



# MINNESOTA

## SENTENCING GUIDELINES COMMISSION

# 2024 REPORT TO THE LEGISLATURE

JANUARY 12, 2024



The Commission has the honor to present this report to the Minnesota Legislature. This report provides an overview of the Commission's activities during the past year, including the Commission's work on the Minnesota Sentencing Guidelines, the Commission's work on the Minnesota Sentencing Guidelines, and the Commission's work on the Minnesota Sentencing Guidelines.

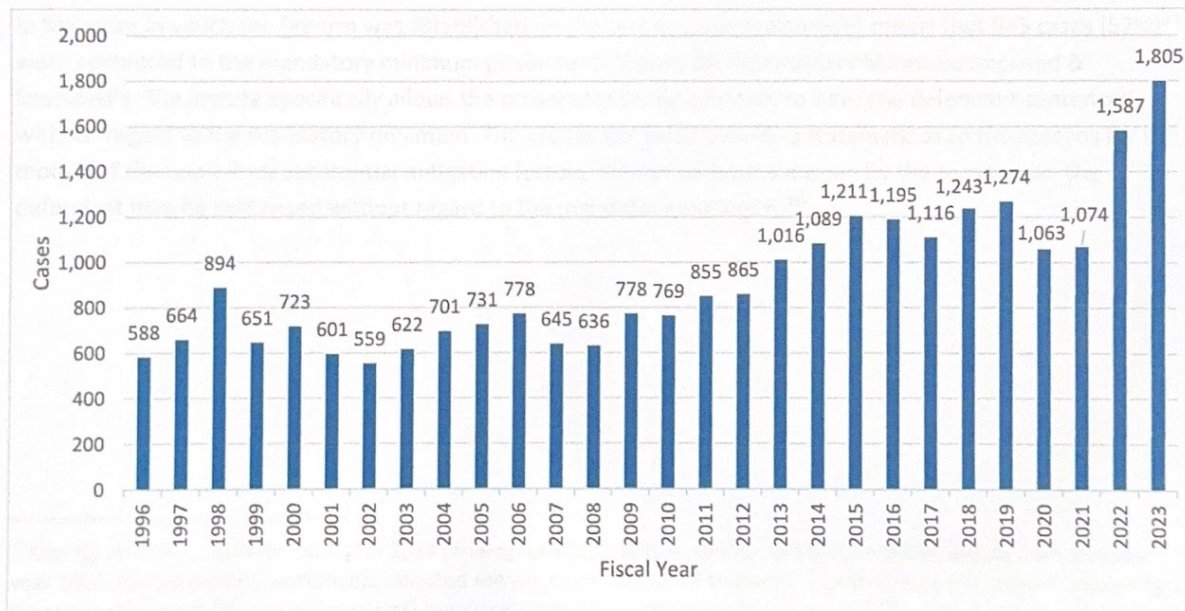
## County Attorney Firearms Reports

Minnesota law requires all county attorneys, by July 1 of each year, to submit to the Commission their data regarding felony cases in which defendants allegedly possessed or used a firearm and committed offenses listed in [Minn. Stat. § 609.11](#), subdivision 9.<sup>36</sup> The Commission is required to include in its annual report to the Legislature a summary and analysis of the reports received. Memoranda describing the mandate, along with report forms, are distributed by MSGC staff to county attorneys. Although MSGC staff clarifies inconsistencies in the summary data, the information received from the county attorneys is reported directly as provided.

### Cases Allegedly Involving a Firearm, 1996 to 2023

Since the mandate began in 1996, the average number of annual cases allegedly involving firearms statewide has been 912. In fiscal year (FY) 2023 (July 1, 2022, through June 30, 2023), county attorneys report disposing of 1,805 cases allegedly involving a firearm (Figure 25). This was a 14 percent increase from FY 2022, and the largest number of cases reported in the 28 years of the mandate.

Figure 25. Cases Allegedly Involving a Firearm, FY 1996 to FY 2023



<sup>36</sup> The statute provides a mandatory minimum sentence of 3 years for the first conviction of a designated offense committed while the defendant or an accomplice possessed or used a firearm, and 5 years for the second. Minn. Stat. § 609.11, subd. 5(a). Designated offenses include murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking in the first, second, or third degree; first-degree or aggravated first-degree witness tampering; some criminal sexual conduct offenses; escape from custody; arson in the first, second, or third degree; felony drive-by shooting; aggravated harassment and stalking; felon in possession of a firearm; and felony controlled substance offenses.

