



Criminal Sexual Conduct Sentencing Practices

Criminal Sexual Conduct Offenses
Sentenced in 2018

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MINNESOTA

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Summary of 2018 Data

This report summarizes sentencing practices for felony criminal sexual conduct (CSC) offenses sentenced in 2018. Information on sentencing practices from 1988 to 2018 is provided in the tables beginning on page 23. This report also contains information on the use of special statutory sentencing provisions.

In 2018, 520 offenders were sentenced for CSC (Table 1, p. 4), which was an increase of 2.2 percent from 2017, when 509 offenders were sentenced. The number has fluctuated since 1981, peaking in 1994 at 880 offenders, 41 percent greater than the 2018 number. Almost all of the growth since 1981 has been in the CSC child provisions (specifying the age of the victim).

Ninety-five percent of offenders sentenced for CSC received sentences that included incarceration in a state prison (41%) or local confinement (i.e., county jail or workhouse) (54%) (Figure 8, p. 11). The imprisonment rate is slightly lower than the 45 percent rate observed in 2016 but similar to the 2017 rate (42%). In CSC cases in which the Guidelines recommended imprisonment, 76 percent of offenders received an executed prison sentence (Figure 8, “Presumptive Commits”). Seventy-seven percent of offenders with a prior sex offense conviction received an executed prison sentence (Table 2, p. 11 “CSC Offenders with True Prior CSC offense(s)"). The mitigated dispositional departure rate for offenders with a presumptive prison sentence was 24 percent (Figure 13, p. 18), similar to the 2017 rate of 25 percent. For executed prison sentences, aggravated durational departures occurred at a slightly lower rate (5%) than in 2017 (6%), while mitigated durational departures increased to 13 percent in 2018 from 11 percent in 2017 (Figure 16, p. 20).

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. Seven percent of cases involved strangers (Table 11, p. 35).

The average pronounced sentence across all degrees was 135 months in 2018 (an increase from 131 months in 2017). The average pronounced sentence for first-degree (the most serious offense category) was 192 months (Figure 10, p. 12). While average prison sentences have increased since implementation of the Sex Offender Grid in 2006, average pronounced local confinement (i.e., county jail or workhouse) (as a condition of a stayed sentence) has remained relatively consistent, between 180 and 190 days, since 1989. In 2018, the average was 184 days (Table 6, p. 23).

First-degree CSC offenses committed on or after August 1, 2000, are subject to a 144-month presumptive sentence by law. In 2018, 98 percent of all first-degree CSC offenders sentenced (not including attempts) were subject to this presumptive sentence. The Sex Offender Grid (Appendix 3, p. 48)—which gives greater weight to prior sex offenses and includes longer presumptive sentences for offenders with prior records—is effective for offenses occurring on or after August 1, 2006. In 2018, 501 (96%) of the 520 sex offenders were eligible for sentencing under the Sex Offender Grid (Table 1).

Two offenders sentenced in 2018 received sentences that were double the duration of their presumptive sentences or more (Table 4, p. 14). Seven other offenders received total sentences of 360 months (30 years) or more (Table 5, p. 15). No offenders received life sentences in 2018.

Sex Offense Statutes & Sentencing Policy

Below is an explanation of Minnesota’s sex offense statutes and sentencing policy considerations.

Sex Offense Statutes: General Structure

Under Minnesota law,¹ criminal sexual conduct (CSC) offenses are categorized into five degrees, 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;
- Age of the victim and offender;
- Relationship of the offender to the victim (e.g., position of authority, significant relationship, psychotherapist, etc.);
- Degree of injury or threat of injury;
- Weapon involvement; and
- Force or coercion.

Most of the provisions of **first-degree** CSC involve sexual penetration, together with personal injury, fear of great bodily harm, or the use of a dangerous weapon. First-degree CSC also includes offenses against young children—or, in some cases, somewhat older children, depending on the offender’s relationship to the victim—that may not require injury, force, or weapons. **Second-degree** offenses are similar but involve sexual contact rather than penetration. Some non-penetration offenses involving more egregious forms of sexual contact² against young children are first-degree offenses.

Third-degree offenses involve sexual penetration and focus on children who are somewhat older, or cases in which there was force, coercion, or exploitation of the victim’s physical or mental condition. 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, correctional employees, and others.

Fourth-degree offenses are similar, except that they involve sexual contact rather than penetration.

Fifth-degree offenses—gross misdemeanors involving nonconsensual sexual contact or indecent exposure to a minor—are enhanced to felonies for repeat sex offenders.

Table 12 (p. 36) and Table 13 (p. 39) display the volume of cases and sentencing practices by statutory provision. The flowcharts in Appendix 4 (p. 49) illustrate the differences between the five degrees.

¹ Minn. Stat. §§ [609.341](#)–[609.3451](#).

² “Sexual contact with a person under 13” has a far more limited definition than simple “sexual contact.” The touching must be bare, and contact between very few pairs of bodily parts qualifies. Minn. Stat. § [609.341](#), subd. 11(c).

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, according to the statute of conviction, to one of the following categories:

- **IFSA** (Intra-Familial Sex Abuse): Conviction under a subdivision that requires that the offender had a significant relationship (e.g., parent, sibling, first cousin, uncle, aunt, grandparent) 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 these offenses include, in addition to parents, unrelated 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.

Although each offense is assigned to only one category, an offense may, in fact, fit into another category as well. For example, many offenses categorized as “Other Child” or “Force/Other” involved family members (34% and 25%, respectively). Likewise, Figure 4 (p. 7) provides a breakdown of sex offenders sentenced by the relationship classification.

Sentencing Guidelines for Sex Offenders

The Commission adopted a Sex Offender Grid in 2006. All first-degree completed offenses are ranked at Severity Level A and have presumptive sentences that range from 144 months³ to 360 months. The Sex Offender Grid does not distinguish between first-degree contact⁴ and penetration.

Second- and third-degree offenses involving force are ranked at Severity Level B and Severity Level C. The second-degree force offenses have presumptive sentences that range from 90 months⁵ 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 their Criminal History Score. Recommendations for prison begin at a Criminal History Score of 2 or 3, depending on the offense. For a more detailed illustration

³ The legislatively presumed minimum sentence for first-degree CSC is 144 months. Minn. Stat. § [609.342](#), subd. 2(b); [2000 Minn. Laws Chap. 311](#), Art. 4, § 2.

⁴ “Sexual contact with a person under 13.” For discussion, see footnote 2.

⁵ The legislatively presumed minimum sentence for second-degree CSC force offenses is 90 months. Minn. Stat. § [609.343](#), subd. 2(b); [2002 Minn. Laws Chap. 381](#), § 2.

of how each CSC offense is ranked, refer to the Sex Offender Grid, Appendix 3 (p. 48), and the flowcharts in Appendix 4 (p. 49).

With the implementation of the Sex Offender Grid, longer sentences are recommended for offenders with criminal history scores above zero. In addition, the Guidelines applicable to CSC offenses compute criminal history differently for sex offenses, increasing the weights assigned to some prior sex offenses and assigning 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

Beginning in 2005, the Legislature required life sentences for offenders whose criminal behavior was determined to be so egregious that public safety demands incarceration for much, if not all, of their lives. See [Minn. Stat. § 609.3455](#), subds. 2, 3, & 4, and Table 14 (p. 42). Such offenses are excluded from the Sentencing Guidelines, because by law the sentence is mandatory life imprisonment.⁶ In 2018, no offenders were sentenced to life in prison under Minn. Stat. § 609.3455. These offenses are discussed further on page 13.

Applicable Grid

Section 3.G. of the Guidelines provides that modifications will be applied to offenders with a date of offense on or after the specified modification effective date. Therefore, the Sex Offender Grid enacted in 2006 is applicable to offenders with a date of offense on or after August 1, 2006. Of the 520 offenders sentenced for CSC in 2018, 501 (96%) were eligible for sentencing on the Sex Offender Grid. Table 1 provides a summary of cases by degree and applicable Grid. Ninety-two percent of first-degree offenders sentenced in 2018 were eligible for sentencing on the Sex Offender Grid (Table 1).

Table 1. Distribution of Cases by Degree, Severity Level and Applicable Grid, 2018

Degree	Statutory Provision	Cases Sentenced on Standard Grid			Cases Sentenced on Sex Offender Grid			Total Number of Cases Sentenced
		Severity Level	#	%	Severity Level	#	%	
First	Penetration: 609.342, all clauses	9	7	8	A	82	92	89
	Sexual Contact: 609.342, victim under 13 ⁷		2	7		28	93	30
Second	Contact w/ Force: 609.343 subd. 1(c)(d)(e)(f)(h)	8	2	5	B	35	95	37
	Contact w/ Minors: 609.343 subd. 1(a)(b)(g)	6	5	5	D	104	95	109

⁶ Nevertheless, in some life-sentence cases, the court must refer to the Guidelines to establish a minimum term of imprisonment that must be served before the offender is supervised-release eligible. Minn. Stat. § 609.3455, subd. 5.

⁷ “Sexual contact with a victim under 13” was determined based on the Minnesota Offense Codes (MOCs), which accompany the charge on the complaint; see footnote 2 and “Victim Characteristics” discussion on page 9.

Degree	Statutory Provision	Cases Sentenced on Standard Grid			Cases Sentenced on Sex Offender Grid			Total Number of Cases Sentenced
		Severity Level	#	%	Severity Level	#	%	
Third	Penetration: Force or Prohibited Occupation, 609.344, subd. 1(c)(d)(g)-(n)	8	1	1	C	71	99	72
	Penetration w/ Minors: 609.344 subd. 1(b)(e)(f)	5	1	1	D/G*	107	99	108
Fourth	Contact: Force or Prohibited Occupation, 609.345, subd. 1(c)(d)(g)-(n)	6	0	---	E	42	100	42
	Contact w/ Minors: 609.345, subd. 1(b)(e)(f)	4	1	3	F	29	97	30
Fifth	Gross misdemeanor offenses with relevant priors	4	0	---	G	3	100	3
Total			19	4		501	96	520

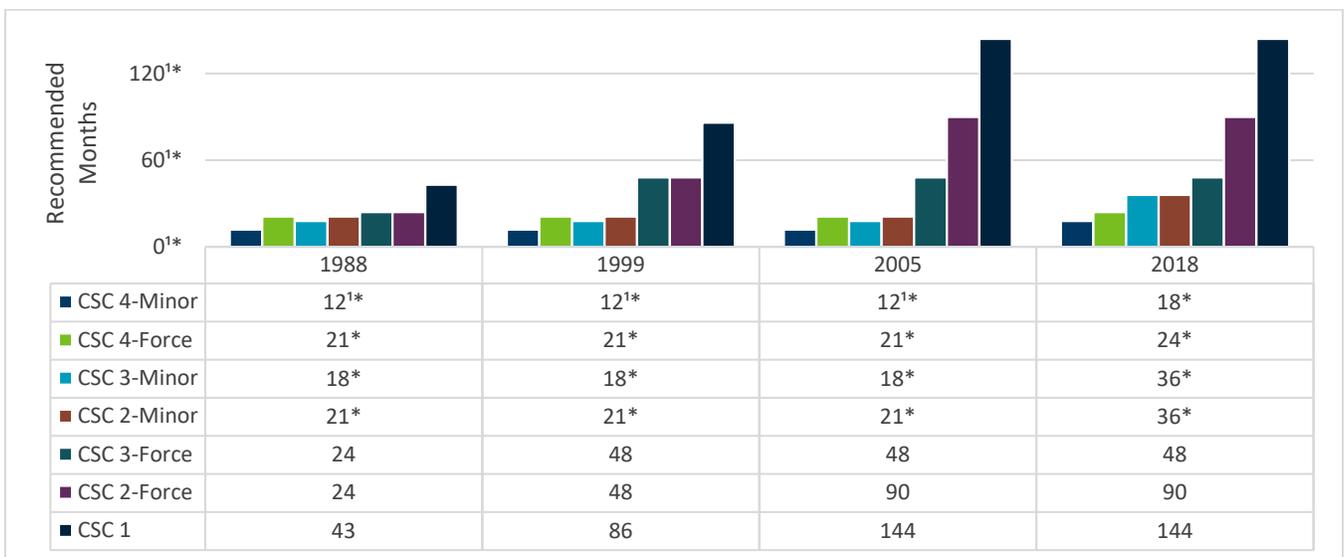
* Offenses where the actor is less than 48 months older than the victim are ranked at Severity Level G.

Presumptive Sentences over Time

Figure 1 is meant to illustrate the changes to the presumptive sentences over time at Criminal History Score 0, caused by changes to the presumptive Guidelines sentences, the implementation of the Sex Offender Grid, and statutory changes mandating presumptive sentences for sex offenders.

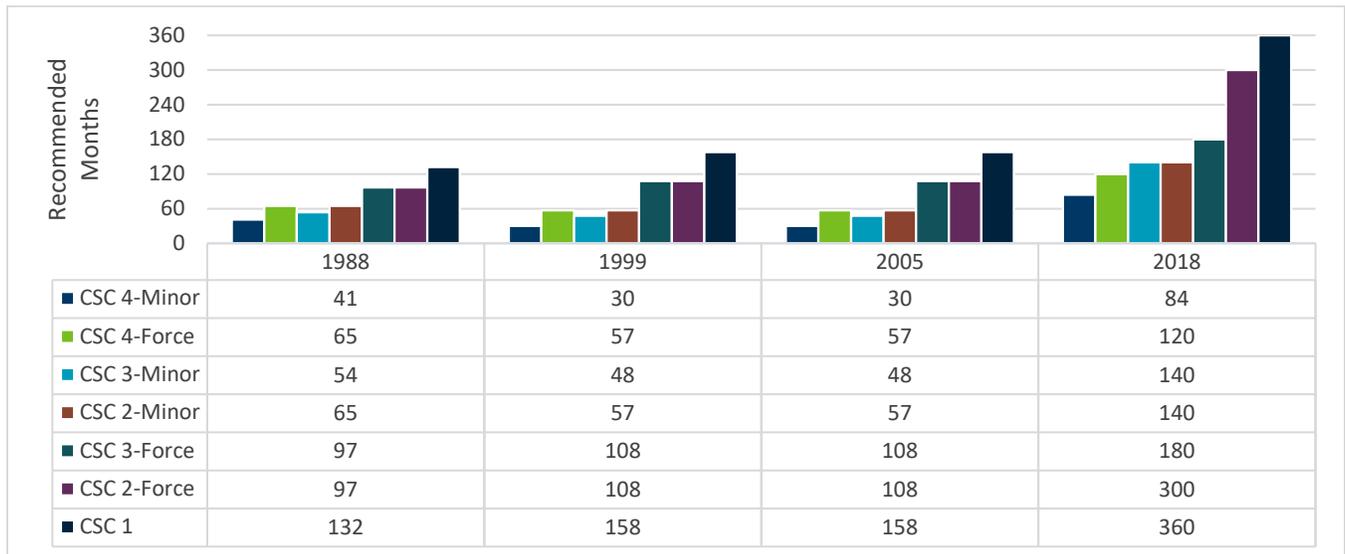
Figure 2 shows the same changes over time at Criminal History Score 6.

Figure 1. Presumptive Sentences by Degree over Time at Criminal History Score 0, 1988, 1999, 2005, & 2018



* Presumptive stayed (probationary) sentence. "12¹" = 12 months and 1 day.

