

Demographic Impact Statement

Senate File 2576-0

Sentencing without Regard for Mandatory Minimum

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

Minn. Stat. § 609.11 establishes mandatory minimum sentences of imprisonment for committing an enumerated offense while using (or, in some cases, merely possessing) firearms, other dangerous weapons, or, in some cases, ammunition. [Senate File 2576](#) amends Minn. Stat. § 609.11 by repealing subdivision 8, which provides that the prosecutor or the court may make a motion to sentence without regard to these mandatory minimums. The mandatory minimums, which MSGC staff assumes will be nonwaivable after the bill’s enactment, are displayed in Table 1.

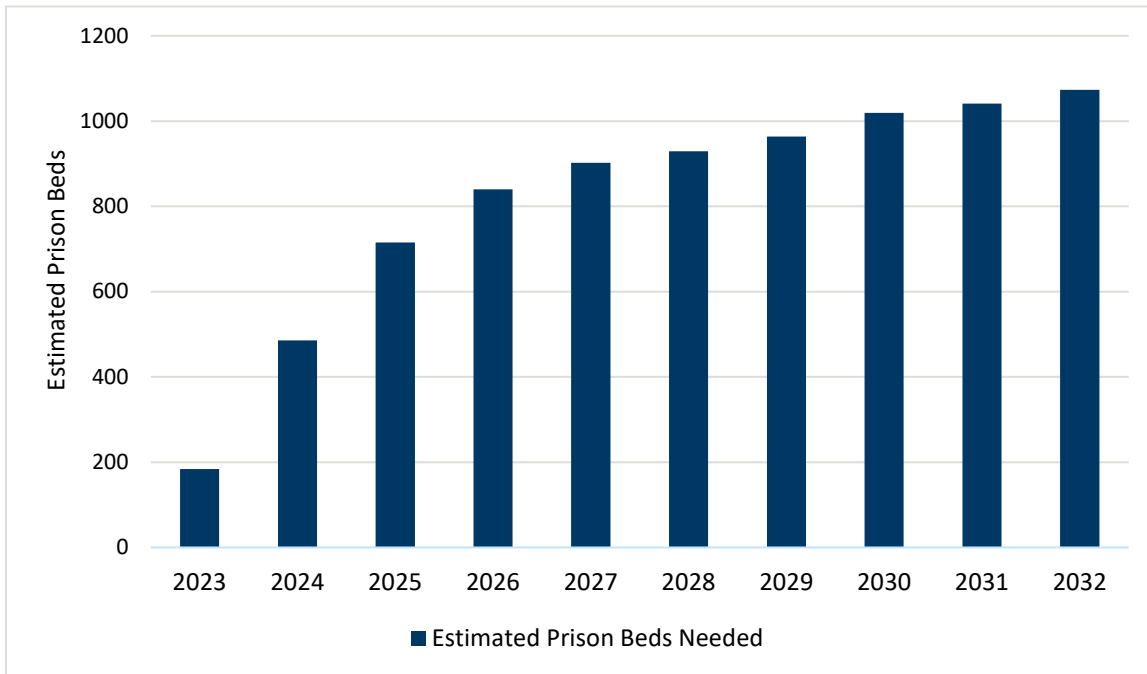
Table 1. Mandatory Minimums in Minn. Stat. § 609.11

Offense	Minimum Sentence of Imprisonment	Minimum Sentence of Imprisonment (second or subsequent offense)	Citation – Minn. Stat. § 609.11
Commission of a listed offense (see Minn. Stat. § 609.11, subd. 9) while using dangerous weapon other than firearm	1 year & 1 day	3 years	Subd. 4
Commission of a listed offense while using or possessing a firearm	3 years	5 years	Subd. 5(a)
Possession of firearm or ammunition by one previously convicted of a “crime of violence” (Minn. Stat. § 624.712, subd. 5)	5 years	5 years	Subd. 5(b)

Estimated Impact

In its fiscal note,¹ MSGC staff estimated that the bill’s policy changes will eventually require the need for an additional 1,073 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 dangerous weapons will be similar in numbers, offense, and weapon type to cases sentenced in 2019 when there were 940 cases sentenced that were subject to Minn. Stat. § 609.11 provisions.

Similarly, 2019 data is being used for baseline demographic populations. Table 2 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 2 breaks down those populations by

¹ MSGC’s detailed assumptions can be found in the fiscal note created for SF2576-0.

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 2. 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 require the eventual need for an additional 1,073 prison beds by 2032: 1,011 beds from cases that will move from probation to prison; and 62 beds from cases that will continue to receive prison but for more time; i.e., at least the mandatory minimum duration.

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 received waivers of the mandatory minimums established in Minn. Stat. § 609.11, as forbidden by the bill.