### Cases Charged, 2023

Of the 1,805 cases in which defendants allegedly possessed or used firearms, prosecutors charged 1,736 cases (96%), while 69 cases (4%) were not charged (Figure 26, “Charged” and “Not Charged”).

### Case Outcomes, 2023

Of the 1,736 cases charged, 1,009 (58%) were convicted of offenses designated in Minn. Stat. § 609.11; 158 (9%) were convicted of non-designated offenses (not covered by the mandatory minimum (*e.g.*, threats of violence under Minn. Stat. § 609.713)); 377 (22%) had all charges dismissed; 20 (1%) were acquitted on all charges; and 172 (10%) were “other” cases, including federal prosecutions and stays of adjudication (Figure 26).

### Cases Convicted of Designated Offense & Firearm Established on the Record, 2023

In 958 (95%) of the 1,009 cases in which there was a conviction for a designated offense, use or possession of a firearm was established on the record (Figure 26, “Firearm Established”). The fact-finder, *i.e.*, the judge or jury, must establish whether the defendant or an accomplice used or possessed a firearm in the commission of the offense at the time of conviction. Minn. Stat. § 609.11, subdivision 7.

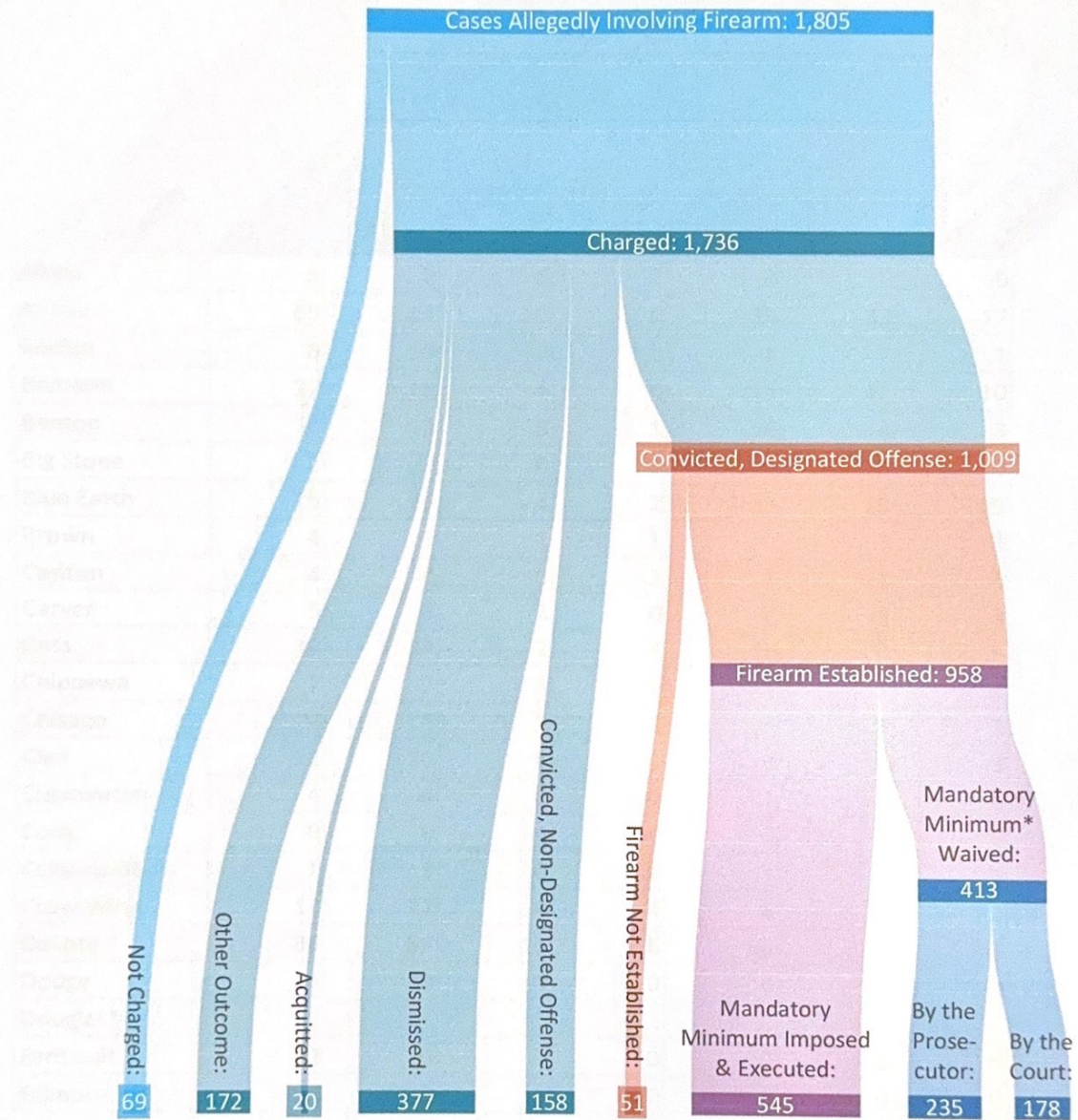
In the cases in which the firearm was established on the record, county attorneys report that 545 cases (57%)<sup>37</sup> were sentenced to the mandatory minimum prison term (Figure 26, “Mandatory Minimum Imposed & Executed”). The statute specifically allows the prosecutor to file a motion to have the defendant sentenced without regard to the mandatory minimum. The prosecutor must provide a statement as to the reasons for the motion. If the court finds substantial mitigating factors, with or without a motion by the prosecutor, the defendant may be sentenced without regard to the mandatory minimum.<sup>38</sup>

