

MINNESOTA SENTENCING GUIDELINES COMMISSION

Sentencing Practices

Criminal Sexual Conduct Offenses Sentenced in 2016



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About This Report

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this report should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

Summary of 2016 Data

This report summarizes sentencing practices for felony criminal sexual conduct (CSC) offenses sentenced in 2016. Information on sentencing practices from 1988 to 2016 is provided in the tables beginning on page 26. This report also contains information on the use of special statutory sentencing provisions.

There were 481 offenders sentenced for CSC in 2016 (Table 1), which was a decrease of 10 percent from 2015 (537 offenders sentenced) and was the fewest number of CSC offenders sentenced since 1983. The number has fluctuated since 1981, peaking at 880 offenders in 1994 (45% greater than the number sentenced in 2016). Almost all of the growth since 1981 has been in the CSC child provisions (Intra-Familial Sex Abuse (IFSA) and provisions specifying the age of the victim).

Ninety-four percent of offenders sentenced for CSC received sentences that included incarceration in a state prison (45%) or local jail (50%) (Figure 7). The imprisonment rate is slightly higher than the 42 percent rate observed in 2015. In CSC cases in which the Guidelines recommended imprisonment, 76 percent of offenders received an executed prison sentence (Figure 7, “Presumptive Commits”). Eighty-four percent of offenders with a prior sex offense conviction received an executed prison sentence (Table 3, “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), a decrease from the 2015 rate of 26 percent. For executed prison sentences, aggravated durational departures occurred at the same rate as in 2015 (6%), while mitigated durational departures decreased to 10 percent in 2016 from 15 percent in 2015 (Figure 15).

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. Five percent of cases involved strangers (Table 16).

The average pronounced sentence across all degrees rose to 133 months in 2016 (from 116 months in 2015). The average pronounced sentence for first-degree (the most serious offense category) was 190 months (Figure 9). While average prison sentences have increased, average pronounced confinement in a local correctional facility (as a condition of a stayed sentence) has remained relatively consistent (Table 11).

First-degree CSC offenses committed on or after August 1, 2000, are subject to a 144-month presumptive sentence by law. In 2016, 97 percent of all first-degree CSC offenders sentenced (not including attempts) were subject to this presumptive sentence. Two offenders sentenced in 2016 received life sentences. Four offenders received sentences that were double the duration of their presumptive sentences or more (Table 5). Ten other offenders received total sentences of 360 months (30 years) or more (Table 6). In 2016, 458 (95%) of the 481 sex offenders were eligible for sentencing under the Sex Offender Grid, which is effective for offenses occurring on or after August 1, 2006 (Table 1). The Sex Offender Grid gives greater weight to prior sex offenses, and includes longer presumptive sentences for offenders with prior records.

Sex Offense Statutes & Sentencing Policy

Sex Offense Statutes: General Structure

Under Minnesota law, 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 was involved.

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 serious forms of sexual contact against young children¹ 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.

Tables 17 and 18 display the volume of cases and sentencing practices by statutory provision.

Relationship-Based Classifications

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

- IFSA (Intra-Familial Sex Abuse): Conviction under a subdivision that specifies that the offender had a significant relationship (e.g., parent, sibling, first cousin, uncle, aunt, grandparent) to the victim.

¹ "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).

- Other Child: Conviction under a subdivision that specifies that the victim is a minor, but does not specify that there was a significant relationship. Subdivisions that specify that the offender was in a position of authority over the victim are included here because, in addition to parents, these offenses include 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.

It is important to note that an offense may fit into more than one category. For example, many offenses categorized as “Other Child” or “Force/Other” involved family members (37% and 21%, respectively). Likewise, a substantial number of “Force/Other” cases involved victims under the age of 18 (20%). Figure 3 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 months² to 360 months. The Sex Offender Grid does not distinguish between first-degree contact³ 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 months⁴ 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 (see Sex Offender Grid, p. 52).

With the implementation of the Sex Offender Grid, longer sentences are recommended for offenders with a criminal history score. 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

² 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.

³ “Sexual contact with a person under 13.” For discussion, see note 1.

⁴ 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.

was 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 19. Such offenses are excluded from the Sentencing Guidelines, because by law the sentence is mandatory life imprisonment.⁵ In 2016, two offenders were sentenced to life in prison under Minn. Stat. § 609.3455.

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 481 offenders sentenced for CSC in 2016, 458 (95%) were eligible for sentencing on the Sex Offender Grid. Table 1 provides a summary of cases by degree and applicable Grid. Ninety percent of first-degree offenders sentenced in 2016 were eligible for sentencing on the Sex Offender Grid (Table 1).