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 (88.4%); Female (11.6%).
- **Race & Ethnicity:** White (40.4%); Black (44.2%); American Indian (7.0%); Hispanic (5.0%); Asian (3.4%).
- **Judicial District:** First (7.9%); Second (17.7%); Third (6.1%); Fourth (29.9%); Fifth (6.8%); Sixth (3.6%); Seventh (7.9%); Eighth (2.7%); Ninth (6.1%); and Tenth (11.1%).

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*					
	MSGC Category	2019 Adult Inmate Population				Number	Percent	Percent-point change relative to other categories**	Estimated resulting rate per 100,000†	Percent change from existing prison pop.	
		Number	Percent	Rate per 100,000†	Beds						Percent
	Male	8,941	93.1%	417	+948.2	88.4%	9,889	92.6%	-0.5%	461	+10.6%
	Female	666	6.93%	30	+124.4	11.6%	790	7.40%	+0.5%	36	+18.7%
Race & Ethnicity	White	4,427	46.08%	122	+433.4	40.4%	4,860	45.51%	-0.6%	134	+9.8%
	Black	3,534	36.79%	1,263	+474.1	44.2%	4,008	37.53%	+0.7%	1,433	+13.4%
	American Indian	843	8.8%	1,275	+75.1	7.0%	918	8.6%	-0.2%	1,389	+8.9%
	Hispanic	525	5.46%	267	+53.6	5.0%	579	5.42%		294	+10.2%
	Asian	270	2.8%	119	+36.5	3.4%	306	2.9%	+0.1%	135	+13.5%
Judicial District	First	825	8.59%	136	+84.7	7.9%	910	8.52%	-0.1%	149	+10.3%
	Second	1,096	11.41%	260	+189.9	17.7%	1,286	12.04%	+0.6%	305	+17.3%
	Third	668	7.0%	179	+65.4	6.1%	733	6.9%	-0.1%	197	+9.8%
	Fourth	2,646	27.54%	268	+320.7	29.9%	2,967	27.78%	+0.2%	300	+12.1%
	Fifth	479	4.99%	216	+72.9	6.8%	552	5.17%	+0.2%	249	+15.2%
	Sixth	524	5.5%	258	+38.6	3.6%	563	5.3%	-0.2%	277	+7.4%
	Seventh	1,075	11.2%	284	+84.7	7.9%	1,160	10.9%	-0.3%	306	+7.9%
	Eighth	295	3.07%	241	+29.0	2.7%	324	3.03%		264	+9.8%
	Ninth	941	9.8%	356	+65.4	6.1%	1,006	9.4%	-0.4%	381	+7.0%
	Tenth	954	9.9%	126	+119.1	11.1%	1,073	10.0%	+0.1%	142	+12.5%
	Total	9,607	100%	222	+1072.7	100%	10,680	100%		246	+11.2%

* 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 2, “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