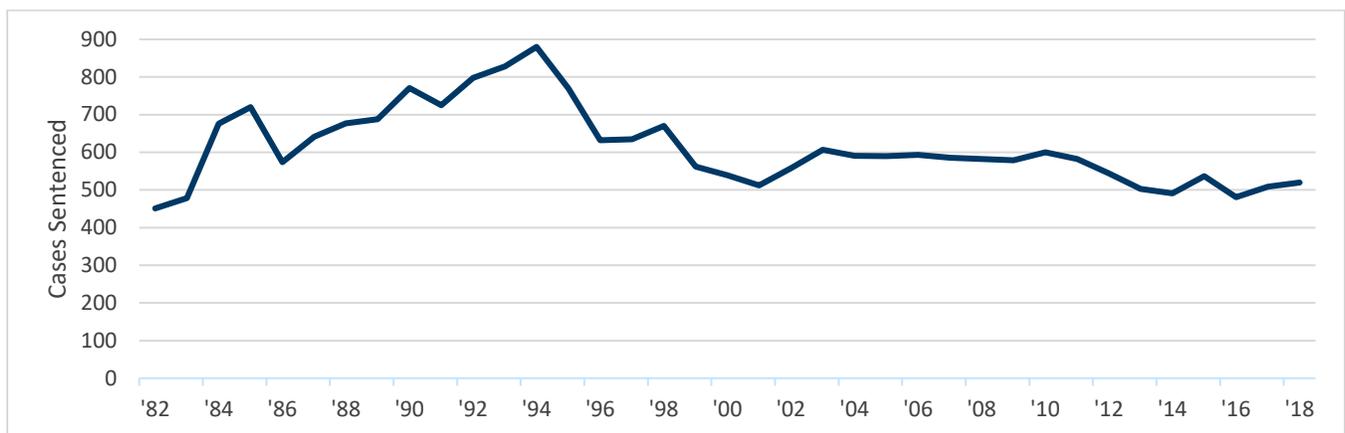
Figure 2. Presumptive Sentences by Degree over Time at Criminal History Score 6, 1988, 1999, 2005 & 2018



Case Volume and Distribution⁸

In 2018, 520 offenders were sentenced for CSC offenses, an increase of two percent from 509 offenders sentenced in 2017. As Figure 3 illustrates, the number of offenders sentenced for CSC offenses peaked in 1994 at 880 offenders. From 2004 until 2011, the number of offenders sentenced for CSC offenses had consistently ranged from 580 to 600. In 2014, and again in 2016, the number sentenced dipped below 500 for the first time since 1983. Case volume again rose above 500 in 2017. See Table 6 (p. 23) for information on the number of offenders sentenced for sex offenses since 1988.

Figure 3. Total Volume of CSC Cases, 1982–2018

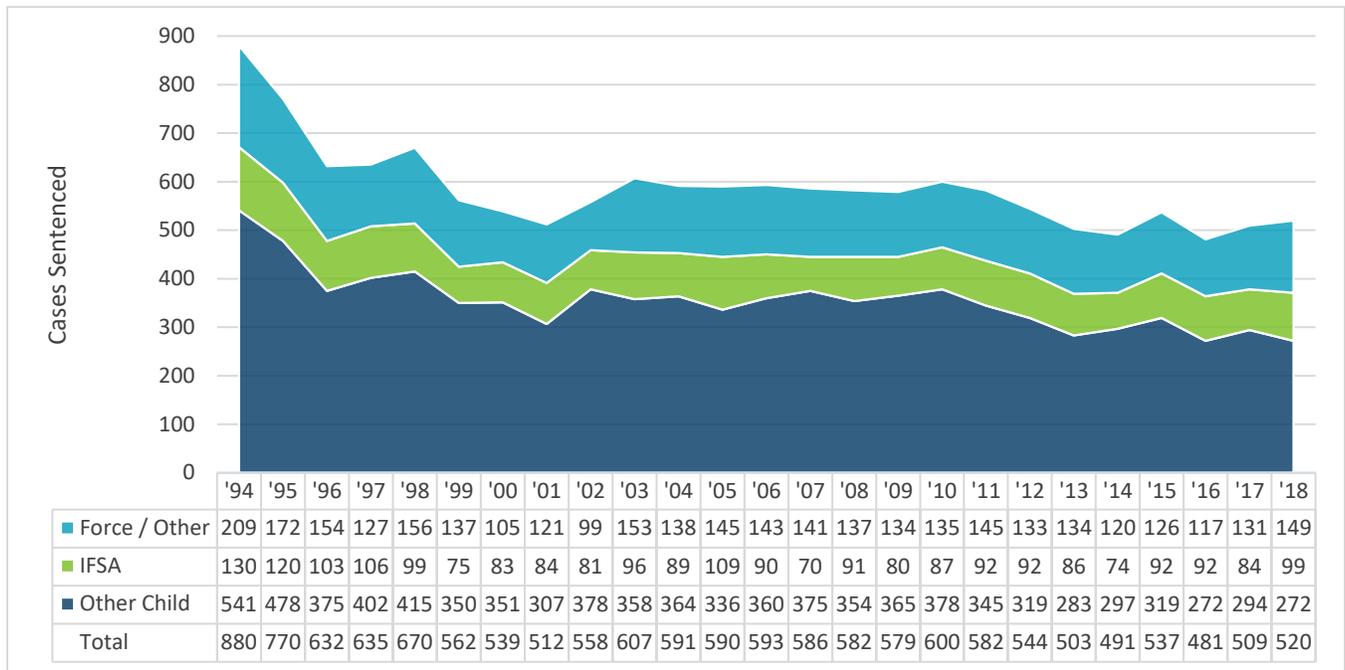


⁸ Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

Type of Offense

The distribution of cases between the relationship categories has remained fairly stable since 2003. In 2018, 149 (29%) of the cases sentenced were in the “Force/Other” category, which is above the 26 percent in 2017 and higher than the 23 to 26 percent range that was observed from 2003 to 2016. At 29 percent of the cases sentenced, the 2018 share of cases in the force/other category is the highest seen since before 1985 when the CSC statutes were recodified. There were 99 (19%) “IFSA” cases and 272 (52%) “Other Child” offenses (a lower percentage than has been seen since 1990) (Figure 4). In the “Force/Other” category, 139 of the 149 cases were offenses involving force; of the remaining ten cases, two involved correctional employees, two involved a clergy member, one involved a psychotherapist, four involved massage therapists and one was a fifth-degree offense.

Figure 4. Volume of Cases by Type of Offense, 1994–2018



The distribution of cases among the five statutory degrees has also remained fairly consistent over the last ten years (Table 7, p. 24). 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 2018, the distribution of cases was as follows: 23 percent of the cases sentenced were first-degree offenses, 28 percent were second-degree offenses, 35 percent were third-degree offenses, and 14 percent were fourth-degree offenses. Three felony fifth-degree offenses sentenced in 2018.

Victim & Relationship Characteristics

The following overview of victim characteristics for the CSC offenses sentenced in 2018 was derived primarily from the Minnesota Offense Codes (MOCs), which accompany the charge on the criminal complaint. In cases for which the MOC information was unclear or missing, the information was, where possible, obtained from the statute of conviction. In 78 percent of the cases sentenced, the victims were minors: 34 percent involved victims under the age of 13; and 44 percent involved victims who were between the ages of 13 and 17. Twenty-two percent involved victims who were adults. Ninety-two percent of the victims were female, and eight percent were male. (See Table 10, p. 34, for information on victim age.)

Table 11 (p. 35) 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 (54% and 64%, respectively); for third- and fourth-degree offenses, the offender was more likely to be an acquaintance (66% and 44%, respectively). Only a small percentage of cases (7%) involved strangers.

Prior Record of Sex Offenses

Most offenders sentenced for felony CSC do not have “true prior” sex offenses in their criminal record.⁹ 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 2018, four 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 2, p. 10).

Offender Demographics

Sex offenders are more likely to be male than offenders sentenced for other offenses. Ninety-eight percent of CSC offenders were male, compared to 79 percent of non-CSC offenders. A higher percentage of sex offenders are sentenced in Greater Minnesota compared to other felony offenders (Figure 5). Sex offenders are also more likely to be white or Hispanic and less likely to be black than other offenders (Figure 7, p. 9). The average offender age at the time of offense was 33 for both CSC and other offenders. Four percent of the offenders sentenced for CSC offenses were juveniles, compared to less than one percent of the offenders sentenced for non-CSC felonies. Twenty-three percent of the offenders sentenced for CSC offenses were 21 and under, compared to 12 percent of the offenders sentenced for other felonies (Figure 6).

⁹ For purposes of this data report, a “true prior” is defined as an offense with a disposition date before the date of the current offense. “True prior,” within the meaning of this report, is not a statutory or Guidelines term, and may or may not correlate with statutory or Guidelines terms such as “prior,” “previous,” or “subsequent.”

Figure 5. Distribution of Offenders by Region, CSC Offenders Compared to Non-CSC Offenders, 2018

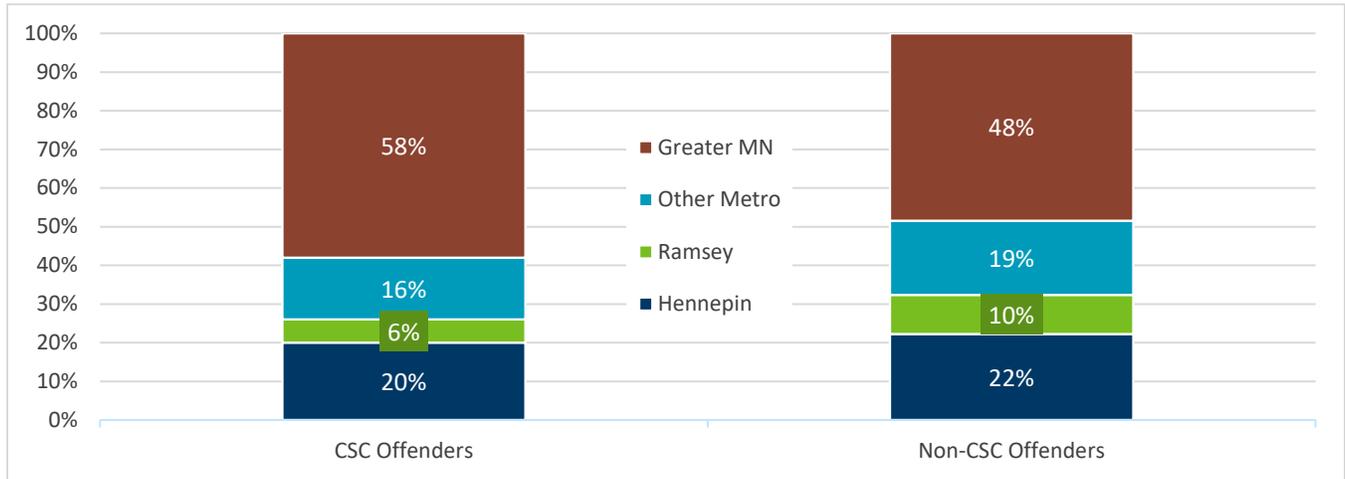


Figure 6. Distribution of Offenders by Age Range, CSC Offenders Compared to Non-CSC Offenders, 2018

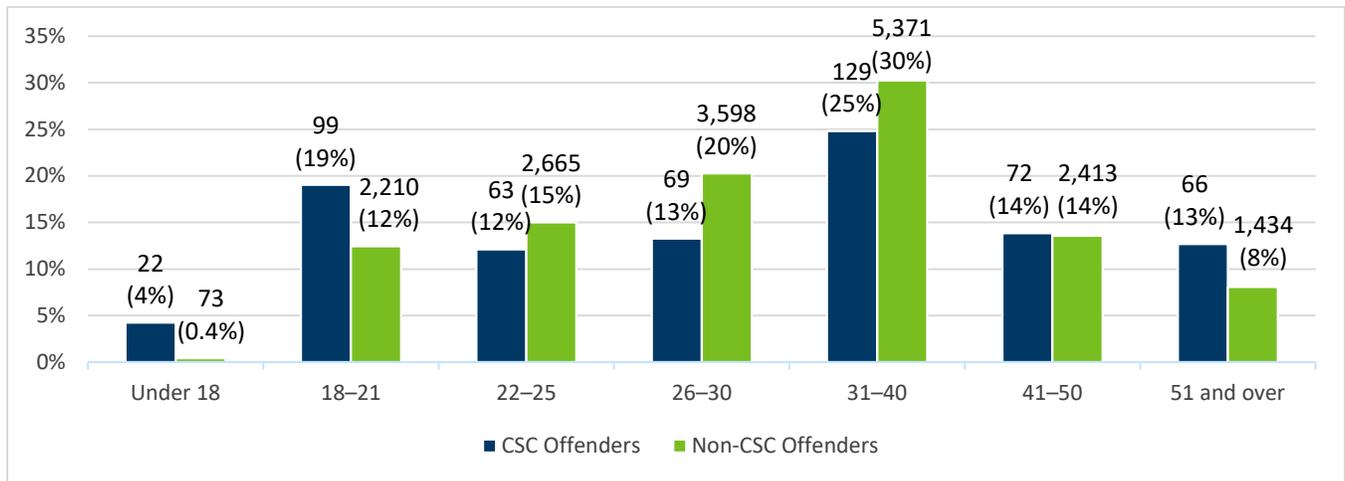
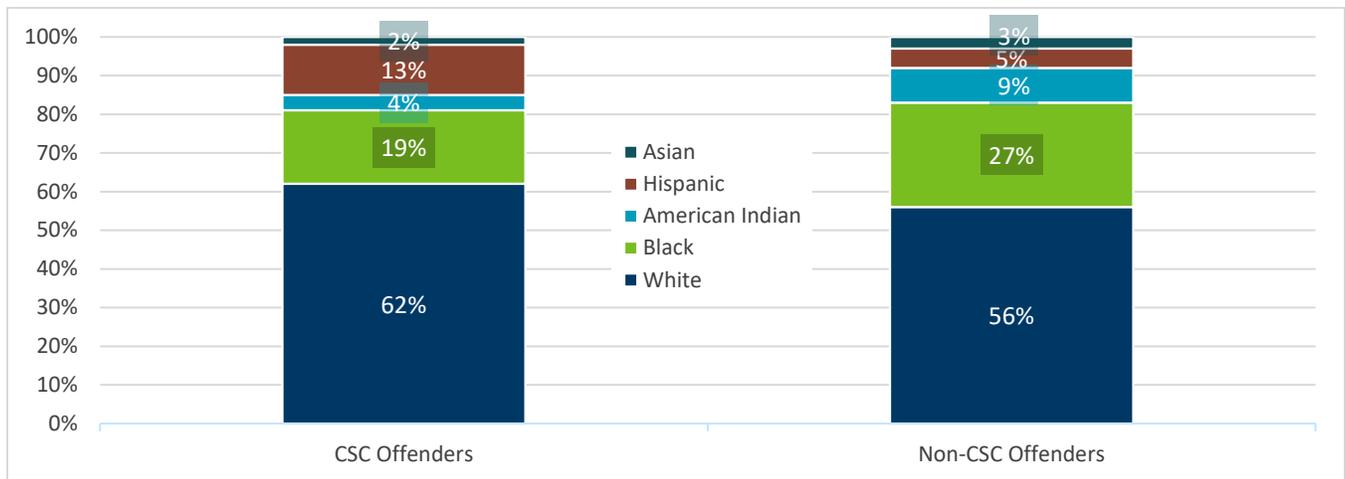


Figure 7. Distribution of Offenders by Race, CSC Offenders Compared to Non-CSC Offenders, 2018



2018 Sentencing Practices

The recommended sentence under the Guidelines varies by the Severity Level of the conviction offense and the offender’s Criminal History Score. These differences make it difficult to interpret sentencing information for CSC offenders. Therefore, in addition to reporting total statistics, this section of the report presents data for presumptive commitments (cases for which the Guidelines recommended prison) and for presumptive stays (cases for which the Guidelines recommended probation) separately. Information on sentence durations is presented by Severity Level and CSC type.

Incarceration Rates

In 2018, the total incarceration rate for CSC offenders was 95 percent. As seen in Figure 8 (p. 11), 41 percent of offenders received a prison sentence and 54 percent received local confinement as a condition of the stayed sentence. Except for 2010, the total incarceration rate has consistently exceeded 90 percent for the past 25 years. The 2018 imprisonment rate (41%) was slightly lower than the 2017 rate (42%). The rates in both 2018 and 2017 were lower than the 2016 rate (45%), which was the highest ever observed. (See Table 6, p. 23, and Table 7, p. 24, for historical information on incarceration.)

