

Theft of 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.

THEFT OF FIREARM

Analysis:

- Sentenced 2020-2024
- Theft of Firearm under Minn. Stat. § 609.52, subd. 3(1)
- Severity Level 4
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 94 people were sentenced for theft of a firearm – 77 (82%) were presumptive stays and 17 (18%) were presumptive commitments. No cases received an aggravated dispositional departure. Of the 17 people who were presumptive commits, 11 (65%) received a mitigated dispositional departure. In total, 12 people received prison.¹ Of the 12 people who received prison, one received a mitigated durational departure and none received an aggravated durational departure. Four cases received a mitigated departure to a misdemeanor/gm sentence. One person who received prison received a consecutive sentence. The average pronounced prison term of the twelve cases that received prison was 22 months.

Table 1. Sentencing Information for Theft of Firearm, 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	Mitigated		
0	41	41	0	---	---	3	0	2	12.03 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	4.9%	
1	20	20	0	---	---	1	0	1	15.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	5.0%	
2	11	11	0	---	---	---	---	1	--
	100.0%	100.0%	0.0%	---	---	---	---	9.1%	
3	5	5	0	---	---	2	0	0	21.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%	
4	5	0	5	0	5	---	---	0	--
	100.0%	0.0%	100.0%	0.0%	100.0%	---	---	0.0%	
5	3	0	3	1	2	1	0	0	30.0 months
	100.0%	0.0%	100.0%	33.3%	66.7%	100.0%	0.0%	0.0%	
6+	9	0	9	5	4	4	1	0	28.2 months
	100.0%	0.0%	100.0%	55.6%	44.4%	80.0%	20.0%	0.0%	
Total	94	77	17	6	11	11	1	4	22.0 months
	100.0%	81.9%	18.1%	35.3%	64.7%	91.7%	8.3%	4.3%	

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 64% of cases, objected in 18% of cases, and in 18% of cases the position of the prosecutor was unknown.

The reasons cited for mitigated durational departures were offense less onerous and amenable to treatment. The prosecutor agreed to/recommended/did not object to the departure in 60% of cases and in 40% of cases the position of the prosecutor was unknown.

¹Six people demanded execution of their sentence where it was not considered an aggravated dispositional departure, bringing the total of people that received prison to 12.