

Failure to Register as Predatory Offender (Non-Subsequent): Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders 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.

NONSUBSEQUENT FAILURE TO REGISTER AS PREDATORY OFFENDER

Analysis:

- Sentenced 2020-2024
- Failure to Register as Predatory Offender under Minn. Stat. § 243.166, subd. 5(b)
- Non-subsequent offense
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 1,078 people were sentenced for a nonsubsequent Failure to Register as Predatory Offender offense under Minn. Stat. § 243.166, subd. 5(b). Of the 1,078 people sentenced, 604 (56%) received a mitigated dispositional departure. Of the 474 people who received an executed prison sentence, 160 (34%) received a mitigated durational departure and 3 (1%) received an aggravated durational departure. 41 (4%) people received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 474 people who received prison was 21 months.

Table 1. Sentencing Information for Failure to Register as Predatory Offender – Non-subsequent Offense, Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	81	7	74	6	0	1	12.5 months
	100.0%	8.6%	91.4%	85.7%	0.0%	14.3%	
1	118	27	91	27	0	0	12.6 months
	100.0%	22.9%	77.1%	100.0%	0.0%	0.0%	
2	162	52	110	41	1	10	14.5 months
	100.0%	32.1%	67.9%	78.8%	1.9%	19.2%	
3	183	70	113	54	2	14	16.4 months
	100.0%	38.3%	61.7%	77.1%	2.9%	20.0%	
4	173	97	76	60	0	37	19.5 months
	100.0%	56.1%	43.9%	61.9%	0.0%	38.1%	
5	114	70	44	39	0	31	23.3 months
	100.0%	61.4%	38.6%	55.7%	0.0%	44.3%	
6+	247	151	96	84	0	67	28.4 months
	100.0%	61.1%	38.9%	55.6%	0.0%	44.4%	
Total	1,078	474	604	311	3	160	21.4 months
	100.0%	44.0%	56.0%	65.6%	0.6%	33.8%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, shows remorse/accepts responsibility, recommended by court services, and offense less onerous. The prosecutor agreed to/recommended/did not object to the departure in 77% of cases, objected to the departure in 8% of cases, and in 16% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous than usual. The prosecutor agreed to/recommended/did not object to the departure in 80% of cases, objected to the departure in 2% of cases, and in 18% of cases the position of the prosecutor was unknown.