Table 1. Distribution of Cases by Degree, Severity Level and Applicable Grid, 2016

Degree	Statutory Provisions	Cases Sentenced on Standard Grid		Cases Sentenced on Sex Offender Grid		Total Number of Cases Sentenced
		Severity Level	Number Cases Sentenced	Severity Level	Number Cases Sentenced	
First	Penetration: 609.342, all clauses	9	9 (10%)	A	83 (90%)	92
	Sexual Contact: 609.342, victims under 13 ⁶		1 (3%)		37 (97%)	38
Second	Contact with Force: 609.343 subd. 1 c,d,e,f,h	8	2 (6%)	B	30 (94%)	32
	Contact with Minors: 609.343 subd. 1 a,b,g	6	3 (4%)	D	80 (96%)	83
Third	Penetration: Force or Prohibited Occupation 609.344 subd. 1 c, d, g-n	8	3 (7%)	C	43 (96%)	46
	Penetration with Minors: 609.344 subd. 1 b,e,f	5	2 (2%)	D	107 (98%)	109
Fourth	Contact: Force or Prohibited Occupation 609.344 subd. 1 c, d, g-n	6	2 (5%)	E	40 (95%)	42
	Contact with Minors: 609.344 subd. 1 b,e,f	4	1 (3%)	F	35 (97%)	36
Fifth	Gross misdemeanor offenses w/ relevant priors	4	0	G	3 (100%)	3
Total			23 (5%)		458 (95%)	481

⁵ Nevertheless, in some of 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.

⁶ "Sexual contact with a victim under 13" was determined based on the Minnesota Offense Codes (MOCs), which accompany the charge on the complaint; see note 1 and "Victim Characteristics" discussion on page 7.

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 & 2016

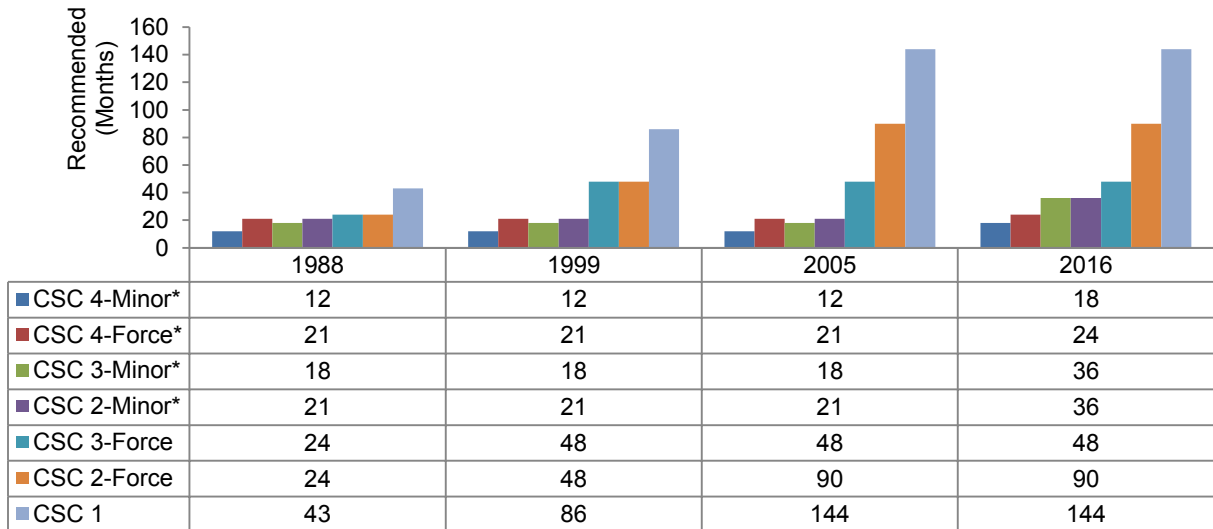
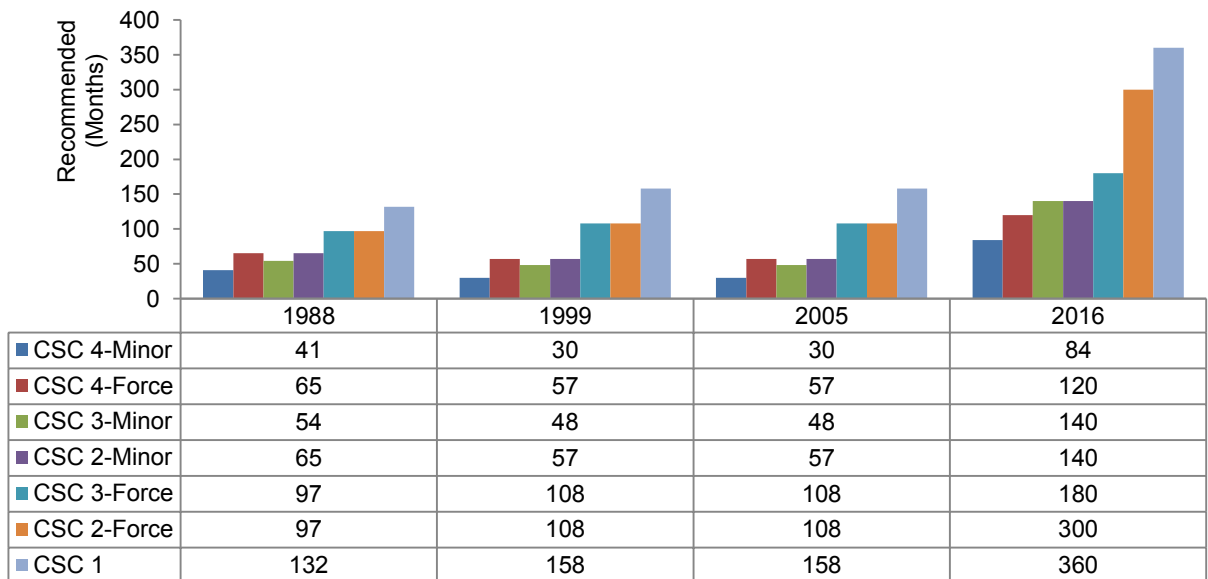


