

## Financial Transaction Card Fraud, Value under \$2,500: Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent a person rather than individual charges. A person sentenced within the same county in a one-month period is 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.

### **FINANCIAL TRANSACTION CARD FRAUD (FTCF), UNDER \$2500**

#### **Analysis:**

- Sentenced 2020-2024
- Financial Transaction Card Fraud under Minn. Stat. § 609.821, subd. 2
- Value under \$2,500 (Severity Level 2 offense)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 828 people were sentenced for FTCF at Severity Level 2 – 620 (75%) people had a presumptive stayed disposition and 208 (25%) had a presumptive disposition of commit. Of the 208 people who were presumptive commits, 80 (38.5%) received a mitigated dispositional departure. None of the cases received an aggravated dispositional departure. In total, 155 people received prison.<sup>1</sup> Of the 155 people who received prison, 25 (16%) received a mitigated durational departure and 4 (3%) received an aggravated durational departure. Of the 828 people sentenced, 106 (13%) received a mitigated departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term was 20 months.

**Table 1. Sentencing Information for FTCF under \$2,500, Sentenced 2020-2024**

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits only)		Durational Departure (prison only)			Received M/GM Sentence	Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated		
0	215	215	0	---	---	1	0	0	50	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	23.3%	
1	100	100	0	---	---	1	0	0	19	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	19.0%	
2	82	82	0	---	---	2	0	0	11	13.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	13.4%	
3	76	76	0	---	---	4	1	0	10	15.4 months
	100.0%	100.0%	0.0%	---	---	80.0%	20.0%	0.0%	13.2%	
4	73	73	0	---	---	6	0	1	5	16.7 months
	100.0%	100.0%	0.0%	---	---	85.7%	0.0%	14.3%	6.8%	
5	74	74	0	---	---	7	1	3	6	18.6 months
	100.0%	100.0%	0.0%	---	---	63.6%	9.1%	27.3%	8.1%	
6+	208	0	208	128	80	105	2	21	5	20.5 months
	100.0%	0.0%	100.0%	61.5%	38.5%	82.0%	1.6%	16.4%	2.4%	
Total	828	620	208	128	80	126	4	25	106	19.8 months
	100.0%	74.9%	25.1%	61.5%	38.5%	81.3%	2.6%	16.1%	12.8%	

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 11% of cases, and in 19% 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 8% of cases, and in 24% of cases the position of the prosecutor was unknown.

<sup>1</sup>27 people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 155.