

Financial Transaction Card Fraud, Value over \$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), OVER \$2,500

Analysis:

- Sentenced 2020-2024
- Financial Transaction Card Fraud, Minn. Stat. § 609.821, subd. 2
- Value over \$2,500 (Severity Level 3 offense)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 168 people were sentenced for FTCF at Severity Level 3 – 108 (64%) people had a presumptive stayed disposition and 60 (36%) had a presumptive disposition of commit. Of the 60 people who were presumptive commits, 22 (37%) received a mitigated dispositional departure. None of the cases received an aggravated dispositional departure. In total, 40 people received prison.¹ Of the 40 people who received prison, 8 (20%) received a mitigated durational departure and one case received an aggravated durational departure. Of the 168 people sentenced, 14 (8%) received a mitigated departure to a misd/gross misdemeanor sentence. The average pronounced prison term was 22.8 months.

Table 1. Sentencing Information for FTCF over \$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	50	50	0	---	---	---	---	---	7	---
	100.0%	100.0%	0.0%	---	---	---	---	---	14.0%	
1	24	24	0	---	---	---	---	---	5	---
	100.0%	100.0%	0.0%	---	---	---	---	---	20.8%	
2	19	19	0	---	---	---	---	---	2	---
	100.0%	100.0%	0.0%	---	---	---	---	---	10.5%	
3	15	15	0	---	---	1	0	1	0	14.5 months
	100.0%	100.0%	0.0%	---	---	50.0%	0.0%	50.0%	0.0%	
4	5	0	5	1	4	1	0	0	0	19.0 months
	100.0%	0.0%	100.0%	20.0%	80.0%	100.0%	0.0%	0.0%	0.0%	
5	8	0	8	6	2	6	0	0	0	20.5 months
	100.0%	0.0%	100.0%	75.0%	25.0%	100.0%	0.0%	0.0%	0.0%	
6+	47	0	47	31	16	23	1	7	0	23.9 months
	100.0%	0.0%	100.0%	66.0%	34.0%	74.2%	3.2%	22.6%	0.0%	
Total	168	108	60	38	22	31	1	8	14	22.8 months
	100.0%	64.3%	35.7%	63.3%	36.7%	77.5%	2.5%	20.0%	8.3%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 59% of cases, objected in 14% of cases, and in 27% of cases the position of the prosecutor was unknown.

The reasons cited for mitigated durational departures were offense less onerous and amenable to probation. The prosecutor agreed to/recommended/did not object to the departure in 50% of cases and in 50% of cases the position of the prosecutor was unknown.

¹Two people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 40.