

Fifth-Degree Controlled Substance Crime, subd. 2(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.

FIFTH-DEGREE DRUG POSSESSION, 152.025, SUBD. 2(1)

Analysis:

- Sentenced 2020-2024
- Felony Fifth-Degree Possession of Controlled Substance Crime under Minn. Stat. § 152.025, subd. 2(1)
- Severity Level D2 (post-DSRA severity level)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 11,898 people were sentenced for a felony Fifth-Degree Possession of Controlled Substance Crime under Minn. Stat. § 152.025, subd. 2(1). 10,353 (87%) had a presumptive disposition of stay and 1,545 (13%) had a presumptive disposition of commit. 37 (0.4%) of people who were presumptive stays received an aggravated dispositional departure. 712 (46%) of people who were presumptive commits received a mitigated dispositional departure. In total, 1,389 people received prison¹. Of the 1,389 people who received prison, 193 (14%) received a mitigated durational departure and 37 (3%) received an aggravated durational departure. 335 people received a mitigated departure to a misd./gross misdemeanor sentence. The average pronounced prison term was 18.5 months.

Table 1. Sentencing Information for 5th Degree Drug Offense, subd. 2(1), Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Departure to a Misdemeanor/GM Sentence	Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Agg.	Mit.		
0	3,213	3,191	22	3	19	77	3	0	118	13.1 months
	100.0%	99.3%	0.7%	13.6%	86.4%	96.3%	3.8%	0.0%	3.7%	
1	1,994	1,985	9	4	5	67	6	0	56	13.5 months
	100.0%	99.5%	0.5%	44.4%	55.6%	91.8%	8.2%	0.0%	2.8%	
2	1,737	1,732	5	4	1	67	3	15	49	14.0 months
	100.0%	99.7%	0.3%	80.0%	20.0%	78.8%	3.5%	17.6%	2.8%	
3	1,463	1458	5	2	3	88	12	18	35	15.7 months
	100.0%	99.7%	0.3%	40.0%	60.0%	74.6%	10.2%	15.3%	2.4%	
4	1,178	1,167	11	9	2	86	5	17	29	18.1 months
	100.0%	99.1%	0.9%	81.8%	18.2%	79.6%	4.6%	15.7%	2.5%	
5	824	820	4	3	1	95	3	24	8	18.8 months
	100.0%	99.5%	0.5%	75.0%	25.0%	77.9%	2.5%	19.7%	1.0	
6+	1,489	0	1,489	808	681	679	5	119	40	20.3 months
	100.0%	0.0%	100.0%	54.3%	45.7%	84.6%	0.6%	14.8%	2.7	
Total	11,898	10,353	1,545	833	712	1159	37	193	335	18.5 months
	100.0%	87.0%	13.0%	53.9%	46.1%	83.4%	2.7%	13.9%	2.8%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 70% of cases, objected in 9% of cases, and in 21% 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 than usual. The prosecutor agreed to/recommended/did not object to the departure in 64% of cases, objected to the departure in 2% of cases, and in 34% of cases the position of the prosecutor was unknown.

¹524 people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 1,389.