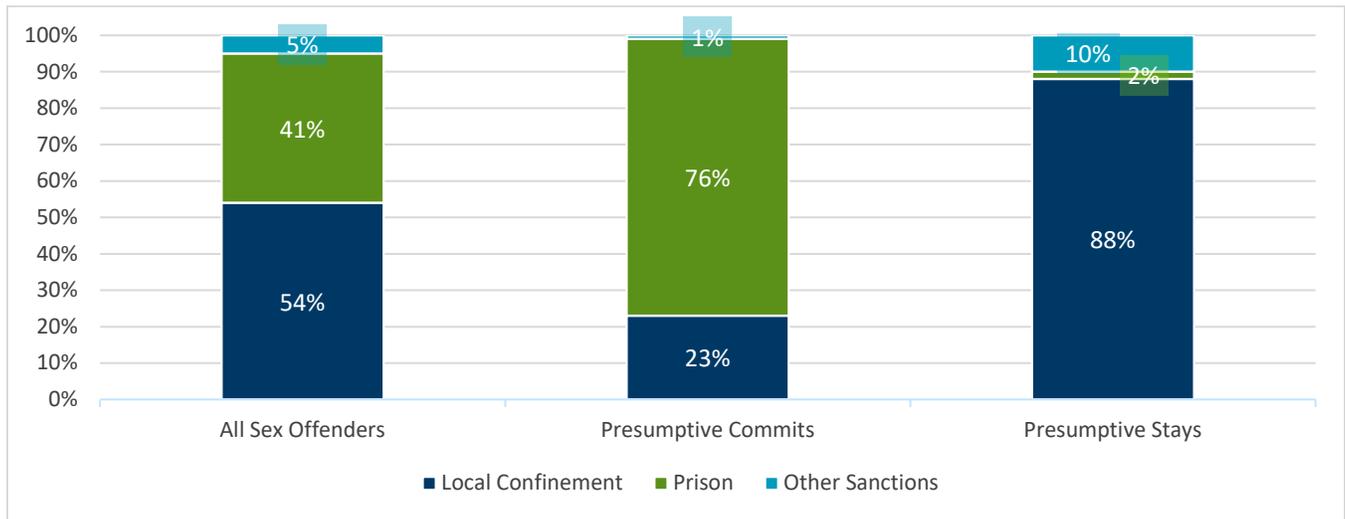
The Guidelines recommended a presumptive sentence of imprisonment for 52 percent of the CSC offenders sentenced. Of those, 76 percent received a prison sentence. The imprisonment rate for offenders who had a true prior¹⁰ sex offense was 77 percent. Imprisonment rates for offenders with true priors were higher for those sentenced for the “IFSA” (100%) and “Force” offenses (82%) than for those sentenced for the “Other Child” offenses (63%) (Table 2).

Table 2. CSC Offenders with True Prior Sex Offenses, Number of Cases and Imprisonment Rates by Type of CSC Offense, 2018

Type of CSC Offense	CSC Offenders			CSC Offenders with True Prior ¹⁰ CSC Offense(s)			
	Number of Offenders	Received Prison		Number of Offenders	Percent	Received Prison	
		Number	Rate			Number	Rate
IFSA	99	50	51%	2	2%	2	100%
Other Child	272	77	28%	8	3%	5	63%
Force	139	78	56%	11	8%	9	82%
Other	10	6	60%	1	10%	1	100%
Total	520	211	41%	22	4%	17	77%

¹⁰ Refer to footnote 9 for a discussion of the meaning of “true prior” offenses

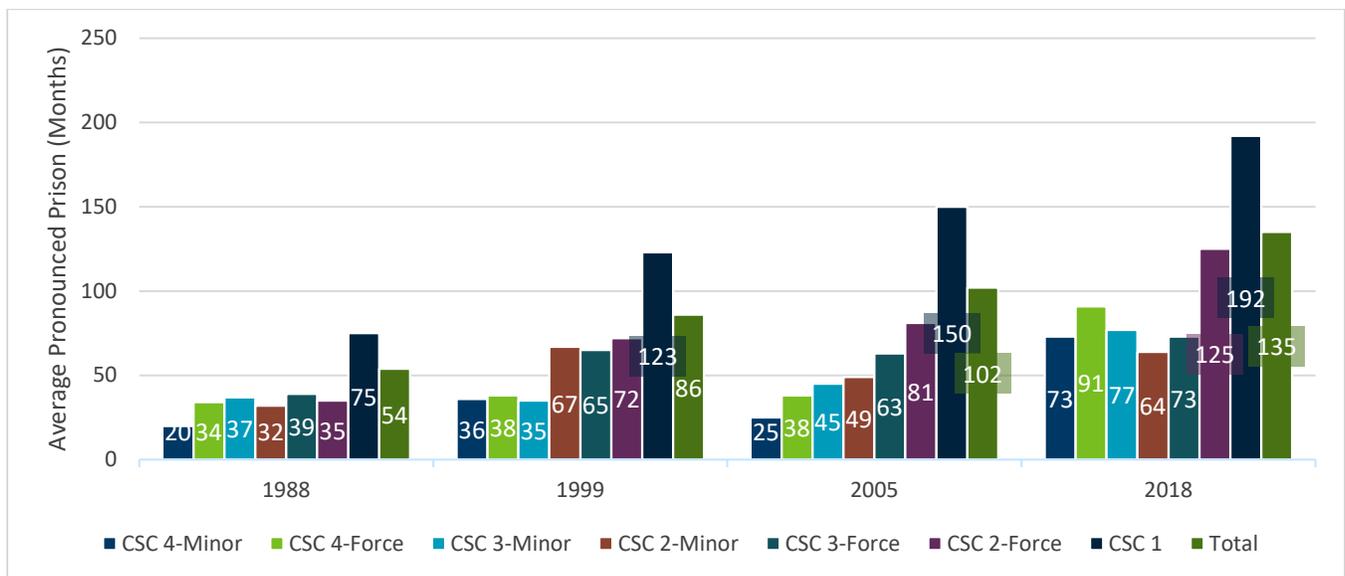
Figure 8. Incarceration Rates, 2018



Sentence Durations: Prison Sentences

In 2018, the average pronounced prison sentence¹¹ was 135 months (Table 6, p. 23; see also Figure 10, p. 12). This was an increase from 2017's average pronounced duration of 131 months. Average pronounced durations have been impacted by the implementation of the Sex Offender Grid. In 2018, 96 percent of CSC offenders had offense dates on or after August 1, 2006, which made them eligible to be sentenced based on the Sex Offender Grid. The Sex Offender Grid includes longer presumptive sentences for offenders with prior records and also gives greater weight to prior sex offenses.

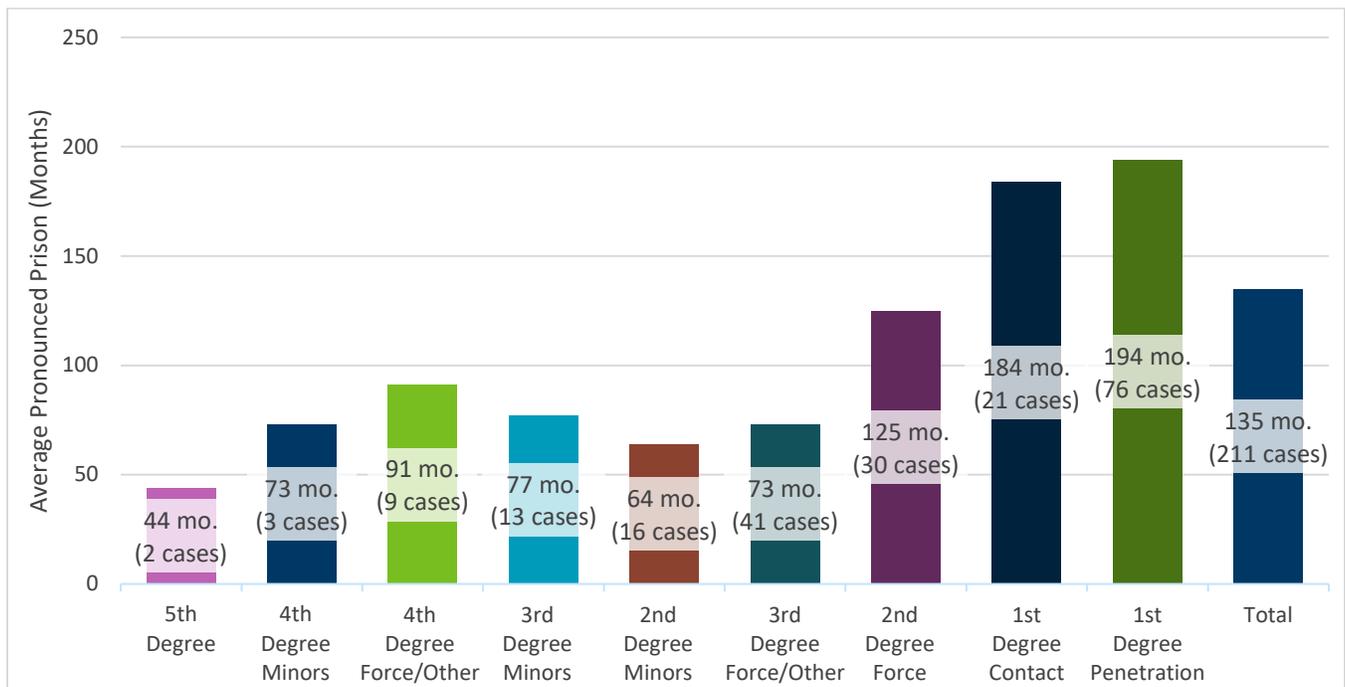
Figure 9. Average Pronounced Prison Sentences by Offense, Executed Prison Sentences, 1988, 1999, 2005, & 2018



¹¹ The average pronounced duration is presented for offenders who received executed prison sentences.

Offenders convicted of first-degree offenses received significantly longer sentences than those convicted of lesser severity-level offenses (Figure 10). The average pronounced sentence for those offenders was 192 months (slightly above the 2017 average of 190 months). Compared to 2017, the average pronounced sentence decreased for some offenses, but rose for others. The average pronounced duration was 125 months for second-degree offenses that involved force (greater than the 2017 average of 107 months), and 64 months for second-degree offenses with a minor victim (a decrease from 89 months in 2017). For third-degree offenses: average sentence lengths decreased for the force offenses, from 79 months in 2017 to 73 months in 2018, and increased from 69 months in 2017 to 77 months in 2018 for offenses with a minor victim. Average sentences for fourth-degree offenses increased: from 66 months in 2017 to 91 months in 2018 for offenses involving force; and from 51 months in 2017 to 73 months in 2018 for offenses with a minor victim. (See Table 6, p. 23, and, p. 24, for historical information on past sentence durations.)

Figure 10. Average Pronounced Prison Sentence, Executed Prison Sentences by Offense Type, 2018



The average sentence durations shown in Figure 10 are affected both by departures from the Guidelines and by the use of consecutive sentences. When consecutive sentences are imposed for multiple current offenses—even if one of the offenses is not a CSC offense—the total pronounced sentence is reflected in Figure 10, which generally increases the total duration shown. For first-degree offenses not involving durational departures, the average pronounced sentence was 174 months for cases that did not involve consecutive sentences (72 cases) and 340 months for cases with consecutive sentences (8 cases). The average sentence for first-degree offenses involving aggravated durational departures was 278 months (5 cases) and 166 months for offenses involving mitigated durational departures (12 cases).

Longer than Typical Prison Sentences

There are several statutes and provisions in the Guidelines 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 CSC offenders with Criminal History Scores of 6 or more. This section describes the longer prison sentences pronounced and the use of life sentences since that provision was enacted.

Use of Life Sentences over Time

In 2005, the Legislature established mandatory life sentences for certain criminal sexual conduct offenses (Minn. Stat. § 609.3455). For some provisions of the law, the life sentence is without the possibility of release. For other provisions, the court must specify the minimum time to be served before the offender may be considered for release. Table 14 (p. 42) outlines when these and other mandatory-minimum sentencing provisions apply in criminal sexual conduct cases. Table 3 displays information about the 24 CSC offenders who have received life sentences since 2006. In 2018, no offenders received life sentences for a criminal sexual conduct offense.

Table 3. Pronounced Life Sentences for Criminal Sexual Conduct, 2006–2018

Year	Offense	Severity Level	Criminal History Score	Number of True Prior Sex Offenses	Grid Duration (months)	Pronounced Minimum Term to Serve (months)	Minn. Stat. § 609.3455 Life Sentence Subdivision
2018	No Cases	---	---	---	---	---	---
2017	1st Degree - Significant Relationship Vic. under 16 & Injury	A	0	0	144	No Release	2(a)(1)
	1st Degree - Significant Relationship Vic. under 16	A	3	1	180	180	4(a)(1)
2016	1st Degree - Fear Great Bodily Harm	A	4	0	234	No Release	2(a)(1)
	1st Degree - Force & Injury (attempt)	A	9	1	180	180	4(a)(2)(i)
2015	No Cases	---	---	---	---	---	---
2014	3rd Degree - Victim Incapacitated	C	5	1	153	153	4(a)(3)(ii)
2013	No Cases	---	---	---	---	---	---
2012	1st Degree - Force & Injury	A	0	0	144	144	3(a)
	3rd Degree - Force or Coercion	C	7	2	180	180	4(a)(1)
2011	1st Degree - Force & Injury	A	5	1	306	44	3(a)
	1st Degree - Pos. of Auth. & Vic. 13-15	A	4	1	234	234	4(a)(2)(ii)
	1st Degree - Pos. of Auth. & Vic. 13-15	A	3	2	180	300	4(a)(1)
	1st Degree - Pos. of Auth. & Vic. 13-15	9	3	2	144	144	4(a)(1)
	2nd Degree - Force & Injury	B	2	1	130	No Release	2(a)(2)
2010	1st Degree - Fear Great Bodily Harm	A	6	2	360	No Release	2(a)(2)
	3rd Degree - Force or Coercion	C	4	1	117	117	4(a)(2)(ii)

Year	Offense	Severity Level	Criminal History Score	Number of True Prior Sex Offenses	Grid Duration (months)	Pronounced Minimum Term to Serve (months)	Minn. Stat. § 609.3455 Life Sentence Subdivision
2009	1st Degree - Fear Great Bodily Harm	A	4	0	234	No Release	2(a)(1)
	1st Degree - Force & Injury	A	1	0	156	No Release	2(a)(1)
2008	1st Degree - Multiple Acts	A	3	1	180	206	4(a)(1)
	1st Degree - Fear Great Bodily Harm	9	5	2	146	No Release	2(a)(1)
	2nd Degree - Victim Under 13	D	9	4	140	140	4(a)(1)
2007	1st Degree - Fear Great Bodily Harm	9	0	0	144	144	unknown
	2nd Degree - Dangerous Weapon	8	4	1	98	180	4(a)(1)
	2nd Degree - Victim Under 13	6	8	1	60	360	4(a)(1)
	3rd Degree - Victim 13-15	D	4	3	91	240	4(a)(1)
2006	3rd Degree - Force or Coercion	8	2	1	68	136	unknown

Refer to footnote 9 above for a discussion of the meaning of “true prior” offenses.

Sentences at Least Double the Presumptive Sentence

Two offenders received prison sentences in 2018 that were double the length of their presumptive sentences or more. The presumptive sentences, pronounced sentences, criminal history score and sentence type for these cases are listed in Table 4.

One case was a first-degree offense and one was a second-degree offense. Both cases involved aggravated durational departures.

Table 4. Executed Sentences of Double the Presumptive Sentence or More, 2018

Offense	Severity Level	Criminal History Score	Number of True Prior Sex Offenses	Grid Duration (months)	Total Sentence (months)	Consecutive Sentence	Aggravated Duration
1st Degree – Personal Injury & Victim Incapacitated	A	1	0	156	312	No	Yes
2nd Degree- Victim Under 13	D	0	0	36	90	No	Yes

Refer to footnote 9 above for a discussion of the meaning of “true prior” offenses.

Sentences with Durations of 30 Years or More

Seven other offenders received prison sentences of at least 360 months (30 years), the statutory maximum for first-degree CSC offenses. These sentences are shown in Table 5. One sentence was an aggravated durational departure from the presumptive Guidelines sentence. The other sentences were for first-degree offenders with high criminal history scores. In five cases, 360 months was the presumptive midpoint sentence; in one case, 360 months was the top of the upper range. Three cases, involving multiple current sex offenses, resulted in sentences greater than 360 months through consecutive sentencing.

Table 5. Other Executed Sentences with Durations of 30 Years or More, 2018

Offense	Criminal History Score	Number of True Prior Sex Offenses	Multiple Current CSC	Grid Duration (months)	Total Sentence (months)	Consecutive Sentence	Aggravated Duration
1st Degree-Victim under 13	6	0	No	360	360	No	No
1st Deg.- Pos. of Auth. & Vic. 13-15	6	0	Yes	360	360	Yes	No
1st Degree-Multiple Acts	6	0	Yes	360	504	Yes	No
1st Degree-Force and Injury	4	0	No	234	360	No	Yes
1st Degree-Force and Injury	6	0	Yes	360	532	Yes	No
1st Deg.- Pos. of Auth. & Vic. 13-15	5	0	Yes	306	400	Yes	No
1st Degree-Victim under 13	6	0	Yes	360	360	No	No

Refer to footnote 9 above for a discussion of the meaning of “true prior” offenses.

