

Third-Degree Controlled Substance Crime under 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.

THIRD-DEGREE DRUGS, SUBD. 2(A)(1)

Analysis:

- Sentenced 2020-2024
- Third-Degree Controlled Substance Crime under Minn. Stat. § 152.023, subd. 2(a)(1)
- Post-DSRA (severity level – D6)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 1,264 people were sentenced for a Third-Degree Controlled Substance Crime under subd. 2(a)(1). 611 (49%) of people sentenced had a presumptive disposition of stay and 645 (51%) had a presumptive disposition of commit. One person received an aggravated dispositional departure. Of the 648 people who were presumptive commitments, 295 (46%) received a mitigated dispositional departure. In total, 364 people received prison.¹ Of the 364 people who received prison, 51 (14%) received a mitigated durational departure and none received an aggravated durational departure. The average pronounced prison term was 47 months.

Table 1. Sentencing Information for 3rd Degree Drug Offense, subd. 2(a)(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	Mitigated	
0	322	314	8	4	4	8	0	28.5 months
	100.0%	97.5%	2.5%	50.0%	50.0%	100.0%	0.0%	
1	148	147	1	1	0	3	0	30.0 months
	100.0%	99.3%	0.7%	100.0%	0.0%	100.0%	0.0%	
2	150	150	0	--	--	8	1	31.7 months
	100.0%	100.0%	0.0%	--	--	88.9%	11.1%	
3	141	0	141	56	85	52	3	36.8 months
	100.0%	0.0%	100.0%	39.7%	60.3%	94.5%	5.5%	
4	133	0	133	57	76	52	5	42.9 months
	100.0%	0.0%	100.0%	42.9%	57.1%	91.2%	8.8%	
5	95	0	95	57	38	49	8	47.2 months
	100.0%	0.0%	100.0%	60.0%	40.0%	86.0%	14.0%	
6+	267	0	267	175	92	141	34	52.5 months
	100.0%	0.0%	100.0%	65.5%	34.5%	80.6%	19.4%	
Total	1,256	611	645	350	295	313	51	46.6 months
	100.0%	48.6%	51.4%	54.3%	45.7%	86.0%	14.0%	

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 67% of cases, objected in 12% of cases, and in 21% 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 78% of cases, objected in 4% of cases, and in 18% of cases the position of the prosecutor was unknown.

¹Fourteen people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of cases that received prison to 364.