

## Second-Degree 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.

### **SECOND-DEGREE DRUG, SUBD. 1(1)**

#### **Analysis:**

- Sentenced 2020-2024
- Second-Degree Sale of Controlled Substance Crime under Minn. Stat. § 152.022, subd. 1(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Offenses ranked at Severity Level D7 (post-DSRA)

From 2020-2024, 333 people were sentenced for Second-Degree Controlled Substance Crime under Minn. Stat. § 152.022, subd. 1(1) – 144 (43%) had a presumptive disposition of stay and 189 (57%) had a presumptive disposition of commit. None of the cases received an aggravated dispositional departure. 66 (35%) of the 144 presumptive commit cases received a mitigated dispositional departure. In total, 126 cases received prison.<sup>1</sup> 14 (11%) of the prison cases received a durational departure and one case received an aggravated durational departure. The average pronounced prison term was 82 months.

**Table 1. Sentencing Information for 2nd Degree Controlled Substance Crime, subd. 1(1), 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	109	105	4	1	3	3	0	1	49.0 months
	100.0%	96.3%	3.7%	25.0%	75.0%	75.0%	0.0%	25.0%	
1	41	39	2	1	1	0	0	1	48.0 months
	100.0%	95.1%	4.9%	50.0%	50.0%	0.0%	0.0%	100.0%	
2	31	0	31	15	16	11	1	3	63.0 months
	100.0%	0.0%	100.0%	48.4%	51.6%	73.3%	6.7%	20.0%	
3	31	0	31	16	15	16	0	0	72.1 months
	100.0%	0.0%	100.0%	51.6%	48.4%	100.0%	0.0%	0.0%	
4	43	0	43	36	7	33	0	3	78.6 months
	100.0%	0.0%	100.0%	83.7%	16.3%	91.7%	0.0%	8.3%	
5	24	0	24	13	11	12	0	1	87.1 months
	100.0%	0.0%	100.0%	54.2%	45.8%	92.3%	0.0%	7.7%	
6+	54	0	54	41	13	36	0	5	97.1 months
	100.0%	0.0%	100.0%	75.9%	24.1%	87.8%	0.0%	12.2%	
Total	333	144	189	123	66	111	1	14	81.6 months
	100.0%	43.2%	56.8%	65.1%	34.9%	88.1%	0.8%	11.1%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, drug court, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 68% of cases, objected to the departure in 9% of cases, and in 23% of cases the position of the prosecutor was unknown.

The two most common reasons cited for mitigated durational departures was offense less onerous and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 93% of cases and in 7% of cases the position of the prosecutor was unknown.

<sup>1</sup> Three people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 126.