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<sup>37</sup> County attorneys’ data for fiscal year 2023 (ending June 30, 2023). According to MSGC monitoring data from calendar year 2022, 956 sentencing worksheets reflected the use or possession of a firearm or prohibited persons from possessing a firearm (excluding ammunition-only cases) requiring a mandatory prison sentence under Minn. Stat. § 609.11. Of those, 51 percent (491 cases) received both the mandatory prison disposition and the mandatory minimum duration or longer. In addition, 12 percent (110 cases) received the mandatory prison disposition, but less than the mandatory minimum duration.

<sup>38</sup> Minn. Stat. § 609.11, subdivision 8. Although Minn. Stat. § 609.11 uses the term “mandatory minimum” to describe the sentences it prescribes, the term includes cases in which the court, on the motion of the prosecutor or on its own motion, is statutorily permitted, when substantial and compelling reasons are present, to sentence a defendant without regard to those prescribed sentences. Minn. Stat. § 609.11, subd. 8(a); but see subd. 8(b) & 8(c) (the court is not permitted to sentence a defendant without regard to the mandatory minimum if the defendant was previously convicted of a designated offense in which the defendant used or possessed a firearm or other dangerous weapon, nor if the defendant or an accomplice used or personally possessed a firearm in the commission of a first- or second-degree sale of a controlled substance).

Figure 26. Disposition of Cases, Alleged Designated Offenses Involving Firearms, as Reported by County Attorneys, Cases Disposed of Between July 1, 2022, and June 30, 2023



\*For an explanation of the term "mandatory minimum," see footnote 38.

Table 6. County Attorney Firearms Reports on Criminal Cases Allegedly Involving a Firearm, by Minn. County, Cases Disposed of Between July 1, 2022, and June 30, 2023

County	Cases Allegedly Involving Firearm	Charged	Dismissed	Convicted, Non-Designated Offense	Convicted, Designated Offense	Firearm Established	Mandatory Minimum Imposed and Executed
Aitkin	3	2	0	2	0	0	0
Anoka	65	44	10	0	33	33	17
Becker	8	8	0	0	8	7	1
Beltrami	27	18	4	0	12	12	10
Benton	14	13	5	1	6	4	3
Big Stone	2	2	0	2	0	0	0
Blue Earth	25	25	4	2	19	19	19
Brown	4	3	1	1	1	1	0
Carlton	4	4	0	2	1	1	1
Carver	5	5	2	0	3	3	3
Cass	19	19	2	4	13	10	8
Chippewa	7	7	4	0	1	1	1
Chisago	4	4	1	0	3	3	3
Clay	22	20	6	3	8	8	8
Clearwater	4	4	0	0	4	4	3
Cook	0	0	0	0	0	0	0
Cottonwood	1	1	0	0	1	1	1
Crow Wing	17	17	4	4	6	5	2
Dakota	86	86	13	6	60	51	23
Dodge	0	0	0	0	0	0	0
Douglas*							
Faribault	0	0	0	0	0	0	0
Fillmore	5	5	2	0	0	0	0
Freeborn	9	9	0	0	9	5	3
Goodhue	12	12	2	2	8	4	2
Grant	0	0	0	0	0	0	0
Hennepin	773	773	206	34	429	424	222
Houston	3	3	2	0	1	1	0
Hubbard	17	9	0	3	6	3	3

