

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## Sentencing Practices

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### Criminal Sexual Conduct Offenses Sentenced in 2012

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## Summary of 2012 Data

This report summarizes sentencing practices for felony sex offenses sentenced in 2012. Information on sentencing practices from 1988-2012 is provided in the tables. This report also contains information on the use of special statutory sentencing provisions.

There were 544 offenders sentenced for Criminal Sexual Conduct (CSC) offenses in 2012, which is a six percent decrease from the number sentenced in 2011 (580). The number of offenders sentenced for criminal sexual conduct offenses has fluctuated since 1981, peaking at 880 offenders sentenced in 1994 (38% greater than the number sentenced in 2012). Almost all of the growth since 1981 has been in the CSC child provisions (Intra-Familial Sex Abuse (IFSA) and provisions specifying the age of the victim).

Almost 95 percent of offenders sentenced for CSC offenses received sentences that included incarceration in a state prison (41%) or local jail (54%). The 41 percent imprisonment rate in 2012 is equal to the highest rate ever observed. In CSC cases where the Guidelines recommended imprisonment, 75 percent of offenders received an executed prison sentence. Eighty-two percent of offenders with a prior sex offense conviction received an executed prison sentence. The overall mitigated dispositional departure rate was 25 percent, a decrease from 2011 (29%). For executed prison sentences, aggravated durational departures occurred at the same rate as in 2011 (5%), while mitigated durational departures increased from 15 percent in 2011 to 19 percent in 2012.

For first- and second-degree offenses, the offender was more likely to be a family member; for third- and fourth-degree offenses, the offender was more likely to be an acquaintance. Overall, only a small percentage (8%) of cases involved strangers.

The average pronounced sentence across all CSC offense degrees increased from 122 months in 2011 to 128 months in 2012, which was the highest average duration ever observed. The average pronounced sentence for first-degree CSC (the most serious offense category) was 181 months. Average pronounced prison sentences have increased dramatically since 1989, when recommended sentence durations under the Guidelines were lengthened. The average pronounced prison sentence was 54 months in 1988. Before 2006, when the Sex Offender Grid went into effect, the previous highest average sentence pronounced was 116 months in 2003. While average prison sentences have increased dramatically since 1988, average pronounced local jail time has remained relatively consistent.

First-degree CSC offenses committed on or after August 1, 2000, are subject to a 144-month presumptive sentence enacted by the Legislature. In 2012, 91 percent of all first-degree CSC offenders sentenced (not including attempts) were subject to this presumptive sentence, a decrease from the 97 percent who were eligible in 2011. Two offenders sentenced in 2012 received life sentences. In addition, six offenders received sentences that were twice the length of their presumptive sentences or more. Twelve other offenders received total sentences of 360 months (30 years) or more. The Sex Offender Grid is effective for offenses occurring on or after August 1, 2006. In 2012, 497 (91%) of the 544 sex offenders were eligible for sentencing under the new grid. The Sex Offender Grid includes longer presumptive sentences for offenders with prior records and also gives greater weight to some prior sex offenses.

## Sex Offense Statutes & Sentencing Policy

### *Sex Offense Statutes: General Structure*

Under Minnesota law, sex offenses are categorized into five degrees of criminal sexual conduct (CSC), with first-degree being the most serious. The classification of offenses into degrees is based on a combination of factors:

- whether the offense involved sexual penetration or contact;
- the age of the victim;
- the relationship of the offender to the victim (e.g., position of authority, significant relationship, psychotherapist, etc.);
- the degree of injury or threat of injury;
- whether a weapon was involved; and
- whether force or coercion was involved.

(See Table 17, for the number of cases displayed by statutory provision.)

Most of the provisions of first-degree criminal sexual conduct involve penetration and personal injury, fear of great bodily harm, or the use of a dangerous weapon. First-degree criminal sexual conduct also includes offenses involving young children, regardless of whether or not any injury, force or weapons were involved. Second-degree offenses are similar, but involve sexual contact rather than penetration. Effective August 1, 1995, some sexual contact offenses were also categorized as first-degree offenses. These offenses involve the more serious forms of sexual contact with victims who are under the age of 13, as defined in Minn. Stat. § [609.341](#), subdivision 11.

Third-degree offenses involve penetration and focus on children who are slightly older, or cases in which there was force or coercion. The use of a weapon or the threat of great bodily harm is not a necessary element of the offense. Third-degree offenses also include cases involving psychotherapists, health professionals, clergy and correctional employees. Fourth-degree offenses are similar, except that they involve sexual contact rather than penetration. There are some felony-level, fifth-degree offenses. They involve repeat violations of gross misdemeanor indecent exposure offenses involving minors.

### *Relationship-Based Classifications*

Sentencing practices differ based on the relationship between the victim and the offender. To assist in analyzing and interpreting information on sentencing patterns, sex offense cases examined for this report were assigned to the following categories, based on the statute of conviction:

- IFSA (Intra-Familial Sex Abuse): Conviction under a subdivision that specifies that the offender had a significant relationship to the victim.
- Other Child: Conviction under a subdivision that specifies that the victim is a minor, but does not specify that there was a significant relationship. Subdivisions that specify that the

offender was in a position of authority over the victim are included here because, in addition to parents, these offenses include persons acting in a position of authority.

- Force/Other: Force or a weapon was involved, or the offense involved abuse by a psychotherapist, health care professional, clergy member or members of other specified occupations. The provisions do not specify the age of the victim or the relationship of the offender to the victim. Some of the victims of these offenses are also children.

It is important to note that an offense may fit into more than one category. For example, many offenses categorized as “Other Child” or “Force/Other” involved family members (28% and 16%, respectively). Likewise, a substantial number of “Force/Other” cases involved victims under the age of 18 (27%). Figure 3 provides a complete breakdown of sex offenders sentenced since 1993 by the relationship classification.

## *Sentencing Guidelines for Sex Offenders*

On August 1, 2006, the Commission adopted a separate Sex Offender Grid effective for offenses committed on or after that date. All first-degree completed offenses are ranked at Severity Level A and have presumptive sentences that range from 144 months to 360 months. The Sex Offender Grid does not distinguish between first-degree contact and penetration; they are all ranked at the same severity level.

Second- and third-degree offenses involving force are ranked at Severity Levels B and Severity Level C. The second-degree force offenses have presumptive sentences that range from 90 months to 300 months. The third-degree force offenses have presumptive sentences that range from 48 months to 180 months.

Second and third-degree offenses not involving force and fourth-degree offenses are ranked at severity levels for which some offenders are recommended probation based on criminal history. Recommendations for prison begin at a Criminal History Score of 2 or 3, depending on the offense (See, Sex Offender Grid, p. 49). Maximum recommended sentences range from 84 months to 140 months.

In addition to longer recommended sentences for offenders with a Criminal History Score of 1 or more, the Guidelines applicable to CSC offenses compute criminal history differently for sex offenses than for other offenses, increase the weights assigned to some prior sex offenses, and assign two custody status points to repeat sex offenders who commit a new sex offense while on probation or supervised release for a prior sex offense.

## Life Sentences for Certain Sex Offenders

Since 2005, the Legislature has provided for life sentences in cases in which an individual's criminal behavior is so egregious that public safety demands it be possible to incarcerate them for much, and possibly all, of their lives. See [Minn. Stat. § 609.3455](#), subd. 2. In 2012, 93 percent of the first- through fourth-degree offenders had dates of offense on or after the August 1, 2005 effective date. Sex offenses under [Minn. Stat. § 609.3455](#), subd. 2, are excluded from the Sentencing Guidelines, because by law the sentence is mandatory life imprisonment.

Applicable Grid

Section 3.G. of the Guidelines provides that modifications will be applied to offenders whose date of offense is on or after the specified modification effective date. Therefore, the Sex Offender Grid enacted in 2006 is applicable to offenders whose date of offense is on or after August 1, 2006. Of the 544 offenders sentenced for criminal sexual conduct offenses in 2012, 497 (91%) were eligible for sentencing on the Sex Offender Grid. Table 1 provides a summary of cases by degree and applicable Grid. Eighty-one percent of first-degree offenders sentenced in 2012 were eligible for sentencing on the Sex Offender Grid.

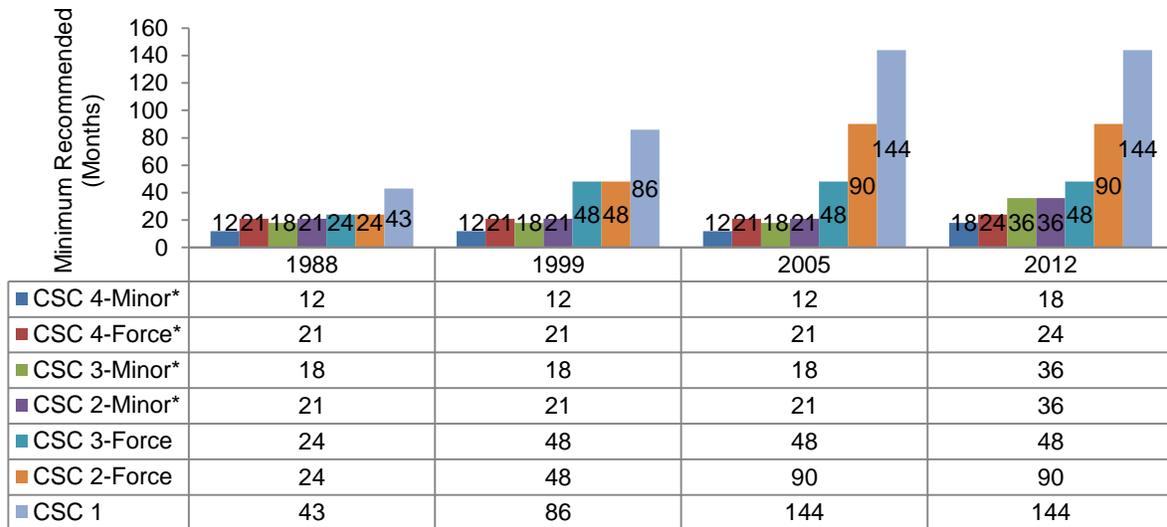
**Table 1. Distribution of Cases by Degree, Severity Level and Applicable Grid**

| Degree       | Statutory Provisions   | Cases Sentenced on Standard Grid |                        | Cases Sentenced on Sex Offender Grid |                        | Total Number of Cases Sentenced |
|--------------|--|----------------------------------|------------------------|--------------------------------------|------------------------|---------------------------------|
|              |  | Severity Level                   | Number Cases Sentenced | Severity Level                       | Number Cases Sentenced |                                 |
| First        | Penetration: 609.342, all clauses                                    | 9                                | 26 (19%)               | A                                    | 110 (81%)              | 136                             |
| First        | Contact: victims under 13 (def. in 609.341 subd.11)                  | 8                                | 0                      | A                                    | 0                      | 0                               |
| Second       | Contact with Force: 609.343 subd.1 c,d,e,f,h                         | 8                                | 5 (14%)                | B                                    | 31 (86%)               | 36                              |
| Second       | Contact with Minors: 609.343 subd.1 a,b,g                            | 6                                | 13 (13%)               | D                                    | 86 (87%)               | 99                              |
| Third        | Penetration: Force or Prohibited Occupation 609.344 subd.1 c, d, g-n | 8                                | 0                      | C                                    | 54 (100%)              | 54                              |
| Third        | Penetration with Minors: 609.344 subd, 1 b,e,f                       | 5                                | 1 (1%)                 | D                                    | 129 (99%)              | 130                             |
| Fourth       | Contact: Force or Prohibited Occupation 609.344 subd. 1 c, d, g-n    | 6                                | 1 (2%)                 | E                                    | 40 (98%)               | 41                              |
| Fourth       | Contact with Minors: 609.344 subd, 1 b,e,f                           | 5                                | 1 (2%)                 | F                                    | 47 (98%)               | 48                              |
| Fifth        | Repeat gross misdemeanor offenses involving minors                   | 4                                | 0                      | G                                    | 0                      | 0                               |
| <b>Total</b> |  |                                  | <b>47 (9%)</b>         |                                      | <b>497 (91%)</b>       | <b>544</b>                      |

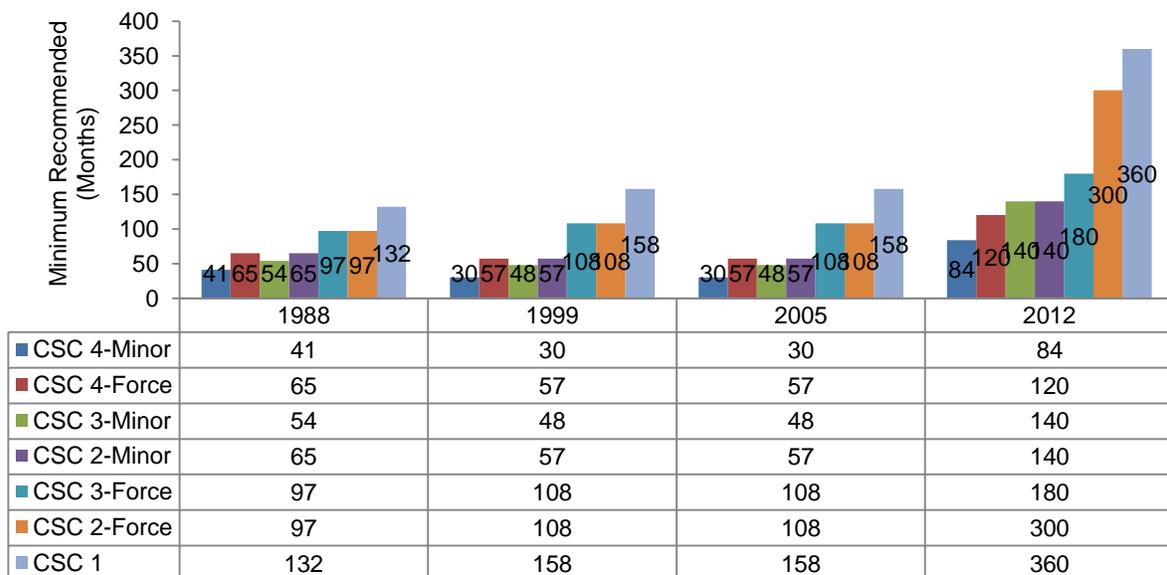
Presumptive Sentences Over Time

Figures 1 and 2 illustrate the impact of modifications to the presumptive sentences established by the Guidelines including the implementation of the Sex Offender Grid and changes in legislative sentencing mandates on the presumptive sentences for sex offenders over time at Criminal History Score of 0 (Figure 1) and Criminal History Score 6 (Figure 2).

**Figure 1. Minimum Presumptive Sentences by Degree over Time<sup>± \*</sup>  
At Criminal History Score 0**



**Figure 2. Maximum Presumptive Sentences by Degree over Time  
At Criminal History Score 6**



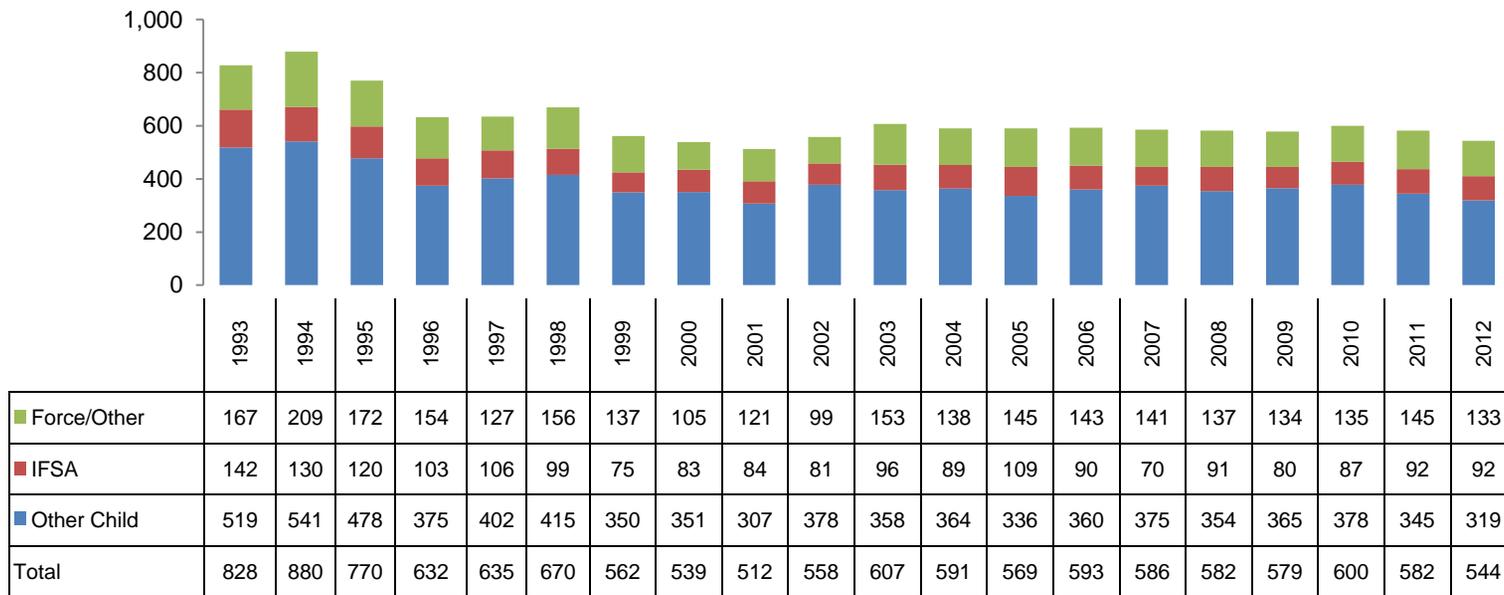
<sup>±</sup> 12.03 = 12 months and 1 day

\* Presumptive sentence = stayed (probationary) sentence

## Case Volume & Distribution<sup>1</sup>

In 2012, 544 offenders were sentenced for CSC offenses, a decrease of six percent from the number sentenced in 2011 (580). As Figure 3 illustrates, the number of offenders sentenced for CSC offenses peaked in 1994 at 880 offenders. Since 2003, the number of offenders sentenced for criminal sexual conduct offenses had consistently ranged from 580-600. The 2012 figure of 544 is the lowest total observed since 2001 when 512 offenders were sentenced. See Table 11 for information on the number of offender's sentenced for sex offenses since 1988.

Figure 3. Volume of Cases and Type of Offense: 1993-2012



<sup>1</sup> Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

### *Type of Offense*

The distribution of cases between the relationship categories has remained fairly stable since 2003. In 2012, 133 (24%) of the cases sentenced were in the “Force/Other” category, almost the same percentage as those observed from 2006 to 2011. There were 92 (17%) “IFSA” cases and 319 (59%) were “Other Child.” In the “Force/Other” category, 129 of the 133 cases were offenses involving force; of the remaining three cases, two involved psychotherapists and two involved a correctional employees.

The distribution of cases among the five statutory degrees has also remained fairly consistent from year to year over the last eight years. (Table 12) The percentage of first-degree cases has consistently ranged between 21 and 26 percent since 2004, except for 2010 when it dipped to a low of 18 percent. In 2012 the distribution of cases was as follows; 25 percent of the cases sentenced were first-degree offenses, 25 percent were second-degree offenses, 34 percent were third-degree offenses, and 16 percent were fourth-degree offenses. There were no felony fifth-degree offense sentenced in 2012.

