

## Theft of Movable Property under \$5,000 (Severity Level 2): 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.

### THEFT OF MOVABLE PROPERTY UNDER \$5,000

#### Analysis:

- Sentenced 2020-2024
- Theft under Minn. Stat. § 609.52, subd. 2(a)(1)
- Severity Level 2 (under \$5,000)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 2,816 people were sentenced for felony theft at Severity Level 2 – 2,288 (81%) were presumptive stays and 528 (19%) were presumptive commitments. Two of the presumptive stayed cases received an aggravated dispositional departure. Of the 528 people who were presumptive commits, 249 (47%) received a mitigated dispositional departure. In total, 348 people received prison.<sup>1</sup> Of the 348 people who received prison, 75 (22%) received a mitigated durational departure and 7 (2%) received an aggravated durational departure. 386 (14%) received a mitigated departure to a misdemeanor/gm sentence. The average pronounced prison term was 19 months.

**Table 1. Sentencing Information for Theft Under \$5,000, Sentenced 2020-2024**

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commits)		Durational Departure (prison only)			Received M/GM Sentence	Average Pronounced Prison Term
		Stay	None	None	Mitigated	None	Aggravated	Mitigated		
0	793	793	0	---	---	3	0	0	191	12.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	24.1%	
1	342	342	0	---	---	3	1	0	65	12.3 months
	100.0%	100.0%	0.0%	---	---	75.0%	25.0%	0.0%	19.0%	
2	357	357	0	---	---	4	0	3	57	12.6 months
	100.0%	100.0%	0.0%	---	---	57.1%	0.0%	42.9%	16.0%	
3	283	283	0	---	---	10	0	3	18	14.5 months
	100.0%	100.0%	0.0%	---	---	76.9%	0.0%	23.1%	6.4%	
4	294	294	0	---	---	19	2	6	15	16.4 months
	100.0%	100.0%	0.0%	---	---	70.4%	7.4%	22.2%	5.1%	
5	218	218	0	---	---	12	1	5	18	18.6 months
	100.0%	100.0%	0.0%	---	---	66.7%	5.6%	27.8%	8.3%	
6+	529	1	528	279	249	215	3	58	22	19.8 months
	100.0%	0.2%	99.8%	52.8%	47.2%	77.9%	1.1%	21.0%	4.2%	
Total	2,816	2,288	528	279	249	266	7	75	386	19.0 months
	100.0%	81.3%	18.8%	52.8%	47.2%	76.4%	2.0%	21.6%	13.7%	

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 69% of cases, objected in 9% of cases, and in 22% of cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were offense less onerous and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 68% of cases, objected in 3% of cases, and in 29% of cases the position of the prosecutor was unknown.

<sup>1</sup>70 people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 348.