\* This county did not report.

County	Cases Allegedly Involving Firearm	Charged	Dismissed	Convicted, Non-Designated Offense	Convicted, Designated Offense	Firearm Established	Mandatory Minimum Imposed and Executed
Isanti	3	3	0	0	3	3	2
Itasca	9	9	1	3	5	5	2
Jackson	2	2	0	0	2	2	1
Kanabec	6	6	1	0	5	5	4
Kandiyohi	2	2	1	1	0	0	0
Kittson	0	0	0	0	0	0	0
Koochiching	2	2	0	1	0	0	0
Lac qui Parle*							
Lake	0	0	0	0	0	0	0
Lake of the Woods	1	1	0	0	1	1	0
Le Sueur	6	6	1	0	4	4	3
Lincoln	0	0	0	0	0	0	0
Lyon	2	2	1	1	0	0	0
McLeod	5	5	0	3	2	2	2
Mahnomen	1	1	0	0	1	0	0
Marshall	2	2	0	0	2	2	0
Martin	1	1	0	1	0	0	0
Meeker	4	4	2	0	1	0	0
Mille Lacs	47	39	8	14	10	10	7
Morrison	12	12	3	0	4	4	4
Mower	10	10	0	0	9	9	5
Murray	1	1	0	1	0	0	0
Nicollet	5	5	0	1	4	4	2
Nobles	12	12	3	1	7	6	4
Norman	0	0	0	0	0	0	0
Olmsted	21	21	0	7	8	8	2
Otter Tail	8	8	1	3	4	4	3
Pennington	4	3	1	0	2	2	0
Pine	13	7	1	2	4	4	4

\* This county did not report.

County	Cases Allegedly Involving Firearm	Charged	Dismissed	Convicted, Non-Designated Offense	Convicted, Designated Offense	Firearm Established	Mandatory Minimum Imposed and Executed
Pipestone	2	2	0	0	2	1	0
Polk	6	6	0	2	4	4	4
Pope*							
Ramsey	246	245	38	21	163	158	86
Red Lake	0	0	0	0	0	0	0
Redwood	4	4	1	0	3	3	3
Renville	14	9	4	3	2	2	1
Rice	11	11	1	1	7	6	4
Rock	4	4	0	3	1	1	1
Roseau	5	5	2	2	1	0	0
Scott	26	26	5	2	19	19	10
Sherburne	14	9	0	0	9	7	4
Sibley	0	0	0	0	0	0	0
St. Louis	21	21	5	2	12	10	6
Stearns	54	54	11	0	38	37	25
Steele	11	11	1	1	4	4	0
Stevens	1	1	0	0	1	1	1
Swift	1	1	0	0	1	1	1
Todd	2	2	0	1	0	0	0
Traverse	0	0	0	0	0	0	0
Wabasha*							
Wadena	7	7	0	0	6	6	6
Waseca	7	7	2	0	5	3	2
Washington	28	28	8	7	12	12	6
Watsonwan	4	4	3	0	0	0	0
Wilkin	2	2	0	1	1	1	1
Winona	4	4	3	1	0	0	0
Wright	13	13	1	4	7	7	6
Yellow Medicine	3	3	0	2	1	0	0
<b>Total</b>	<b>1,805</b>	<b>1,736</b>	<b>377</b>	<b>158</b>	<b>1,009</b>	<b>958</b>	<b>545</b>

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Stevens	1	1	0	0	1	1	1
Swift	1	1	0	0	1	1	1
Todd	2	2	0	1	0	0	0
Traverse	0	0	0	0	0	0	0
Wabasha*							
Wadena	7	7	0	0	6	6	6
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