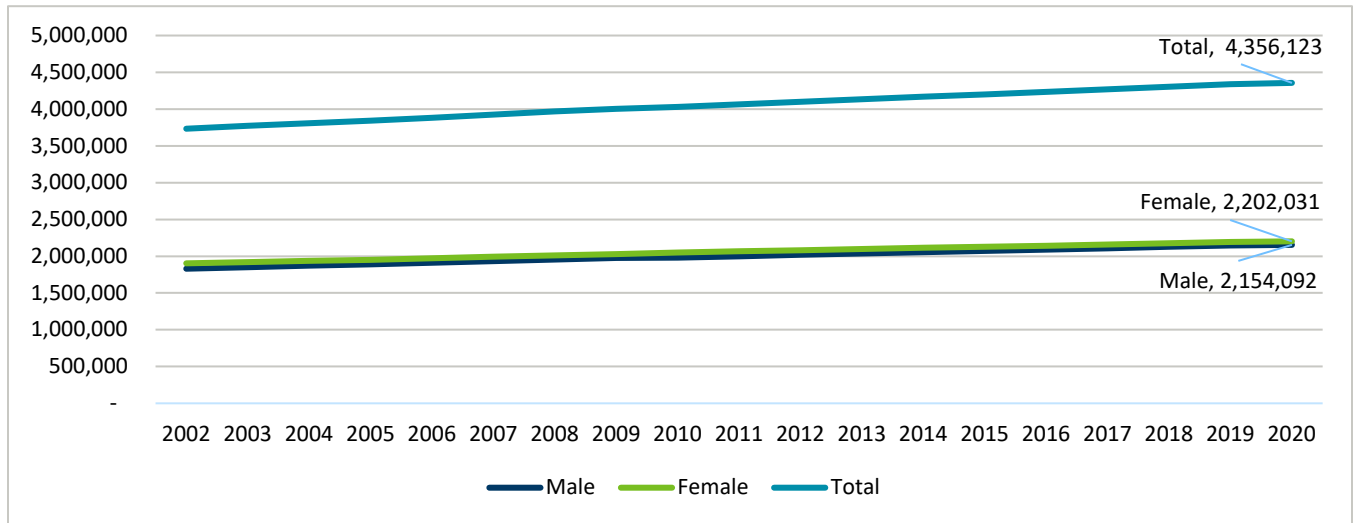


Figure 3. Minnesota Adult Residents, Estimated 2002–20, by