### *Victim Characteristics*

Following is an overview of victim characteristics for the criminal sexual conduct offenses sentenced in 2012. This information was derived primarily from the Minnesota Offense Codes (MOCs), which accompany the charge on the complaint. In cases for which the MOC information was unclear or missing, where possible, the information was obtained from the statute of conviction. In 82 percent of the cases sentenced, the victims were minors: 34 percent involved victims under the age of 13; 48 percent involved victims who were between the ages of 13 and 17. Seventeen percent involved victims who were adults. Eighty-nine percent of the victims were female, and ten percent were male. (See Table 15 for information on victim age.)

Table 16 displays the relationship between the victim and the offender by the offense degree and clause of conviction (clause specifying a child victim or clause specifying force or other). For first- and second-degree offenses, the offender was more likely to be a family member (50% and 59%, respectively); for third- and fourth-degree offenses, the offender was more likely to be an acquaintance (69% for both degrees). Overall, only a small percentage of cases (8%) involved strangers.

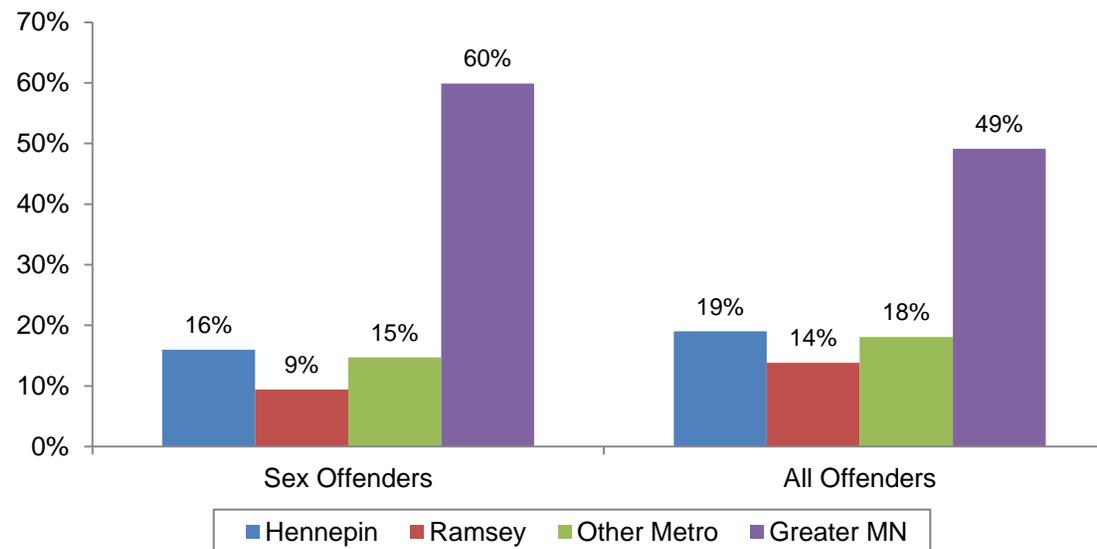
### *True Prior Record*

Most offenders sentenced for felony-level sex offenses do not have “true prior” sex offenses in their criminal record. A “true prior” is a prior offense with a conviction date before the date of the current offense. Other priors may include multiple offenses charged in a single complaint and sentenced in successive order. Prior offenses that contribute to an offender’s criminal history score are listed on an offender’s worksheet. In 2012, eight percent of sex offenders had a true prior felony sex offense listed on their sentencing worksheet. This figure varied slightly by the type of sex offense. (See Table 3 below.)

*Demographic Characteristics*

Sex offenders are more likely to be male than the overall offender population. Ninety-eight percent of offenders sentenced for CSC offenses were male. In comparison, 84 percent of felony offenders overall were male. A higher percentage of sex offenders are sentenced in Greater Minnesota compared to all felony offenders (Figure 4). Sex offenders are also slightly more likely to be white or Hispanic than the overall offender population and less likely to be black (Figure 5). The average age at time of offense was 31 years old for both sex offenders and the overall felony population. However, four percent of the offenders sentenced for criminal sexual conduct offenses were juveniles compared to one percent of the offenders sentenced for all felonies. Thirty-one percent of the offenders sentenced for criminal sexual conduct offenses were 21 and under compared to twenty percent of the offenders sentenced for all felonies. (Table 2)

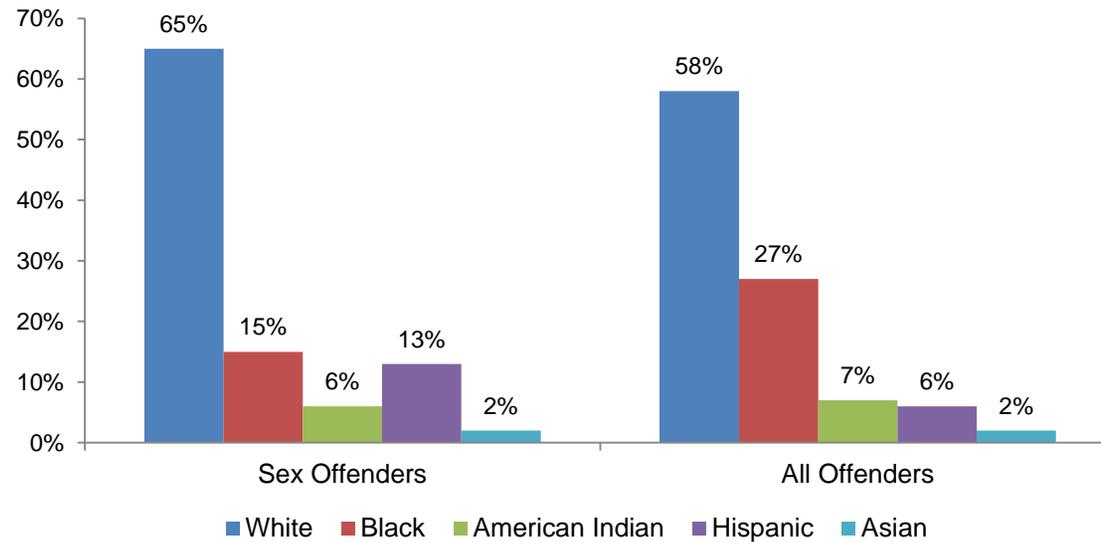
**Figure 4. Distribution of Offenders by Region:  
CSC Offenders Compared to All Offenders**



**Table 2. Age Range of Offenders:  
CSC Offenders Compared to All Offenders**

| Age Range          | All Felony Offenders |     | CSC offenders |     |
|--------------------|----------------------|-----|---------------|-----|
| Under 18           | 116                  | 1%  | 22            | 4%  |
| 18-21              | 2,856                | 19% | 144           | 27% |
| 22-25              | 2,628                | 17% | 69            | 13% |
| 26-30              | 2,863                | 19% | 94            | 17% |
| 31-40              | 3,506                | 23% | 109           | 20% |
| 41-50              | 2,358                | 16% | 61            | 11% |
| 51 and over        | 880                  | 6%  | 45            | 8%  |
| <b>Average Age</b> | <b>31.4</b>          |     | <b>30.7</b>   |     |

**Figure 5. Distribution of Offenders by Race:  
CSC Offenders Compared to All Offenders**



## Sentencing Practices

The recommended sentence under the Guidelines varies by the severity level of the conviction offense and the offender's criminal history. These differences make it difficult to interpret overall sentencing information for sex offenders. Therefore, in addition to reporting overall statistics, this section of the report presents data for presumptive commits (cases for which the Guidelines recommend prison) and for presumptive stays (cases for which the Guidelines recommend probation) separately. Information on sentence durations is presented by severity level and type of sex offense.

### *Incarceration Rates*

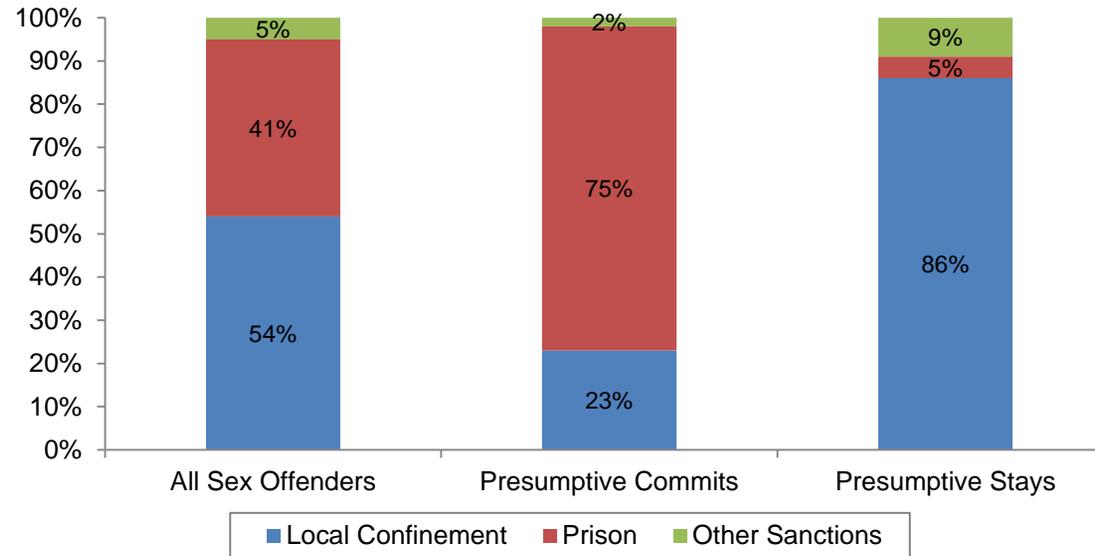
In 2012, the total incarceration rate for sex offenders was 95 percent; equivalent to the 2011 rate. As seen in Figure 6, 41 percent of offenders received a prison sentence and 54 percent received local confinement. Except for 2010, the total incarceration rate has consistently exceeded 90 percent for the past 24 years. At 41 percent, the 2012 imprisonment rate was equal to the highest rate observed since 1988 (equal to the rate in 2003). (See, Tables 11 and 12, for historical information on incarceration.)

The Guidelines recommended a presumptive sentence of imprisonment for 52 percent of the CSC offenses sentenced. Of these, 75 percent actually received a prison sentence. The imprisonment rate for offenders who had a true prior sex offense was 82 percent. Imprisonment rates for offenders with true priors were higher for those sentenced for the “Other Child” offenses (100%) than those sentenced for the “IFSA” offenses (80%), and the “Force” offenses (67%) (Table 3).

**Table 3. Offenders with True Prior Sex Offenses:  
Number of Cases and Imprisonment Rates by Type of CSC Offense**

| Type of Offense | Overall             |                   | Offenders with True Prior CSC Offense(s) |     |                   |
|-----------------|---------------------|-------------------|--|-----|-------------------|
|                 | Number of offenders | Imprisonment Rate | Number of offenders                      |     | Imprisonment Rate |
| IFSA            | 92                  | 51 (55%)          | 10                                       | 11% | 8 (80%)           |
| Other Child     | 319                 | 98 (31%)          | 16                                       | 5%  | 16 (100%)         |
| Force           | 129                 | 75 (58%)          | 18                                       | 14% | 12 (67%)          |
| Other           | 4                   | 1 (25%)           | 0  | --- |                   |
| Total           | 544                 | 225 (41%)         | 44                                       | 8%  | 36 (82%)          |

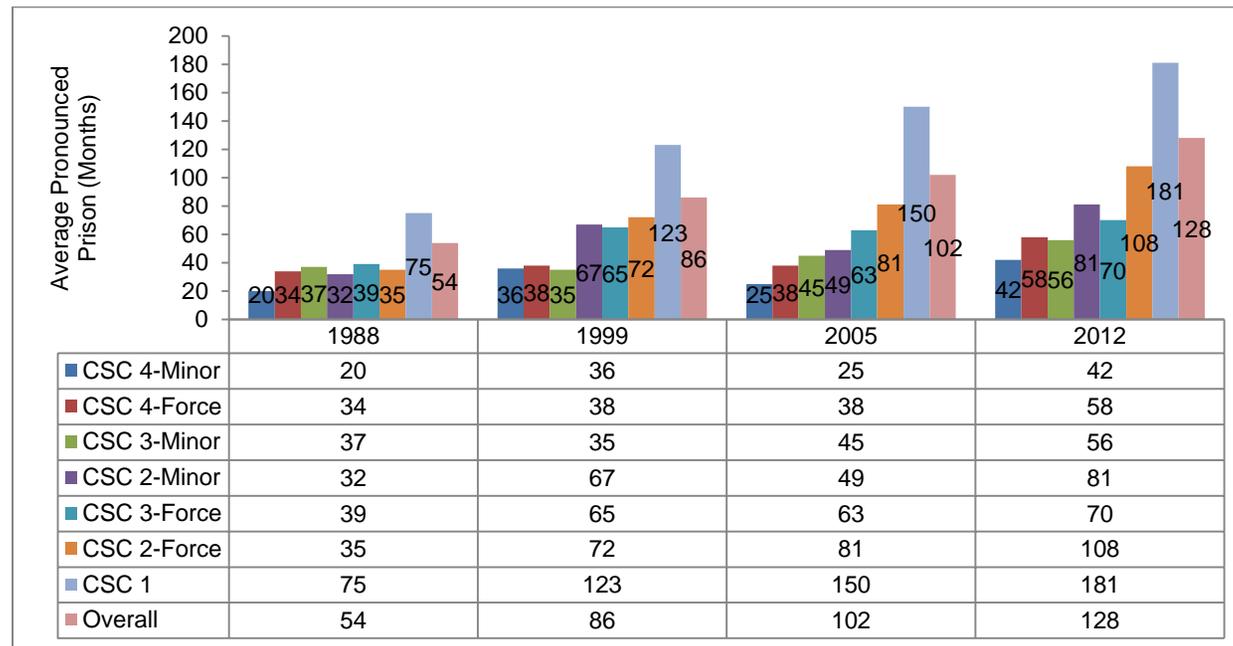
Figure 6. Incarceration Rates



*Sentence Durations: Prison Sentences*

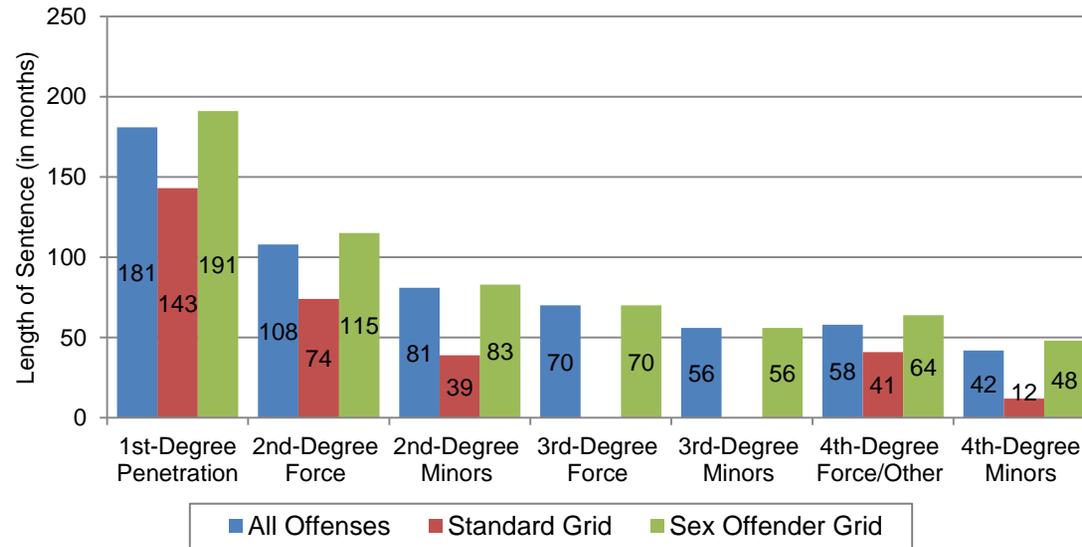
The average pronounced duration in months is presented for offenders who received executed prison sentences. In 2012, the average pronounced prison sentence was 128 months (Figure 7; Table 11), which is an increase from the average duration of 122 months in 2011 and the longest average pronounced prison sentence ever observed. Average pronounced durations have been impacted by the implementation of the Sex Offender Grid. In 2012, a larger percentage of the offenders sentenced were eligible for sentencing based on the Sex Offender Grid (91%) than in previous years (86 percent in 2011, 85 percent in 2010, 77 percent in 2009, 64 percent in 2008, and 37 percent in 2007). Figure 7 illustrates the increase in average pronounced sentences for CSC by degree over time.

**Figure 7. Average Pronounced Prison Sentences by Degree over Time Executed Sentences by Offense**



The average pronounced sentence in 2012 was 130 months for offenders who were eligible for sentencing on the Sex Offender Grid and 121 months for offenders who were eligible for sentencing on the Standard Grid. Figure 8 shows that for all degrees, the average pronounced sentence is longer for offenders who were eligible for sentencing on the Sex Offender Grid. Offenders convicted of first-degree penetration offenses received significantly longer sentences than those received by offenders convicted of lesser severity level offenses (Figure 8). The average pronounced sentence for those offenders was 181 months, an increase from the 2011 average of 173 months. For the second-degree force offenses, the average pronounced duration was 108 months, an increase from the 2011 average (94 months). Average sentence lengths also increased in 2012 from those observed in 2011 for the second-degree minor offenses (from 69 months to 81 months) and fourth-degree minor offenses (from 41 months to 42 months). Average sentence lengths decreased in 2012 from those observed in 2011 for the third-degree force offenses (from 74 months to 70 months), third-degree minor offenses (from 74 months to 56 months), and fourth-degree force offenses (from 85 months to 58 months). These decreases can be explained by lower average criminal history scores in 2012 for the third-degree minor and fourth-degree force offenses and higher mitigated durational departure rates in 2012 for both types of third-degree offenses. (For historical information on past sentence durations, see Tables 11 and 12.)

**Figure 8. Average Pronounced Prison Sentence:  
Executed Sentences by Offense and Grid\***



The average sentence duration is affected by both departures from the Guidelines and the use of consecutive sentences. When consecutive sentences are given for multiple current offenses, the total pronounced sentence to be served is increased. For first-degree offenses, when there was no durational departure, the average pronounced sentence was 183 months for cases that did not involve consecutive sentences and 264 months for cases with consecutive sentences.

## *Longer than Typical Prison Sentences*

There are several statutes and Guideline provisions that permit the court to impose sentences that are significantly longer than the presumptive sentence when the circumstances of the case so warrant. The Guidelines also establish presumptive sentences of 30 years (the statutory maximum) for first-degree offenders with criminal history scores of 6 or more. This section describes the longer prison sentences pronounced in 2012. This section also describes the life sentences pronounced since that provision was enacted.

### Use of Life Sentences over Time

As mentioned above (p. 6), in August 2005, the Legislature established life sentences for certain offenders under [Minn. Stat. § 609.3455](#). For some of these provisions, the sentence mandated is life without the possibility of release. For other provisions, the court must specify the minimum time to be served before the offender can be considered for release. Table 4 displays information on sex offenders who have received life sentences since 2006. In 2012, two offenders received life sentences. Both were for life with the possibility of release. A “true prior” sex offense is indicated if the offender was sentenced for a criminal sexual conduct offense before they committed the current offense.

