

First-Degree Sale of Controlled Substance Crime, subd. 1(1): 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.

FIRST DEGREE DRUGS, SUBD. 1(1)

Analysis:

- Sentenced 2020-2024
- First-Degree Sale Controlled Substance Crime under Minn. Stat. § 152.021, subd. 1(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Post Drug Sentencing Reform Act (DSRA) (Severity Level D8)
- Departure rates by Criminal History Score (CHS)

From 2020-2024, 560 people were sentenced for a First-Degree Sale of Controlled Substance Crime under Minn. Stat. § 152.021, subd. 1(1) and had an offense date on or after August 1, 2016 (the enactment of the DSRA). This is a Severity Level D8 offense. Of the 560 people sentenced, 287 (51%) received a mitigated dispositional departure. Of the 273 people who received prison, 5 (2%) received an aggravated durational departure and 51 (19%) received a mitigated durational departure. The average pronounced prison term for the 273 people who received prison was 88 months.

Table 1. 1st Degree Sale of Controlled Substance Crime under Subd. 1(1), Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	168	44	124	36	0	8	57.3 months
	100.0%	26.2%	73.8%	81.8%	0.0%	18.2%	
1	65	26	39	23	0	3	68.6 months
	100.0%	40.0%	60.0%	88.5%	0.0%	11.5%	
2	81	44	37	35	0	9	75.2 months
	100.0%	54.3%	45.7%	79.5%	0.0%	20.5%	
3	66	37	29	31	0	6	86.3 months
	100.0%	56.1%	43.9%	83.8%	0.0%	16.2%	
4	49	31	18	23	1	7	97.1 months
	100.0%	63.3%	36.7%	74.2%	3.2%	22.6%	
5	44	29	15	22	0	7	98.7 months
	100.0%	65.9%	34.1%	75.9%	0.0%	24.1%	
6+	87	62	25	47	4	11	116.7 months
	100.0%	71.3%	28.7%	75.8%	6.5%	17.7%	
Total	560	273	287	217	5	51	87.6 months
	100.0%	48.8%	51.2%	79.5%	1.8%	18.7%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 71% of cases, objected to the departure in 14% of cases, and in 15% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and offense less onerous. The prosecutor agreed to/recommended/did not object to the departure in 76% of cases, objected to the departure in 8% of cases, and in 16% of cases the position of the prosecutor was unknown.