Race and Ethnicity

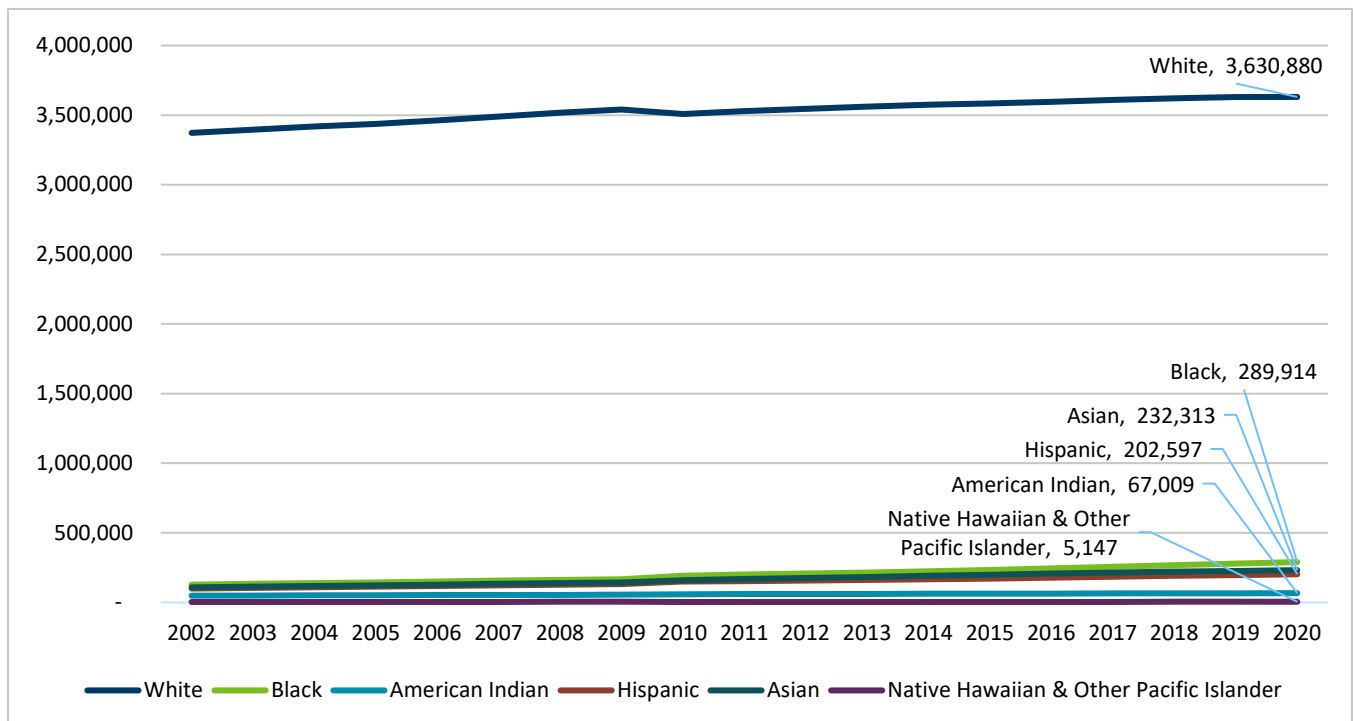
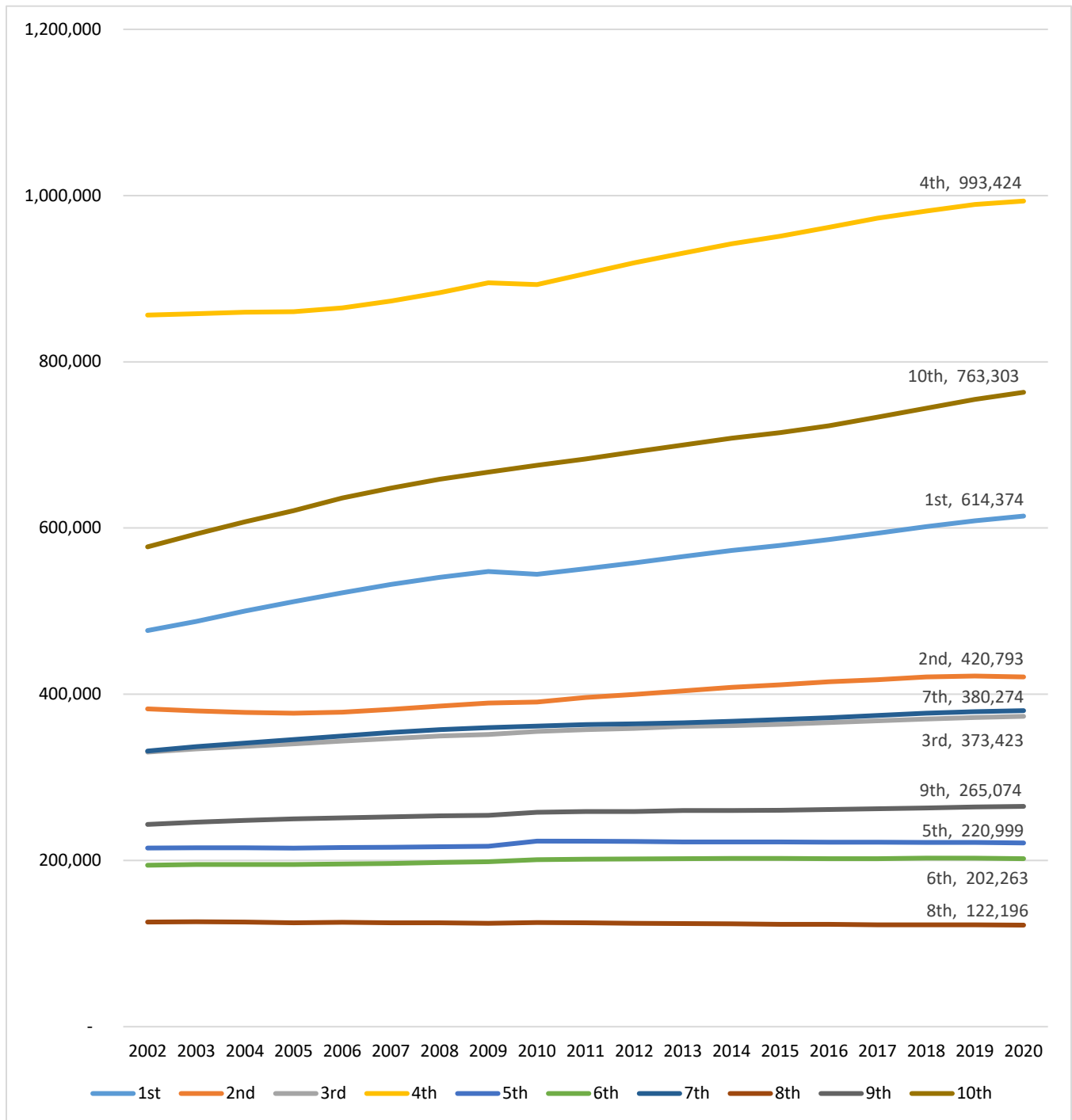


