

## Felony Harassment, subd. 4(b): 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.

### HARASSMENT, SUBD. 4(B)

#### Analysis:

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

From 2020-2024, 53 people were sentenced for harassment under subd. 4(b). 22 (41.5%) of the 53 cases had a presumptive stayed disposition and 31 (58.5%) had a presumptive disposition of commit to prison. 9 (29%) of the 31 presumptive prison cases received a mitigated dispositional departure. None of the cases received an aggravated dispositional departure. One person received a departure to a misdemeanor/gross misdemeanor sentence. Of the 22 people who received prison, two received an aggravated durational departure and two received a mitigated durational departure. Two prison cases received a consecutive sentence. The average pronounced prison term was 46 months.

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

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Aggravated	Mitigated	
0	8	8	0	---	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	---	
1	8	8	0	---	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	---	
2	6	6	0	---	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	---	
3	4	0	4	2	2	1	0	1	26.0 months
	100.0%	0.0%	100.0%	50.0%	50.0%	50.0%	0.0%	50.0%	
4	6	0	6	6	0	6	0	0	40.8 months
	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	
5	10	0	10	6	4	6	0	0	42.7 months
	100.0%	0.0%	100.0%	60.0%	40.0%	100.0%	0.0%	0.0%	
6+	11	0	11	8	3	5	2	1	57.8 months
	100.0%	0.0%	100.0%	72.7%	27.3%	62.5%	25.0%	12.5%	
Total	53	22	31	22	9	18	2	2	46.1 months
	100.0%	41.5%	58.5%	71.0%	29.0%	81.8%	9.1%	9.1%	

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 78% of cases, and in 22% of cases the position of the prosecutor was unknown.