**Table 4. Pronounced Life Sentences: Type of Offense and Presumptive Sentence**

| Year | Offense   | Severity | Criminal History | # True Prior Sex Offenses | Grid Duration (months) | Pronounced Minimum to Serve (months) | Life Sentencing Provision |
|------|---|----------|------------------|---------------------------|------------------------|--------------------------------------|---------------------------|
| 2006 | 3 <sup>rd</sup> Degree- Force or Coercion             | 8        | 2                | 1                         | 68                     | 136                                  | Unknown                   |
| 2007 | 1 <sup>st</sup> Degree - Fear Great Bodily Harm       | 9        | 0                | 0                         | 144                    | 144                                  | Unknown                   |
| 2007 | 2 <sup>nd</sup> Degree - Dangerous Weapon             | 8        | 4                | 1                         | 98                     | 180                                  | 609.3455 subd.4(a)1       |
| 2007 | 2 <sup>nd</sup> Degree - Victim Under 13              | 6        | 8                | 1                         | 60                     | 360                                  | 609.3455 subd.4(a)1       |
| 2007 | 3 <sup>rd</sup> Degree - Victim 13-16                 | D        | 4                | 3                         | 91                     | 240                                  | 609.3455 subd.4(a)1       |
| 2008 | 1 <sup>st</sup> Degree - Fear Great Bodily Harm       | 9        | 5                | 2                         | 146                    | No                                   | 609.3455 subd.2 (a) 1     |
| 2008 | 2 <sup>nd</sup> Degree - Victim Under 13              | D        | 9                | 4                         | 140                    | 140                                  | 609.3455 subd.4(a)1       |
| 2008 | 1 <sup>st</sup> Degree- Multiple Acts                 | A        | 3                | 1                         | 180                    | 206                                  | 609.3455 subd.4(a)1       |
| 2009 | 1 <sup>st</sup> Degree- Force & Injury                | A        | 1                | 0                         | 156                    | No release                           | 609.3455 subd.2 (a) 1     |
| 2009 | 1 <sup>st</sup> Degree - Fear Great Bodily Harm       | A        | 4                | 0                         | 234                    | No release                           | 609.3455 subd.2 (a) 1     |
| 2010 | 1 <sup>st</sup> Degree - Fear Great Bodily Harm       | A        | 6                | 2                         | 360                    | No release                           | 609.3455 subd.2 (a) 2     |
| 2010 | 3 <sup>rd</sup> Degree- Force or Coercion             | C        | 4                | 1                         | 117                    | 117                                  | 609.3455 subd.4(a)2ii     |
| 2011 | 2 <sup>nd</sup> Degree- Force & Injury                | B        | 2                | 1                         | 130                    | No release                           | 609.3455 subd.2 (a) 2     |
| 2011 | 1 <sup>st</sup> Degree – Pos. of Auth. & Victim 13-16 | A        | 3                | 2                         | 180                    | 300                                  | 609.3455 subd.4(a)1       |
| 2011 | 1 <sup>st</sup> Degree – Pos. of Auth. & Victim 13-16 | 9        | 3                | 2                         | 144                    | 144                                  | 609.3455 subd.4(a)1       |
| 2011 | 1 <sup>st</sup> Degree – Pos. of Auth. & Victim 13-16 | A        | 4                | 1                         | 234                    | 234                                  | 609.3455 s.4(a) (2) (ii)  |
| 2011 | 1 <sup>st</sup> Degree- Force & Injury                | A        | 5                | 1                         | 306                    | 404                                  | 609.3455 subd.3(a)        |
| 2012 | 1 <sup>st</sup> Degree- Force & Injury                | A        | 0                | 0                         | 144                    | 144                                  | 609.3455 subd.3(a)        |
| 2012 | 3 <sup>rd</sup> Degree- Force or Coercion             | C        | 7                | 2                         | 180                    | 180                                  | 609.3455 subd.4(a)1       |

2012 Sentences with Double the Presumptive Sentence or More

In 2012, six offenders received prison sentences that were double the length of their presumptive sentences or more. The presumptive sentences, pronounced sentences, criminal history scores and sentence type for these cases are listed in Table 5.

Five of these cases involved first-degree offenses (one an attempt) and one was a second-degree offense. Three of these sentences were the result of consecutive sentences without departure. Two were the result of both consecutive sentences and aggravated durational departures. One was the result of an aggravated durational departure alone. None cited the patterned sex offender provision (Minn. Stat. §609.355 subd.3a) as a reason for departure.

A “true prior” sex offense is indicated if the offender was sentenced for a criminal sexual conduct offense before they committed the current offense. Three of the offenders who received consecutive sentences were not sentenced for multiple sex offenses.

**Table 5. Sentences of Double the Presumptive Sentence or More**

| Offense   | Severity | History | Number True Prior Sex Offenses | Grid Duration | Total Sentence | Consecutive Sentence? | Aggravated Duration |
|---|----------|---------|--------------------------------|---------------|----------------|-----------------------|---------------------|
| 1 <sup>st</sup> Degree-Force and Injury               | A        | 0       | 0                              | 144           | 360            | Yes                   | Yes                 |
| 1 <sup>st</sup> Degree - Victim Under 13              | 9        | 2       | 1                              | 144           | 360            | Yes                   | No                  |
| 2 <sup>nd</sup> Degree - Victim Under 13              | D        | 0       | 0                              | 36            | 72             | No                    | Yes                 |
| 1 <sup>st</sup> Degree – Pos. of Auth. & Victim 13-16 | A        | 0       | 0                              | 144           | 360            | Yes                   | Yes                 |
| Attempt 1 <sup>st</sup> Degree - Dangerous Weapon     | 9        | 6       | 0                              | 55.5          | 132            | Yes                   | No                  |
| 1 <sup>st</sup> Degree-Force and Injury               | 9        | 6       | 1                              | 111           | 258            | Yes                   | No                  |

2012 Sentences with Durations of 30 Years or More

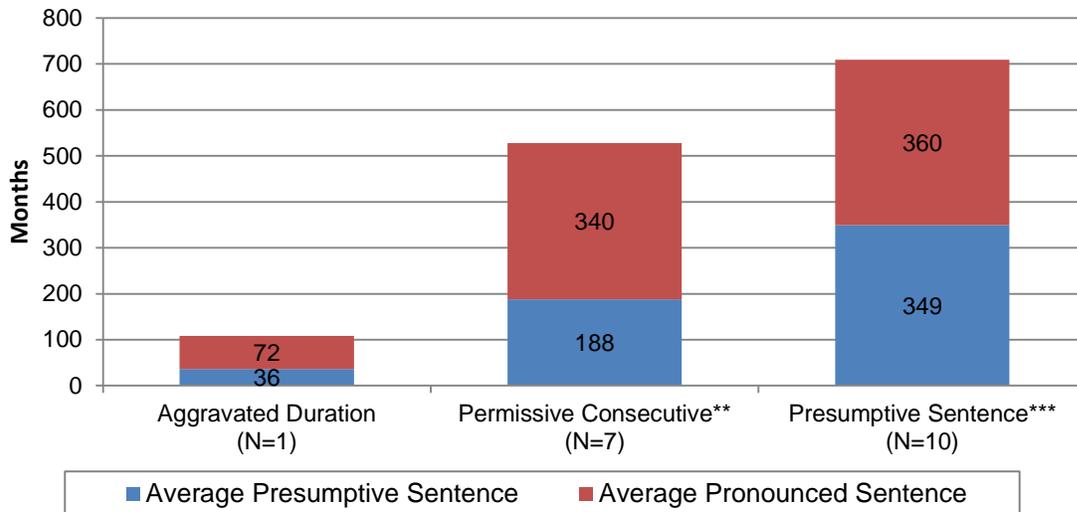
Twelve offenders received prison sentences of 360 months (30 years) or more that were not twice their presumptive sentences. All were first-degree offenders who had high criminal history scores. Information about these offenders is displayed in Table 6. Ten of the 12 offenders received sentences of 360 months, for eight cases, this was the presumptive sentence, for two it was the upper end of the range. Two cases involved consecutive sentencing and received sentences greater than 360 months (480 months and 432 months). None of these sentences involved an aggravated durational departure. A true prior sex offense is indicated if the offender was sentenced for a criminal sexual conduct offense before they committed the current offense. Two of these offenders had true prior sex offenses. Seven of these offenders were sentenced for multiple current sex offenses.

**Table 6. Sentences with Durations of 30 Years or More**

| Offense   | History | # True Prior Sex Offenses | Multiple Current CSC | Grid Duration | Total Sentence | Consecutive Sentence? | Aggravated Duration |
|---|---------|---------------------------|----------------------|---------------|----------------|-----------------------|---------------------|
| 1 <sup>st</sup> Degree - Victim Under 13              | 6       | 0                         | Yes                  | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree - Victim Under 13              | 6       | 0                         | Yes                  | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree - Under 16-Sig. Relation       | 6       | 2                         | No                   | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree-Force and Injury               | 6       | 1                         | No                   | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree - Victim Under 13              | 6       | 0                         | Yes                  | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree - Under 16-Sig. Relation       | 6       | 0                         | Yes                  | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree – Pos. of Auth. & Victim 13-16 | 5       | 0                         | No                   | 306           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree-Dangerous Weapon               | 6       | 0                         | No                   | 360           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree - Victim Under 13              | 6       | 0                         | Yes                  | 360           | 480            | Yes                   | No                  |
| 1 <sup>st</sup> Degree-Force and Injury               | 5       | 0                         | Yes                  | 306           | 360            | No                    | No                  |
| 1 <sup>st</sup> Degree - Under 16-Sig. Relation       | 6       | 0                         | Yes                  | 360           | 432            | Yes                   | No                  |
| 1 <sup>st</sup> Degree – Pos. of Auth. & Victim 13-16 | 6       | 0                         | No                   | 360           | 360            | No                    | No                  |

Figure 9 combines the information described in tables 5 and 6 to illustrate some of the longest sentences pronounced in 2012. There were 18 offenders who either received double their presumptive sentence or more, or a sentence of 360 months (30 years) or more. These sentences were achieved either through the presumptive sentence or Guidelines policies that permitted aggravated durational departures or permissive consecutive sentences.

**Figure 9. Significantly Longer than Presumptive Prison Sentence: Double the Presumptive or more and 360 Months or more\***

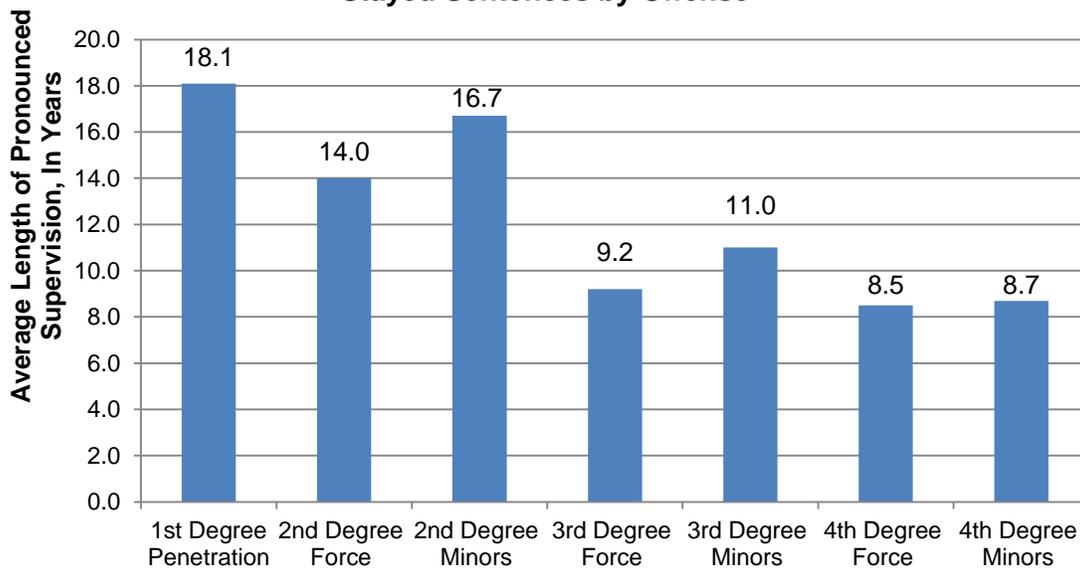


\* Excludes 2 offenders who received life sentences.  
 \*\* Includes two cases that received both consecutive sentences and aggravated durations  
 \*\*\* 10 offenders total; 2 received the top of the cell range to get 360 months (30 years).

*Sentence Durations: Probation Sentences*

Fifty-nine percent of the CSC offenders sentenced in 2012 received a probation sentence. Of the offenders who were placed on probation, 78 percent received probation because it was the presumptive sentence and 22 percent received probation as a mitigated dispositional departure. The average pronounced period of probation for sex offenders was approximately 12 years (Figure 10). The average probation period for offenders convicted of first-degree offenses was over 18 years.

**Figure 10. Average Pronounced Period of Supervision (Years): Stayed Sentences by Offense**



Ninety-one percent of offenders who did not receive an executed prison sentence received local confinement time. The average pronounced local confinement for sex offenders was 181 days, compared to 190 days in 2011 (Table 11). The pronounced local confinement time was significantly longer for offenders convicted of offenses for which the Guidelines recommended presumptive commitment to prison (295 days) than for offenders convicted of offenses for which the Guidelines recommended a presumptive stayed sentence (149 days).

## Departures from the Guidelines

The Guidelines establish a presumptive sentence for felony offenses based on the severity of the offense and the offender's criminal history score. The presumptive sentence is based on the typical case, however, the court may depart from the Guidelines when substantial and compelling circumstances exist. A "departure" is a pronounced sentence other than that recommended in the appropriate cell of the applicable Grid. There are two types of departures – dispositional and durational – as further explained below. Since the presumptive sentence is based on "the typical case," the appropriate use of departures by the courts when substantial and compelling circumstances exist can actually enhance proportionality by varying the sanction in an atypical case.

While the court ultimately makes the sentencing decision, other criminal justice professionals and victims participate in the decision-making process. Probation officers make recommendations to the courts regarding whether a departure from the presumptive sentence is appropriate, and prosecutors and defense attorneys arrive at agreements regarding acceptable sentences for which an appeal will not be pursued. Victims are provided an opportunity to comment regarding the appropriate sentence as well. Therefore, these departure statistics should be reviewed with an understanding that, when the court pronounces a particular sentence, there is typically agreement or acceptance among the other actors that the sentence is appropriate. Only a small percent of cases (1% to 2%) result in an appeal of the sentence pronounced by the court.

### *Dispositional Departures*

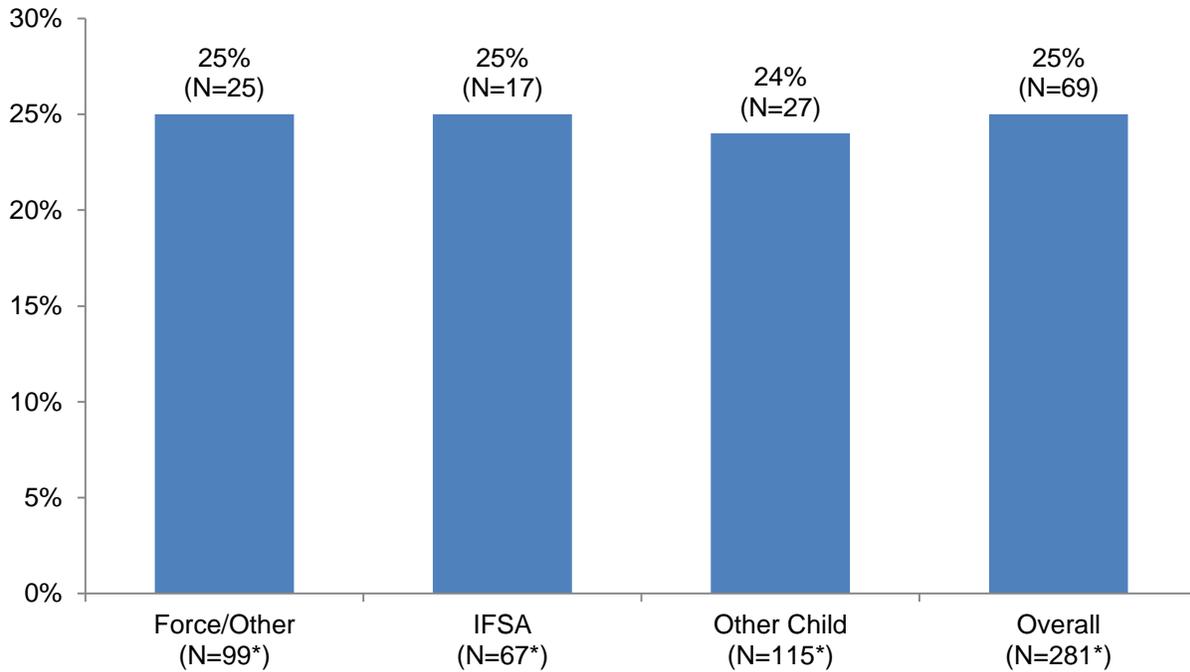
A "dispositional departure" occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types of dispositional departures: aggravated dispositional departures and mitigated dispositional departures. An aggravated dispositional departure occurs when the Guidelines recommend a stayed sentence but the court pronounces a prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence but the court pronounces a stayed sentence.

### Mitigated Dispositions

Figure 11 shows mitigated dispositional departure rates for cases in which the Guidelines recommend prison ("presumptive commitments") by type of sex offense. The overall mitigated dispositional departure rate was 25 percent, a decrease from the rate in 2011 (29%) (Table 13). Previously, rates tended to vary by offense type, with "IFSA" cases historically showing the highest rate of departure. Throughout the 1990s, the mitigated dispositional departure rate usually exceeded 33 percent, once reaching 40 percent. Since 2000, the departure rate has usually been below 30 percent. The departure rate in 2012 was almost identical for all three offense types and at 25 percent, equaled the lowest level previously observed. (Figure 12).

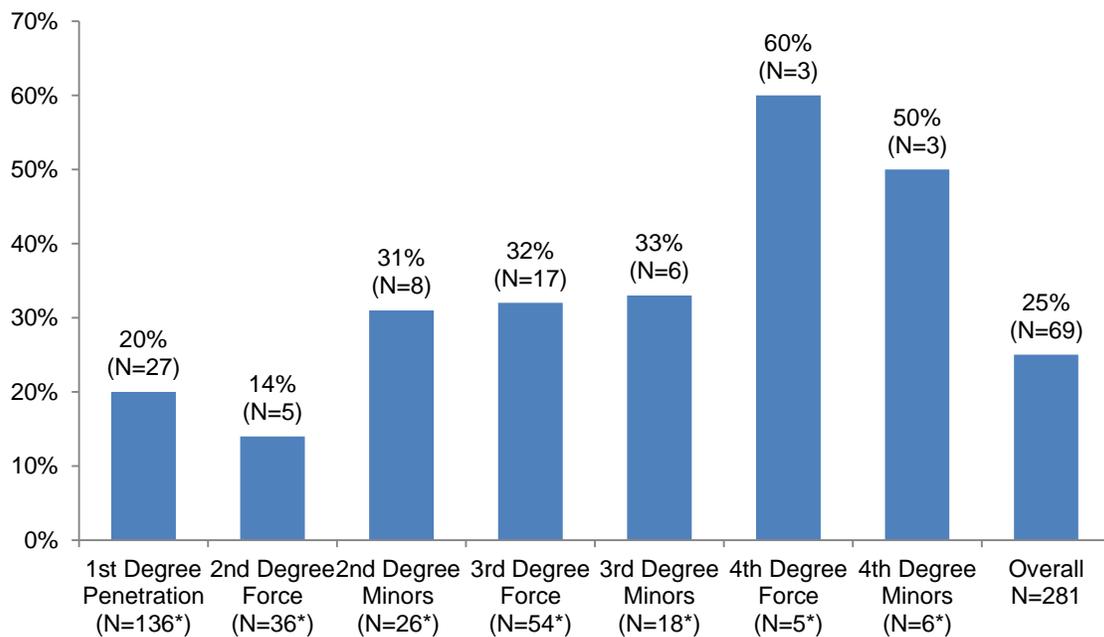
Figure 12 shows mitigated dispositional departure rates by degree. The rates were lower for the first-degree offenses and the second-degree force offenses than for the other offenses.

