

Dishonored Check – Over \$500: by Criminal History Score, Sentenced 2019-2023

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.

Information Requested: Sentencing data for Dishonored Check – Over \$500, § 609.535 subd. 2a (a)(1).

Analysis:

- Dishonored Check – Over \$500, § 609.535 subd. 2a (a)(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score (CHS)

From 2019 to 2023, 221 cases were sentenced for Dishonored Check – Over \$500, § 609.535 subd. 2a (a)(1). 184 (83.3%) had a presumptive disposition of stay and 37 (16.7%) had a presumptive disposition of commit. Among presumptive stay cases, zero received an aggravated dispositional departure. Among presumptive commit cases, 13 (35.1%) received a mitigated dispositional departure. Of the 31 people who received an executed prison sentence, 10 (32.3%) received a mitigated durational departure and zero received an aggravated durational departure.

Table 1. Dishonored Check – Over \$500, § 609.535 subd. 2a (a)(1): by CHS, Sentenced 2019-2023

CHS	Total	Presumptive Disposition		Dispositional Departure			Durational Departure (prison only)		
		Stay	Commit	None	Aggravated (pres. stays)	Mitigated (pres. commits)	None	Aggravated	Mitigated
0	69	69	0	69	0	0	0	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1	32	32	0	32	0	0	0	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2	31	31	0	31	0	0	1	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
3	22	22	0	22	0	0	2	0	1
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	66.7%	0.0%	33.3%
4	14	14	0	14	0	0	1	0	1
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	50.0%	0.0%	50.0%
5	16	16	0	16	0	0	1	0	1
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	50.0%	0.0%	50.0%
6+	37	0	37	24	0	13	16	0	7
	100.0%	0.0%	100.0%	64.9%	0.0%	35.1%	69.6%	0.0%	30.4%
Total	221	184	37	208	0	13	21	0	10
	100.0%	83.3%	16.7%	94.1%	0.0%	35.1%	67.7%	0.0%	32.3%

The most common reasons cited for mitigated dispositional departures were amenable to probation and imposed restitution or other financial penalty. The prosecutor agreed to/recommended/did not object to the departure in seven (53.8%) cases, objected to the departure in two (15.4%) cases, and in four (30.8%) cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility, imposed restitution or other financial penalty, and crime less onerous. The prosecutor agreed to/recommended/did not object to the departure in eight (80.0%) cases, objected to the departure in one (10.0%) case, and in one (10.0%) case the position of the prosecutor was unknown.