

Theft of Movable Property, \$5,000 or Less: 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 Theft of Movable Property, § 609.52 subd. 2(a)(1), value equaling \$5,000 or less, § 609.52 subd.3(3)(a), by Criminal History Score (CHS).

Analysis:

- Theft of Movable Property, § 609.52 subd. 2(a)(1), value equaling \$5,000 or less, § 609.52 subd.3(3)(a)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score

From 2019-2023, 2,825 cases were sentenced for Theft of Movable Property, § 609.52 subd. 2(a)(1), value equaling \$5,000 or less, § 609.52 subd.3(3)(a). 2,306 (81.6%) had a presumptive disposition of stay and 519 (18.4%) had a presumptive disposition of commit. Among presumptive stay cases, one (>0.1%) received an aggravated dispositional departure. Among presumptive commit cases, 249 (48.0%) received a mitigated dispositional departure. Of the 352 people who received an executed prison sentence, 75 (21.3%) received a mitigated durational departure and five (1.4%) received an aggravated durational departure.

Table 1. Theft of Movable Property, \$5,000 or Less: by Criminal History Score, 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	799	799	0	798	1	0	5	0	0
	100.0%	100.0%	0.0%	99.9%	0.1%	0.0%	100.0%	0.0%	0.0%
1	341	341	0	341	0	0	4	1	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	80.0%	20.0%	0.0%
2	362	362	0	362	0	0	3	0	4
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	42.9%	0.0%	57.1%
3	295	295	0	295	0	0	10	0	4
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	71.4%	0.0%	28.6%
4	299	299	0	299	0	0	23	1	7
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	74.2%	3.2%	22.6%
5	209	209	0	209	0	0	17	1	5
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	73.9%	4.3%	21.7%
6+	520	1	519	271	0	249	210	2	55
	100.0%	0.2%	99.8%	52.1%	0.0%	48.0%	78.7%	0.7%	20.6%
Total	2,825	2,306	519	2,575	1	249	272	5	75
	100.0%	81.6%	18.4%	91.2%	>0.1%	48.0%	77.3%	1.4%	21.3%

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 166 (66.7%) cases, objected to the departure in 25 (10.0%) cases, and in 58 (23.3%) 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 48 (64.0%) cases, objected to the departure in two (2.7%) cases, and in 25 (33.3%) cases the position of the prosecutor was unknown.