**Figure 11. Mitigated Dispositional Departure Rates by Type of Offense (Presumptive Commitment Cases Only)**



\* Number of Presumptive Commitment cases.

**Figure 12. Mitigated Dispositional Departure Rates: By Degree (Presumptive Commitment Cases)**



\* Number of Presumptive Commitment cases.

The most common reasons cited for mitigated dispositional departures typically involves placement of the offender in sex offender treatment programs, placement in other types of treatment (e.g., chemical dependency), recommendations by court services, placement of the offender on long-term probation supervision to ensure compliance with conditions, amenability to probation and remorse or acceptance of responsibility on the part of the offender. For most years, the court indicates that the victim or victim's family agreed with the departure in about 15 percent of cases; in 2012, it was 17 percent. In 13 percent of the mitigated dispositions, the court indicated the departure was made to spare the victim from testifying (Table 7). In 75 percent of the mitigated dispositions, the court indicated that there was either a plea agreement for the departure or that the prosecutor recommended or did not object to the departure. The court reported that the prosecutor objected to the departure in about 12 percent of the mitigated dispositions. It should be noted that no plea information was provided by the courts in about 13 percent of the mitigated dispositions.

**Table 7. Mitigated Dispositional Departures:  
Most Frequently Cited Departure Reasons<sup>2</sup>**

| Departure Reason   | Percent of Departures with Reason Cited |
|--|---|
| Amenable to Probation  | 62%                                     |
| Amenable to Treatment  | 77%                                     |
| Agreed by Victim/Victim's Family                             | 17%                                     |
| Prevent Trauma to Victim from Testifying                     | 13%                                     |
| Recommended by Court Services                                | 17%                                     |
| Ensure Compliance with Probation or Allow Longer Supervision | 16%                                     |
| Shows Remorse/Accepts Responsibility                         | 41%                                     |
| Prosecutor Objects   | 12%                                     |
| Prosecutor does not Object                                   | 9%                                      |
| Recommended by Prosecutor                                    | 36%                                     |
| Plea Negotiation   | 70%                                     |

### Aggravated Dispositions

Fourteen of the 263 offenders recommended probation received a prison sentence, an aggravated departure rate of about five percent. In 13 (93%) of these cases, the offender either agreed to the departure or requested a prison sentence, usually because the offender was in prison or going to prison for another offense.

<sup>2</sup> The most common reasons cited for dispositional departures, as submitted by the court and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded. There were 90 mitigated dispositional departures.

*Durational Departures*

A “durational departure” occurs when the court orders a sentence with a duration other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid. There are two types of durational departures: aggravated durational departures and mitigated durational departures. An aggravated durational departure occurs when the court pronounces a duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid. A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid. Durational departure rates are presented by offense for executed sentences only (Figure 13).

Durational departure rates are influenced by changes in presumptive sentences. Prior to 2006, the presumptive sentences for sex offenses were found on the Standard Grid. Effective August 1, 2005, the ranges on the Standard Grid were increased to allow the court to pronounce a sentence without departure that is up to 20 percent greater than, or 15 percent less than, the presumptive number of months on the Standard Grid. For offenses committed after August 1, 2006, presumptive sentences are found on the Sex Offender Grid, which has longer presumptive sentences for repeat offenders and offenders with prior criminal history.

Mitigated Durations

Nineteen percent of the 223 offenders who received executed prison sentences (other than life sentences) were given shorter sentences than recommended, an increase from 15 percent in 2011 (Table 14). The most frequently cited reasons for the downward durational departures were: to prevent trauma to the victim from testifying (26%), and because the offender showed remorse or accepted responsibility (43%) (Table 8). In 4 of these cases (10%), the court indicated that the victim or victim’s family agreed with the departure. In 64 percent of these cases, the court indicated either that there was a plea agreement for a mitigated duration or that the prosecutor recommended or did not object to the departure. There were four cases (10%) in which the court indicated that the prosecutor objected to the mitigated durational departure. It should be noted that no plea information was provided for 26 percent of cases receiving mitigated departures.

**Table 8. Mitigated Durational Departures:  
Most Frequently Cited Departure Reasons<sup>3</sup>**

| Departure Reason                         | Percent of Departures with Reason Cited |
|--|---|
| Recommended by Victim/Victim’s Family    | 10%                                     |
| Prevent Trauma to Victim from Testifying | 26%                                     |
| Shows Remorse/Accepts Responsibility     | 43%                                     |
| Prosecutor Objects                       | 10%                                     |
| Prosecutor does not Object               | 10%                                     |
| Recommended by Prosecutor                | 10%                                     |
| Plea Negotiation                         | 62%                                     |

<sup>3</sup> The most common reasons cited for mitigated durational departures, as submitted by sentencing judges and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded. There were 42 mitigated durational departures.

Aggravated Durations

Five percent (12) of offenders who received executed prison sentences were given longer sentences than recommended, the same rate observed in 2011 and 2010. The three percent rate observed in 2009 was the lowest aggravated durational departure rate ever observed for criminal sexual conduct offenses. Rates in the last three years have been lower than those observed in 2007 and 2008 (8%) and 2006 and 2005 (9% and 16%, respectively). This rate has declined somewhat since the 1990s, when rates as high as 27 percent were seen. A possible reason for some of the decline in the aggravated durational departure rate is that over time, more of the offenders sentenced for first-degree offenses and second-degree force offenses are eligible for the statutorily-set presumptive sentences. Other possible explanations for the decrease in aggravated durational departures include the impact of the *Blakeley* decision and the implementation of the Sex Offender Grid. In 2012, for first-degree CSC offenses (the only offense with more than a few cases with a presumptive sentence on the standard grid) the aggravated durational departure rate was higher for offenders whose presumptive sentences were on the Standard Grid (9%) rather than on the Sex Offender Grid (4%); which is to be expected due to the lower presumptive sentences and smaller sentencing ranges on the Standard Grid.

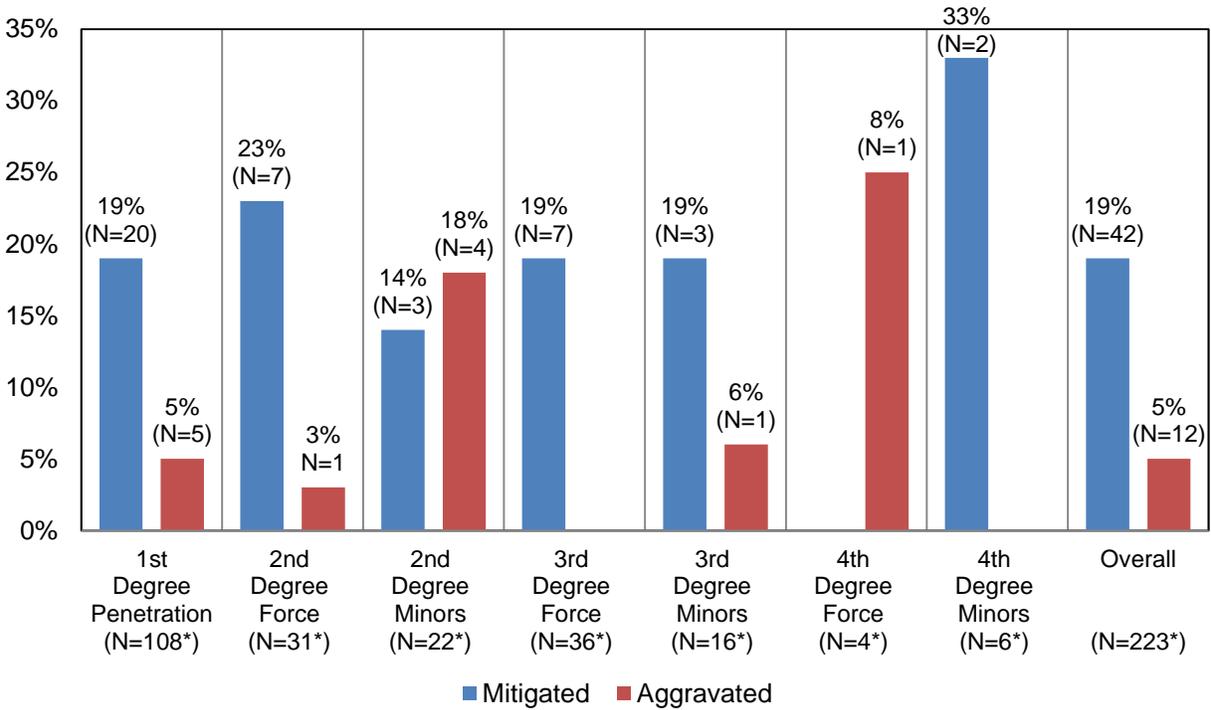
The most frequently reason cited for the upward durational departures (other than plea negotiation) was that the victim was particularly vulnerable (5 of the 12 cases). The court indicated that there was a plea agreement for an aggravated duration in eight of the upward durational departures and that the defendant waived jury determination of aggravating factors in five of the 12 cases. In two cases, the court indicated that a jury determined that aggravating factors existed (Table 9). No information on the position of the prosecutor was cited in two of the aggravated durations. (For more detailed information on durational and dispositional departures over the past 12 years, see Tables 13 and 14.)

**Table 9. Aggravated Durational Departures:  
Most Frequently Cited Departure Reasons<sup>4</sup>**

| Departure Reason   | Percent of Departures with Reason Cited |
|--|---|
| Victim Vulnerability                                       | 42%                                     |
| Particular Cruelty   | 17%                                     |
| Previous Victim Injury or Previous CSC Offense             | 17%                                     |
| Position of Authority                                      | 25%                                     |
| Multiple Victims or Multiple incidents per victim          | 33%                                     |
| Crime Committed in Zone of Privacy                         | 25%                                     |
| Recommended by Prosecutor                                  | 25%                                     |
| Plea Negotiation   | 67%                                     |
| Defendant Waived Jury Determination of Aggravating Factors | 42%                                     |
| Jury Determination of Aggravating Factors                  | 17%                                     |

<sup>4</sup> The most common reasons cited for mitigated durational departures, as submitted by sentencing judges and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded. There were 12 aggravated durational departures.

**Figure 13. Durational Departure Rates:  
Executed Sentences by Offense**



Data Tables

**Table 10. Average Pronounced Prison Sentences 2012:  
By Offense and Applicable Grid**

| Offense                | All Offenders Sentenced in 2011 |               | Cases Sentenced on Standard Grid |                |                | Cases Sentenced on Sex Offender Grid |                |               |
|------------------------|---------------------------------|---------------|----------------------------------|----------------|----------------|--------------------------------------|----------------|---------------|
|                        | # Prison Sentences              | Avg. Duration | Sev. Level                       | # Prison Sent. | Avg. Duration  | Sev. Level                           | # Prison Sent. | Avg. Duration |
| 1st Degree Penetration | 108                             | 181 mos.      | 9                                | 22             | 143 mos.       | A                                    | 86             | 191 mos.      |
| 1st Degree Contact     | 0                               | ---           | 8                                | 0              | ---            | A                                    | 0              | ---           |
| 2nd Degree Force       | 31                              | 108 mos.      | 8                                | 5              | 74 mos.        | B                                    | 26             | 115 mos.      |
| 2nd Degree Minors      | 22                              | 81 mos.       | 6                                | 1              | 39 mos.        | D                                    | 21             | 83 mos.       |
| 3rd Degree Force       | 36                              | 70 mos.       | 8                                | 0              | ---            | C                                    | 36             | 70 mos.       |
| 3rd Degree Minors      | 16                              | 56 mos.       | 5                                | 0              | ---            | D                                    | 16             | 56 mos.       |
| 4th Degree Force       | 4                               | 58 mos.       | 6                                | 1              | 41 mos.        | E                                    | 3              | 64 mos.       |
| 4th Degree Minors      | 6                               | 42 mos.       | 4                                | 1              | 1 year & 1 day | F                                    | 5              | 48 mos.       |
| Total                  | 223                             | 128 mos.      |                                  | 30             | 121 mos.       |                                      | 193            | 130 mos.      |

**Table 11. Sentencing Practices:  
Incarceration Rates and Average Pronounced Durations: 1988-2012<sup>5</sup>**

| Year | # Cases | Incarceration       |     |        |     |                  |                   |                  |          |
|------|---------|---------------------|-----|--------|-----|------------------|-------------------|------------------|----------|
|      |         | Total Incarceration |     | Prison |     | Average Duration | Local Confinement | Average Duration |          |
| 1988 | 677     | 609                 | 90% | 180    | 27% | 54 months        | 429               | 63%              | 178 days |
| 1989 | 688     | 630                 | 92% | 217    | 32% | 58 months        | 413               | 60%              | 186 days |
| 1990 | 771     | 712                 | 92% | 231    | 30% | 78 months        | 481               | 62%              | 191 days |
| 1991 | 725     | 670                 | 92% | 227    | 31% | 82 months        | 443               | 61%              | 200 days |
| 1992 | 798     | 749                 | 94% | 239    | 30% | 89 months        | 510               | 64%              | 186 days |
| 1993 | 828     | 764                 | 92% | 244    | 30% | 84 months        | 520               | 63%              | 183 days |
| 1994 | 880     | 827                 | 94% | 279    | 32% | 83 months        | 548               | 62%              | 195 days |
| 1995 | 770     | 714                 | 93% | 249    | 32% | 87 months        | 465               | 60%              | 183 days |
| 1996 | 632     | 599                 | 94% | 236    | 37% | 84 months        | 354               | 56%              | 206 days |
| 1997 | 635     | 599                 | 94% | 201    | 32% | 81 months        | 398               | 63%              | 196 days |
| 1998 | 670     | 636                 | 95% | 255    | 38% | 88 months        | 381               | 57%              | 192 days |
| 1999 | 567     | 529                 | 94% | 189    | 34% | 86 months        | 340               | 60%              | 173 days |
| 2000 | 539     | 509                 | 94% | 194    | 36% | 80 months        | 315               | 58%              | 185 days |
| 2001 | 512     | 481                 | 94% | 194    | 38% | 99 months        | 287               | 56%              | 196 days |
| 2002 | 558     | 531                 | 95% | 197    | 35% | 103 months       | 334               | 60%              | 179 days |
| 2003 | 607     | 566                 | 93% | 250    | 41% | 116 months       | 316               | 52%              | 186 days |
| 2004 | 591     | 555                 | 94% | 204    | 35% | 99 months        | 351               | 59%              | 183 days |
| 2005 | 590     | 561                 | 95% | 230    | 39% | 102 months       | 331               | 56%              | 179 days |
| 2006 | 593     | 563                 | 95% | 220    | 37% | 97 months        | 343               | 58%              | 173 days |
| 2007 | 586     | 559                 | 95% | 210    | 36% | 106 months       | 369               | 60%              | 194 days |
| 2008 | 582     | 549                 | 94% | 229    | 39% | 110 months       | 320               | 55%              | 180 days |
| 2009 | 579     | 534                 | 92% | 188    | 33% | 100 months       | 346               | 60%              | 186 days |
| 2010 | 600     | 532                 | 89% | 233    | 39% | 125 months       | 299               | 50%              | 184 days |
| 2011 | 582     | 551                 | 95% | 234    | 40% | 122 months       | 317               | 55%              | 190 days |
| 2012 | 544     | 513                 | 95% | 225    | 41% | 128 months       | 291               | 54%              | 181 days |

<sup>5</sup> 2005-2010: Average prison durations exclude offenders who received life sentences.

**Table 12. Incarceration Rates and Average Pronounced Durations by Degree: 1988-2012**

| Year | Degree    | # Cases | Total Incarceration | Prison  | Average Duration | Local Confinement | Average Duration |
|------|-----------|---------|---------------------|---------|------------------|-------------------|------------------|
| 1988 | All Cases | 677     | 609 90%             | 180 27% | 54 mos.          | 429 63%           | 178 days         |
|      | First     | 136     | 133 98%             | 85 63%  | 75 mos.          | 48 35%            | 287 days         |
|      | Second    | 256     | 226 88%             | 47 18%  | 33 mos.          | 179 70%           | 187 days         |
|      | Third     | 120     | 111 93%             | 39 33%  | 38 mos.          | 72 60%            | 154 days         |
|      | Fourth    | 165     | 139 84%             | 9 6%    | 31 mos.          | 130 79%           | 138 days         |
| 1989 | All Cases | 688     | 630 92%             | 217 32% | 58 mos.          | 413 60%           | 186 days         |
|      | First     | 165     | 157 95%             | 111 67% | 78 mos.          | 46 28%            | 255 days         |
|      | Second    | 251     | 234 93%             | 45 18%  | 37 mos.          | 189 75%           | 199 days         |
|      | Third     | 136     | 126 93%             | 45 33%  | 37 mos.          | 81 60%            | 156 days         |
|      | Fourth    | 136     | 113 83%             | 16 12%  | 36 mos.          | 97 71%            | 151 days         |
| 1990 | All Cases | 771     | 712 92%             | 231 30% | 78 mos.          | 481 62%           | 191 days         |
|      | First     | 196     | 193 99%             | 122 62% | 104 mos.         | 71 36%            | 308 days         |
|      | Second    | 270     | 249 92%             | 52 19%  | 48 mos.          | 197 73%           | 184 days         |
|      | Third     | 170     | 156 92%             | 35 21%  | 53 mos.          | 121 71%           | 166 days         |
|      | Fourth    | 135     | 114 84%             | 22 16%  | 40 mos.          | 92 68%            | 148 days         |
| 1991 | All Cases | 725     | 670 92%             | 227 31% | 82 mos.          | 443 61%           | 200 days         |
|      | First     | 182     | 173 95%             | 108 59% | 118 mos.         | 65 36%            | 302 days         |
|      | Second    | 235     | 216 92%             | 50 21%  | 51 mos.          | 166 71%           | 203 days         |
|      | Third     | 159     | 147 93%             | 50 31%  | 54 mos.          | 97 61%            | 182 days         |
|      | Fourth    | 149     | 134 90%             | 19 13%  | 37 mos.          | 115 77%           | 151 days         |
| 1992 | All Cases | 798     | 749 94%             | 239 30% | 89 mos.          | 510 64%           | 186 days         |
|      | First     | 167     | 158 95%             | 100 60% | 126 mos.         | 58 35%            | 320 days         |
|      | Second    | 309     | 287 93%             | 73 24%  | 62 mos.          | 214 69%           | 182 days         |
|      | Third     | 199     | 188 95%             | 50 25%  | 63 mos.          | 138 69%           | 168 days         |
|      | Fourth    | 123     | 116 94%             | 16 13%  | 55 mos.          | 100 81%           | 142 days         |
| 1993 | All Cases | 828     | 764 92%             | 244 30% | 84 mos.          | 520 63%           | 183 days         |
|      | First     | 194     | 188 97%             | 118 61% | 118 mos.         | 70 36%            | 304 days         |
|      | Second    | 279     | 257 92%             | 55 20%  | 59 mos.          | 202 72%           | 190 days         |
|      | Third     | 211     | 189 90%             | 53 25%  | 50 mos.          | 136 65%           | 163 days         |
|      | Fourth    | 144     | 130 90%             | 18 13%  | 36 mos.          | 112 78%           | 120 days         |
| 1994 | All Cases | 880     | 827 94%             | 279 32% | 83 mos.          | 548 62%           | 195 days         |
|      | First     | 193     | 188 97%             | 118 61% | 131 mos.         | 70 36%            | 312 days         |
|      | Second    | 270     | 252 93%             | 62 23%  | 47 mos.          | 190 70%           | 205 days         |
|      | Third     | 260     | 246 95%             | 81 31%  | 52 mos.          | 165 64%           | 174 days         |
|      | Fourth    | 157     | 141 90%             | 18 12%  | 35 mos.          | 123 78%           | 142 days         |
| 1995 | All Cases | 770     | 714 93%             | 249 32% | 87 mos.          | 465 60%           | 183 days         |
|      | First     | 161     | 157 98%             | 102 63% | 137 mos.         | 55 34%            | 293 days         |
|      | Second    | 225     | 202 90%             | 61 27%  | 58 mos.          | 141 63%           | 177 days         |
|      | Third     | 258     | 238 92%             | 59 23%  | 54 mos.          | 179 69%           | 171 days         |
|      | Fourth    | 126     | 117 93%             | 27 21%  | 33 mos.          | 90 71%            | 147 days         |
| 1996 | All Cases | 632     | 590 93%             | 236 37% | 84 mos.          | 354 56%           | 206 days         |
|      | First     | 153     | 155 96%             | 102 67% | 131 mos.         | 48 31%            | 319 days         |
|      | Second    | 161     | 184 92%             | 44 27%  | 53 mos.          | 111 69%           | 211 days         |
|      | Third     | 200     | 184 92%             | 67 34%  | 52 mos.          | 117 59%           | 192 days         |