Figure 2. Presumptive Sentences by Degree over Time at Criminal History Score 6: 1988, 1999, 2005 & 2016

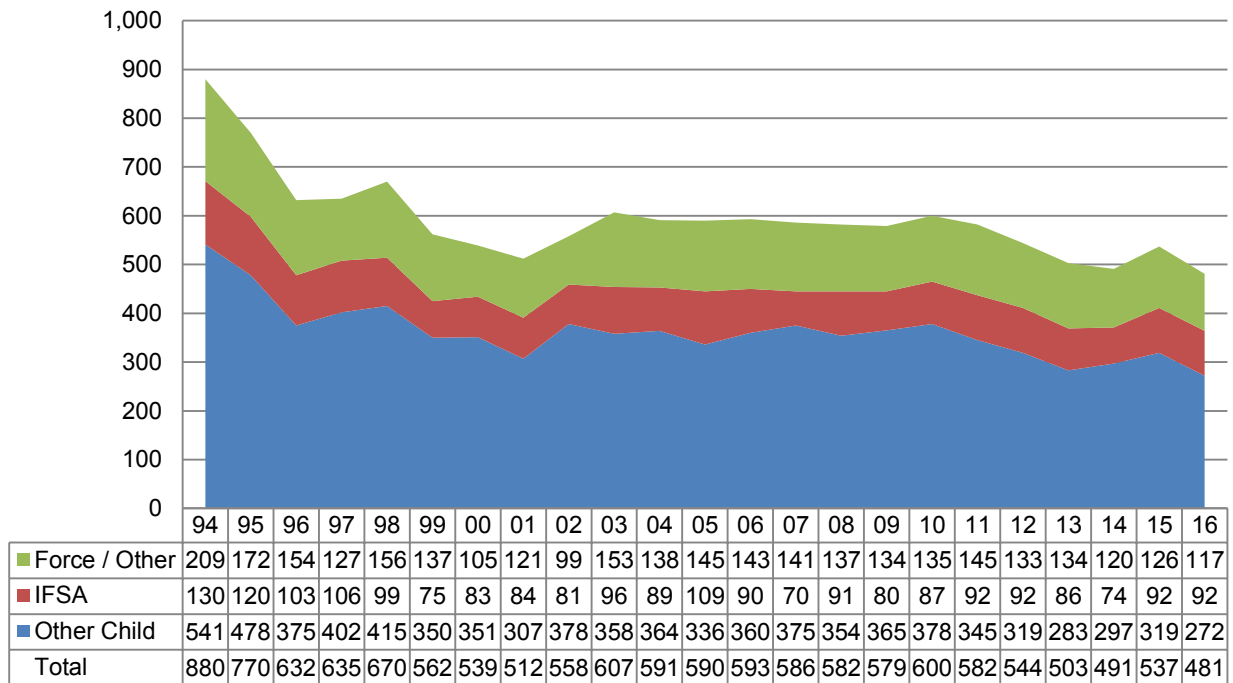


* Presumptive sentence = stayed (probationary) sentence. "12" = 12 months and 1 day.

