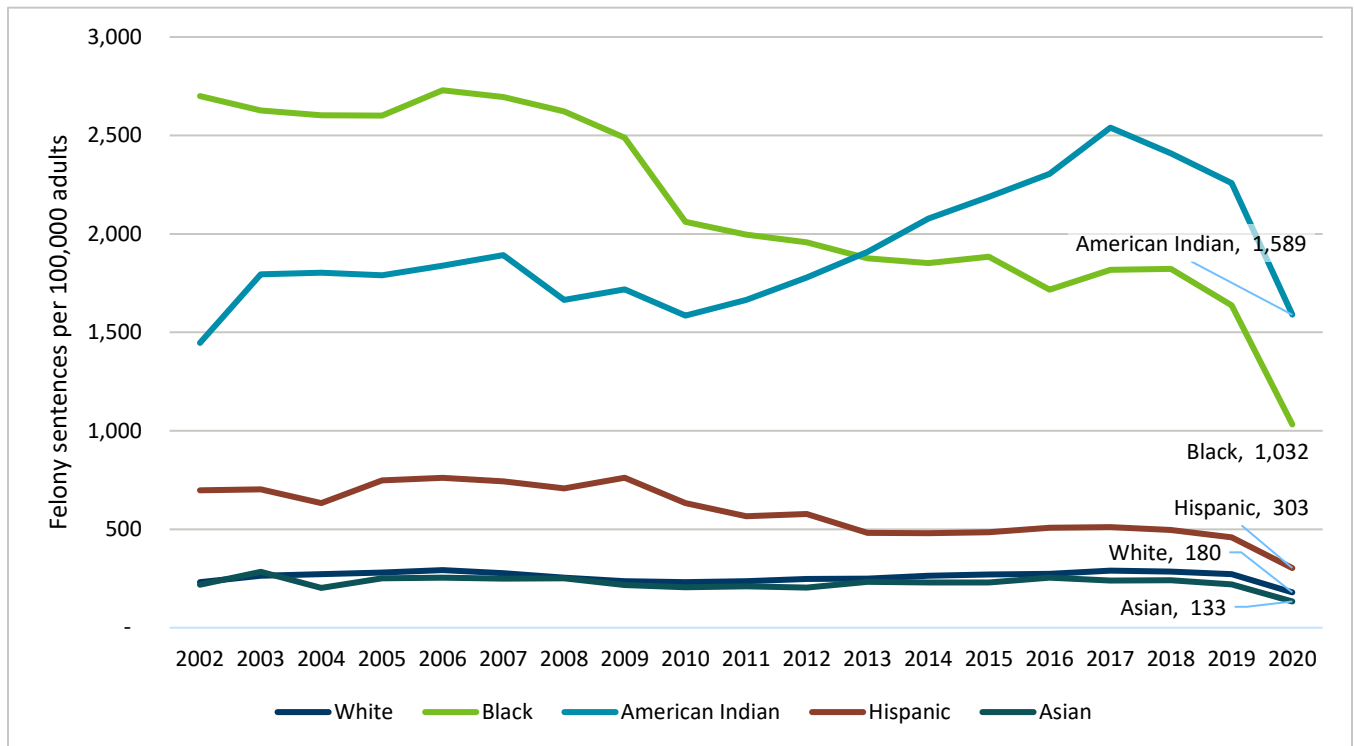
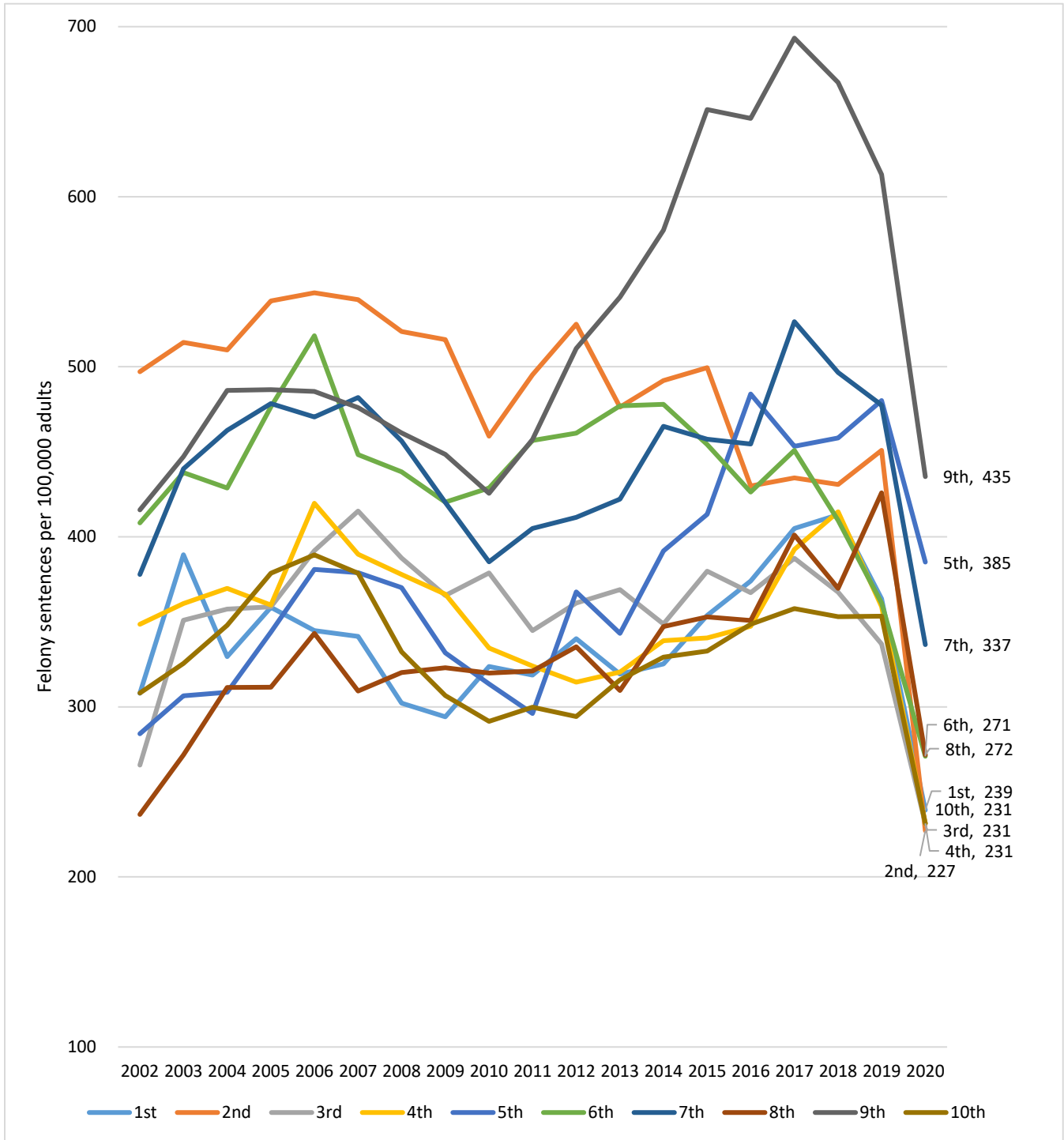


