

Felon/Certain Persons in Possession of Firearm/Ammunition: 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.

FELON OR CERTAIN PERSONS IN POSSESSION OF FIREARM OR AMMUNITION, 624.713, 609.165

Analysis:

- Sentenced 2020-2024
- Felon/Certain Persons in Possession of Firearm/Ammunition under Minn. Stat. § 624.713, subd. 2(b) or 609.165
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 2,865 people were sentenced for Felon or Certain Persons in Possession of Firearm/Ammunition. Of the 2,865 people sentenced, 1,237 (43%) received a mitigated dispositional departure. Of the 1,628 people who received an executed prison sentence, 354 (22%) received a mitigated durational departure and 9 (1%) received an aggravated durational departure.

Table 1. Departure Rates for Felon/Certain Persons in Possession of Firearm/Ammunition, Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	269	58	211	41	0	17	53.7 months
	100.0%	21.6%	78.4%	70.7%	0.0%	29.3%	
1	409	140	269	97	0	43	53.5 months
	100.0%	34.2%	65.8%	69.3%	0.0%	30.7%	
2	481	219	262	163	0	56	55.3 months
	100.0%	45.5%	54.5%	74.4%	0.0%	25.6%	
3	447	256	191	197	2	57	55.6 months
	100.0%	57.3%	42.7%	77.0%	0.8%	22.3%	
4	353	241	112	187	0	54	55.7 months
	100.0%	68.3%	31.7%	77.6%	0.0%	22.4%	
5	319	232	87	182	1	49	56.3 months
	100.0%	72.7%	27.3%	78.4%	0.4%	21.1%	
6+	587	482	105	398	6	78	57.6 months
	100.0%	82.1%	17.9%	82.6%	1.2%	16.2%	
Total	2,865	1,628	1,237	1,265	9	354	56.0 months
	100.0%	56.8%	43.2%	77.7%	0.6%	21.7%	

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 54% of cases, objected to the departure in 20% of cases, and in 26% 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/weapon type less serious/gun not loaded. The prosecutor agreed to/recommended/did not object to the departure in 65% of cases, objected to the departure in 11% of cases, and in 24% of cases the position of the prosecutor was unknown.