Conditional Release

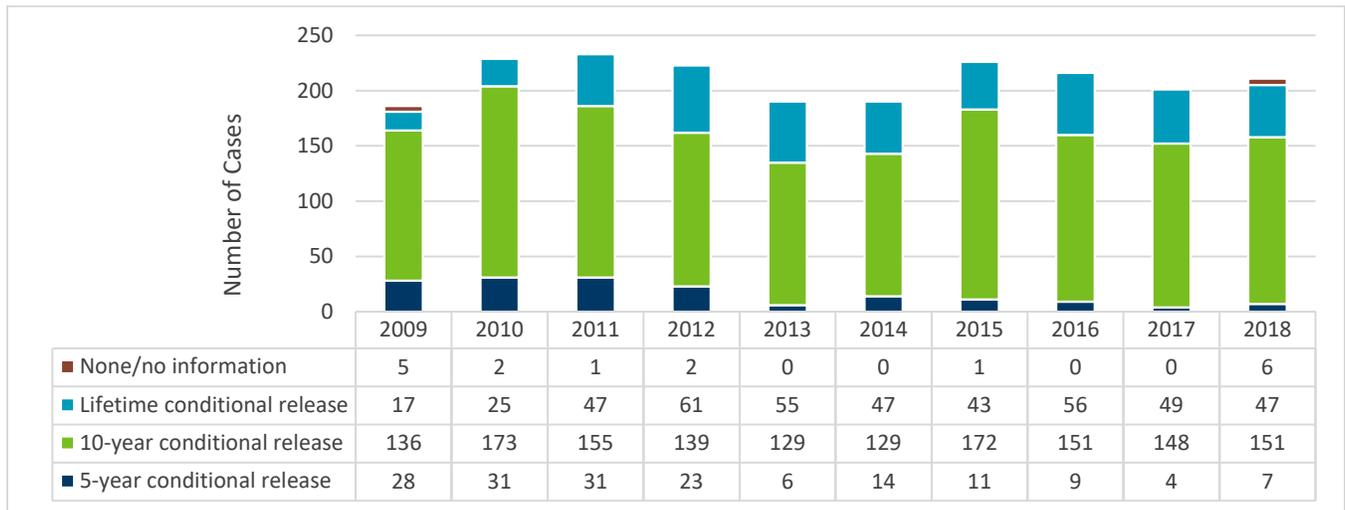
In 1992, the Legislature required five- or ten-year conditional-release¹² periods for sex offenders who were committed to prison. The current law requires ten-year or lifetime conditional-release periods for sex offenders who are committed to prison.¹³

Figure 11 (p. 16) reflects the mandated conditional-release terms, as reflected on each case’s validated sentencing worksheet, for CSC cases with executed prison sentences. Figure 11 may differ somewhat from the actual conditional-release terms as pronounced, as the MSGC does not have data for the pronounced conditional-release terms. Moreover, revoked probationary sentences will also result in conditional-release terms, but those conditional-release terms are not reflected in Figure 11.

¹² Originally called “supervised release,” [1992 Minn. Laws chap. 571, art. 1, § 25](#), and renamed “conditional release” the following year, [1993 Minn. Laws ch. 326](#), art. 9, § 9.

¹³ [Minn. Stat. § 609.3455](#), subd. 6 & 7. See Table 14 for an outline of how these conditional release terms apply. Conditional-release statutes do not apply to attempted offenses unless explicitly stated in law. *State v. Noggle*, 881 N.W.2d 545 (Minn. 2016).

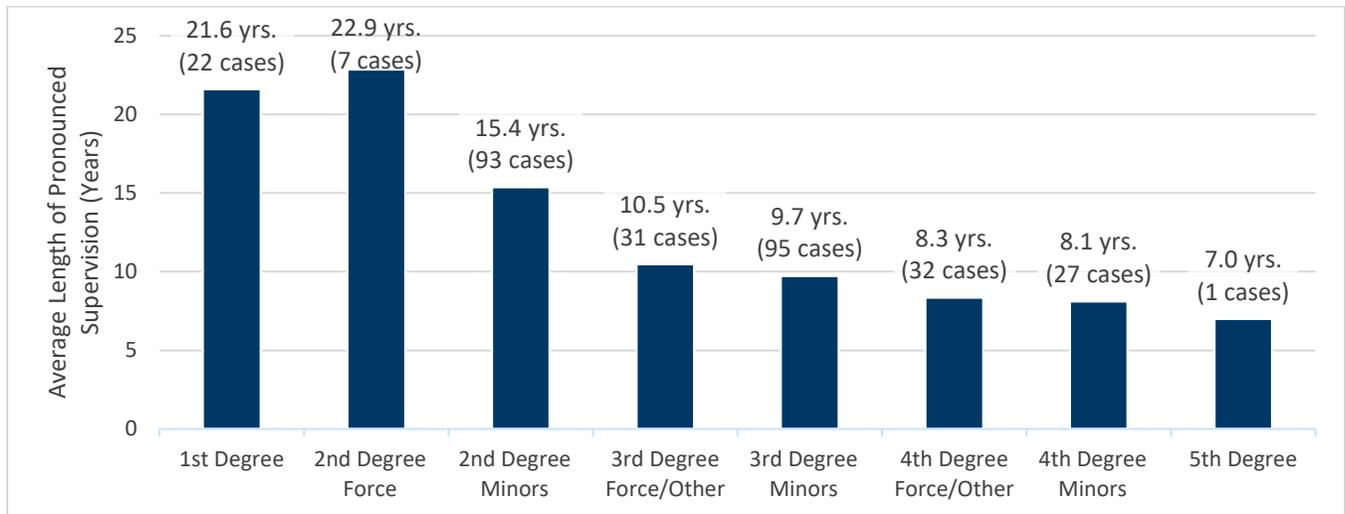
Figure 11. Mandatory Conditional Release Terms, CSC Cases with Executed Prison Sentences, 2009–2018



Sentence Durations: Probation Sentences

Fifty-nine percent of the CSC offenders sentenced in 2018 received a probation sentence. Of the offenders who were placed on probation, 79 percent received probation because it was the presumptive sentence and 21 percent received probation as a mitigated dispositional departure. The average pronounced period of probation for sex offenders was over 12 years. First-degree offenders generally receive longer periods of probation than other offenders, but in 2018 the second-degree force offenders received the longest average periods of probation (Figure 12).

Figure 12. Average Pronounced Period of Supervision by Offense that Received a Stayed Sentence, 2018



Ninety-one percent of offenders who did not receive an executed prison sentence received local confinement time as a condition of their stayed sentence. The average pronounced local confinement for CSC offenders was 184 days (Table 6, p. 23). The pronounced local confinement time was significantly longer for offenders

convicted of offenses for which the Guidelines recommended presumptive commitment to prison (243 days) than for offenders convicted of offenses for which the Guidelines recommended a presumptive stayed sentence (167 days).

Departures from the Guidelines

The Guidelines establish a presumptive sentence for felony offenses based on the Severity Level of the conviction 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 there are substantial and compelling circumstances. 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 commonly 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.

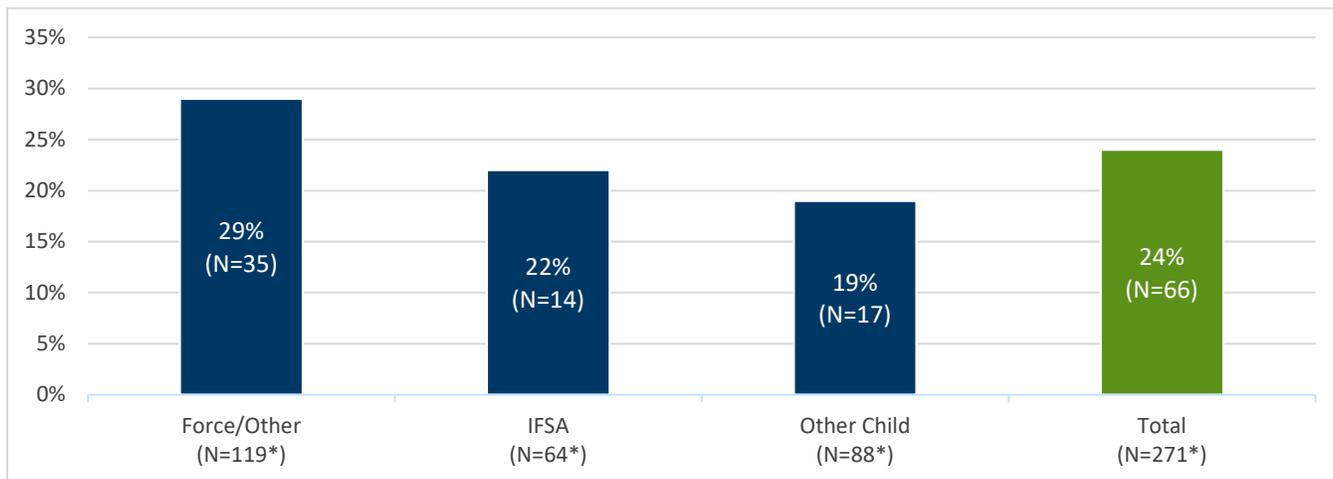
Dispositional Departures

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 13 shows mitigated dispositional departure rates for cases in which the Guidelines recommend prison (“presumptive commitments”) by the type of CSC offense. The total mitigated dispositional departure rate was 24 percent, a slight decrease from the rate of 25 percent in 2017 and equal to the 2016 rate, which was the lowest observed since at least 1988 (Table 8, p. 29). 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. In 2018, the departure rate was higher for the “Force/Other” cases (29%) than the other categories. (Figure 13).

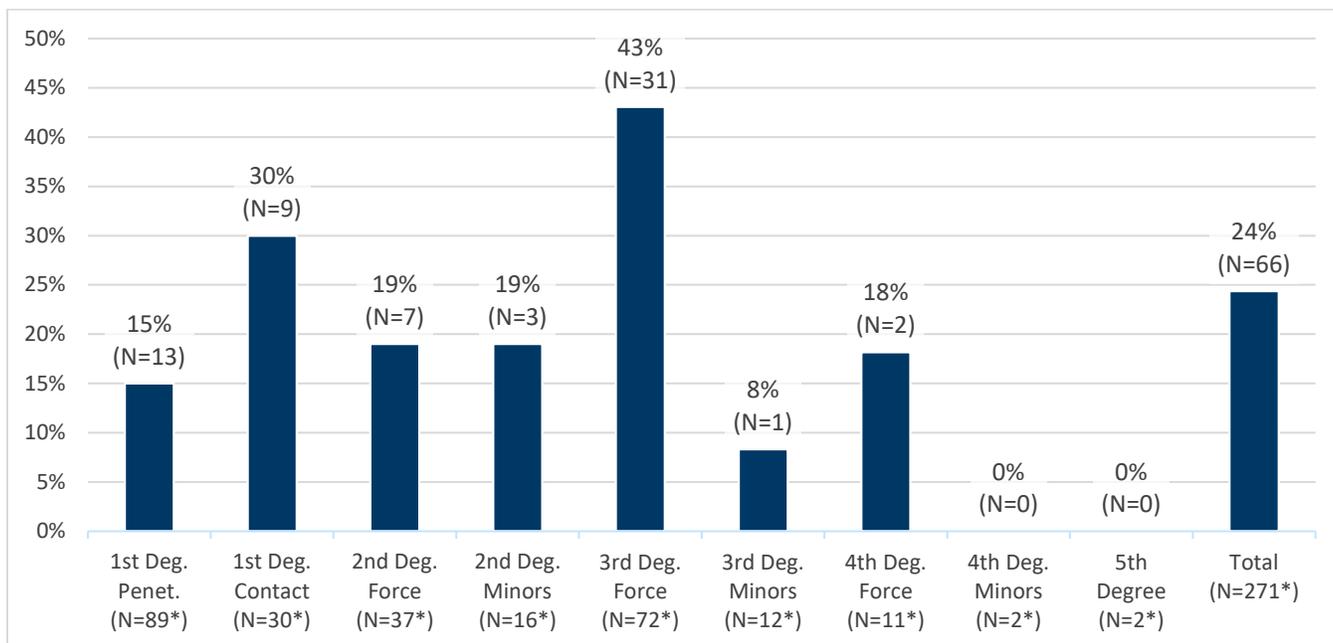
Figure 13. Mitigated Dispositional Departure Rates by Offense, Presumptive Commitment Cases, 2018



* Number of presumptive commitment cases.

Figure 14 shows mitigated dispositional departure rates by degree. The rates were lower for the first-degree penetration offenses and the third-degree minor offenses than for the other offenses (excluding categories with only 2 presumptive prison cases). The mitigated dispositional departure rate was highest for the third-degree force cases.

Figure 14. Mitigated Dispositional Departure Rates by Degree, Presumptive Commitment Cases, 2018

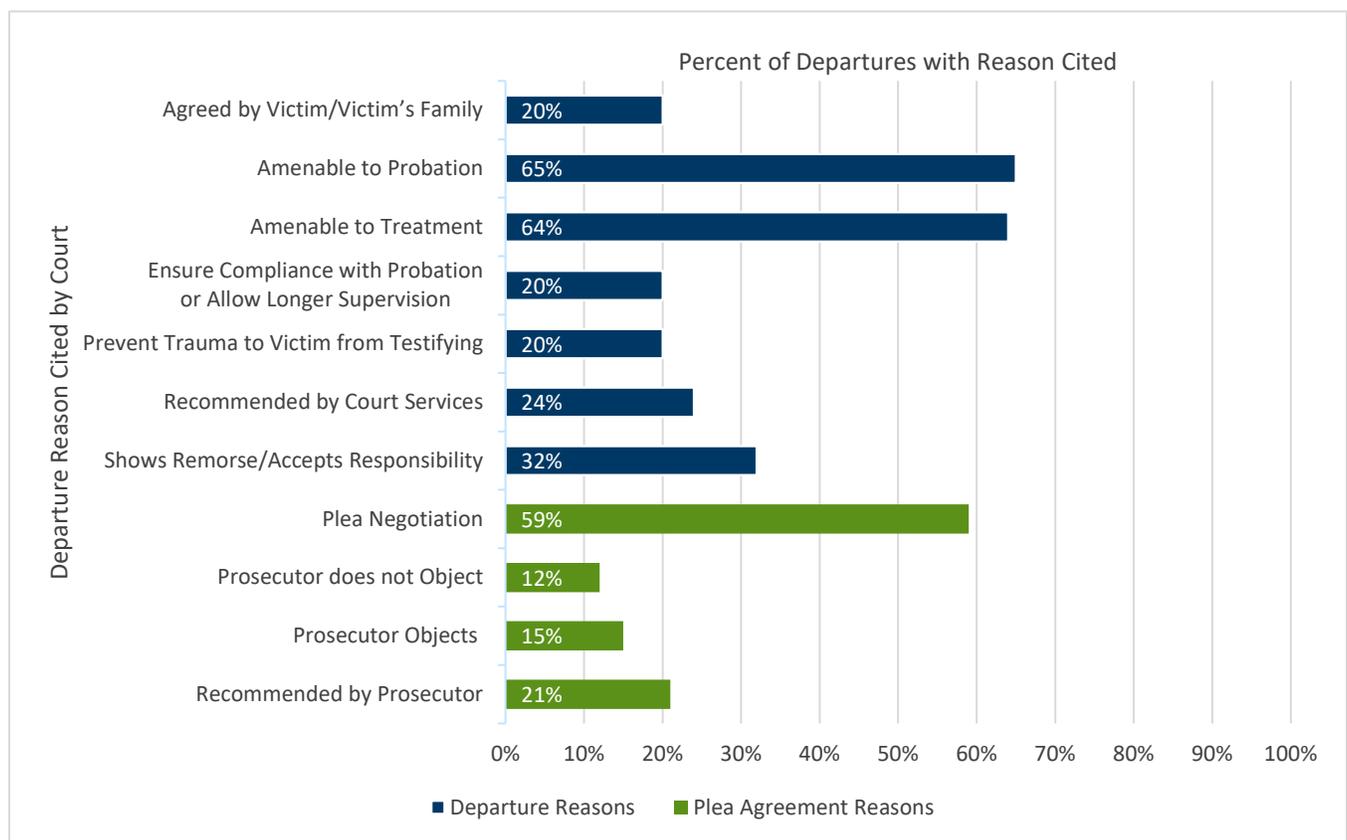


*Number of presumptive commitment cases.

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 2018, it was 20 percent. In 20 percent of the mitigated dispositions, the court indicated the departure was made to spare the victim from testifying. (Figure 15.) In 64 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 15 percent of the mitigated dispositions. It should be noted that no plea information was provided by the courts in about 21 percent of the mitigated dispositions.

Figure 15. Most Frequently Cited Mitigated Dispositional Departure Reasons, 2018



This figure shows the most common reasons cited for mitigated dispositional departures, as submitted by the court and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded per case. A plea agreement alone is not a sufficient basis for departure. *State v. Misquadace*, 644 N.W.2d 65 (Minn. 2002). There were 66 mitigated dispositional departures.

