

Receiving Stolen Property – Firearm: 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.

RECEIVING STOLEN PROPERTY – FIREARM

Analysis:

- Sentenced 2020-2024
- Receiving Stolen Property – Firearm (RSP) under Minn. Stat. § 609.53
- Received Firearm (Severity Level 4 offense)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 105 people were sentenced for RSP at Severity Level 4 – 86 (82%) people had a presumptive stayed disposition and 19 (18%) had a presumptive disposition of commit. Of the 19 people who were presumptive commits, 5 (26%) received a mitigated dispositional departure. One case received an aggravated dispositional departure. In total, 16 people received prison.¹ Of the 16 people who received prison, one received a mitigated durational departure and none received an aggravated durational departure. Six cases received a mitigated departure to a misd./GM sentence. The average pronounced prison term was 29 months.

Table 1. Sentencing Information for RSP of Firearm, Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)		Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Mitigated	
0	56	56	0	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	
1	11	11	0	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	
2	10	10	0	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	
3	9	9	0	---	---	2	0	21.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	
4	4	0	4	2	2	2	0	21.0 months
	100.0%	0.0%	100.0%	50.0%	50.0%	100.0%	0.0%	
5	5	0	5	4	1	4	0	29.0 months
	100.0%	0.0%	100.0%	80.0%	20.0%	100.0%	0.0%	
6+	10	0	10	8	2	7	1	32.3 months
	100.0%	0.0%	100.0%	80.0%	20.0%	87.5%	12.5%	
Total	105	86	19	14	5	15	1	28.6 months
	100.0%	81.9%	18.1%	73.7%	26.3%	93.8%	6.3%	

The reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, save taxpayers the cost of a trial/judicial efficiency, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 80% of cases and objected in 20% of cases.

The reasons cited for the mitigated durational departure are unknown.

¹One person demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of people who received prison to 16.