

Murder Second Degree – Unintentional Murder: 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.

SECOND-DEGREE MURDER WITHOUT INTENT, SUBD. 2(1)

Analysis:

- Sentenced 2020-2024
- Second-Degree Unintentional Murder While Commit a Felony under Minn. Stat. § 609.19, subd. 2(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 182 people were sentenced for Second-Degree Unintentional Murder under Minn. Stat. § 609.19, subd. 2(1). One case received a mitigated dispositional departure. Of the 181 people who received prison, 17 (9%) received a mitigated durational departure and 28 (16%) received an aggravated durational departure. The average pronounced prison term was 202 months.¹

Table 1. Sentencing Information for 2nd Degree Murder, subd. 2(1), Sentenced 2020-2024

CHS	Total	Dispositional Departure		Durational Departure (prison only)			Average Pronounced Prison Term
		None	Mitigated	None	Aggravated	Mitigated	
0	87	86	1	63	13	10	165.4 months
	100.0%	98.9%	1.1%	73.3%	15.1%	11.6%	
1	20	20	0	15	4	1	212.8 months
	100.0%	100.0%	0.0%	75.0%	20.0%	5.0%	
2	16	16	0	13	3	0	215.3 months
	100.0%	100.0%	0.0%	81.3%	18.8%	0.0%	
3	13	13	0	11	2	0	229.2 months
	100.0%	100.0%	0.0%	84.6%	15.4%	0.0%	
4	15	15	0	10	3	2	256.0 months
	100.0%	100.0%	0.0%	66.7%	20.0%	13.3%	
5	14	14	0	11	1	2	251.4 months
	100.0%	100.0%	0.0%	78.6%	7.1%	14.3%	
6+	17	17	0	13	2	2	256.5 months
	100.0%	100.0%	0.0%	76.5%	11.8%	11.8%	
Total	182	181	1	136	28	17	202.3 months
	100.0%	99.5%	0.5%	75.1%	15.5%	9.4%	

The reasons cited for the mitigated dispositional departure was no prior record/no prior felonies, cooperated with police and other law enforcement, amenable to probation, and defendant’s health problems. The position of the prosecutor was unknown.

The most common reasons cited for aggravated durational departures were victim is particularly vulnerable, particular cruelty, crime more onerous than usual, position of authority over victim/trust, and crime committed in victim’s home or zone of privacy. Fifteen people waived jury determination of aggravating factors.

The most common reasons cited for mitigated durational departures were offense less onerous, shows remorse/accepts responsibility, and offender played minor/lesser/passive role. The prosecutor agreed to/recommended/did not object to the departure in 59% of cases, objected in 18%, and in 23% of cases the position of the prosecutor was unknown.

¹ This includes eleven cases that received a consecutive sentence.