| Year | Degree    | # Cases | Total Incarceration |      | Prison |     | Average Duration | Local Confinement |      | Average Duration |
|------|-----------|---------|---------------------|------|--------|-----|------------------|-------------------|------|------------------|
| 1997 | Fourth    | 118     | 101                 | 86%  | 23     | 20% | 32 mos.          | 78                | 66%  | 149 days         |
|      | All Cases | 635     | 599                 | 94%  | 201    | 32% | 81 mos.          | 398               | 92%  | 196 days         |
|      | First     | 146     | 145                 | 99%  | 88     | 60% | 125 mos.         | 57                | 98%  | 322 days         |
|      | Second    | 186     | 164                 | 88%  | 45     | 24% | 61 mos.          | 119               | 84%  | 189 days         |
|      | Third     | 186     | 177                 | 95%  | 43     | 23% | 43 mos.          | 134               | 94%  | 178 days         |
|      | Fourth    | 114     | 110                 | 96%  | 23     | 20% | 33 mos.          | 87                | 96%  | 152 days         |
|      | Fifth     | 3       | 3                   | 100% | 2      | 67% | 27 mos.          | 1                 | 100% | 114 days         |
| 1998 | All Cases | 670     | 636                 | 94%  | 255    | 38% | 88 mos.          | 381               | 92%  | 192 days         |
|      | First     | 160     | 155                 | 96%  | 115    | 72% | 129 mos.         | 40                | 89%  | 306 days         |
|      | Second    | 197     | 181                 | 91%  | 60     | 31% | 53 mos.          | 121               | 88%  | 205 days         |
|      | Third     | 197     | 189                 | 95%  | 66     | 34% | 59 mos.          | 123               | 94%  | 187 days         |
|      | Fourth    | 112     | 108                 | 96%  | 13     | 12% | 41 mos.          | 95                | 96%  | 134 days         |
|      | Fifth     | 5       | 3                   | 60%  | 1      | 25% | 41 mos.          | 2                 | 67%  | 183 days         |
| 1999 | All Cases | 562     | 529                 | 94%  | 189    | 34% | 86 mos.          | 340               | 91%  | 173 days         |
|      | First     | 125     | 119                 | 95%  | 82     | 66% | 123 mos.         | 37                | 86%  | 314 days         |
|      | Second    | 153     | 147                 | 96%  | 36     | 24% | 72 mos.          | 111               | 95%  | 185 days         |
|      | Third     | 183     | 169                 | 92%  | 50     | 27% | 56 mos.          | 119               | 90%  | 151 days         |
|      | Fourth    | 101     | 94                  | 93%  | 21     | 21% | 36 mos.          | 73                | 91%  | 120 days         |
| 2000 | All Cases | 539     | 509                 | 94%  | 194    | 36% | 80 mos.          | 315               | 91%  | 185 days         |
|      | First     | 105     | 102                 | 97%  | 73     | 70% | 123 mos.         | 29                | 91%  | 332 days         |
|      | Second    | 155     | 149                 | 96%  | 46     | 30% | 63 mos.          | 103               | 95%  | 196 days         |
|      | Third     | 171     | 157                 | 91%  | 55     | 32% | 55 mos.          | 102               | 88%  | 153 days         |
|      | Fourth    | 104     | 98                  | 94%  | 17     | 16% | 33 mos.          | 81                | 93%  | 160 days         |
|      | Fifth     | 4       | 3                   | 75%  | 3      | 75% | 34 mos.          | ---               | ---  | ---              |
| 2001 | All Cases | 512     | 481                 | 93%  | 194    | 38% | 99 mos.          | 287               | 90%  | 196 days         |
|      | First     | 139     | 135                 | 97%  | 96     | 69% | 133 mos.         | 39                | 91%  | 313 days         |
|      | Second    | 128     | 118                 | 92%  | 39     | 31% | 80 mos.          | 79                | 89%  | 204 days         |
|      | Third     | 162     | 151                 | 93%  | 45     | 28% | 59 mos.          | 106               | 91%  | 185 days         |
|      | Fourth    | 79      | 73                  | 92%  | 14     | 18% | 47 mos.          | 59                | 91%  | 130 days         |
|      | Fifth     | 4       | 4                   | 100% | 0      | --- | ---              | 4                 | 100% | 133 days         |
| 2002 | All Cases | 558     | 531                 | 95%  | 197    | 35% | 103 mos.         | 334               | 93%  | 179 days         |
|      | First     | 138     | 136                 | 98%  | 108    | 78% | 148 mos.         | 28                | 93%  | 309 days         |
|      | Second    | 148     | 136                 | 91%  | 34     | 23% | 56 mos.          | 102               | 90%  | 183 days         |
|      | Third     | 178     | 174                 | 97%  | 39     | 22% | 50 mos.          | 135               | 97%  | 172 days         |
|      | Fourth    | 94      | 85                  | 90%  | 16     | 17% | 29 mos.          | 69                | 89%  | 134 days         |
| 2003 | All Cases | 607     | 566                 | 93%  | 250    | 41% | 116 mos.         | 316               | 52%  | 186 days         |
|      | First     | 170     | 160                 | 94%  | 123    | 72% | 175 mos.         | 37                | 22%  | 327 days         |
|      | Second    | 133     | 124                 | 93%  | 44     | 33% | 57 mos.          | 80                | 60%  | 194 days         |
|      | Third     | 189     | 175                 | 93%  | 58     | 31% | 60 mos.          | 117               | 62%  | 171 days         |
|      | Fourth    | 111     | 103                 | 93%  | 24     | 22% | 61 mos.          | 79                | 71%  | 137 days         |
|      | Fifth     | 4       | 4                   | 100% | 1      | 25% | 30 mos.          | 3                 | 75%  | 60 days          |
| 2004 | All Cases | 591     | 555                 | 94%  | 204    | 35% | 99 mos.          | 351               | 59%  | 183 days         |
|      | First     | 137     | 134                 | 98%  | 95     | 69% | 148 mos.         | 39                | 29%  | 335 days         |
|      | Second    | 146     | 132                 | 90%  | 42     | 29% | 75 mos.          | 90                | 62%  | 178 days         |
|      | Third     | 208     | 195                 | 94%  | 53     | 26% | 51 mos.          | 142               | 68%  | 172 days         |

| Year      | Degree    | # Cases | Total Incarceration |      | Prison |          | Average Duration | Local Confinement |          | Average Duration |
|-----------|-----------|---------|---------------------|------|--------|----------|------------------|-------------------|----------|------------------|
| 2005      | Fourth    | 100     | 94                  | 94%  | 14     | 14%      | 33 mos.          | 80                | 80%      | 133 days         |
|           | All Cases | 590     | 561                 | 95%  | 230    | 39%      | 102 mos.         | 331               | 56%      | 179 days         |
| 2006      | First     | 148     | 145                 | 98%  | 111    | 75%      | 150 mos.         | 34                | 23%      | 318 days         |
|           | Second    | 145     | 136                 | 94%  | 52     | 36%      | 66 mos.          | 84                | 58%      | 196 days         |
|           | Third     | 202     | 194                 | 96%  | 57     | 28%      | 57 mos.          | 137               | 68%      | 157 days         |
|           | Fourth    | 95      | 86                  | 91%  | 10     | 11%      | 30 mos.          | 76                | 80%      | 138 days         |
|           | All Cases | 593     | 563                 | 95%  | 220    | 37%      | 97 mos.          | 343               | 58%      | 173 days         |
| 2007      | First     | 130     | 127                 | 98%  | 96     | 74%      | 156 mos.         | 31                | 24%      | 319 days         |
|           | Second    | 146     | 137                 | 94%  | 43     | 30%      | 63 mos.          | 94                | 64%      | 191 days         |
|           | Third     | 207     | 195                 | 94%  | 64     | 31%      | 49 mos.          | 131               | 63%      | 153 days         |
|           | Fourth    | 109     | 103                 | 95%  | 16     | 15%      | 29 mos.          | 87                | 80%      | 132 days         |
|           | Fifth     | 1       | 1                   | 100% | 1      | 100%     | 49 mos.          | ---               | ---      | ---              |
| All Cases | 586       | 559     | 95%                 | 210  | 36%    | 106 mos. | 349              | 60%               | 194 days |                  |
| 2008      | First     | 122     | 119                 | 98%  | 85     | 70%      | 165 mos.         | 34                | 28%      | 346 days         |
|           | Second    | 142     | 139                 | 98%  | 52     | 37%      | 78 mos.          | 87                | 61%      | 203 days         |
|           | Third     | 217     | 204                 | 94%  | 59     | 27%      | 58 mos.          | 145               | 67%      | 171 days         |
|           | Fourth    | 105     | 97                  | 92%  | 14     | 13%      | 47 mos.          | 83                | 79%      | 160 days         |
| All Cases | 582       | 549     | 94%                 | 229  | 39%    | 110 mos. | 320              | 55%               | 180 days |                  |
| 2009      | First     | 144     | 138                 | 96%  | 103    | 72%      | 163 mos.         | 35                | 24%      | 328 days         |
|           | Second    | 134     | 126                 | 94%  | 48     | 36%      | 89 mos.          | 78                | 58%      | 208 days         |
|           | Third     | 201     | 187                 | 93%  | 62     | 31%      | 56 mos.          | 125               | 62%      | 161 days         |
|           | Fourth    | 103     | 98                  | 95%  | 16     | 16%      | 43 mos.          | 82                | 80%      | 120 days         |
| All Cases | 579       | 534     | 92%                 | 188  | 33%    | 100 mos. | 346              | 60%               | 186 days |                  |
| 2010      | First     | 105     | 103                 | 98%  | 75     | 71%      | 149 mos.         | 28                | 27%      | 332 days         |
|           | Second    | 147     | 132                 | 90%  | 37     | 25%      | 83 mos.          | 95                | 65%      | 209 days         |
|           | Third     | 206     | 196                 | 95%  | 61     | 30%      | 64 mos.          | 135               | 66%      | 165 days         |
|           | Fourth    | 118     | 100                 | 85%  | 15     | 13%      | 44 mos.          | 85                | 72%      | 146 days         |
|           | Fifth     | 3       | 3                   | 100% | 0      |          | ---              | 3                 | 100%     | 192 days         |
| All Cases | 600       | 532     | 89%                 | 233  | 39%    | 125 mos. | 299              | 50%               | 184 days |                  |
| 2011      | First     | 143     | 139                 | 97%  | 113    | 79%      | 183 mos.         | 26                | 18%      | 326 days         |
|           | Second    | 141     | 122                 | 87%  | 48     | 34%      | 83 mos.          | 74                | 53%      | 207 days         |
|           | Third     | 200     | 177                 | 89%  | 59     | 30%      | 67 mos.          | 118               | 59%      | 154 days         |
|           | Fourth    | 115     | 93                  | 81%  | 13     | 11%      | 44 mos.          | 80                | 70%      | 163 days         |
|           | Fifth     | 1       | 1                   | 100% | 0      |          | ---              | 1                 | 100%     | 55 days          |
| All Cases | 582       | 551     | 95%                 | 234  | 40%    | 122 mos. | 317              | 55%               | 190 days |                  |
| 2012      | First     | 150     | 148                 | 99%  | 114    | 76%      | 173 mos.         | 34                | 23%      | 314 days         |
|           | Second    | 127     | 118                 | 93%  | 47     | 37%      | 81 mos.          | 71                | 56%      | 198 days         |
|           | Third     | 214     | 199                 | 93%  | 52     | 24%      | 74 mos.          | 147               | 69%      | 178 days         |
|           | Fourth    | 89      | 84                  | 94%  | 21     | 24%      | 66 mos.          | 63                | 71%      | 143 days         |
|           | Fifth     | 2       | 2                   | 100% | 0      |          | ---              | 2                 | 100%     | 149 days         |
|           | All Cases | 544     | 516                 | 95%  | 225    | 41%      | 128 mos.         | 291               | 54%      | 181 days         |
|           | First     | 136     | 133                 | 98%  | 109    | 80%      | 181 mos.         | 24                | 18%      | 311 days         |
|           | Second    | 135     | 127                 | 94%  | 53     | 39%      | 97 mos.          | 74                | 55%      | 222 days         |
| Third     | 184       | 173     | 94%                 | 53   | 29%    | 66 mos.  | 120              | 65%               | 157 days |                  |
| Fourth    | 89        | 83      | 93%                 | 10   | 11%    | 49 mos.  | 73               | 82%               | 138 days |                  |

Table 13. Departure Rates: 1988-2012

| Year | # Cases | Mitigated Dispositional Departures |                       | Durational Departures Executed Sentences |                     |                    |
|------|---------|------------------------------------|-----------------------|--|---------------------|--------------------|
|      |         | # Presumptive Commits              | # Receiving Probation | # Executed Sentences                     | Aggravated Duration | Mitigated Duration |
| 1988 | 677     | 273 (40%)                          | 101 (37%)             | 180                                      | 19 (11%)            | 19 (11%)           |
| 1989 | 688     | 319 (46%)                          | 110 (35%)             | 217                                      | 29 (13%)            | 20 (9%)            |
| 1990 | 771     | 365 (47%)                          | 144 (40%)             | 231                                      | 50 (22%)            | 39 (17%)           |
| 1991 | 725     | 334 (46%)                          | 121 (36%)             | 227                                      | 44 (19%)            | 37 (16%)           |
| 1992 | 798     | 353 (44%)                          | 129 (37%)             | 239                                      | 50 (21%)            | 30 (13%)           |
| 1993 | 828     | 360 (44%)                          | 136 (38%)             | 244                                      | 45 (18%)            | 41 (17%)           |
| 1994 | 880     | 408 (46%)                          | 148 (36%)             | 279                                      | 61 (22%)            | 38 (14%)           |
| 1995 | 770     | 346 (45%)                          | 118 (34%)             | 249                                      | 59 (24%)            | 40 (16%)           |
| 1996 | 632     | 317 (50%)                          | 97 (31%)              | 236                                      | 63 (27%)            | 28 (12%)           |
| 1997 | 635     | 288 (45%)                          | 107 (37%)             | 201                                      | 41 (20%)            | 44 (22%)           |
| 1998 | 670     | 326 (49%)                          | 86 (26%)              | 255                                      | 55 (22%)            | 32 (13%)           |
| 1999 | 562     | 245 (44%)                          | 80 (33%)              | 189                                      | 45 (24%)            | 18 (10%)           |
| 2000 | 539     | 248 (46%)                          | 67 (27%)              | 194                                      | 46 (24%)            | 39 (20%)           |
| 2001 | 512     | 250 (49%)                          | 66 (26%)              | 194                                      | 49 (25%)            | 36 (19%)           |
| 2002 | 558     | 241 (43%)                          | 60 (25%)              | 197                                      | 41 (21%)            | 36 (18%)           |
| 2003 | 607     | 323 (53%)                          | 95 (29%)              | 250                                      | 57 (23%)            | 48 (19%)           |
| 2004 | 591     | 288 (49%)                          | 103 (36%)             | 204                                      | 41 (20%)            | 43 (21%)           |
| 2005 | 590     | 299 (51%)                          | 82 (27%)              | 230                                      | 36 (16%)            | 41 (18%)           |
| 2006 | 593     | 281 (47%)                          | 77 (27%)              | 220                                      | 20 (9%)             | 44 (20%)           |
| 2007 | 586     | 278 (47%)                          | 86 (31%)              | 210                                      | 17 (8%)             | 36 (17%)           |
| 2008 | 582     | 288 (49%)                          | 80 (28%)              | 229                                      | 18 (8%)             | 40 (18%)           |
| 2009 | 579     | 247 (43%)                          | 74 (30%)              | 186                                      | 6 (3%)              | 39 (21%)           |
| 2010 | 600     | 296 (49%)                          | 74 (25%)              | 231                                      | 12 (5%)             | 43 (19%)           |
| 2011 | 582     | 314 (54%)                          | 90 (29%)              | 229                                      | 12 (5%)             | 34 (15%)           |
| 2012 | 544     | 281 (52%)                          | 69 (25%)              | 223                                      | 12 (5%)             | 42 (19%)           |

