

## Domestic Assault, § 609.2242 subd. 4: 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 Domestic Assault, § 609.2242 subd. 4.

### Analysis:

- Domestic Assault, § 609.2242 subd. 4
- 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, 2,410 cases were sentenced for Domestic Assault, § 609.2242 subd. 4. 1,488 (61.7%) had a presumptive disposition of stay and 922 (38.3%) had a presumptive disposition of commit. Among presumptive stay cases, one (0.1%) received an aggravated dispositional departure. Among presumptive commit cases, 370 (40.1%) received a mitigated dispositional departure. Of the 583 people who received an executed prison sentence, 151 (25.9%) received a mitigated durational departure and five (0.9%) received an aggravated durational departure.

**Table 1. Domestic Assault, § 609.2242 subd. 4: 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	356	356	0	356	0	0	6	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
1	314	314	0	314	0	0	3	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
2	441	441	0	441	0	0	5	0	3
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	62.5%	0.0%	37.5%
3	377	377	0	376	1	0	13	0	3
	100.0%	100.0%	0.0%	99.7%	0.3%	0.0%	81.2%	0.0%	18.8%
4	329	0	329	157	0	172	120	0	35
	100.0%	0.0%	100.0%	47.7%	0.0%	52.3%	77.4%	0.0%	22.6%
5	238	0	238	146	0	92	108	1	37
	100.0%	0.0%	100.0%	61.3%	0.0%	38.7%	74.0%	0.7%	25.3%
6+	355	0	355	249	0	106	172	4	73
	100.0%	0.0%	100.0%	70.1%	0.0%	29.9%	69.1%	1.6%	29.3%
Total	2,410	1,488	922	2,039	1	370	427	5	151
	100.0%	61.7%	38.3%	84.6%	0.1%	40.1%	73.2%	0.9%	25.9%

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 266 (71.9%) cases, objected to the departure in 58 (15.7%) cases, and in 46 (12.4%) cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous. The prosecutor agreed to/recommended/did not object to the departure in 135 (89.4%) cases, objected to the departure in 11 (7.3%) cases, and in five (3.3%) cases the position of the prosecutor was unknown.