Aggravated Dispositions

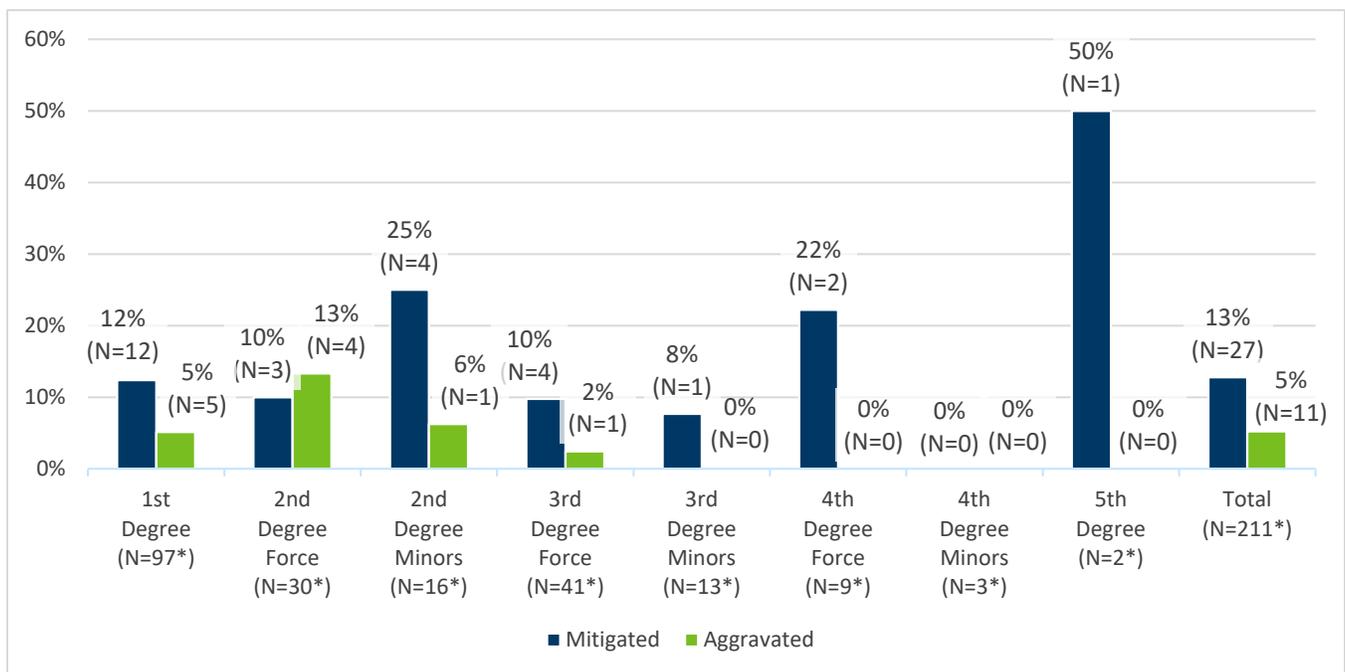
Four of the 249 offenders recommended probation received a prison sentence, an aggravated departure rate of two percent. In three (75%) of these cases, the court reported that the offender either agreed to the departure

or requested a prison sentence.¹⁴ Prison may have been requested because the offender was already in prison or was going to prison on another case.

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 16).

Figure 16. Durational Departure Rates by Offense for Offenders Receiving an Executed Prison Sentence, 2018



* Number receiving an executed prison sentence.

Durational departure rates are influenced by changes in presumptive sentences. Prior to 2006, CSC offenses were sentenced using 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. The Sex Offender Grid is used

¹⁴ For offenses committed after July 31, 2015, a sentence that is executed pursuant to an offender’s right to demand execution is not an aggravated dispositional departure (Minn. Sentencing Guidelines § 2.D.1.f).

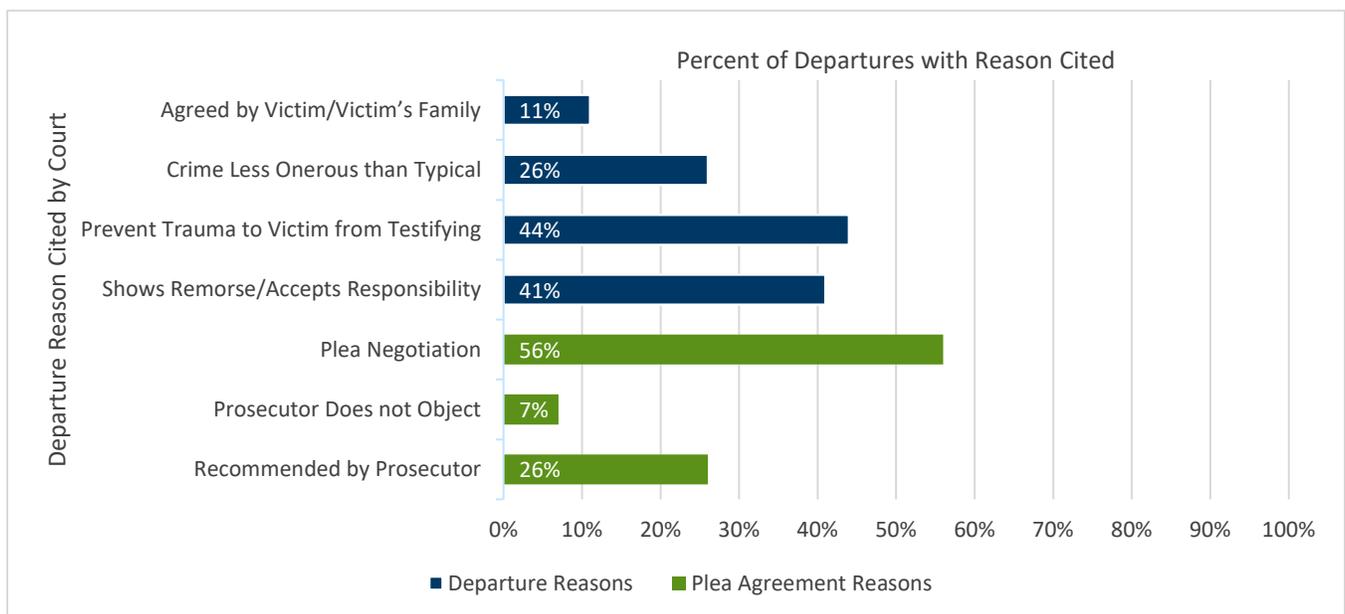
for offenses committed on or after August 1, 2006. The Sex Offender Grid has longer presumptive sentences for repeat offenders and offenders with prior criminal history.

Mitigated Durations

Thirteen percent (27 offenders) of the 211 offenders who received executed prison sentences were given shorter sentences than recommended, similar to the 11 percent rate in 2017 (Table 8, p. 18). The 10 percent rate in 2016 rate was the lowest mitigated durational departure rate observed since 1989. Mitigated durational departure rates were greatest for second-degree offenses involving minors (25%) and lowest for third-degree offenses involving minors (8%). There were no mitigated durational departures for fourth-degree offenses involving minors and one for a fifth-degree offense, but both categories had few offenders receiving prison sentences.

The most frequently cited reasons for mitigated durational departures were: to prevent trauma to the victim from testifying (44%), and because the offender showed remorse or accepted responsibility (41%) (Figure 17). In three cases (11%), the court indicated that the victim or victim’s family agreed with the departure. In 67 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. In 15 percent, the court indicated that the prosecutor objected to the mitigated durational departure. It should be noted that no plea information was provided for 19 percent of cases that received mitigated durational departures.

Figure 17. Most Frequently Cited Mitigated Durational Departure Reasons, 2018



This figure shows the most common reasons cited for mitigated durational departures, as submitted by the court and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded per case. A plea agreement alone is not a sufficient basis for departure. *State v. Misquadace*, 644 N.W.2d 65 (Minn. 2002). There were 27 mitigated durational departures.

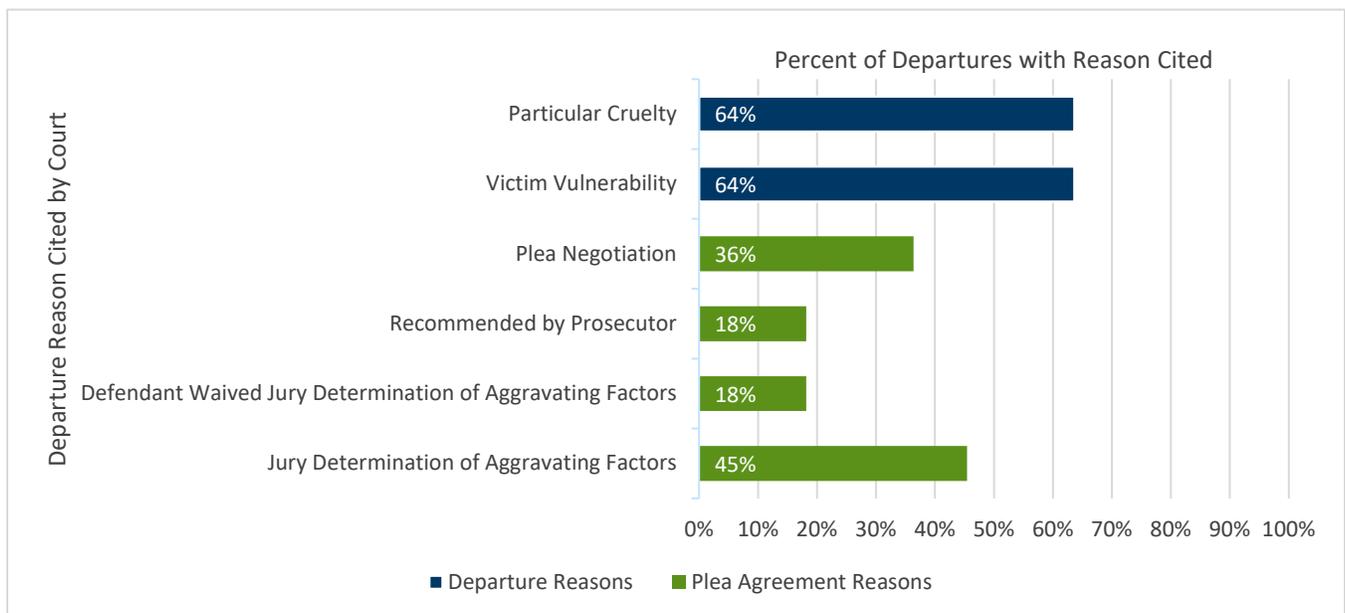
Aggravated Durations

In 2018, five percent (11 offenders) of the 211 offenders who received executed prison sentences were given aggravated durational departures, i.e., longer prison sentences than recommended. This is just under the six-percent rates observed from 2015 through 2017 (Table 9, p. 30). The three-percent rate observed in 2009 was the lowest aggravated durational departure rate ever observed for CSC offenses. Rates in the last six years have been lower than those observed in 2005 through 2008 (16%, 9%, 8%, and 8%, respectively). This rate has declined since the 1990s, when rates as high as 27 percent were seen. (For more detailed information on durational and dispositional departures over time, see Table 8, p. 29, and Table 9.)

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 offenses with force were eligible for the statutorily-set presumptive sentences and higher presumptive sentences on the 2006 Sex Offender Grid. Another possible explanation is the impact of the U.S. Supreme Court ruling in *Blakely v. Washington*, 542 U.S. 296 (2004), requiring that enhanced sentences generally be supported by jury findings.

The most frequently cited reasons for aggravated durational departures were: victim particularly vulnerable (7 cases, 64%), and particular cruelty (7 cases, 64%) (Figure 18). In 46 percent of these cases, the court indicated either that there was a plea agreement for an aggravated duration or that the prosecutor recommended the departure. The court indicated that the defendant waived jury determination of aggravating factors in two of the 11 cases. Jury determination of aggravating factors occurred in 5 cases. No information on the position of the prosecutor or defendant was cited in six of the aggravated durations.

Figure 18. Most Frequently Cited Aggravated Durational Departure Reasons, 2018



This figure shows the most common reasons cited for aggravated durational departures, as submitted by the court and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded per case. A plea agreement alone is not a sufficient basis for departure. *State v. Misquadace*, 644 N.W.2d 65 (Minn. 2002).

Data Tables

Table 6. Incarceration Rates and Average Pronounced Durations: Criminal Sexual Conduct Offenses, 1988–2018¹⁵

Year	Number of CSC Cases	Incarceration							
		Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
		Number	Percent	Number	Percent		Number	Percent	
2018	520	493	95	211	41	135	282	54	184
2017	509	480	94	212	42	131	268	53	165
2016	481	454	94	216	45	133	238	50	191
2015	537	515	96	227	42	116	288	54	177
2014	491	468	95	190	39	137	278	57	186
2013	503	473	94	190	38	133	283	56	180
2012	544	513	95	225	41	128	291	54	181
2011	582	551	95	234	40	122	317	55	190
2010	600	532	89	233	39	125	299	50	184
2009	579	534	92	188	33	100	346	60	186
2008	582	549	94	229	39	110	320	55	180
2007	586	559	95	210	36	106	369	60	194
2006	593	563	95	220	37	97	343	58	173
2005	590	561	95	230	39	102	331	56	179
2004	591	555	94	204	35	99	351	59	183
2003	607	566	93	250	41	116	316	52	186
2002	558	531	95	197	35	103	334	60	179
2001	512	481	94	194	38	99	287	56	196
2000	539	509	94	194	36	80	315	58	185
1999	567	529	94	189	34	86	340	60	173
1998	670	636	95	255	38	88	381	57	192
1997	635	599	94	201	32	81	398	63	196
1996	632	599	94	236	37	84	354	56	206
1995	770	714	93	249	32	87	465	60	183
1994	880	827	94	279	32	83	548	62	195
1993	828	764	92	244	30	84	520	63	183
1992	798	749	94	239	30	89	510	64	186
1991	725	670	92	227	31	82	443	61	200
1990	771	712	92	231	30	78	481	62	191
1989	688	630	92	217	32	58	413	60	186
1988	677	609	90	180	27	54	429	63	178

¹⁵ Average prison durations exclude offenders who received life sentences (2006–2012; 2014, 2016, 2017).