Figure 7. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–20, by Judicial District



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. Other/unknown and Hawaiian/Pacific Islander are excluded.

Imprisonment Rates

Figure 8. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–20, by Gender and Total

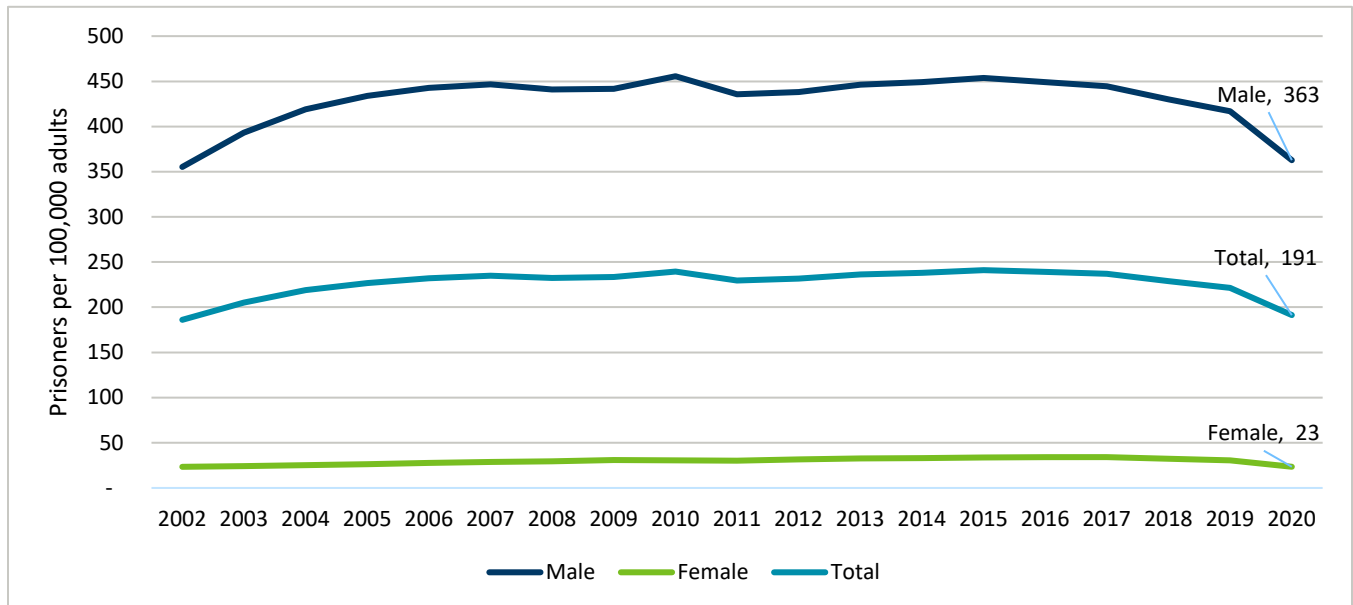


Figure 9. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–20, by Race and Ethnicity