Figure 4. Minnesota Adult Residents, Estimated 2002–20, by Judicial District



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

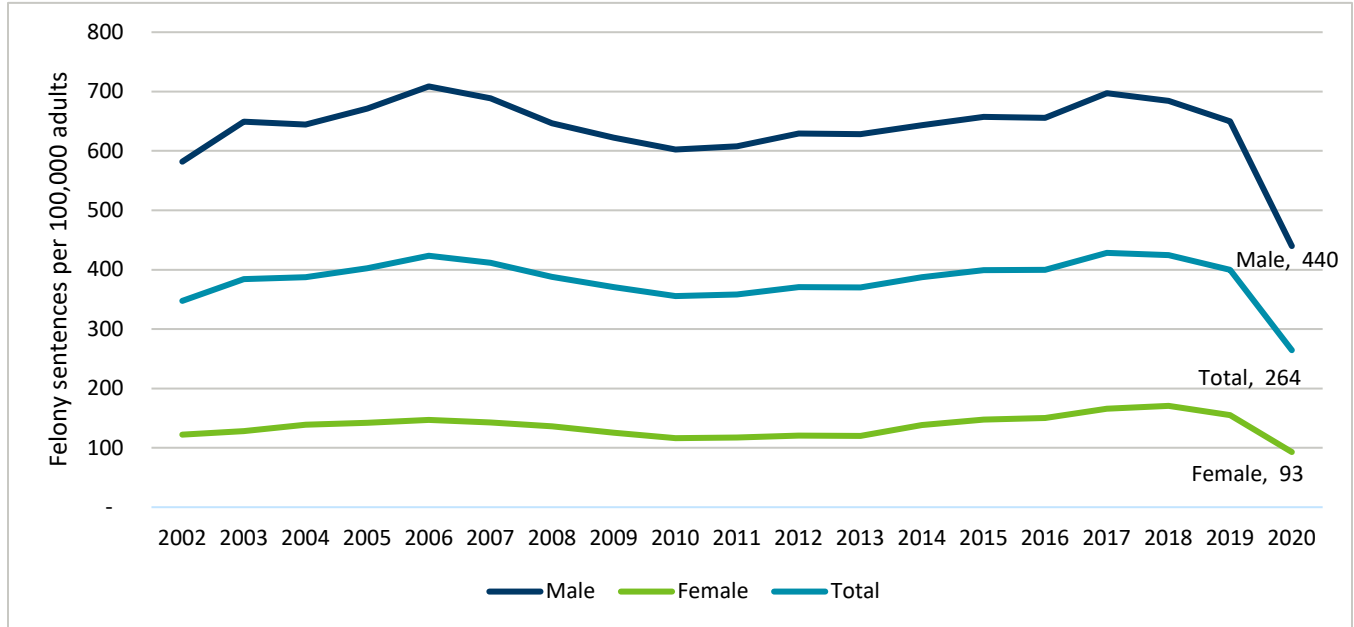


Figure 6. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–20, by Race and Ethnicity