Table 7. Incarceration Rates and Average Pronounced Durations by Degree of Criminal Sexual Conduct Offense, 1988–2018

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
2018	First	119	117	98	97	82	192	20	17	264
	Second	146	136	93	46	32	104	90	62	207
	Third	180	170	94	54	30	74	116	64	166
	Fourth	72	67	93	12	17	87	55	76	155
	Fifth	3	3	100	2	67	44	1	33	68
	Total Cases	520	493	95	211	41	135	282	54	184
2017	First	125	122	98	97	71	190	25	20	333
	Second	120	115	96	48	40	97	67	56	165
	Third	184	172	94	51	28	75	121	66	149
	Fourth	78	69	86	14	18	59	55	71	126
	Fifth	2	2	100	2	100	40	0	0	--
	Total Cases	509	480	94	212	42	131	268	53	165
2016	First	130	129	99	110	85	190	19	15	311
	Second	115	107	93	44	38	91	63	55	207
	Third	155	144	93	52	34	67	92	59	187
	Fourth	78	71	91	10	13	51	61	78	146
	Fifth	3	3	100	0	0	---	3	100	173
	Total Cases	481	454	94	216	45	133	238	50	191
2015	First	123	122	99	95	77	167	27	22	320
	Second	150	140	93	58	39	97	82	55	186
	Third	193	187	97	61	32	70	126	65	165
	Fourth	69	64	93	13	19	47	51	74	117
	Fifth	2	2	100	0	---	---	2	100	142
	Total Cases	537	515	96	227	42	116	288	54	177
2014	First	122	119	98	91	75	194	28	23	326
	Second	112	103	92	39	35	105	64	57	223
	Third	188	182	97	49	26	75	133	71	161
	Fourth	68	63	93	11	16	52	52	77	131
	Fifth	1	1	100	0	---	---	1	100	104
	Total Cases	491	468	95	190	37	137	278	57	186
2013	First	115	114	99	91	79	185	23	20	304
	Second	126	118	94	40	32	106	78	62	206
	Third	176	165	94	49	28	74	116	66	158
	Fourth	85	75	88	10	12	60	65	77	146
	Fifth	1	1	100	0	---	---	1	100	180
	Total Cases	503	473	94	190	38	133	283	56	180

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

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
2006	First	130	127	98	96	74	156	31	24	319
	Second	146	137	94	43	30	63	94	64	191
	Third	207	195	94	64	31	49	131	63	153
	Fourth	109	103	95	16	15	29	87	80	132
	Fifth	1	1	100	1	100	49	0	---	---
	Total Cases	593	563	95	220	37	97	343	58	173
2005	First	148	145	98	111	75	150	34	23	318
	Second	145	136	94	52	36	66	84	58	196
	Third	202	194	96	57	28	57	137	68	157
	Fourth	95	86	91	10	11	30	76	80	138
	Total Cases	590	561	95	230	39	102	331	56	179
2004	First	137	134	98	95	69	148	39	29	335
	Second	146	132	90	42	29	75	90	62	178
	Third	208	195	94	53	26	51	142	68	172
	Fourth	100	94	94	14	14	33	80	80	133
	Total Cases	591	555	94	204	35	99	351	59	183
2003	First	170	160	94	123	72	175	37	22	327
	Second	133	124	93	44	33	57	80	60	194
	Third	189	175	93	58	31	60	117	62	171
	Fourth	111	103	93	24	22	61	79	71	137
	Fifth	4	4	100	1	25	30	3	75	60
	Total Cases	607	566	93	250	41	116	316	52	186
2002	First	138	136	98	108	78	148	28	93	309
	Second	148	136	91	34	23	56	102	90	183
	Third	178	174	97	39	22	50	135	97	172
	Fourth	94	85	90	16	17	29	69	89	134
	Total Cases	558	531	95	197	35	103	334	93	179
2001	First	139	135	97	96	69	133	39	91	313
	Second	128	118	92	39	31	80	79	89	204
	Third	162	151	93	45	28	59	106	91	185
	Fourth	79	73	92	14	18	47	59	91	130
	Fifth	4	4	100	0	---	---	4	100	133
	Total Cases	512	481	93	194	38	99	287	90	196
2000	First	105	102	97	73	70	123	29	91	332
	Second	155	149	96	46	30	63	103	95	196
	Third	171	157	91	55	32	55	102	88	153
	Fourth	104	98	94	17	16	33	81	93	160
	Fifth	4	3	75	3	75	34	0	---	---
	Total Cases	539	509	94	194	36	80	315	91	185

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
1999	First	125	119	95	82	66	123	37	86	314
	Second	153	147	96	36	24	72	111	95	185
	Third	183	169	92	50	27	56	119	90	151
	Fourth	101	94	93	21	21	36	73	91	120
	Total Cases	562	529	94	189	34	86	340	91	173
1998	First	160	155	96	115	72	129	40	89	306
	Second	197	181	91	60	31	53	121	88	205
	Third	197	189	95	66	34	59	123	94	187
	Fourth	112	108	96	13	12	41	95	96	134
	Fifth	5	3	60	1	25	41	2	67	183
	Total Cases	670	636	94	255	38	88	381	92	192
1997	First	146	145	99	88	60	125	57	98	322
	Second	186	164	88	45	24	61	119	84	189
	Third	186	177	95	43	23	43	134	94	178
	Fourth	114	110	96	23	20	33	87	96	152
	Fifth	3	3	100	2	67	27	1	100	114
	Total Cases	635	599	94	201	32	81	398	92	196
1996	First	153	155	96	102	67	131	48	31	319
	Second	161	184	92	44	27	53	111	69	211
	Third	200	184	92	67	34	52	117	59	192
	Fourth	118	101	86	23	20	32	78	66	149
	Total Cases	632	590	93	236	37	84	354	56	206
1995	First	161	157	98	102	63	137	55	34	293
	Second	225	202	90	61	27	58	141	63	177
	Third	258	238	92	59	23	54	179	69	171
	Fourth	126	117	93	27	21	33	90	71	147
	Total Cases	770	714	93	249	32	87	465	60	183
1994	First	193	188	97	118	61	131	70	36	312
	Second	270	252	93	62	23	47	190	70	205
	Third	260	246	95	81	31	52	165	64	174
	Fourth	157	141	90	18	12	35	123	78	142
	Total Cases	880	827	94	279	32	83	548	62	195
1993	First	194	188	97	118	61	118	70	36	304
	Second	279	257	92	55	20	59	202	72	190
	Third	211	189	90	53	25	50	136	65	163
	Fourth	144	130	90	18	13	36	112	78	120
	Total Cases	828	764	92	244	30	84	520	63	183

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
1992	First	167	158	95	100	60	126	58	35	320
	Second	309	287	93	73	24	62	214	69	182
	Third	199	188	95	50	25	63	138	69	168
	Fourth	123	116	94	16	13	55	100	81	142
	Total Cases	798	749	94	239	30	89	510	64	186
1991	First	182	173	95	108	59	118	65	36	302
	Second	235	216	92	50	21	51	166	71	203
	Third	159	147	93	50	31	54	97	61	182
	Fourth	149	134	90	19	13	37	115	77	151
	Total Cases	725	670	92	227	31	82	443	61	200
1990	First	196	193	99	122	62	104	71	36	308
	Second	270	249	92	52	19	48	197	73	184
	Third	170	156	92	35	21	53	121	71	166
	Fourth	135	114	84	22	16	40	92	68	148
	Total Cases	771	712	92	231	30	78	481	62	191
1989	First	165	157	95	111	67	78	46	28	255
	Second	251	234	93	45	18	37	189	75	199
	Third	136	126	93	45	33	37	81	60	156
	Fourth	136	113	83	16	12	36	97	71	151
	Total Cases	688	630	92	217	32	58	413	60	186
1988	First	136	133	98	85	63	75	48	35	287
	Second	256	226	88	47	18	33	179	70	187
	Third	120	111	93	39	33	38	72	60	154
	Fourth	165	139	84	9	6	31	130	79	138
	Total Cases	677	609	90	180	27	54	429	63	178

Table 8. Departure Rates for Criminal Sexual Conduct Offense, 1988–2018

Year	Number of CSC Cases	Mitigated Dispositional Departures				Durational Departures (Executed Sentences Only)				
		Presumptive Commits		Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
		Number	Percent	Number	Percent		Number	Percent	Number	Percent
2018	520	271	52	66	24	211	11	5	27	13
2017	509	274	54	69	25	212	13	6	24	11
2016	481	262	55	64	24	216	12	6	21	10
2015	537	285	53	73	26	227	14	6	35	15
2014	491	257	52	80	31	190	8	4	35	18
2013	503	257	51	71	28	190	12	6	33	17
2012	544	281	52	69	25	223	12	5	42	19
2011	582	314	54	90	29	229	12	5	34	15
2010	600	296	49	74	25	231	12	5	43	19
2009	579	247	43	74	30	186	6	3	39	21
2008	582	288	49	80	28	229	18	8	40	18
2007	586	278	47	86	31	210	17	8	36	17
2006	593	281	47	77	27	220	20	9	44	20
2005	590	299	51	82	27	230	36	16	41	18
2004	591	288	49	103	36	204	41	20	43	21
2003	607	323	53	95	29	250	57	23	48	19
2002	558	241	43	60	25	197	41	21	36	18
2001	512	250	49	66	26	194	49	25	36	19
2000	539	248	46	67	27	194	46	24	39	20
1999	562	245	44	80	33	189	45	24	18	10
1998	670	326	49	86	26	255	55	22	32	13
1997	635	288	45	107	37	201	41	20	44	22
1996	632	317	50	97	31	236	63	27	28	12
1995	770	346	45	118	34	249	59	24	40	16
1994	880	408	46	148	36	279	61	22	38	14
1993	828	360	44	136	38	244	45	18	41	17
1992	798	353	44	129	37	239	50	21	30	13
1991	725	334	46	121	36	227	44	19	37	16
1990	771	365	47	144	40	231	50	22	39	17
1989	688	319	46	110	35	217	29	13	20	9
1988	677	273	40	101	37	180	19	11	19	11

Table 9. Departure Rates by Degree of Criminal Sexual Conduct Offenses, 1997–2018

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)					
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration		
				Number	Percent		Number	Percent	Number	Percent	
2018	First	119	119	22	19	97	5	5	12	12	
	Second	146	53	10	19	46	5	11	7	15	
	Third	180	84	32	38	54	1	2	5	9	
	Fourth	72	13	2	15	12	0	0	2	17	
	Fifth	3	2	0	0	2	0	0	1	50	
	Total	520	271	66	24	211	11	5	27	13	
2017	First	125	125	28	22	97	8	8	11	11	
	Second	120	56	9	16	48	0	0	4	8	
	Third	184	73	26	36	51	4	8	8	16	
	Fourth	78	18	6	33	14	1	7	1	7	
	Fifth	2	2	0	0	2	0	0	0	0	
	Total	509	274	69	25	212	13	6	24	11	
2016	First	130	130	20	15	110	8	7	11	10	
	Second	115	54	14	26	44	1	2	3	7	
	Third	155	67	26	39	52	3	6	6	12	
	Fourth	78	11	4	36	10	0	---	1	10	
	Fifth	3	0	---	---	0	---	---	---	---	
	Total	481	262	64	24	216	12	6	21	10	
2015	First	123	123	28	23	95	4	4	17	18	
	Second	150	70	18	26	58	5	9	7	12	
	Third	193	80	24	30	61	5	8	10	16	
	Fourth	69	11	2	18	13	0	---	1	8	
	Fifth	2	1	1	100	0	---	---	---	---	
	Total	537	285	73	26	227	14	6	35	15	
2014	First	122	122	31	25	91	6	7	13	14	
	Second	112	50	14	28	39	1	3	10	26	
	Third	188	75	32	43	49	1	2	11	22	
	Fourth	68	10	3	30	11	0	---	1	9	
	Fifth	1	0	---	---	0	---	---	---	---	
	Total	491	257	80	31	190	8	4	35	18	

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
2013	First	115	115	24	21	91	4	4	21	23
	Second	126	53	14	26	40	3	8	6	15
	Third	176	73	27	37	49	5	10	5	10
	Fourth	85	16	6	38	10	0	---	1	10
	Fifth	1	0	---	---	0	---	---	---	---
	Total	503	257	71	28	190	12	6	33	17
2012	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
	Total	544	281	69	25	223	12	5	42	19
2011	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	---	---	---	---
	Total	582	314	90	29	229	12	5	34	15
2010	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	---	---	---	---
	Total	600	296	74	25	231	12	5	43	19
2009	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	---	---	---	---
	Total	579	247	74	30	186	6	3	39	21
2008	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
	Total	582	288	80	28	229	18	8	40	18

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
2007	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
	Total	586	278	86	31	210	17	8	36	17
2006	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	---
	Total	593	281	77	27	220	20	9	44	20
2005	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
	Total	590	299	82	27	230	36	16	41	18
2004	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	---
	Total	591	288	103	36	204	41	20	43	21
2003	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	---
	Total	607	323	95	29	250	57	23	48	19
2002	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
	Total	558	241	60	25	197	41	21	36	18

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
2001	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	---	---	---	---
	Total	512	250	66	26	194	49	25	36	19
2000	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	---
	Total	539	248	67	27	194	46	24	39	20
1999	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
	Total	562	245	80	33	189	45	24	18	10
1998	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	---
	Total	670	326	86	26	255	55	22	32	13
1997	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	---	---	2	1	50	0	---
	Total	635	288	107	37	201	41	20	44	22

Table 10. Victim Age by Child/Other Statutory Provisions for Criminal Sexual Conduct Offenses, 2018

CSC Degree	CSC Provision	Age of Victim								Total	
		Less than 13		13–17		Adult		Unknown			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
First	Child	59	66	30	33	1	1	0	---	90	76
	Force/Other	1	3	5	17	23	79	0	---	29	24
	Total	60	50	35	29	24	20	0	---	119	100
Second	Child	101	74	36	26	0	---	0	---	137	94
	Force/Other	2	22	1	11	6	67	0	---	9	6
	Total	103	71	37	25	6	4	0	---	146	100
Third	Child	4	4	107	96	0	---	0	---	111	62
	Force/Other	6	9	9	13	54	78	0	---	69	38
	Total	10	6	116	64	54	30	0	---	180	100
Fourth	Child	0	0	31	100	0	---	0	---	31	43
	Force/Other	3	7	10	24	28	68	0	---	41	57
	Total	3	4	41	57	28	39	0	---	72	100
Fifth	Total	1	33	1	33	1	33	0	---	3	100
Total	Child	165	45	205	55	1	0.3	0	---	371	71
	Force/Other	12	8	25	17	112	75	0	---	149	29
	Total	177	34	230	44	113	22	0	---	520	100

Note: The “CSC Provision” column is based on statute and specifies that the victim was a child or does not specify the victim’s age. The “Age of Victim” columns are based on the Minnesota Offense Codes (MOCs) that accompany the charge on the complaint; see footnote 2 and “Victim Characteristics” discussion on page 8.

Table 11. Victim-Offender Relationship by Child/Other Statutory Provisions for Criminal Sexual Conduct Offenses, 2018

CSC Degree	CSC Provision	Relationship between Victim and Offender												Total	
		Family		Authority		Occupation		Acquaintance		Stranger		Unknown			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
First	Child	58	64	7	8	0	---	23	26	2	2	0	---	90	76
	Force/Other	6	21	0	---	0	---	13	45	9	31	1	3	29	24
	Total	64	54	7	6	0	---	36	30	11	9	1	1	119	100
Second	Child	90	66	16	12	0	---	28	20	2	2	1	1	137	94
	Force/Other	4	44	0	---	0	---	4	44	1	11	0	---	9	6
	Total	94	64	16	11	0	---	32	22	3	2	1	1	146	100
Third	Child	15	14	5	5	0	---	81	73	9	8	1	1	111	62
	Force/Other	15	22	1	1	8	12	38	55	6	9	1	1	69	38
	Total	30	17	6	3	8	4	119	66	15	8	2	1	180	100
Fourth	Child	13	42	5	16	0	---	12	39	1	3	0	---	31	43
	Force/Other	12	29	0	---	3	7	20	49	5	12	1	2	41	57
	Total	25	35	5	7	3	4	32	44	6	8	1	1	72	100
Fifth	Child	0	---		---	0	---	1	50	1	50	0	---	2	67
	Non-consensual	0	---	0	---	0	---	0	---	1	100	0	---	1	33
	Total	0	---	0	---	0	---	1	33	2	67	0	---	3	100
Total	Child	176	47	33	9	0	---	145	39	15	4	2	1	371	71
	Force/Other	37	25	1	1	11	7	75	50	22	15	3	2	149	29
	Total	213	41	34	7	11	2	220	42	37	7	5	1	520	100

Note: The "CSC Provision" column is based on statute and specifies the victim was a child or does not specify the victim's age. Except for "Occupation," the "Relationship between Victim and Offender" columns are based on the Minnesota Offense Codes (MOCs) that accompany the charge on the complaint; see footnote 2 and "Victim Characteristics" discussion on page 8. The "Occupation" category is provided in statute and specifies the occupation of the offender, e.g., psychotherapist, health care professional, clergy, correctional employee, or special transportation service employee. If one of the specified occupations was indicated by the MOC code, the offense is included regardless of how it was charged.