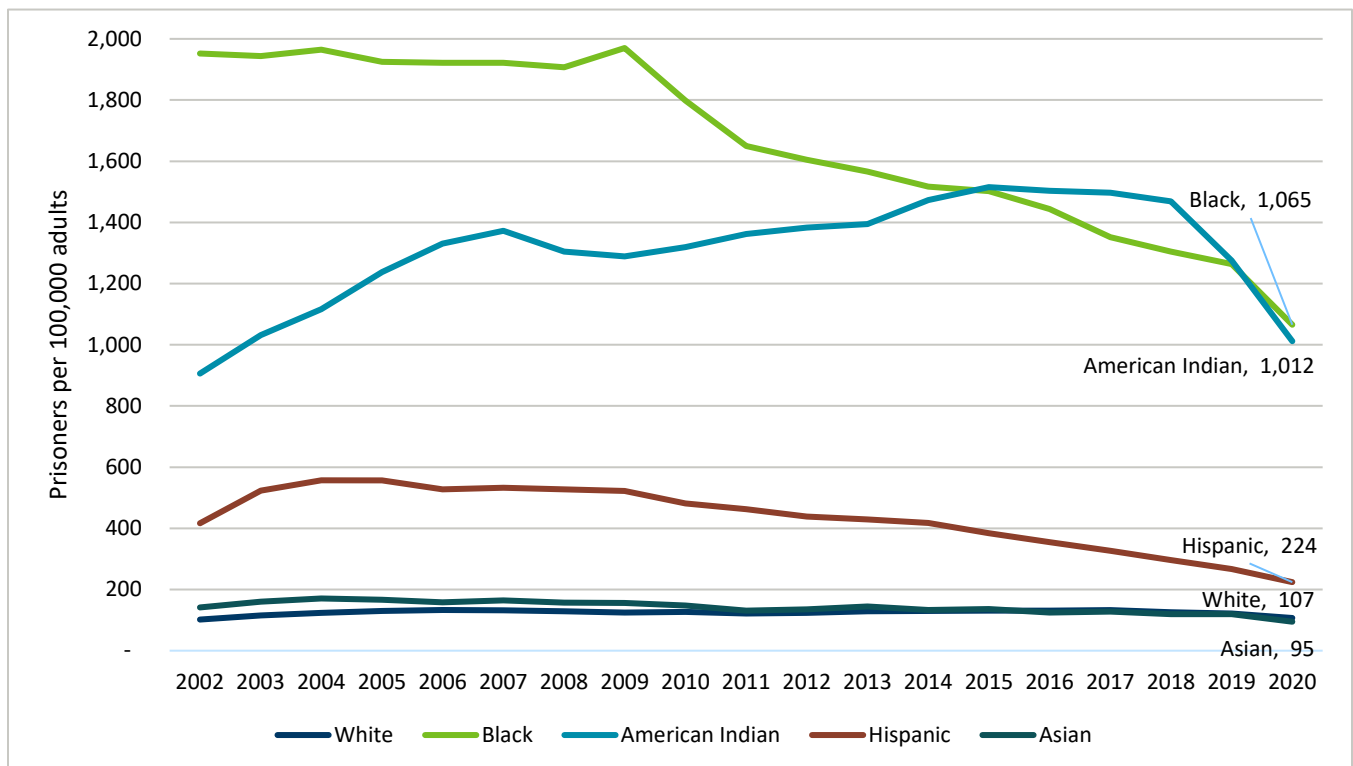
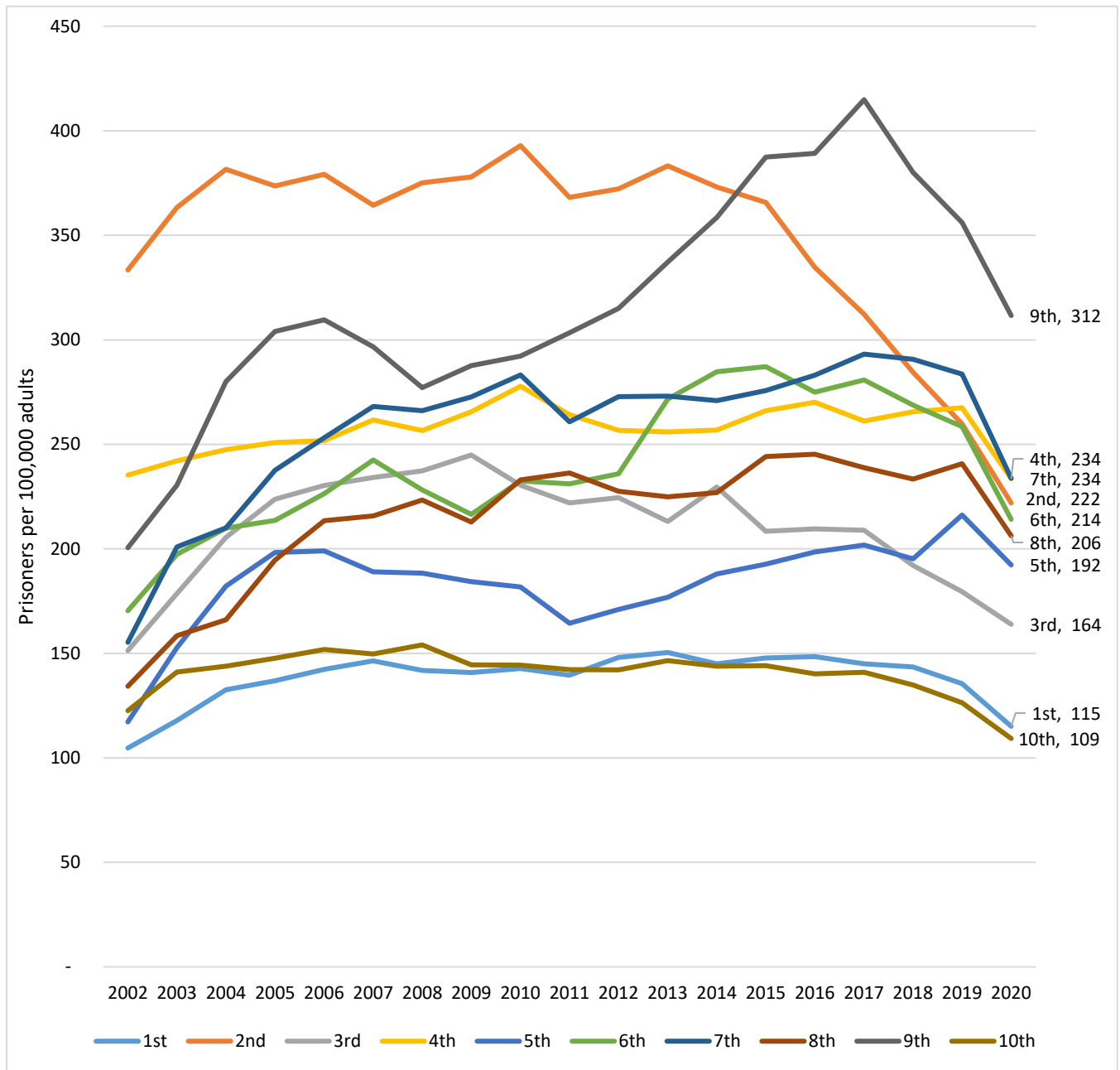


Figure 10. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–20, by Judicial District



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.