

Third-Degree Controlled Substance Crime under 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.

THIRD- DEGREE DRUGS, SUBD. 1(1)

Analysis:

- Sentenced 2020-2024
- Third-Degree Controlled Substance Crime under Minn. Stat. § 152.023, subd. 1(1)
- Post-DSRA (severity level – D6)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 616 people were sentenced for a Third-Degree Controlled Substance Crime under subd. 1(1). 371 (60%) of people sentenced had a presumptive disposition of stay and 245 (40%) had a presumptive disposition of commit. Two cases received an aggravated dispositional departure. Of the 245 people who were presumptive commitments, 88 (36%) received a mitigated dispositional departure. In total, 174 people received prison.¹ Of the 174 people who received prison, 28 (16%) received a mitigated durational departure and 4 (2%) received an aggravated durational departure. The average pronounced prison term was 44 months.

Table 1. Sentencing Information for 3rd Degree Drug Offense, subd. 1(1), SL D6, 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 | 201 | 196 | 5 | 0 | 5 | 3 | 1 | 0 | 34.3 months |
| | 100.0% | 97.5% | 2.5% | 0.0% | 100.0% | 75.0% | 25.0% | 0.0% | |
| 1 | 107 | 106 | 1 | 1 | 0 | 7 | 2 | 0 | 29.2 months |
| | 100.0% | 99.1% | 0.9% | 100.0% | 0.0% | 77.8% | 22.2% | 0.0% | |
| 2 | 69 | 69 | 0 | --- | --- | 5 | 1 | 0 | 35.0 months |
| | 100.0% | 100.0% | 0.0% | --- | --- | 83.3% | 16.7% | 0.0% | |
| 3 | 52 | 0 | 52 | 31 | 21 | 24 | 0 | 6 | 35.3 months |
| | 100.0% | 0.0% | 100.0% | 59.6% | 40.4% | 80.0% | 0.0% | 20.0% | |
| 4 | 64 | 0 | 64 | 38 | 26 | 31 | 0 | 7 | 40.1 months |
| | 100.0% | 0.0% | 100.0% | 59.4% | 40.6% | 81.6% | 0.0% | 18.4% | |
| 5 | 33 | 0 | 33 | 21 | 12 | 16 | 0 | 5 | 46.4 months |
| | 100.0% | 0.0% | 100.0% | 63.6% | 36.4% | 76.2% | 0.0% | 23.8% | |
| 6+ | 90 | 0 | 90 | 66 | 24 | 56 | 0 | 10 | 54.0 months |
| | 100.0% | 0.0% | 100.0% | 73.3% | 26.7% | 84.8% | 0.0% | 15.2% | |
| Total | 616 | 371 | 245 | 157 | 88 | 142 | 4 | 28 | 44.4 months |
| | 100.0% | 60.2% | 39.8% | 64.1% | 35.9% | 81.6% | 2.3% | 16.1% | |

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 66% of cases, objected in 14% of cases, and in 20% 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 68% of cases, objected in 4% of cases, and in 28% of cases the position of the prosecutor was unknown.

¹Sixteen people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of cases that received prison to 174.