Table 12. Volume of Offenders Sentenced for CSC Offenses by Statutory Provision, 2013–2018

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Offenders Sentenced					
			2013	2014	2015	2016	2017	2018
First Degree Severity Level 9/A 144 months, commit	609.342 subd. 1(a)	Victim under 13, Actor 3 years older	49	58	51	56	51	50
	609.342 subd. 1(b)	Victim 13–15, Actor 4 years older & Pos. Authority	12	11	11	11	4	11
	609.342 subd. 1(c)	Fear Great Bodily Harm	6	8	8	2	9	7
	609.342 subd. 1(d)	Dangerous Weapon	4	1	3	2	1	2
	609.342 subd. 1(e)(i)	Personal Injury & Uses Force or Coercion	16	12	14	15	20	16
	609.342 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	1	1	3	3	6	3
	609.342 subd. 1(f)(i)	Accomplice & use Force or Coercion	4	0	0	1	1	1
	609.342 subd. 1(f)(ii)	Accomplice & Dangerous Weapon	0	1	0	0	0	0
	609.342 subd. 1(g)	Victim under 16, Significant Relationship	14	19	21	19	17	18
	609.342 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	0	0	0	0	1	0
	609.342 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	0	0	1	1	2	0
	609.342 subd. 1(h)(iii)	Under 16, Sig. Relationship & Multiple Acts	9	11	11	20	13	11
Second Degree Severity Level 6/D 21/36 months, stayed	609.343 subd. 1(a)	Contact Victim under 13, Actor 3 years older	66	66	75	53	66	77
	609.343 subd. 1(b)	Victim 13–15, Actor 4 yrs. older & Pos. Authority	8	5	14	12	6	9
	609.343 subd. 1(g)	Victim under 16, Significant Relationship	20	10	22	18	19	23
Second Degree Severity Level 8/B 90 months, commit	609.343 subd. 1(c)	Fear Great Bodily Harm	1	2	1	2	1	3
	609.343 subd. 1(d)	Dangerous Weapon	0	0	1	0	0	0
	609.343 subd. 1(e)(i)	Personal Injury & Uses Force and Coercion	5	1	5	2	3	4
	609.343 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	0	1	1	3	2	2
	609.343 subd. 1(f)(i)	Accomplice and use Force or Coercion	0	0	0	0	0	0
	609.343 subd. 1(f)(ii)	Accomplice and Dangerous Weapon	0	0	0	0	0	0
	609.343 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	1	3	2	2	4	2
	609.343 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	1	0	3	2	0	2
609.343 subd. 1(h)(iii)	Under 16, Sig. Relationship & Multiple Acts	24	24	26	21	19	24	

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Offenders Sentenced					
			2013	2014	2015	2016	2017	2018
Third Degree Unranked/D	609.344 subd. 1(a)	Criminal Sexual Conduct 3 – Penetration Victim under 13, perpetrator must be a juvenile	3	0	1	1	0	0
Third Degree Severity Level 5/D 18/24 months, stayed	609.344 subd. 1(b)	Victim 13–15, Actor 4 years older	100	118	122	93	105	82
	609.344 subd. 1(e)	Victim 16–17, Actor 4 years older & Pos. Authority	8	6	4	1	8	3
	609.344 subd. 1(f)	Victim 16–17, Significant Relationship	8	5	2	5	2	7
Third Degree Severity Level G 15 months, stayed	609.344 subd. 1(b) w/ reference to subd. 2(2)	Victim 13–15, Actor 2–3 years older	--	--	7	9	21	16
Third Degree Severity Level 8/C 48 months, commit	609.344 subd. 1(c)	Force or Coercion	30	25	31	24	24	42
	609.344 subd. 1(d)	Victim Mentally Impaired/Incapacitated	19	31	24	21	18	20
	609.344 subd. 1(g)(i)	Significant Relationship & Force or Coercion	0	0	0	0	0	2
	609.344 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	0	0	0	0
	609.344 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	3	0	2	1	3	1
	609.344 subd. 1(h)	Psychotherapist – Patient	0	1	0	0	0	1
	609.344 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	0	0	0
	609.344 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	0	0	0
	609.344 subd. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	0	0	0
	609.344 subd. 1(l)	Clergy	0	0	0	0	0	2
	609.344 subd. 1(m)	Correctional Employee	2	1	0	0	1	1
	609.344 subd. 1(n)	Special Transportation Service	0	0	0	0	1	0
	609.344 subd. 1(o)	Massage Therapist	3	1	0	0	1	3
Fourth Degree Unranked, F	609.345 subd. 1(a)	Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile	0	2	0	1	2	0
Fourth Degree Severity Level 4/F 12.03/15 mo., stayed	609.345 subd. 1(b)	Victim 13–15, Actor 4 yrs. older or Pos. Authority	33	27	28	29	28	19
	609.345 subd. 1(e)	Victim 16–17, Actor 4 yrs. older & Pos. Authority	3	3	4	3	3	3
	609.345 subd. 1(f)	Victim 16–17, Significant Relationship	6	2	2	3	4	8

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Offenders Sentenced					
			2013	2014	2015	2016	2017	2018
Fourth Degree Severity Level 6/E 21/24 months, stayed	609.345 subd. 1(c)	Force or Coercion	24	18	15	14	22	21
	609.345 subd. 1(d)	Victim Mentally Impaired/Incapacitated	16	12	16	26	16	18
	609.345 subd. 1(g)(i)	Significant Relationship & Force or Coercion	0	0	0	0	0	1
	609.345 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	0	0	0	0
	609.345 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	0	0	0	0	0	0
	609.345 subd. 1(h)	Psychotherapist – Patient	0	0	0	0	0	0
	609.345 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	0	0	0
	609.345 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	0	0	0
	609.345 subd. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	1	0	0
	609.345 subd. 1(l)	Clergy	1	0	0	0	1	0
	609.345 subd. 1(m)	Correctional Employee	1	0	1	0	1	1
	609.345 subd. 1(n)	Special Transportation Service	0	0	0	1	0	0
609.345 subd. 1(o)	Massage Therapist	1	4	3	0	1	1	
Fifth Degree Severity Level F 18 months, stayed	609.3451 subd. 3	5th Degree CSC with previous conviction for 609.3451 subd. 1(2) or other offenses, or two previous convictions for 609.3451 subd. 1(1)	--	--	1	1	2	1
Fifth Degree If offense pre- 7/31/2014 Severity Level 4/G 15 months, stayed	609.3451 subd. 3	5th Degree CSC – Violate 609.3451 subd. 1(2) after previous conviction	1	1	1	2	0	2

Note: The number/letter after “severity level” refers to the offense’s rankings on the standard grid/sex offender grid, respectively. Likewise, when two presumptive sentences are displayed, they refer to the pre- and post-sex offender grid durations.

The following table displays sentencing practices from 2016 to 2018 by the statutory provision for which the offender was sentenced. Included are 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 commitments receiving probation). Life sentences are excluded from the average durations.

Table 13. Sentencing Practices for Criminal Sexual Conduct Offenses by Statutory Provision, Combined Data 2016–2018

CSC Degree, Severity Level, and Presumptive Duration at CHS 0	Statute Number	Offense	Cases	Presump- tive Prison	Prison Sentence		Av. Prison Term (months)	Mitigated Dispositional Departures	
			#	#	#	%		#	%
First Degree Severity Level 9/A 144 months, commit	609.342 subd. 1(a)	Victim under 13, Actor 3 years older	157	157	125	80	182	11	16
	609.342 subd. 1(b)	Victim 13–15, Actor 4 years older & Pos. Authority	26	26	21	81	210	5	19
	609.342 subd. 1(c)	Fear Great Bodily Harm	18	18	17	94	246	1	6
	609.342 subd. 1(d)	Dangerous Weapon	5	5	5	100	261	0	0
	609.342 subd. 1(e)(i)	Personal Injury & Uses Force or Coercion	51	51	49	96	209	2	4
	609.342 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	12	12	9	75	192	3	25
	609.342 subd. 1(f)(i)	Accomplice & use Force or Coercion	3	3	1	33	144	2	67
	609.342 subd. 1(f)(ii)	Accomplice & Dangerous Weapon	0	0	0	---	---	---	---
	609.342 subd. 1(g)	Victim under 16, Significant Relationship	54	54	45	83	155	6	13
	609.342 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	1	1	1	100	84	0	0
	609.342 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	3	3	1	33	---	2	67
609.342 subd. 1(h)(iii)	Under 16, Sig. Relationship & Multiple Acts	44	44	30	68	197	13	32	
Second Degree Severity Level 6/D 21/36 months, stayed	609.343 subd. 1(a)	Contact Victim under 13, Actor 3 years older	196	50	50	26	79	7	14
	609.343 subd. 1(b)	Victim 13–15, Actor 4 years older & Pos. Authority	27	7	6	22	92	2	29
	609.343 subd. 1(g)	Victim under 16, Significant Relationship	60	8	6	10	62	2	25
Second Degree Severity Level 8/B 90 months, commit	609.343 subd. 1(c)	Fear Great Bodily Harm	6	6	5	83	109	1	17
	609.343 subd. 1(d)	Dangerous Weapon	0	0	0	---	---	---	---
	609.343 subd. 1(e)(i)	Personal Injury & Uses Force and Coercion	9	9	9	100	162	0	0
	609.343 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	7	7	5	71	103	2	29
	609.343 subd. 1(f)(i)	Accomplice and use Force or Coercion	0	0	0	---	---	---	---

CSC Degree, Severity Level, and Presumptive Duration at CHS 0	Statute Number	Offense	Cases	Presump- tive Prison	Prison Sentence		Av. Prison Term (months)	Mitigated Dispositional Departures	
			#	#	#	%		#	%
Second Degree Severity Level 8/B 90 months, commit (cont'd)	609.343 subd. 1(f)(ii)	Accomplice and Dangerous Weapon	0	0	0	---	---	---	---
	609.343 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	8	8	6	75	106	2	25
	609.343 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	4	4	3	75	192	1	25
	609.343 subd. 1(h)(iii)	Under 16, Significant Relationship & Multiple Acts	64	64	48	75	101	16	25
Third Degree Unranked/D	609.344 subd. 1(a)	Criminal Sexual Conduct 3 – Penetration Victim under 13, perpetrator must be a juvenile	1	0	1	100	36	---	---
Third Degree Severity Level 5/D 18/24 months, stayed	609.344 subd. 1(b)	Victim 13–15, Actor 4 years older	280	52	51	18	67	15	29
	609.344 subd. 1(e)	Victim 16–17, Actor 4 years older & Pos. Authority	12	2	1	8	60	1	50
	609.344 subd. 1(f)	Victim 16–18, Significant Relationship	14	2	1	7	105	1	50
Third Degree Severity Level G 15 months, stayed	609.344 subd. 1(b) w/ reference subd. 2(2)	Victim 13–15, Actor 2–3 years older	46	2	3	7	25	1	50
Third Degree Severity Level 8/C 48 months, commit	609.344 subd. 1(c)	Force or Coercion	90	90	57	63	84	33	37
	609.344 subd. 1(d)	Victim Mentally Impaired/Incapacitated	59	59	32	54	69	27	46
	609.344 subd. 1(g)(i)	Significant Relationship & Force or Coercion	2	2	2	100	48	0	0
	609.344 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	0	---	---	---	---
	609.344 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	5	5	4	80	61	1	20
	609.344 subd. 1(h)	Psychotherapist – Patient	1	1	1	100	41	---	---
	609.344 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	---	---	---	---
	609.344 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	---	---	---	---
	609.344 subd. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	---	---	---	---
	609.344 subd. 1(l)	Clergy	2	2	2	100	66	0	0
	609.344 subd. 1(m)	Correctional Employee	2	2	1	50	48	1	50
	609.344 subd. 1(n)	Special Transportation Service	1	1	0	0	---	1	100
609.344 subd. 1(o)	Massage Therapist	4	4	1	25	62	3	75	
Fourth Degree Unranked/F	609.345 subd. 1(a)	Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile	3	1	1	33	36	0	0

CSC Degree, Severity Level, and Presumptive Duration at CHS 0	Statute Number	Offense	Cases	Presump- tive Prison	Prison Sentence		Av. Prison Term	Mitigated Dispositional Departures	
			#	#	#	%	(months)	#	%
Fourth Degree Severity Level 4/F 12.03/15 months, stayed	609.345 subd. 1(b)	Victim 13–15, Actor 4 years older or Pos. Authority	76	11	12	16	43	2	18
	609.345 subd. 1(e)	Victim 16–17, Actor 4 years older & Pos. Authority	9	0	0	0	---	---	---
	609.345 subd. 1(f)	Victim 16–17, Significant Relationship	15	2	2	13	83	0	0
Fourth Degree Severity Level 6/E 21/24 months, stayed	609.345 subd. 1(c)	Force or Coercion	57	16	13	23	81	4	25
	609.345 subd. 1(d)	Victim Mentally Impaired/Incapacitated	60	12	8	13	77	5	42
	609.345 subd. 1(g)(i)	Significant Relationship & Force or Coercion	1	0	0	0	---	---	---
	609.345 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	0	---	---	---	---
	609.345 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	0	0	0	---	---	---	---
	609.345 subd. 1(h)	Psychotherapist – Patient	0	0	0	---	---	---	---
	609.345 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	---	---	---	---
	609.345 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	---	---	---	---
	609.345 subd. 1(k)	Deception/False Rep. for Medical Purpose	1	0	0	---	---	---	---
	609.345 subd. 1(l)	Clergy	1	0	0	---	---	---	---
	609.345 subd. 1(m)	Correctional Employee	2	0	0	---	---	---	---
609.345 subd. 1(n)	Special Transportation Service	1	0	0	---	---	---	---	
609.345 subd. 1(o)	Massage Therapist	2	0	0	--	---	--	--	
Fifth Degree Severity Level F 18 months, stayed	609.3451 subd. 1(1)	Nonconsensual Contact	4	3	3	75	41	0	0
	609.3451 subd. 1(2)	Presence of Minor under 16 years	4	1	1	25	45	0	0

Note: The number/letter after “severity level” refers to the offense’s rankings on the standard grid/sex offender grid, respectively. Likewise, when two presumptive sentences are displayed, they refer to the pre- and post-sex offender grid durations.

Table 14. Outline of Mandatory Minimums Applicable to Criminal Sexual Conduct Offenses, 2018

If the current offense is ...	and ...	and ...	then the court must sentence offender to ...	per Minn. Stat. § ...
Criminal Sexual Conduct (CSC) 1st–4th Degree or Criminal Sexual Predatory Conduct (CSPC)	the court is committing offender to prison for the current offense	<i>[no additional requirements]</i>	a sentence that provides for a 10-year conditional release term upon release from prison	609.3455 , subd. 6.
		before the current conviction, offender was convicted of a prior completed/attempted CSC 1st–5th Degree (or CSC 1st–3rd Degree, if current offense is CSC 4th Degree) or CSPC, involving separate behavioral incident	a sentence that provides for lifetime conditional release term upon release from prison	609.3455, subd. 7(b) & (c); see also State v. Nodes , 863 N.W.2d 77 (Minn. 2015) (at one hearing, one conviction was entered “before” other).
CSC 1st–4th Degree	before the current offense date, offender was convicted of two prior felony violent crimes (see statutory list; includes CSC 1st–4th Degree & Controlled Substance Crime 1st & 2nd Degree)	offender was convicted of the first prior felony violent crime before committing the second prior felony violent crime	executed sentence of at least the presumptive Guidelines duration	609.1095 , subd. 3; see also subd. 2 (aggravated departures for dangerous offenders).
CSC 2nd Degree	the charge is not 2nd Degree based solely on age, age & position, or age & relationship not involving multiple incidents	<i>[no additional requirements]</i>	executed sentence of at least 90 months, unless the court finds substantial & compelling reasons justifying a Guidelines departure	609.343 , subd. 2(b).
CSC 1st Degree	<i>[no additional requirements]</i>	<i>[no additional requirements]</i>	executed sentence of at least 144 months, unless the court finds substantial & compelling reasons justifying a Guidelines departure	609.342 , subd. 2(b).
CSC 1st–4th Degree or CSPC	before the current offense date, offender was sentenced for a previously completed or attempted CSC 1st–5th Degree or CSPC	the current conviction date is within 15 years of previous conviction date	executed sentence of 3 years to statutory maximum, unless the court finds that a professional assessment indicates that offender is accepted by, and can respond to, approved long-term inpatient sex-offender treatment	609.3455, subd. 10.

If the current offense is ...	and ...	and ...	then the court must sentence offender to ...	per Minn. Stat. § ...
completed or attempted CSC 1st–4th Degree or CSPC for which the court is imposing an executed sentence	the factfinder finds that offender is a danger to public safety (based on a Guidelines aggravating factor; planning or preparation; or previously completing or attempting one of the following adult crimes, or committing one of the following juvenile offenses: murder, manslaughter, Assault 1st-3rd or 5th Degree, Domestic Assault, robbery, kidnapping, false imprisonment, witness tampering, Arson 1st Degree, or Burglary 1st Degree)	the factfinder finds that offender's criminal sexual behavior is so engrained that re-offense risk is great without intensive/long-term treatment/supervision beyond presumptive prison and supervised release	at least double the Guidelines sentence, but not more than the statutory maximum	609.3455, subd. 3a.
CSC 1st–4th Degree or CSPC	before the current offense date, offender was convicted of two previously completed or attempted CSC 1st–5th Degree (or CSC 1st–3rd Degree, in the case of a current CSC 4th Degree) or CSPC, and was sentenced for both offenses	offender was sentenced for the first previous sex offense before committing the second previous sex offense	life, with specified minimum term of imprisonment based on the Guidelines, and provide for lifetime conditional release	609.3455, subd. 4(a)(1), 4(b), 5, 7(a).
	before the current offense date, offender was sentenced for a previously completed or attempted CSC 1st–5th Degree (or CSC 1st–3rd Degree, in the case of a current CSC 4th Degree) or CSPC	the factfinder finds a Guidelines aggravating factor (other than repeat sex offender) that would justify a durational departure		609.3455, subd. 4(a)(2)(i), 4(b), 5, 7(a).
		the previous sentence was an upward durational departure		609.3455, subd. 4(a)(2)(ii), 4(b), 5, 7(a).
	the previous sentence was under Minn. Stat. § 609.3455 or the old patterned/predatory sex offender law	609.3455, subd. 4(a)(2)(iii), 4(b), 5, 7(a).		

