

Felony Domestic Assault: Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. Persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

FELONY DOMESTIC ASSAULT

Analysis:

- Sentenced 2020-2024
- Felony Domestic Assault under Minn. Stat. § 609.2242, subd. 4
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 2,191 people were sentenced for felony domestic assault – 1,372 (63%) had a presumptive stayed disposition and 819 (37%) had a presumptive disposition of commit. Of the 819 people who were presumptive commits, 345 (42%) received a mitigated dispositional departure. One person received an aggravated dispositional departure. In total, 511 people received prison.¹ Of the 511 people who received prison, 117 (23%) received a mitigated durational departure and 6 (1%) received an aggravated durational departure. Four percent (97 cases) of all cases received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 511 people who received prison was 24 months.

Table 1. Sentencing Information for Felony Domestic Assault, Sentenced, 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	385	385	0	---	---	8	0	0	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
1	242	242	0	---	---	4	0	0	15.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
2	393	393	0	---	---	6	0	3	17.1 months
	100.0%	100.0%	0.0%	---	---	66.7%	0.0%	33.3%	
3	352	352	0	---	---	14	1	3	20.5 months
	100.0%	100.0%	0.0%	---	---	77.8%	5.6%	16.7%	
4	278	0	278	122	156	97	0	23	21.3 months
	100.0%	0.0%	100.0%	43.9%	56.1%	80.8%	0.0%	19.2%	
5	209	0	209	119	90	91	1	27	23.7 months
	100.0%	0.0%	100.0%	56.9%	43.1%	76.5%	0.8%	22.7%	
6+	332	0	332	233	99	168	4	61	27.4 months
	100.0%	0.0%	100.0%	70.2%	29.8%	72.1%	1.7%	26.2%	
Total	2,191	1,372	819	474	345	388	6	117	24.3 months
	100.0%	62.6%	37.4%	57.9%	42.1%	75.9%	1.2%	22.9%	

The most common reasons cited for mitigated dispositional departures were victim recommendation/acquiescence victim's family, amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 72% of cases, objected in 13% cases, and in 16% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were offense less onerous and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 86% cases, objected in 3% of cases, and in 11% of cases the position of the prosecutor was unknown.

¹ 38 people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 511.