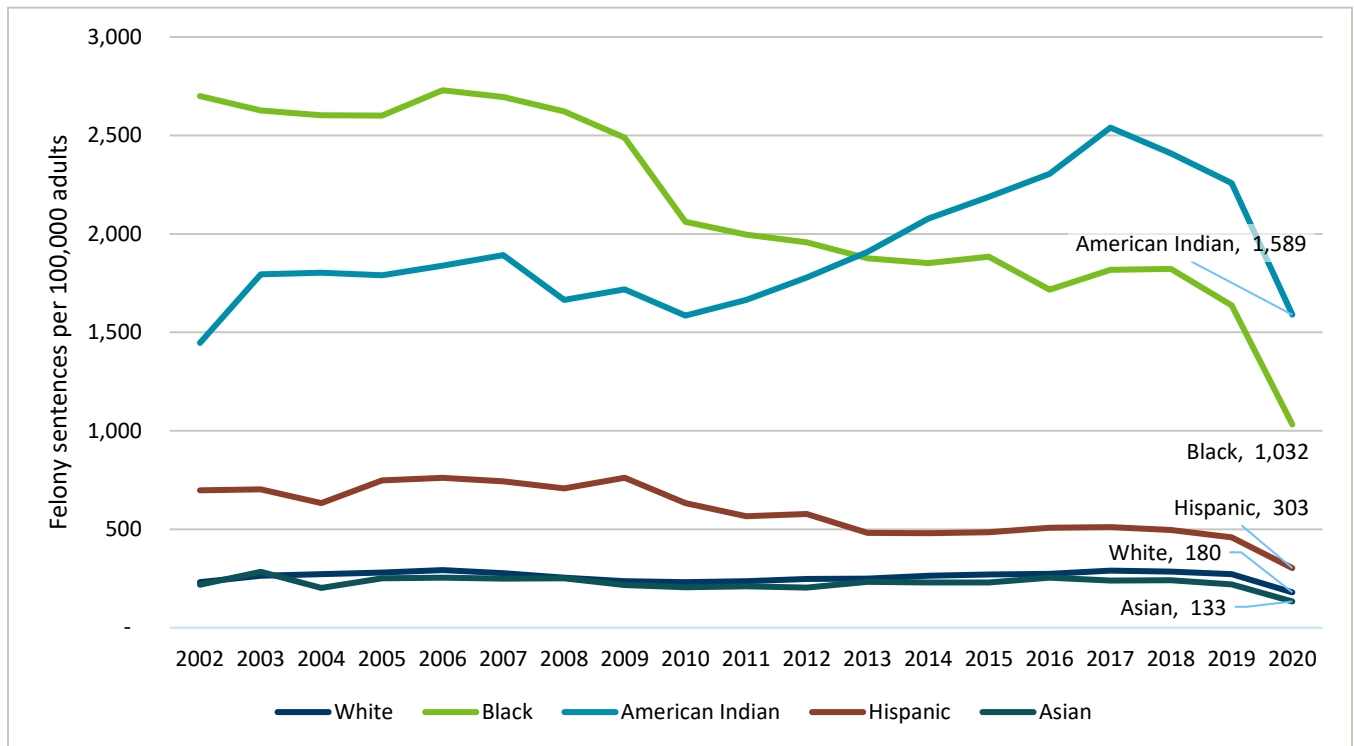
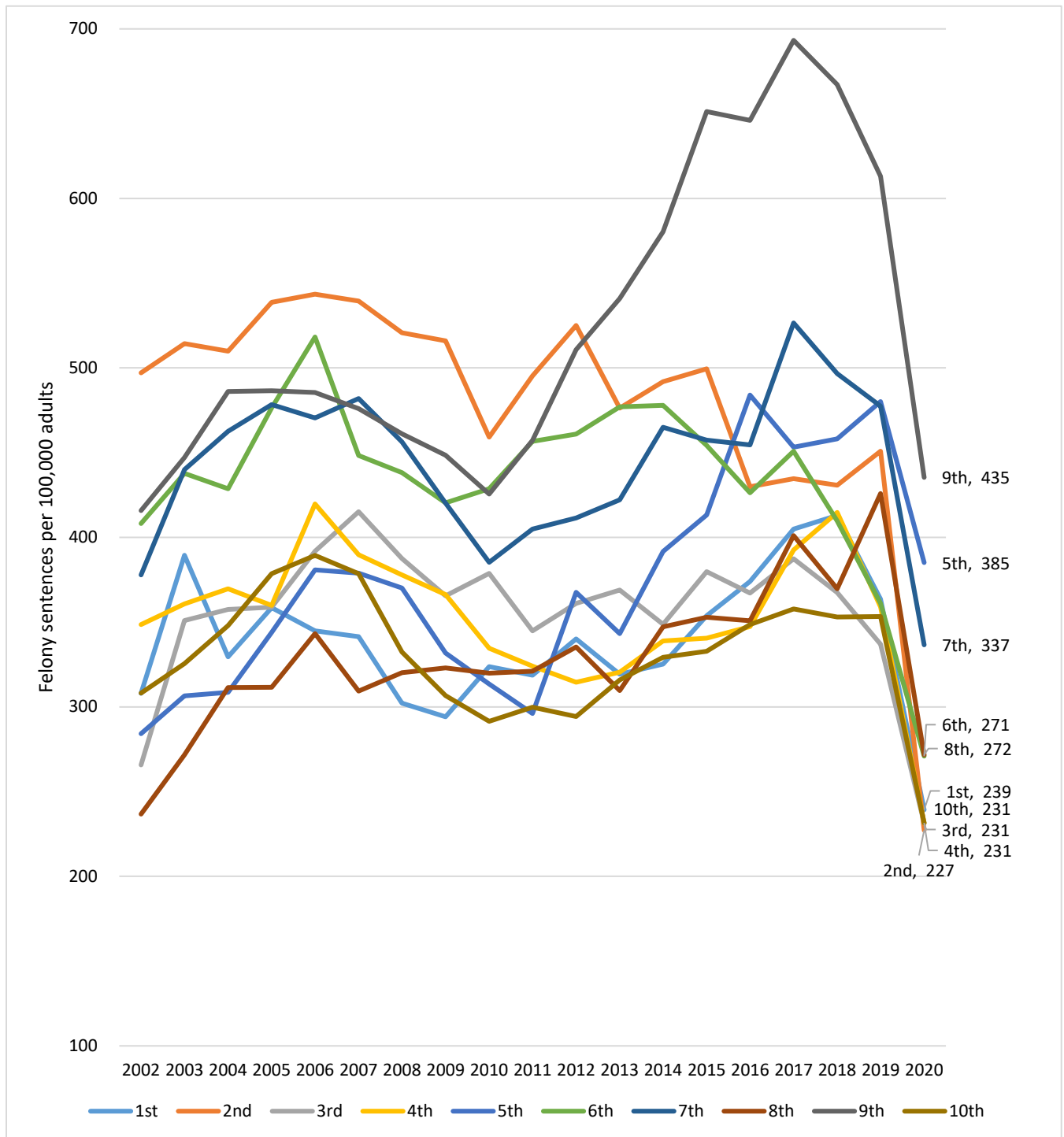


Figure 7. Felony Sentencing Rates per 100,000 Minnesota Adult Residents, 2002–20, by Judicial District