If the current offense is ...	and ...	and ...	then the court must sentence offender to ...	per Minn. Stat. § ...
CSC 1st–4th Degree or CSPC	before the current conviction (see <i>Nodes</i>), offender was twice convicted of CSC 1st–5th Degree (or CSC 1st–3rd Degree, in the case of a current CSC 4th Degree) or CSPC, provided each of the two prior offenses involved a separate behavioral incident from the current offense, and the three offenses involved at least three separate victims	the factfinder finds a Guidelines aggravating factor (other than repeat sex offender) that would justify a durational departure	life, with specified minimum term of imprisonment based on the Guidelines, and provide for lifetime conditional release	609.3455, subd. 4(a)(3)(i), 4(b), 5, 7(a).
		one of the prior sentences was an upward durational departure		609.3455, subd. 4(a)(3)(ii), 4(b), 5, 7(a).
		one of the prior sentences was under Minn. Stat. § 609.3455 or old patterned/predatory sex offender law		609.3455, subd. 4(a)(3)(iii), 4(b), 5, 7(a).
CSC 1st or 2nd Degree (other than charges based solely on age, age and position, or age and relationship not involving multiple incidents)	the factfinder finds a “heinous element” (torture, great bodily harm, mutilation, inhumane conditions, weapon used, multiple victims or perpetrators, removal of victim without safe release)	the heinous element is non-elemental (i.e., not already an element of the current offense)	life without the possibility of release	609.3455, subd. 3, 5, 7(a).
	the factfinder finds a non-elemental heinous element	before the current offense date, offender was sentenced for a previous CSC 1st–3rd Degree		609.3455, subd. 2(a)(2) & 2(b).
	the factfinder finds two non-elemental heinous elements	the two heinous elements are supported by different underlying facts		609.3455, subd. 2(a)(1) & 2(b).

This table is intended to provide context and explanation for the operation of various sentencing provisions discussed in this report. It is not intended as a stand-alone practitioner’s guide, as its terminology is not necessarily precise. Please refer to the note at the beginning of this report entitled, “About this Report.”

How the Guidelines Work

Minnesota's guidelines are based on a grid structure. The vertical axis of the Grid represents the **severity** of the offense for which the offender was convicted. The horizontal axis represents a measure of the offender's **criminal history**. The Commission has ranked felony level offenses into eleven severity levels. Offenses included in each severity level are listed in the **Severity Reference Table** in the *Minnesota Sentencing Guidelines and Commentary*.

The criminal history index measures the offender's prior record and consists of four measures of prior criminal behavior: (1) a weighted measure of prior felony sentences; (2) a limited measure of prior misdemeanor/gross misdemeanor sentences; (3) a limited measure of the prior serious juvenile record; and (4) a "custody status" measure which indicates if the offender was on probation or parole when the current offense was committed.

The recommended (presumptive) guideline sentence is found in the cell of the sentencing grid in which the offender's criminal history score and severity level intersect. The Guidelines recommend imprisonment in a state prison in the non-shaded cells of the grid.

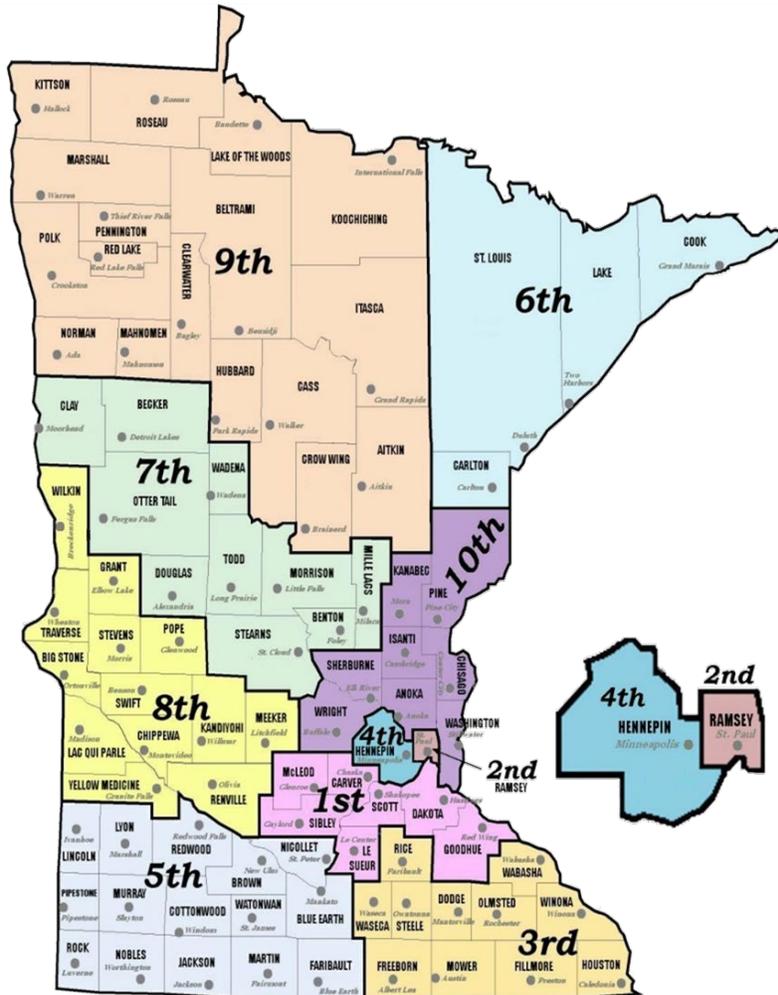
The Guidelines generally recommend a stayed sentence for cells in the shaded area of the applicable Grid. When a sentence is stayed, the court typically places the offender on probation and may require up to a year of local confinement (i.e., county jail or workhouse). Other conditions such as fines, restitution, community work service, treatment, house arrest, etc. may also be applied to an offender's sentence. There are, however, a number of offenses that carry a presumptive prison sentence regardless of where the offender is on the applicable Guidelines Grid (e.g., offenses involving dangerous weapons which carry mandatory minimum prison terms, and drug and burglary offenses).

The number in the cell is the recommended length of the prison sentence in months. As explained above, sentences in shaded boxes are generally stayed probationary sentences. For cases in the non-shaded cells of the applicable Grid, the Guidelines also provide a narrow range of months around the presumptive duration that a judge may pronounce and still be within the Guidelines.

It is not possible to fully explain all of the policies in this brief summary. Additional information on the Guidelines is available by contacting the Commission's office. *The Minnesota Sentencing Guidelines and Commentary* is available online at <http://mn.gov/sentencing-guidelines>.

Appendices

Appendix 1. 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
Le Sueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	Lac qui Parle	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 of the Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	

Source: Minn. Judicial Branch.

Appendix 2. Standard Sentencing Guidelines Grid-Effective August 1, 2017

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.

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

¹ 12¹=One year and one day



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 section 2.E, 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. See sections 2.C and 2.E.

² 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. See section 2.C.1-2.

Appendix 3. Sex Offender Sentencing Guidelines Grid-Effective August 1, 2017

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
<i>CSC 1st Degree</i>	A	144 <i>144-172</i>	156 <i>144-187</i>	168 <i>144-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360²</i>
<i>CSC 2nd Degree—(c)(d)(e)(f)(h) Prostitution; Sex Trafficking³ 1st Degree—1(a)</i>	B	90 <i>90³-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-300</i>	300 <i>255-300²</i>
<i>CSC 3rd Degree—(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2nd Degree—1a</i>	C	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-180</i>	180 <i>153-180²</i>
<i>CSC 2nd Degree—(a)(b)(g) CSC 3rd Degree—(a)(e)(f) or(b)with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)</i>	D	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4th Degree—(c)(d) (g)(h)(i)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography²</i>	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120²</i>
<i>CSC 4th Degree— (a)(b)(e)(f); CSC 5th Degree; Possession of Child Pornography (Subsequent or by Predatory Offender)</i>	F	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3rd Degree—(b) with subd. 2(2); Indecent Exposure Possession of Child Pornography; Solicit Child for Sexual Conduct²</i>	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60²</i>
<i>Registration Of Predatory Offenders</i>	H	121 <i>12¹-14</i>	14 <i>12¹-16</i>	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>

¹ 12¹=One year and one day.



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 section 2.E, 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. See sections 2.C and 2.E.

² 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. See section 2.C.1-2.

³ 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).

Appendix 4. Criminal Sexual Conduct Offense Flowcharts

This appendix illustrates how the Sentencing Guidelines rank the various felony Criminal Sexual Conduct (CSC) offenses found in Minn. Stat. §§ 609.341–609.3451 (2019).

Although CSC offenses are ordered in severity from 1st degree (most severe) to 5th degree (least severe), each offense may be committed in a number of different ways. For example, CSC 3rd Degree, Minn. Stat. § 609.344, subd. 1, has sixteen paragraphs establishing different ways of committing the offense. Rather than assigning one severity level (SL) to each CSC degree, the Minnesota Sentencing Guidelines rank CSC offenses by paragraph. As a result, for example, some 3rd-degree crimes are ranked more severely on the Sex Offender Grid than some 2nd-degree crimes.

The flowcharts on the following page illustrate the SL assigned to each of the various ways of committing CSC. In these flowcharts, “penetration” refers to sexual penetration¹⁶ (required for CSC 1st and 3rd Degree) and “contact” refers to sexual contact (required for CSC 2nd, 4th, and 5th Degree), as these terms are statutorily defined. The CSC degrees are indicated by the number after “CSC.”

All CSC 1st Degree offenses carry a statutory presumptive minimum prison term of 144 months; those are the CSC offenses ranked at SL A. Some CSC 2nd Degree offenses carry a statutory presumptive minimum prison term of 90 months; those are the CSC offenses ranked at SL B.

The flowchart in Figure 19 illustrates the SL rankings that apply to those CSC offenses where the age of the victim is immaterial to the offense’s elements. The flowchart in Figure 20, on the other hand, applies only when the victim is a child. In Figure 20, the term “POA” refers to the offender’s current or recent position of authority over the child. The terminology used in these flowcharts is not precise; please refer to the statutes for precise terminology.

¹⁶ For some offenses illustrated in Figure 19 & Figure 20, the word “penetration” should be read as including “sexual contact with a person under 13,” which includes contact between bare genitals, etc. See Minn. Stat. § 609.341, subd. 11(c), and footnote 2. These offenses are identified with an asterisk after the word “penetration.”

Figure 19. Criminal Sexual Conduct Offense Flowchart – Applicable Regardless of Victim's Age

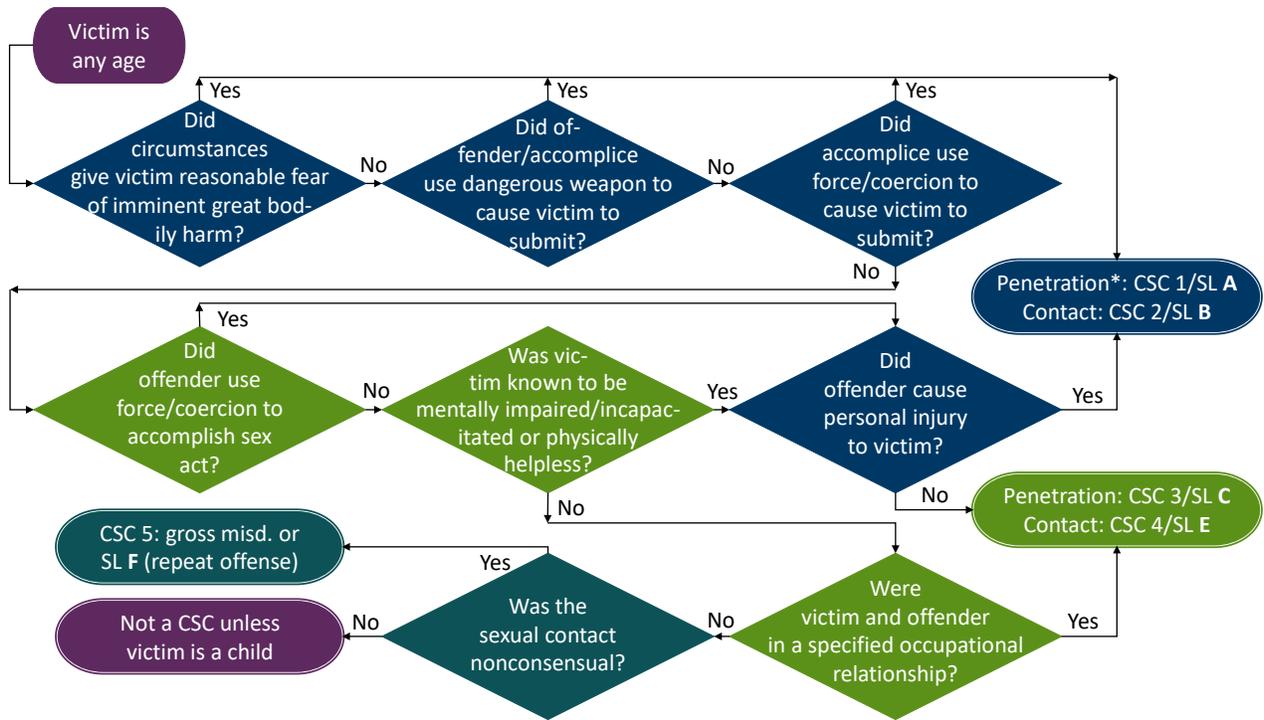
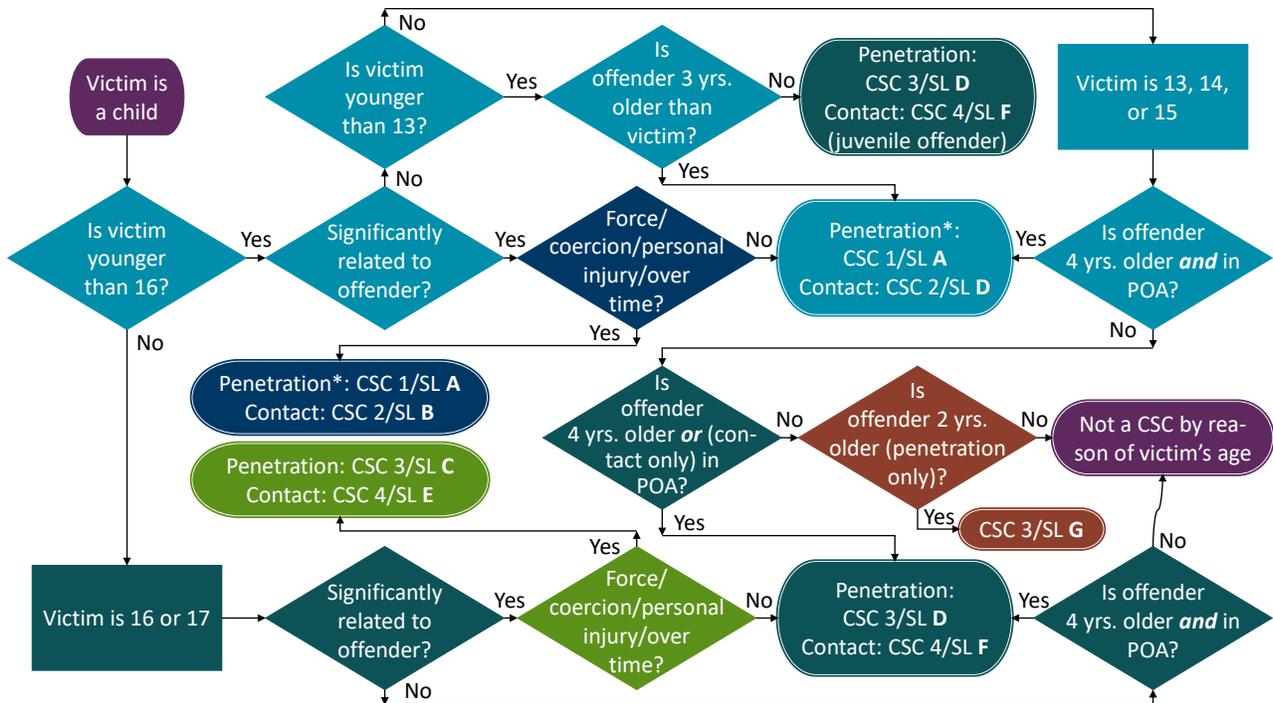


Figure 20. Criminal Sexual Conduct Offense Flowchart – Applicable When Victim is a Child



* For a victim under 13, "penetration" here should be understood to include contact between bare genitals, etc. See footnote 2.