Table 14. Departure Rates by Degree: 1997-2012

| Year | Degree    | # Cases | Mitigated Dispositional Departures |                       |     | Durational Departures (Executed Sentences) |                     |                    |     |     |
|------|-----------|---------|------------------------------------|-----------------------|-----|--|---------------------|--------------------|-----|-----|
|      |           |         | # Presumptive Commits              | # Receiving Probation |     | # Executed Sentences                       | Aggravated Duration | Mitigated Duration |     |     |
| 1997 | All Cases | 635     | 288                                | 107                   | 37% | 201  | 41                  | 20%                | 44  | 22% |
|      | First     | 146     | 146                                | 58                    | 40% | 88   | 20                  | 23%                | 20  | 23% |
|      | Second    | 186     | 52                                 | 13                    | 25% | 45   | 10                  | 22%                | 10  | 22% |
|      | Third     | 186     | 69                                 | 29                    | 42% | 43   | 6                   | 14%                | 9   | 21% |
|      | Fourth    | 114     | 21                                 | 7                     | 33% | 23   | 4                   | 17%                | 5   | 22% |
|      | Fifth     | 3       | 0                                  | 0                     |     | 2  | 1                   | 50%                | 0   |     |
| 1998 | All Cases | 670     | 326                                | 86                    | 26% | 255  | 55                  | 22%                | 32  | 13% |
|      | First     | 160     | 160                                | 45                    | 28% | 115  | 28                  | 24%                | 12  | 10% |
|      | Second    | 197     | 65                                 | 15                    | 23% | 60   | 14                  | 23%                | 7   | 12% |
|      | Third     | 197     | 88                                 | 24                    | 27% | 66   | 9                   | 14%                | 12  | 18% |
|      | Fourth    | 112     | 12                                 | 2                     | 17% | 13   | 4                   | 31%                | 1   | 8%  |
|      | Fifth     | 5       | 1                                  | 0                     |     | 1  | 0                   |                    | 0   |     |
| 1999 | All Cases | 562     | 245                                | 80                    | 33% | 189  | 45                  | 24%                | 18  | 10% |
|      | First     | 125     | 125                                | 43                    | 34% | 82   | 18                  | 22%                | 11  | 13% |
|      | Second    | 153     | 34                                 | 9                     | 27% | 36   | 13                  | 36%                | 1   | 3%  |
|      | Third     | 183     | 73                                 | 27                    | 37% | 50   | 12                  | 24%                | 4   | 8%  |
|      | Fourth    | 101     | 13                                 | 1                     | 8%  | 21   | 2                   | 10%                | 2   | 10% |
|      | Fifth     | 0       | ---                                | ---                   |     | ---  | ---                 |                    | --- |     |
| 2000 | All Cases | 539     | 248                                | 67                    | 27% | 194  | 46                  | 24%                | 39  | 20% |
|      | First     | 105     | 105                                | 32                    | 31% | 73   | 19                  | 26%                | 17  | 23% |
|      | Second    | 155     | 50                                 | 11                    | 22% | 46   | 14                  | 30%                | 6   | 13% |
|      | Third     | 171     | 72                                 | 21                    | 29% | 55   | 9                   | 16%                | 12  | 22% |
|      | Fourth    | 104     | 18                                 | 2                     | 11% | 17   | 2                   | 12%                | 4   | 24% |
|      | Fifth     | 4       | 3                                  | 1                     | 33% | 3  | 2                   | 67%                | 0   |     |
| 2001 | All Cases | 512     | 250                                | 66                    | 26% | 194  | 49                  | 25%                | 36  | 19% |
|      | First     | 139     | 139                                | 43                    | 31% | 96   | 23                  | 24%                | 19  | 20% |
|      | Second    | 128     | 42                                 | 9                     | 21% | 39   | 13                  | 33%                | 4   | 10% |
|      | Third     | 162     | 58                                 | 13                    | 22% | 45   | 8                   | 18%                | 11  | 24% |
|      | Fourth    | 79      | 11                                 | 1                     | 9%  | 14   | 5                   | 36%                | 2   | 14% |
|      | Fifth     | 4       | 0                                  | 0                     |     | 0  | 0                   |                    | 0   |     |

| Year        | Degree    | # Cases | Mitigated Dispositional Departure |                       | Durational Departures (Executed Sentences) |                     |                    |  |  |
|-------------|-----------|---------|-----------------------------------|-----------------------|--|---------------------|--------------------|--|--|
|             |           |         | # Presumptive Commits             | # Receiving Probation | # Executed Sentences                       | Aggravated Duration | Mitigated Duration |  |  |
| <b>2002</b> | All Cases | 558     | 241                               | 60 25%                | 197  | 41 21%              | 36 18%             |  |  |
|             | First     | 138     | 138                               | 30 22%                | 108  | 25 23%              | 21 19%             |  |  |
|             | Second    | 148     | 39                                | 10 26%                | 34   | 9 27%               | 4 12%              |  |  |
|             | Third     | 178     | 52                                | 19 37%                | 39   | 6 15%               | 8 21%              |  |  |
|             | Fourth    | 94      | 12                                | 1 8%                  | 16   | 1 6%                | 3 19%              |  |  |
|             | Fifth     | 0       | ---                               | ---                   | ---  | ---                 | ---                |  |  |
| <b>2003</b> | All Cases | 607     | 323                               | 95 29%                | 250  | 57 23%              | 48 19%             |  |  |
|             | First     | 170     | 170                               | 47 28%                | 123  | 33 27%              | 30 24%             |  |  |
|             | Second    | 133     | 51                                | 17 33%                | 44   | 10 23%              | 8 18%              |  |  |
|             | Third     | 189     | 77                                | 27 35%                | 58   | 9 16%               | 8 14%              |  |  |
|             | Fourth    | 111     | 24                                | 4 17%                 | 24   | 5 21%               | 2 8%               |  |  |
|             | Fifth     | 4       | 1                                 | 0                     | 1  | 0                   | 0                  |  |  |
| <b>2004</b> | All Cases | 591     | 288                               | 103 36%               | 204  | 41 20%              | 43 21%             |  |  |
|             | First     | 137     | 137                               | 42 31%                | 95   | 20 21%              | 25 26%             |  |  |
|             | Second    | 146     | 55                                | 20 36%                | 42   | 10 24%              | 6 14%              |  |  |
|             | Third     | 208     | 81                                | 36 44%                | 53   | 10 19%              | 12 23%             |  |  |
|             | Fourth    | 100     | 15                                | 5 33%                 | 14   | 1 7%                | 0                  |  |  |
| <b>2005</b> | All Cases | 590     | 299                               | 82 27%                | 230  | 36 16%              | 41 18%             |  |  |
|             | First     | 148     | 148                               | 37 25%                | 111  | 18 16%              | 24 22%             |  |  |
|             | Second    | 145     | 61                                | 16 26%                | 52   | 9 17%               | 11 21%             |  |  |
|             | Third     | 202     | 81                                | 25 31%                | 57   | 8 14%               | 5 9%               |  |  |
|             | Fourth    | 95      | 9                                 | 4 44%                 | 10   | 1 10%               | 1 10%              |  |  |
| <b>2006</b> | All Cases | 593     | 281                               | 77 27%                | 220  | 20 9%               | 44 20%             |  |  |
|             | First     | 130     | 130                               | 34 26%                | 96   | 12 13%              | 20 21%             |  |  |
|             | Second    | 146     | 56                                | 16 29%                | 43   | 3 7%                | 10 23%             |  |  |
|             | Third     | 207     | 82                                | 24 29%                | 64   | 2 3%                | 11 17%             |  |  |
|             | Fourth    | 109     | 12                                | 3 25%                 | 16   | 2 13%               | 3 19%              |  |  |
|             | Fifth     | 1       | 1                                 | 0                     | 1  | 1 100%              | 0                  |  |  |

| Year | Degree    | # Cases | Mitigated Dispositional Departures |                       |      | Durational Departures (Executed Sentences) |                     |                    |    |     |
|------|-----------|---------|------------------------------------|-----------------------|------|--|---------------------|--------------------|----|-----|
|      |           |         | # Presumptive Commits              | # Receiving Probation |      | # Executed Sentences                       | Aggravated Duration | Mitigated Duration |    |     |
| 2007 | All Cases | 586     | 278                                | 86                    | 31%  | 210  | 17                  | 8%                 | 36 | 17% |
|      | First     | 122     | 122                                | 37                    | 30%  | 85   | 11                  | 13%                | 14 | 17% |
|      | Second    | 142     | 60                                 | 16                    | 27%  | 52   | 3                   | 6%                 | 6  | 12% |
|      | Third     | 217     | 82                                 | 29                    | 35%  | 59   | 3                   | 5%                 | 13 | 22% |
|      | Fourth    | 105     | 14                                 | 4                     | 29%  | 14   | 0                   | ---                | 3  | 21% |
| 2008 | All Cases | 582     | 288                                | 80                    | 28%  | 229  | 18                  | 8%                 | 40 | 18% |
|      | First     | 144     | 144                                | 41                    | 29%  | 103  | 9                   | 9%                 | 23 | 22% |
|      | Second    | 134     | 52                                 | 10                    | 19%  | 48   | 6                   | 13%                | 6  | 13% |
|      | Third     | 201     | 79                                 | 27                    | 34%  | 62   | 2                   | 3%                 | 7  | 11% |
|      | Fourth    | 103     | 13                                 | 2                     | 15%  | 16   | 1                   | 6%                 | 4  | 25% |
| 2009 | All Cases | 579     | 247                                | 74                    | 30%  | 186  | 6                   | 3%                 | 39 | 21% |
|      | First     | 105     | 105                                | 30                    | 29%  | 73   | 2                   | 3%                 | 20 | 27% |
|      | Second    | 147     | 48                                 | 14                    | 29%  | 37   | 2                   | 5%                 | 5  | 14% |
|      | Third     | 206     | 79                                 | 24                    | 30%  | 61   | 2                   | 3%                 | 12 | 20% |
|      | Fourth    | 118     | 14                                 | 5                     | 36%  | 15   | 0                   | --                 | 2  | 13% |
|      | Fifth     | 3       | 1                                  | 1                     | 100% | 0  |                     |                    |    |     |
| 2010 | All Cases | 600     | 296                                | 74                    | 25%  | 231  | 12                  | 5%                 | 43 | 19% |
|      | First     | 143     | 143                                | 30                    | 21%  | 112  | 9                   | 8%                 | 27 | 24% |
|      | Second    | 141     | 57                                 | 14                    | 25%  | 48   | 1                   | 2%                 | 3  | 6%  |
|      | Third     | 200     | 80                                 | 24                    | 30%  | 58   | 2                   | 3%                 | 11 | 19% |
|      | Fourth    | 115     | 16                                 | 6                     | 38%  | 13   | 0                   | ---                | 2  | 15% |
|      | Fifth     | 1       | 0                                  |                       | ---  | 0  |                     |                    |    |     |
| 2011 | All Cases | 582     | 314                                | 90                    | 29%  | 229  | 12                  | 5%                 | 34 | 15% |
|      | First     | 150     | 150                                | 36                    | 24%  | 110  | 6                   | 6%                 | 20 | 18% |
|      | Second    | 127     | 49                                 | 8                     | 16%  | 46   | 1                   | 2%                 | 4  | 9%  |
|      | Third     | 214     | 94                                 | 43                    | 46%  | 52   | 4                   | 8%                 | 6  | 12% |
|      | Fourth    | 89      | 21                                 | 3                     | 14%  | 21   | 1                   | 5%                 | 4  | 19% |
|      | Fifth     | 2       | 0                                  |                       | ---  | 0  |                     |                    |    |     |
| 2012 | All Cases | 544     | 281                                | 69                    | 25%  | 223  | 12                  | 5%                 | 42 | 19% |
|      | First     | 136     | 136                                | 27                    | 20%  | 108  | 5                   | 5%                 | 20 | 19% |
|      | Second    | 135     | 62                                 | 13                    | 21%  | 53   | 5                   | 9%                 | 10 | 19% |
|      | Third     | 184     | 72                                 | 23                    | 32%  | 52   | 1                   | 2%                 | 10 | 19% |
|      | Fourth    | 89      | 11                                 | 6                     | 55%  | 10   | 1                   | 10%                | 2  | 20% |

**Table 15. Victim Age by Child/Other Statutory Provisions  
Criminal Sexual Conduct Offenses: 2012<sup>6</sup>**

| Degree | Provision   | Age of Victim   |              |             |            | Total #<br>Cases |
|--------|-------------|-----------------|--------------|-------------|------------|------------------|
|        |             | Less than<br>13 | 13-17        | Adult       | Unknown    |                  |
| First  | Child       | 64<br>(63%)     | 38<br>(37%)  | 0<br>---    | 0<br>---   | 102<br>(75%)     |
|        | Force/Other | 1<br>(3%)       | 5<br>(15%)   | 26<br>(77%) | 2<br>(6%)  | 34<br>(25%)      |
|        | Total       | 65<br>(48%)     | 43<br>(32%)  | 26<br>(19%) | 2<br>(2%)  | 136<br>(100%)    |
| Second | Child       | 102<br>(80%)    | 24<br>(19%)  | 0<br>---    | 1<br>(1%)  | 127<br>(94%)     |
|        | Force/Other | 1<br>(13%)      | 0<br>---     | 6<br>(75%)  | 1<br>(13%) | 8<br>(6%)        |
|        | Total       | 103<br>(76%)    | 24<br>(18%)  | 6<br>(4%)   | 2<br>(2%)  | 135<br>(100%)    |
| Third  | Child       | 5<br>(4%)       | 127<br>(96%) | 0<br>---    | 0<br>---   | 132<br>(72%)     |
|        | Force/Other | 3<br>(6%)       | 18<br>(35%)  | 31<br>(60%) | 0<br>---   | 52<br>(28%)      |
|        | Total       | 8<br>(4%)       | 145<br>(79%) | 31<br>(17%) | 0<br>---   | 184<br>(100%)    |
| Fourth | Child       | 5<br>(10%)      | 45<br>(90%)  | 0<br>---    | 0<br>---   | 50<br>(56%)      |
|        | Force/Other | 2<br>(5%)       | 6<br>(15%)   | 31<br>(80%) | 0<br>---   | 39<br>(44%)      |
|        | Total       | 7<br>(8%)       | 51<br>(57%)  | 31<br>(35%) | 0<br>---   | 89<br>(100%)     |
| Fifth  | Child       | 0<br>---        | 0<br>---     | 0<br>---    | 0<br>---   | 0<br>---         |
| Total  | Child       | 176<br>(43%)    | 234<br>(57%) | 0<br>---    | 1<br>(<1%) | 411<br>(76%)     |
|        | Force/Other | 7<br>(5%)       | 29<br>(22%)  | 94<br>(71%) | 3<br>(2%)  | 133<br>(24%)     |
|        | Total       | 183<br>(34%)    | 263<br>(48%) | 94<br>(17%) | 4<br>(1%)  | 544<br>(100%)    |

<sup>6</sup> The CSC offenses are grouped within each degree by statutory provisions that either specify that the victim was a child or do not specify the victim's age.

**Table 16. Victim-Offender Relationship by Child / Other Statutory Provisions  
Criminal Sexual Conduct Offenses: 2012<sup>7</sup>**

| Degree | Provision   | Relationship Between Victim and Offender |                       |             |                |             |             | Total #<br>Cases |
|--------|-------------|--|-----------------------|-------------|----------------|-------------|-------------|------------------|
|        |             | Family                                   | Position<br>Authority | Occupation  | Acquaintance   | Stranger    | Unknown     |                  |
| First  | Child       | 61<br>(60%)                              | 15<br>(15%)           | 0<br>---    | 24<br>(24%)    | 2<br>(2%)   | 0<br>---    | 102<br>(75%)     |
|        | Force/Other | 7<br>(21)                                | 0<br>---              | 1<br>(3%)   | 10<br>(29%)    | 13<br>(38%) | 3<br>(9%)   | 34<br>(25%)      |
|        | Total       | 68<br>(50%)                              | 15<br>(11%)           | 1<br>(1%)   | 34<br>(25%)    | 15<br>(11%) | 3<br>(8%)   | 136<br>(100%)    |
| Second | Child       | 78<br>(61%)                              | 14<br>(11%)           | 1<br>(1%)   | 28<br>(22%)    | 3<br>(2%)   | 3<br>(2%)   | 127<br>(94%)     |
|        | Force/Other | 1<br>(13%)                               | 0<br>---              | 0<br>---    | 4<br>(50%)     | 2<br>(25%)  | 1<br>(13%)  | 8<br>(6%)        |
|        | Total       | 79<br>(59%)                              | 14<br>(10%)           | 1<br>(1%)   | 32<br>(24%)    | 5<br>(4%)   | 4<br>(3%)   | 135<br>(100%)    |
| Third  | Child       | 20<br>(15%)                              | 5<br>(4%)             | 1<br>(1%)   | 101<br>(77%)   | 3<br>(2%)   | 2<br>(1.5%) | 132<br>(72%)     |
|        | Force/Other | 7<br>(14%)                               | 2<br>(4%)             | 3<br>(6%)   | 25<br>(48%)    | 13<br>(25%) | 2<br>(4%)   | 52<br>(28%)      |
|        | Total       | 27<br>(15%)                              | 7<br>(4%)             | 4<br>(2%)   | 126<br>(69%)   | 16<br>(9%)  | 4<br>(2%)   | 184<br>(100%)    |
| Fourth | Child       | 11<br>(22%)                              | 4<br>(8%)             | 0<br>---    | 32<br>(64%)    | 3<br>(6%)   | 0<br>---    | 50<br>(56%)      |
|        | Force/Other | 6<br>(15%)                               | 0<br>---              | 0<br>---    | 29<br>(74%)    | 2<br>(5%)   | 2<br>(5%)   | 39<br>(44%)      |
|        | Total       | 17<br>(19%)                              | 4<br>(5%)             | 0<br>---    | 61<br>(69%)    | 5<br>(6%)   | 2<br>(2%)   | 89<br>(100%)     |
| Fifth  | Child       | 0<br>---                                 | 0<br>---              | 0<br>---    | 0<br>---       | 0<br>---    | 0<br>---    | 0<br>---         |
| Total  | Child       | 170<br>(41%)                             | 38<br>(9%)            | 2<br>(0.5%) | 185<br>(44-5%) | 11<br>(3%)  | 5<br>(1%)   | 411<br>(76%)     |
|        | Force/Other | 21<br>(16%)                              | 2<br>(2%)             | 4<br>(3%)   | 68<br>(51%)    | 30<br>(23%) | 8<br>(6%)   | 133<br>(24%)     |
|        | Total       | 191<br>(35%)                             | 40<br>(7%)            | 6<br>(1%)   | 253<br>(47%)   | 41<br>(8%)  | 13<br>(2%)  | 544<br>(100%)    |

<sup>7</sup> The CSC offenses are grouped within each degree by statutory provisions that either specify that the victim was a child or do not specify the victim's age. The "Occupation" category refers to statutes specifying the occupation of the offender e.g.: psychotherapist, health care professional, clergy, correctional employee, or special transportation service employee or if one of the specified occupations was indicated by the MOC code, regardless of how the offense was charged.