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

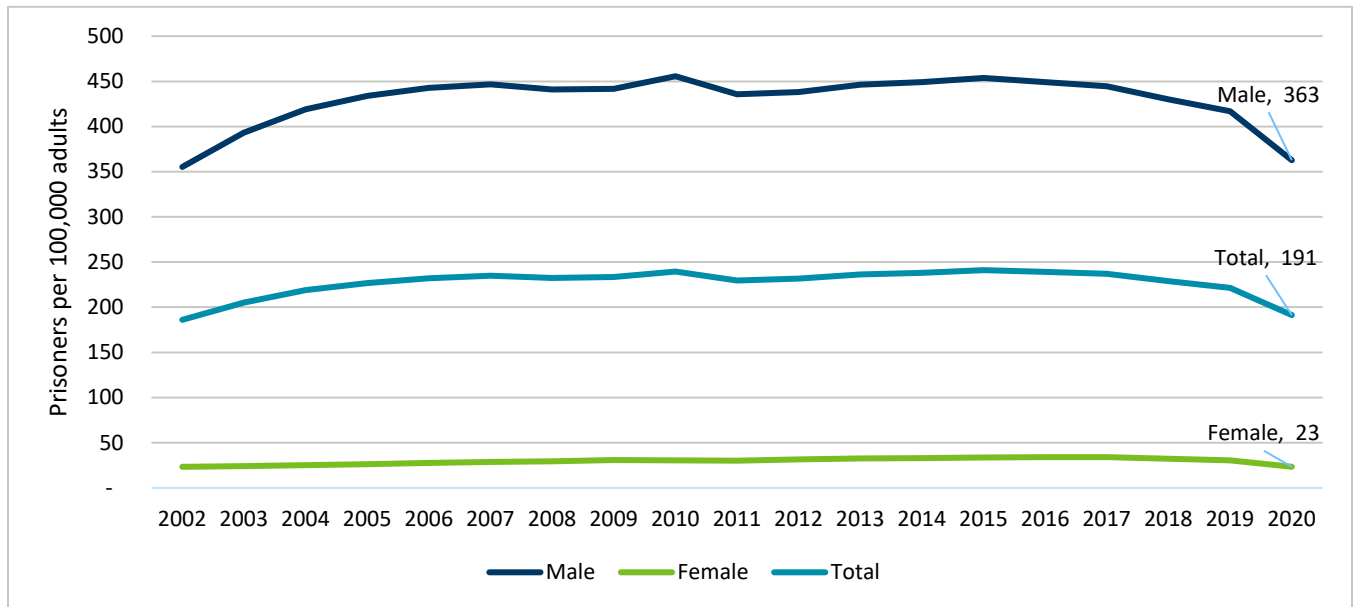


Figure 9. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–20, by Race and Ethnicity

