

Second-Degree Controlled Substance Crime, subd. 2(a)(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. 2(A)(1)

Analysis:

- Sentenced 2020-2024
- Second-Degree Possession of Controlled Substance Crime under Minn. Stat. § 152.022, subd. 2(a)(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, 754 people were sentenced for Second-Degree Controlled Substance Crime under Minn. Stat. § 152.022, subd. 2(a)(1) – 319 (42%) had a presumptive disposition of stay and 435 (58%) had a presumptive disposition of commit. One case received an aggravated dispositional departure. 178 (41%) of presumptive commit cases received a mitigated dispositional departure. In total, 265 people received prison.¹ Of the 265 prison cases, 57 (22%) had a mitigated durational departure and none had an aggravated durational departure.

Table 1. Sentencing Information for 2nd Degree Controlled Substance Crime, subd. 2(a)(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	Mitigated	
0	224	220	4	0	4	4	0	46.2 months
	100.0%	98.2%	1.8%	0.0%	100.0%	100.0%	0.0%	
1	102	99	3	1	2	4	1	56.0 months
	100.0%	97.1%	2.9%	33.3%	66.7%	80.0%	20.0%	
2	81	0	81	35	46	31	4	60.6 months
	100.0%	0.0%	100.0%	43.2%	56.8%	88.6%	11.4%	
3	74	0	74	38	36	32	6	68.7 months
	100.0%	0.0%	100.0%	51.4%	48.6%	84.2%	15.8%	
4	68	0	68	34	34	25	9	75.5 months
	100.0%	0.0%	100.0%	50.0%	50.0%	73.5%	26.5%	
5	57	0	57	31	26	25	6	81.3 months
	100.0%	0.0%	100.0%	54.4%	45.6%	80.6%	19.4%	
6+	148	0	148	118	30	87	31	94.6 months
	100.0%	0.0%	100.0%	79.7%	20.3%	73.7%	26.3%	
Total	754	319	435	257	178	208	57	81.0 months
	100.0%	42.3%	57.7%	59.1%	40.9%	78.5%	21.5%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, shows remorse/accepts responsibility, and recommended by court services. The prosecutor agreed to/recommended/did not object to the departure in 63% of cases, objected to the departure in 17% of cases, and in 20% 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 68% of cases, objected to the departure in 7% of cases, and in 25% of cases the position of the prosecutor was unknown.

¹Seven people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people who received prison to 265.