Table 17. Number of Offenders Sentenced for CSC Offenses by Statutory Provision: 2007-2012

| Offense Severity Levels <sup>8</sup><br>Presumptive Sentence with No Criminal History     | Statute Number       | Offense  | # Offenders Sentenced |      |      |      |      |
|---|----------------------|--|-----------------------|------|------|------|------|
|   |                      |  | 2008                  | 2009 | 2010 | 2011 | 2012 |
| <b>First Degree Penetration</b><br><br><b>Severity Level 9/A</b><br><b>144 Months</b>     | 609.342 s. 1(a)      | Victim under 13, Actor 3 years older   | 67                    | 49   | 68   | 67   | 56   |
|   | 609.342 s. 1(b)      | Victim 13-16, Actor 4 years older & Pos. Authority   | 14                    | 11   | 16   | 18   | 13   |
|   | 609.342 s. 1(c)      | Fear Great Bodily Harm   | 11                    | 5    | 3    | 12   | 6    |
|   | 609.342 s. 1(d)      | Dangerous Weapon   | 1                     | 0    | 3    | 1    | 3    |
|   | 609.342 s. 1(e)(i)   | Personal Injury and Uses Force or Coercion   | 16                    | 14   | 16   | 13   | 20   |
|   | 609.342 s. 1(e)(ii)  | Personal Injury and Victim Impaired/Incapacitated  | 1                     | 1    | 2    | 2    | 1    |
|   | 609.342 s. 1(f)(i)   | Accomplice and use Force or Coercion   | 0                     | 0    | 0    | 0    | 4    |
|   | 609.342 s. 1(f)(ii)  | Accomplice and Dangerous Weapon  | 0                     | 0    | 0    | 0    | 0    |
|   | 609.342 s. 1(g)      | Victim under 16, Significant Relationship  | 18                    | 17   | 19   | 15   | 16   |
|   | 609.342 s. 1(h)(i)   | Under 16, Sig. Relation. and Force or Coercion   | 0                     | 0    | 1    | 0    | 1    |
|   | 609.342 s. 1(h)(ii)  | Under 16, Sig. Relation. and Personal Injury   | 0                     | 1    | 0    | 0    | 2    |
|   | 609.342 s. 1(h)(iii) | Under 16, Sig. Relation. and Multiple Acts   | 16                    | 7    | 15   | 22   | 14   |
| <b>First Degree Contact</b><br><b>Severity Level 8/A</b><br><b>144 Months</b>             | 609.342 s. 1(a)      | Criminal Sexual Conduct 1 – Contact, Victim under 13, genital to genital contact as defined in 609.341 s. 11 (c) | 0                     | 0    | 0    | 0    | 0    |
| <b>Second Degree Contact</b><br><b>Severity Level 6/D</b><br><b>21/36 Months (Stayed)</b> | 609.343 s. 1(a)      | Contact Victim under 13, Actor 3 years older   | 69                    | 83   | 79   | 74   | 72   |
|   | 609.343 s. 1(b)      | Victim 13-16, Actor 4 years older & Pos. Authority   | 10                    | 18   | 10   | 7    | 11   |
|   | 609.343 s. 1(g)      | Victim under 16, Significant Relationship  | 22                    | 14   | 13   | 17   | 16   |
| <b>Second Degree Contact</b><br><br><b>Severity Level 8/B</b><br><b>90 Months</b>         | 609.343 s. 1(c)      | Fear Great Bodily Harm   | 2                     | 2    | 4    | 1    | 1    |
|   | 609.343 s. 1(d)      | Dangerous Weapon   | 0                     | 0    | 0    | 0    | 0    |
|   | 609.343 s. 1(e)(i)   | Personal Injury and Uses Force or Coercion   | 1                     | 4    | 5    | 3    | 4    |
|   | 609.343 s. 1(e)(ii)  | Personal Injury and Victim Impaired/Incapacitated  | 1                     | 3    | 1    | 0    | 2    |
|   | 609.343 s. 1(f)(i)   | Accomplice and use Force or Coercion   | 1                     | 1    | 0    | 0    | 1    |
|   | 609.343 s. 1(f)(ii)  | Accomplice and Dangerous Weapon  | 0                     | 0    | 0    | 0    | 0    |
|   | 609.343 s. 1(h)(i)   | Under 16, Sig. Relation. and Force or Coercion   | 3                     | 2    | 5    | 1    | 1    |

<sup>8</sup> Standard Grid/Sex Offender Grid

| Offense Severity Levels <sup>8</sup><br>Presumptive Sentence with No Criminal History | Statute Number       | Offense  | # Offenders Sentenced |      |      |      |      |
|---|----------------------|--|-----------------------|------|------|------|------|
|   |                      |  | 2008                  | 2009 | 2010 | 2011 | 2012 |
|   | 609.343 s. 1(h)(ii)  | Under 16, Sig. Relation. and Personal Injury   | 1                     | 1    | 0    | 1    | 0    |
|   | 609.343 s. 1(h)(iii) | Under 16, Sig. Relation. and Multiple Acts   | 24                    | 19   | 24   | 23   | 27   |
| <b>Third Degree Penetration Unranked/D</b>  | 609.344 s. 1(a)      | Criminal Sexual Conduct 3 – Penetration<br>Victim under 13, perpetrator must be a juvenile | 0                     | 1    | 1    | 0    | 4    |
| <b>Third Degree Penetration Severity Level 5/D 18/24 Months (Stayed)</b>              | 609.344 s. 1(b)      | Victim 13-16, Actor 2 years older  | 138                   | 136  | 137  | 133  | 111  |
|   | 609.344 s. 1(e)      | Victim 16-18, Actor 4 years older & Pos. Authority   | 5                     | 9    | 4    | 6    | 7    |
|   | 609.344 s. 1(f)      | Victim 16-18, Significant Relationship   | 2                     | 7    | 3    | 7    | 9    |
| <b>Third Degree Penetration Severity Level 8/C 48 Months</b>                          | 609.344 s. 1(c)      | Force or Coercion  | 29                    | 24   | 34   | 31   | 33   |
|   | 609.344 s. 1(d)      | Victim Mentally Impaired/Incapacitated   | 20                    | 23   | 19   | 34   | 16   |
|   | 609.344 s. 1(g)(i)   | Sig. Relation. and Force or Coercion   | 0                     | 0    | 0    | 0    | 1    |
|   | 609.344 s. 1(g)(ii)  | Sig. Relation. and Personal Injury   | 0                     | 0    | 0    | 0    | 0    |
|   | 609.344 s. 1(g)(iii) | Sig. Relation. and Multiple Acts over Time   | 4                     | 4    | 3    | 2    | 0    |
|   | 609.344 s. 1(h)      | Psychotherapist – Patient  | 1                     | 0    | 0    | 0    | 2    |
|   | 609.344 s. 1(i)      | Psychotherapist-Former Patient Emotional Dependent   | 0                     | 0    | 0    | 0    | 0    |
|   | 609.344 s. 1(j)      | Psychotherapist & Therapeutic Deception  | 0                     | 0    | 0    | 0    | 0    |
|   | 609.344 s. 1(k)      | Deception/False Rep. for Medical Purpose   | 1                     | 0    | 0    | 0    | 0    |
|   | 609.344 s. 1(l)      | Clergy   | 1                     | 0    | 0    | 1    | 0    |
|   | 609.344 s. 1(m)      | Correctional Employee  | 0                     | 1    | 1    | 0    | 1    |
|   | 609.344 s. 1(n)      | Special Transportation Service   | 0                     | 0    | 0    | 0    | 0    |
| 609.344 s. 1(o)   | Massage Therapist    | 20   | 1                     | 0    | 0    | 0    |      |
| <b>Fourth Degree Contact Unranked/F</b>   | 609.345 s. 1(a)      | Criminal Sexual Conduct 4 – Contact<br>Victim under 13, perpetrator must be a juvenile     | 0                     | 0    | 1    | 0    | 0    |
| <b>Fourth Degree Contact Severity Level 4/F 1Yr, 1Day/ 15 Months (Stayed)</b>         | 609.345 s. 1(b)      | Victim 13-16, Actor 4 years older or Pos. Authority  | 50                    | 53   | 54   | 33   | 41   |
|   | 609.345 s. 1(e)      | Victim 16-18, Actor 4 years older & Pos. Authority   | 1                     | 2    | 7    | 5    | 4    |
|   | 609.345 s. 1(f)      | Victim 16-18, Significant Relationship   | 1                     | 8    | 3    | 4    | 3    |
|   | 609.345 s. 1(c)      | Force or Coercion  | 18                    | 18   | 26   | 24   | 17   |

| Offense Severity Levels <sup>8</sup><br>Presumptive Sentence<br>with No Criminal<br>History             | Statute Number       | Offense   | # Offenders Sentenced |      |      |      |      |
|---|----------------------|---|-----------------------|------|------|------|------|
|   |                      |   | 2008                  | 2009 | 2010 | 2011 | 2012 |
| <b>Fourth Degree<br/>Contact</b><br><br><b>Severity Level 6/E</b><br><b>21/24 Months (Stayed)</b>       | 609.345 s. 1(d)      | Victim Mentally Impaired\Incapacitated  | 31                    | 31   | 19   | 21   | 21   |
|   | 609.345 s. 1(g)(i)   | Sig. Relation. and Force or Coercion  | 0                     | 0    | 1    | 0    | 0    |
|   | 609.345 s. 1(g)(ii)  | Sig. Relation. and Personal Injury  | 0                     | 0    | 0    | 0    | 0    |
|   | 609.345 s. 1(g)(iii) | Sig. Relation. and Multiple Acts over Time  | 0                     | 0    | 2    | 0    | 2    |
|   | 609.345 s. 1(h)      | Psychotherapist – Patient   | 1                     | 0    | 0    | 0    | 0    |
|   | 609.345 s. 1(i)      | Psychotherapist-Former Patient Emotional Dependent  | 0                     | 0    | 0    | 0    | 0    |
|   | 609.345 s. 1(j)      | Psychotherapist & Therapeutic Deception   | 0                     | 0    | 0    | 0    | 0    |
|   | 609.345 s. 1(k)      | Deception/False Rep. for Medical Purpose  | 0                     | 0    | 0    | 0    | 0    |
|   | 609.345 s. 1(l)      | Clergy  | 0                     | 1    | 0    | 0    | 0    |
|   | 609.345 s. 1(m)      | Correctional Employee   | 1                     | 1    | 1    | 0    | 1    |
|   | 609.345 s. 1(n)      | Special Transportation Service  | 0                     | 2    | 1    | 0    | 0    |
|   | 609.345 s. 1(o)      | Massage Therapist   | 31                    | 2    | 0    | 2    | 0    |
| <b>Fifth Degree<br/>Contact</b><br><b>Severity Level 4/G 1Yr,<br/>1Day</b><br><b>15 Months (Stayed)</b> | 609.3451 s. 3        | Criminal Sexual Conduct 5<br>Violate 609.3451 s. 1, clause (2) after previous<br>conviction | 0                     | 3    | 1    | 2    | 0    |

The following table displays the number of offenders sentenced and sentencing practices from 2010-2012 by the statutory provision they were sentenced for. Included is the number of cases, number of cases for which prison was the presumptive sentence, number and percent receiving an executed prison sentence, the average pronounced sentence in months, and the number and rate of mitigated dispositional departures (percent of presumptive commits who received probation).

**Table 18. Sentencing Practices for CSC Offenses by Statutory Provision:  
Combined Data for Cases Sentenced 2010-2012**

| Offense Severity Levels <sup>9</sup><br>Presumptive Sentence with No Criminal History | Statute Number                             | Offense   | # Cases | # Presumptive Prison | Prison Sentence Number and Rate |      | Av. Sent. In Months | Mitigated Dispositional Departures Number and Rate |     |
|---|--|---|---------|----------------------|---------------------------------|------|---------------------|--|-----|
| First Degree Penetration<br><br>Severity Level 9/A<br>144 Months                      | 609.342 s.1(a)                             | Victim under 13, Actor 3 years older  | 191     | 191                  | 137                             | 72%  | 166                 | 54   | 28% |
|   | 609.342 s.1(b)                             | Victim 13-16, Actor 4 years older & Pos. Authority  | 47      | 47                   | 43                              | 92%  | 187                 | 4  | 9%  |
|   | 609.342 s.1(c)                             | Fear Great Bodily Harm  | 20      | 20                   | 20                              | 100% | 176                 | 0  | 0%  |
|   | 609.342 s.1(d)                             | Dangerous Weapon  | 7       | 7                    | 7                               | 100% | 209                 | 0  | 0%  |
|   | 609.342 s.1(e)(i)                          | Personal Injury and Uses Force or Coercion  | 49      | 49                   | 41                              | 84%  | 219                 | 8  | 16% |
|   | 609.342 s.1(e)(ii)                         | Personal Injury and Victim Impaired/Incapacitated   | 5       | 5                    | 5                               | 100% | 154                 | 0  | 0%  |
|   | 609.342 s.1(f)(i)                          | Accomplice and use Force or Coercion  | 4       | 4                    | 4                               | 100% | 119                 | 0  | 0%  |
|   | 609.342 s.1(f)(ii)                         | Accomplice and Dangerous Weapon   | 0       | 0                    | -                               | -    | -                   | -  | -   |
|   | 609.342 s.1(g)                             | Victim under 16, Significant Relationship   | 50      | 50                   | 31                              | 62%  | 186                 | 19   | 38% |
|   | 609.342 s.1(h)(i)                          | Under 16, Sig. Relation. and Force or Coercion  | 2       | 2                    | 2                               | 100% | 144                 | 0  | 0%  |
|   | 609.342 s.1(h)(ii)                         | Under 16, Sig. Relation. and Personal Injury  | 2       | 2                    | 1                               | 50%  | 187                 | 1  | 50% |
| 609.342 s.1(h)(iii)   | Under 16, Sig. Relation. and Multiple Acts | 51  | 51      | 44                   | 86%                             | 177  | 7                   | 14%  |     |
| First Degree Contact<br>Severity Level 8/A<br>144 Months                              | 609.342 s.1(a)                             | Criminal Sexual Conduct 1 – Contact, Victim under 13, genital to genital contact as defined in 609.341 s.11 (c) | 0       | -                    | -                               | -    | -                   | -  | -   |
| Second Degree Contact<br>Severity Level 6/D<br>21/36 Months<br>(Stayed)               | 609.343 s.1(a)                             | Contact Victim under 13, Actor 3 years older  | 225     | 52                   | 54                              | 24%  | 69                  | 9  | 17% |
|   | 609.343 s.1(b)                             | Victim 13-16, Actor 4 years older & Pos. Authority  | 28      | 6                    | 7                               | 25%  | 84                  | 1  | 17% |
|   | 609.343 s.1(g)                             | Victim under 16, Significant Relationship   | 46      | 6                    | 5                               | 11%  | 75                  | 3  | 50% |

<sup>9</sup> Standard Grid/Sex Offender Grid

| Offense Severity Levels <sup>9</sup><br>Presumptive Sentence with No Criminal History        | Statute Number                             | Offense  | # Cases | # Presumptive Prison | Prison Sentence Number and Rate |      | Av. Sent. In Months | Mitigated Dispositional Departures Number and Rate |      |
|--|--|--|---------|----------------------|---------------------------------|------|---------------------|--|------|
| <b>Second Degree Contact</b><br><br><b>Severity Level 8/B</b><br><b>90 Months</b>            | 609.343 s.1(c)                             | Fear Great Bodily Harm   | 6       | 6                    | 5                               | 83%  | 139                 | 1  | 17%  |
|  | 609.343 s.1(d)                             | Dangerous Weapon   | 0       | 0                    | -                               | -    | -                   | -  | -    |
|  | 609.343 s.1(e)(i)                          | Personal Injury and Uses Force or Coercion   | 12      | 12                   | 9                               | 75%  | 95                  | 3  | 25%  |
|  | 609.343 s.1(e)(ii)                         | Personal Injury and Victim Impaired/Incapacitated  | 3       | 3                    | 2                               | 67%  | 110                 | 1  | 33%  |
|  | 609.343 s.1(f)(i)                          | Accomplice and use Force or Coercion   | 1       | 1                    | 1                               | 100% | 111                 | 0  | 0%   |
|  | 609.343 s.1(f)(ii)                         | Accomplice and Dangerous Weapon  | 0       | 0                    | -                               | -    | -                   | -  | -    |
|  | 609.343 s.1(h)(i)                          | Under 16, Sig. Relation. and Force or Coercion   | 7       | 7                    | 4                               | 57%  | 144                 | 3  | 43%  |
|  | 609.343 s.1(h)(ii)                         | Under 16, Sig. Relation. and Personal Injury   | 1       | 1                    | 1                               | 100% | 21                  | 0  | 0%   |
| 609.343 s.1(h)(iii)  | Under 16, Sig. Relation. and Multiple Acts | 74   | 74      | 60                   | 81%                             | 97   | 14                  | 19%  |      |
| <b>Third Degree Penetration Unranked/D</b>   | 609.344 s.1(a)                             | Criminal Sexual Conduct 3 – Penetration<br>Victim under 13, perpetrator must be a juvenile | 5       | 1                    | 1                               | 20%  | 48                  | 0  | 0%   |
| <b>Third Degree Penetration</b><br><b>Severity Level 5/D</b><br><b>18/24 Months (Stayed)</b> | 609.344 s.1(b)                             | Victim 13-16, Actor 2 years older  | 381     | 57                   | 41                              | 11%  | 61                  | 22   | 39%  |
|  | 609.344 s.1(e)                             | Victim 16-18, Actor 4 years older & Pos. Authority   | 17      | 5                    | 4                               | 24%  | 86                  | 2  | 40%  |
|  | 609.344 s.1(f)                             | Victim 16-18, Significant Relationship   | 19      | 7                    | 6                               | 32%  | 78                  | 2  | 29%  |
| <b>Third Degree Penetration</b><br><br><b>Severity Level 8/C</b><br><b>48 Months</b>         | 609.344 s.1(c)                             | Force or Coercion  | 97      | 97                   | 69                              | 71%  | 71                  | 28   | 29%  |
|  | 609.344 s.1(d)                             | Victim Mentally Impaired/Incapacitated   | 69      | 69                   | 40                              | 58%  | 71                  | 29   | 42%  |
|  | 609.344 s.1(g)(i)                          | Sig. Relation. and Force or Coercion   | 1       | 1                    | 0                               | 0%   | -                   | 1  | 100% |
|  | 609.344 s.1(g)(ii)                         | Sig. Relation. and Personal Injury   | 0       | 0                    | -                               | -    | -                   | -  | -    |
|  | 609.344 s.1(g)(iii)                        | Sig. Relation. and Multiple Acts over Time   | 3       | 3                    | 1                               | 33%  | 91                  | 2  | 67%  |
|  | 609.344 s.1(h)                             | Psychotherapist - Patient  | 2       | 2                    | 1                               | 50%  | 12.03               | 1  | 50%  |
|  | 609.344 s.1(i)                             | Psychotherapist-Former Patient Emotional Dependent   | 0       | 0                    | -                               | -    | -                   | -  | -    |
|  | 609.344 s.1(j)                             | Psychotherapist & Therapeutic Deception  | 0       | 0                    | -                               | -    | -                   | -  | -    |
|  | 609.344 s.1(k)                             | Deception/False Rep. for Medical Purpose   | 0       | 0                    | -                               | -    | -                   | -  | -    |
|  | 609.344 s.1(l)                             | Clergy   | 1       | 1                    | 0                               | 0%   | -                   | 1  | 100% |
|  | 609.344 s.1(m)                             | Correctional Employee  | 2       | 2                    | 0                               | 0%   | -                   | 2  | 100% |
| 609.344 s.1(n)   | Special Transportation Service             | 0  | 0       | -                    | -                               | -    | -                   | -  |      |
| 609.344 s.1(o)   | Massage Therapist                          | 0  | 0       | -                    | -                               | -    | -                   | -  |      |