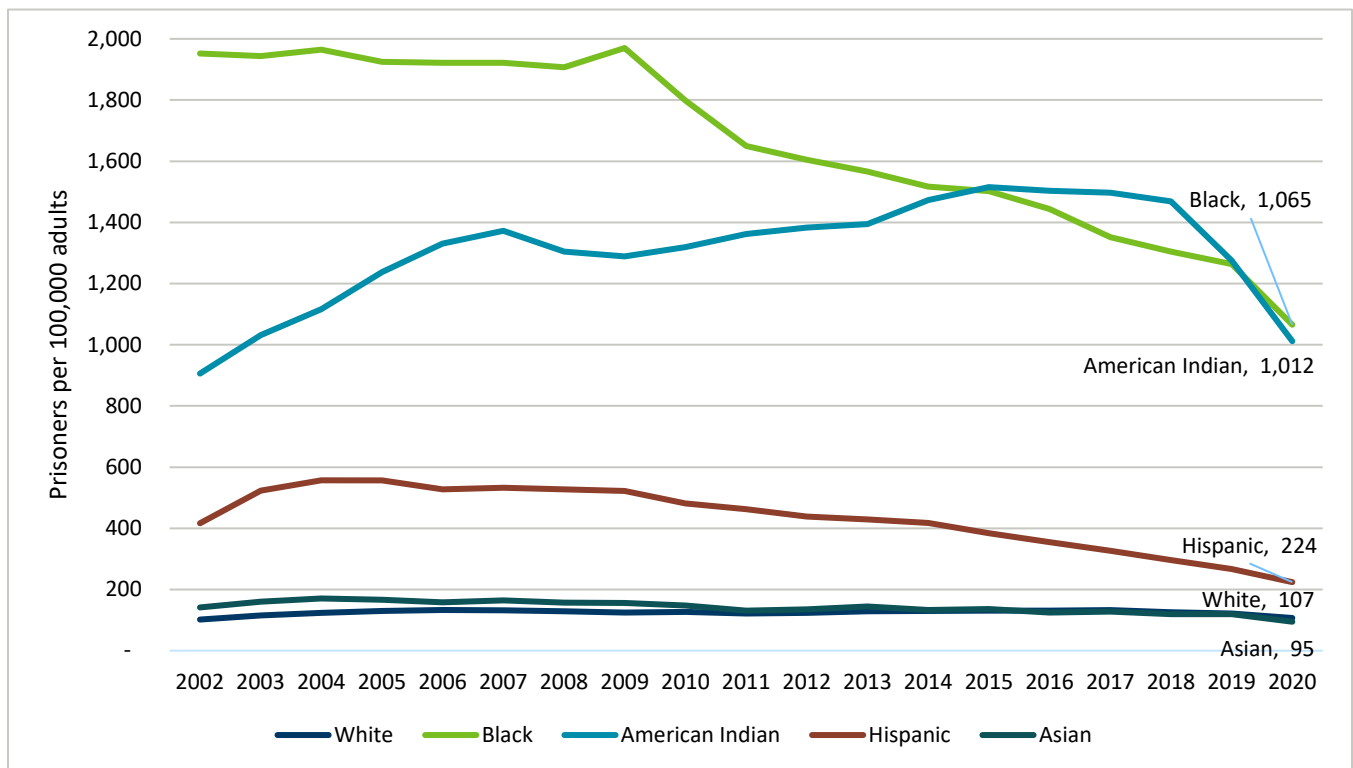
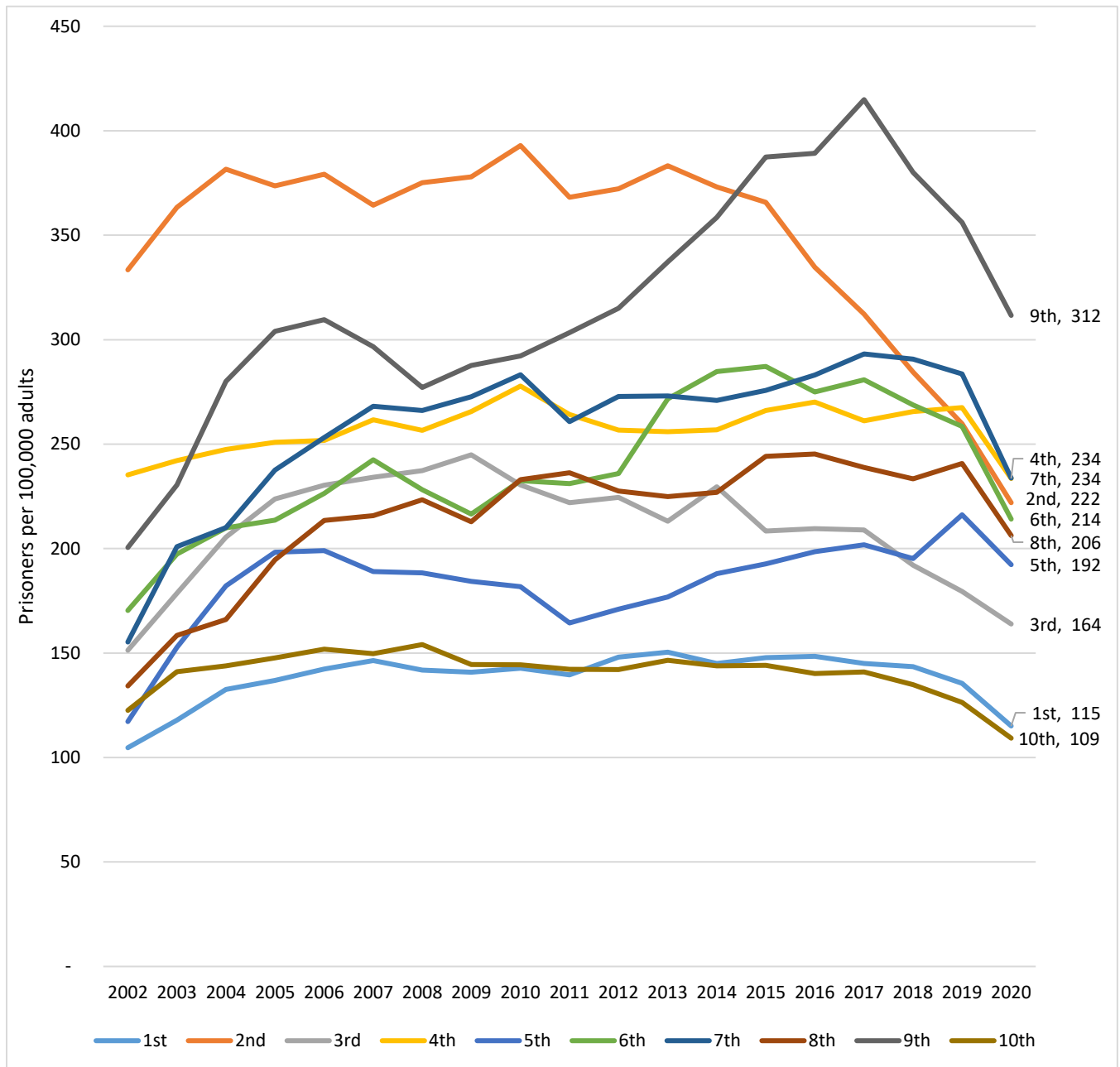


Figure 10. Imprisonment Rates per 100,000 Minnesota Adult Residents, 2002–20, by Judicial District



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.