

Felony Harassment, subd. 4(a): 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.

FELONY HARASSMENT, SUBDIVISION 4(A)

Analysis:

- Sentenced 2020-2024
- Felony Harassment under Minn. Stat. § 609.749, subd. 4(a)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 51 people were sentenced for harassment under subd. 4(a). 38 (74.5%) of the 51 cases sentenced had a presumptive stayed disposition and 13 (25.5%) had a presumptive disposition of commit to prison. 7 (54%) of the 13 presumptive commit cases received a mitigated dispositional departure. None of the cases received an aggravated dispositional departure. None of the six people who received prison received a durational departure. Three people received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the six cases that received prison was 26 months.

Table 1. Sentencing Information for Felony Harassment, subd. 4(a), Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	
0	15	15	0	---	---	---
	100.0%	100.0%	0.0%	---	---	
1	7	7	0	---	---	---
	100.0%	100.0%	0.0%	---	---	
2	7	7	0	---	---	---
	100.0%	100.0%	0.0%	---	---	
3	9	9	0	---	---	---
	100.0%	100.0%	0.0%	---	---	
4	3	0	3	1	2	24.0 months
	100.0%	0.0%	100.0%	33.3%	66.7%	
5	6	0	6	4	2	24.0 months
	100.0%	0.0%	100.0%	66.7%	33.3%	
6+	4	0	4	1	3	36.0 months
	100.0%	0.0%	100.0%	25.0%	75.0%	
Total	51	38	13	6	7	26.0 months
	100.0%	74.5%	25.5%	46.2%	53.8%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, offense less onerous, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 57% of cases, objected to the departure in 14% of cases, and in 29% of cases the position of the prosecutor was unknown.