| Offense Severity Levels <sup>9</sup><br>Presumptive Sentence with No Criminal History | Statute Number                 | Offense  | # Cases | # Presumptive Prison | Prison Sentence Number and Rate |     | Av. Sent. In Months | Mitigated Dispositional Departures Number and Rate |     |
|---|--------------------------------|--|---------|----------------------|---------------------------------|-----|---------------------|--|-----|
| Fourth Degree Contact Unranked/F  | 609.345 s.1(a)                 | Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile  | 1       | 0                    | 0                               | 0%  | -                   | -  | -   |
| Fourth Degree Contact Severity Level 4/F 1Yr, 1Day/ 15 Months (Stayed)                | 609.345 s.1(b)                 | Victim 13-16, Actor 4 years older or Pos. Authority                                  | 128     | 22                   | 21                              | 16% | 43                  | 6  | 27% |
|   | 609.345 s.1(e)                 | Victim 16-18, Actor 4 years older & Pos. Authority                                   | 16      | 4                    | 3                               | 19% | 31                  | 2  | 50% |
|   | 609.345 s.1(f)                 | Victim 16-18, Significant Relationship   | 10      | 1                    | 1                               | 10% | 65                  | 0  | -   |
| Fourth Degree Contact Severity Level 6/E 21/24 Months (Stayed)                        | 609.345 s.1(c)                 | Force or Coercion  | 67      | 11                   | 12                              | 18% | 70                  | 2  | 18% |
|   | 609.345 s.1(d)                 | Victim Mentally Impaired/Incapacitated   | 61      | 10                   | 6                               | 10% | 70                  | 5  | 50% |
|   | 609.345 s.1(g)(i)              | Sig. Relation. and Force or Coercion   | 1       | 0                    | 0                               | 0%  | -                   | -  | -   |
|   | 609.345 s.1(g)(ii)             | Sig. Relation. and Personal Injury   | 0       | -                    | -                               | -   | -                   | -  | -   |
|   | 609.345 s.1(g)(iii)            | Sig. Relation. and Multiple Acts over Time   | 4       | 0                    | 0                               | 0%  | -                   | -  | -   |
|   | 609.345 s.1(h)                 | Psychotherapist - Patient  | 0       | -                    | -                               | 0%  | -                   | -  | -   |
|   | 609.345 s.1(i)                 | Psychotherapist-Former Patient Emotional Dep.  | 0       | -                    | -                               | -   | -                   | -  | -   |
|   | 609.345 s.1(j)                 | Psychotherapist & Therapeutic Deception  | 0       | -                    | -                               | -   | -                   | -  | -   |
|   | 609.345 s.1(k)                 | Deception/False Rep. for Medical Purpose   | 0       | -                    | -                               | -   | -                   | -  | -   |
|   | 609.345 s.1(l)                 | Clergy   | 0       | 0                    | -                               | -   | -                   | -  | -   |
|   | 609.345 s.1(m)                 | Correctional Employee  | 2       | 0                    | 0                               | 0%  | -                   | -  | -   |
| 609.345 s.1(n)  | Special Transportation Service | 1  | 0       | 0                    | 0%                              | -   | -                   | -  |     |
| 609.345 s.1(o)  | Massage Therapist              | 2  | 0       | 1                    | 50%                             | 132 | -                   | -  |     |
| Fifth Degree Contact Severity Level 4/G 1Yr, 1Day 15 Months (Stayed)                  | 609.3451 s.3                   | Criminal Sexual Conduct 5 Violate 609.3451 s.1, clause (2) after previous conviction | 3       | 0                    | 0                               | 0%  | -                   | -  | -   |

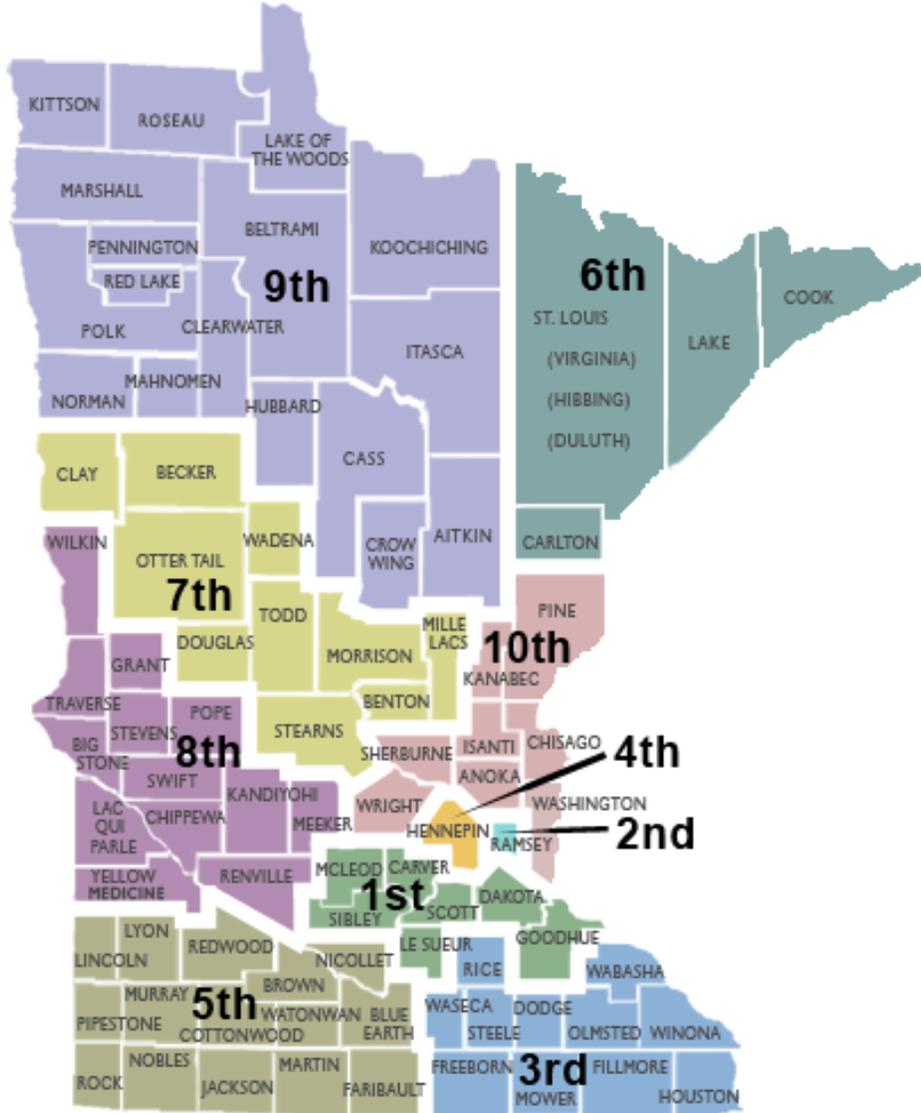
## How the Guidelines Work

To understand the data on sentencing practices, it is necessary to have a general knowledge of how the Guidelines work and what factors are used to determine the recommended sentence. Minnesota's Guidelines are based on a grid structure. The vertical axis represents the severity of the offense of conviction. The Commission has ranked offenses that are felonies under Minnesota law into eleven severity levels. Offenses for which a life sentence is mandated by statute (first-degree murder and some criminal sexual conduct offenses) are excluded from the Guidelines. A separate Sex Offender Grid is used for sentencing sex offenses with severity levels from A (most serious) to H. The horizontal axis represents the offender's criminal history and includes: variously weighted prior felony sentences; some prior misdemeanor/gross misdemeanor sentences; limited prior serious juvenile offenses; and added points for "custody status" if the offender was confined or was on probation, parole, supervised release, or conditional release, when the current offense was committed.

The recommended Guidelines sentence (presumptive sentence) is generally found in the cell of the Sentencing Guidelines Grid in which the offender's criminal history score and severity level intersect. The numbers in the cells are recommended lengths of prison sentences in months. For cells below and to the left of the solid line (the gray shaded area of the Grids), the Guidelines recommend a stayed sentence. When a sentence is stayed, the court typically places the offender on probation and may impose up to one year of local confinement (i.e., jail or workhouse). Other conditions such as fines, restitution, community work service, treatment, house arrest, etc., may also be imposed on the offender. For cells above and to the right of the solid line (the white area of the Grids), the Guidelines recommend incarceration in a state prison. When prison is the presumption, the Guidelines provide a range of 15 percent downward and 20 percent upward from a specified duration. The court may pronounce a sentence within that range without departing from the Guidelines.

The court may depart from the presumptive Guidelines sentence for reasons that are substantial and compelling. The court must state the reason(s) for departure on the record, and either the prosecution or the defense has the right to appeal the pronounced sentence. Regardless of whether or not the court follows the Guidelines, the sentence pronounced is fixed; there is no parole board to grant early release from prison. When an offender receives an executed (prison) sentence, the sentence pronounced by the court consists of two parts: a term of imprisonment equal to at least two-thirds of the total executed sentence and a supervised release term encompassing the remaining portion of the total executed sentence. The amount of time the offender actually serves in prison may be extended by the Department of Corrections if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender serving the entire executed sentence in prison. Certain offenses (such as criminal sexual conduct) have a period of conditional release attached to them. When an offender is committed to prison, the Department of Corrections places the person on conditional release for a designated term upon the offender's release from prison. Conditional release essentially extends the offender's term of supervision by the Department of Corrections upon release. The presumptive sentence cannot always be determined by simply looking at one of the sentencing Grids. The presumptive Guidelines sentence is sometimes greater than it might appear from the Grids alone, due to mandatory minimum sentences and other enhanced sentences provided by the Legislature. It is not possible to fully explain all of the policies in this brief summary. Additional information on the Sentencing Guidelines is available by contacting the Commission's office. The *Minnesota Sentencing Guidelines and Commentary* is available online at <http://mn.gov/sentencing-guidelines/>.

## Minnesota Judicial District Map



| <u>First</u> | <u>Second</u> | <u>Third</u> | <u>Fourth</u> | <u>Fifth</u> | <u>Sixth</u> | <u>Seventh</u> | <u>Eighth</u>   | <u>Ninth</u> | <u>Tenth</u> |
|--------------|---------------|--------------|---------------|--------------|--------------|----------------|-----------------|--------------|--------------|
| Carver       | Ramsey        | Dodge        | Hennepin      | Blue Earth   | Carlton      | Becker         | Big Stone       | Aitkin       | Anoka        |
| Dakota       |               | Fillmore     |               | Brown        | Cook         | Benton         | Chippewa        | Beltrami     | Chisago      |
| Goodhue      |               | Freeborn     |               | Cottonwood   | Lake         | Clay           | Grant           | Cass         | Isanti       |
| LeSueur      |               | Houston      |               | Faribault    | St. Louis    | Douglas        | Kandiyohi       | Clearwater   | Kanabec      |
| McLeod       |               | Mower        |               | Jackson      |              | Mille Lacs     | LacQuiParle     | Crow Wing    | Pine         |
| Scott        |               | Olmsted      |               | Lincoln      |              | Morrison       | Meeker          | Hubbard      | Sherburne    |
| Sibley       |               | Rice         |               | Lyon         |              | Otter Tail     | Pope            | Itasca       | Washington   |
|              |               | Steele       |               | Martin       |              | Stearns        | Renville        | Kittson      | Wright       |
|              |               | Wabasha      |               | Murray       |              | Todd           | Stevens         | Koochiching  |              |
|              |               | Waseca       |               | Nicollet     |              | Wadena         | Swift           | Lake-Woods   |              |
|              |               | Winona       |               | Nobles       |              |                | Traverse        | Mahnomen     |              |
|              |               |              |               | Pipestone    |              |                | Wilkin          | Marshall     |              |
|              |               |              |               | Redwood      |              |                | Yellow Medicine | Norman       |              |
|              |               |              |               | Rock         |              |                |                 | Pennington   |              |
|              |               |              |               | Watonwan     |              |                |                 | Polk         |              |
|              |               |              |               |              |              |                |                 | Red Lake     |              |
|              |               |              |               |              |              |                |                 | Roseau       |              |

Minnesota Judicial Branch at <http://mncourts.gov/?page=238>

## Standard Sentencing Guidelines Grid – Effective August 1, 2012

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

### CRIMINAL HISTORY SCORE

| SEVERITY LEVEL OF CONVICTION OFFENSE<br>(Example offenses listed in italics)           |           | 0               | 1               | 2               | 3              | 4              | 5                           | 6 or more                   |
|--|-----------|-----------------|-----------------|-----------------|----------------|----------------|-----------------------------|-----------------------------|
| <i>Murder, 2nd Degree</i><br>(intentional murder; drive-by-shootings)                  | <b>11</b> | 306<br>261-367  | 326<br>278-391  | 346<br>295-415  | 366<br>312-439 | 386<br>329-463 | 406<br>346-480 <sup>2</sup> | 426<br>363-480 <sup>2</sup> |
| <i>Murder, 3rd Degree</i><br><i>Murder, 2nd Degree</i><br>(unintentional murder)       | <b>10</b> | 150<br>128-180  | 165<br>141-198  | 180<br>153-216  | 195<br>166-234 | 210<br>179-252 | 225<br>192-270              | 240<br>204-288              |
| <i>Assault, 1st Degree</i><br><i>Controlled Substance Crime, 1st Degree</i>            | <b>9</b>  | 86<br>74-103    | 98<br>84-117    | 110<br>94-132   | 122<br>104-146 | 134<br>114-160 | 146<br>125-175              | 158<br>135-189              |
| <i>Aggravated Robbery, 1st Degree</i><br><i>Controlled Substance Crime, 2nd Degree</i> | <b>8</b>  | 48<br>41-57     | 58<br>50-69     | 68<br>58-81     | 78<br>67-93    | 88<br>75-105   | 98<br>84-117                | 108<br>92-129               |
| <i>Felony DWI</i>  | <b>7</b>  | 36              | 42              | 48              | 54<br>46-64    | 60<br>51-72    | 66<br>57-79                 | 72<br>62-84 <sup>2</sup>    |
| <i>Controlled Substance Crime, 3rd Degree</i>  | <b>6</b>  | 21              | 27              | 33              | 39<br>34-46    | 45<br>39-54    | 51<br>44-61                 | 57<br>49-68                 |
| <i>Residential Burglary</i><br><i>Simple Robbery</i>                                   | <b>5</b>  | 18              | 23              | 28              | 33<br>29-39    | 38<br>33-45    | 43<br>37-51                 | 48<br>41-57                 |
| <i>Nonresidential Burglary</i>   | <b>4</b>  | 12 <sup>1</sup> | 15              | 18              | 21             | 24<br>21-28    | 27<br>23-32                 | 30<br>26-36                 |
| <i>Theft Crimes (Over \$5,000)</i>   | <b>3</b>  | 12 <sup>1</sup> | 13              | 15              | 17             | 19<br>17-22    | 21<br>18-25                 | 23<br>20-27                 |
| <i>Theft Crimes (\$5,000 or less)</i><br><i>Check Forgery (\$251-\$2,500)</i>          | <b>2</b>  | 12 <sup>1</sup> | 12 <sup>1</sup> | 13              | 15             | 17             | 19                          | 21<br>18-25                 |
| <i>Sale of Simulated Controlled Substance</i>  | <b>1</b>  | 12 <sup>1</sup> | 12 <sup>1</sup> | 12 <sup>1</sup> | 13             | 15             | 17                          | 19<br>17-22                 |



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See Guidelines section 2.E. Mandatory Sentences, for policies regarding those sentences controlled by law.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. Guidelines sections 2.C. Presumptive Sentence and 2.E. Mandatory Sentences.

<sup>1</sup> 12<sup>1</sup>=One year and one day

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. Guidelines section 2.C.1-2. Presumptive Sentence.

## Sex Offender Sentencing Grid – Effective August 1, 2012

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

### CRIMINAL HISTORY SCORE

| SEVERITY LEVEL OF CONVICTION OFFENSE   |          | 0   | 1                              | 2                     | 3                     | 4                     | 5                     | 6 or More                          |
|--|----------|---|--------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------------------|
| CSC 1 <sup>st</sup> Degree   | <b>A</b> | 144<br><i>144-172</i>                       | 156<br><i>144-187</i>          | 168<br><i>144-201</i> | 180<br><i>153-216</i> | 234<br><i>199-280</i> | 306<br><i>261-360</i> | 360<br><i>306-360</i> <sup>2</sup> |
| CSC 2 <sup>nd</sup> Degree–<br>(c)(d)(e)(f)(h)<br>Prostitution; Sex Trafficking <sup>3</sup><br>1 <sup>st</sup> Degree–1(a)  | <b>B</b> | 90<br><i>90<sup>3</sup>-108</i>             | 110<br><i>94-132</i>           | 130<br><i>111-156</i> | 150<br><i>128-180</i> | 195<br><i>166-234</i> | 255<br><i>217-300</i> | 300<br><i>255-300</i> <sup>2</sup> |
| CSC 3 <sup>rd</sup> Degree–(c)(d)<br>(g)(h)(i)(j)(k)(l)(m)(n)(o)<br>Prostitution; Sex Trafficking<br>2 <sup>nd</sup> Degree–1a   | <b>C</b> | 48<br><i>41-57</i>                          | 62<br><i>53-74</i>             | 76<br><i>65-91</i>    | 90<br><i>77-108</i>   | 117<br><i>100-140</i> | 153<br><i>131-180</i> | 180<br><i>153-180</i> <sup>2</sup> |
| CSC 2 <sup>nd</sup> Degree–(a)(b)(g)<br>CSC 3 <sup>rd</sup> Degree–(a)(b) <sup>2</sup><br>(e)(f)<br>Dissemination of Child<br>Pornography (Subsequent<br>or by Predatory Offender) | <b>D</b> | 36  | 48                             | 60<br><i>51-72</i>    | 70<br><i>60-84</i>    | 91<br><i>78-109</i>   | 119<br><i>102-142</i> | 140<br><i>119-168</i>              |
| CSC 4 <sup>th</sup> Degree–(c)(d)<br>(g)(h)(i)(j)(k)(l)(m)(n)(o)<br>Use Minors in Sexual<br>Performance<br>Dissemination of Child<br>Pornography <sup>2</sup>                      | <b>E</b> | 24  | 36                             | 48                    | 60<br><i>51-72</i>    | 78<br><i>67-93</i>    | 102<br><i>87-120</i>  | 120<br><i>102-120</i> <sup>2</sup> |
| CSC 4 <sup>th</sup> Degree–<br>(a)(b)(e)(f)<br>Possession of Child<br>Pornography (Subsequent<br>or by Predatory Offender)   | <b>F</b> | 18  | 27                             | 36                    | 45<br><i>39-54</i>    | 59<br><i>51-70</i>    | 77<br><i>66-92</i>    | 84<br><i>72-100</i>                |
| CSC 5 <sup>th</sup> Degree<br>Indecent Exposure<br>Possession of Child<br>Pornography<br>Solicit Children for Sexual<br>Conduct <sup>2</sup>                                       | <b>G</b> | 15  | 20                             | 25                    | 30                    | 39<br><i>34-46</i>    | 51<br><i>44-60</i>    | 60<br><i>51-60</i> <sup>2</sup>    |
| Registration Of Predatory<br>Offenders   | <b>H</b> | 12 <sup>1</sup><br><i>12<sup>1</sup>-14</i> | 14<br><i>12<sup>1</sup>-16</i> | 16<br><i>14-19</i>    | 18<br><i>16-21</i>    | 24<br><i>21-28</i>    | 30<br><i>26-36</i>    | 36<br><i>31-43</i>                 |

 Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See Guidelines section 2.E. Mandatory Sentences, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.

 Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. Guidelines sections 2.C. Presumptive Sentence and 2.E. Mandatory Sentences.

12<sup>1</sup>=One year and one day

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. Guidelines section 2.C.1-2. Presumptive Sentence.

<sup>3</sup> Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)