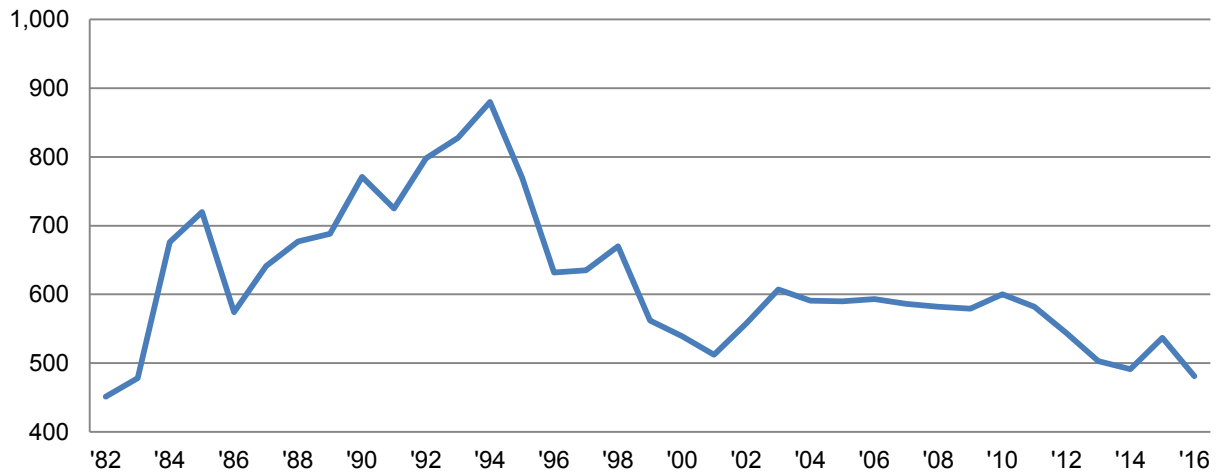
Case Volume & Distribution⁷

In 2016, 481 offenders were sentenced for CSC offenses, a decrease of 10 percent from 537 offenders sentenced in 2015. As figures 3 and 4 illustrate, 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, the number sentenced dipped below 500 for the first time during this period. In 2015 the number sentenced again rose above 500. In 2016, the decline to 481 was a new low point and the lowest number sentenced since 1983. See Table 11 for information on the number of offenders sentenced for sex offenses since 1988.

Figure 3. Volume of Cases by Type of Offense, 1994-2016



⁷ 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.

Figure 4. Total Volume of CSC Cases, 1982-2016

Type of Offense

The distribution of cases between the relationship categories has remained fairly stable since 2003. In 2016, 117 (24%) of the cases sentenced were in the “Force/Other” category, which is the same percentage as in 2014 and 2015, and within the 23 to 25 percent range that was observed from 2003 to 2011. There were 92 (19%) “IFSA” cases and 272 (57%) “Other Child” offenses. In the “Force/Other” category, 115 of the 117 cases were offenses involving force; of the remaining two cases, one involved false representation of a medical purpose, and one involved a special transportation service employee (Figure 3).

The distribution of cases among the five statutory degrees has also remained fairly consistent over the last ten years (Table 12). The percentage of first-degree cases has consistently ranged between 21 and 26 percent since 2004, except for 2010 when it dipped to a low of 18 percent. In 2016 the distribution of cases was as follows: 27 percent of the cases sentenced were first-degree offenses (a little higher than typical), 24 percent were second-degree offenses, 32 percent were third-degree offenses, and 16 percent were fourth-degree offenses. There were three felony fifth-degree offense sentenced in 2016.

Victim Characteristics

The following overview of victim characteristics for the CSC offenses sentenced in 2016 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 80 percent of the cases sentenced, the victims were minors: 36 percent involved victims under the age of 13; and 44 percent involved victims who were between the ages of 13 and 17. Twenty percent involved victims who were adults. Ninety-two percent of the victims were female, and eight percent were male. (See Table 15 for information on victim age.)

Table 16 displays the relationship between the victim and the offender by the offense degree and clause of conviction (clause specifying a child victim or clause specifying force or other). For first- and second-degree offenses, the offender was more likely to be a family member (70% and 58%, respectively); for third- and fourth-degree offenses, the offender was more likely to be an acquaintance (70% and 58%, respectively). Only a small percentage of cases (6%) involved strangers.

True Prior Record

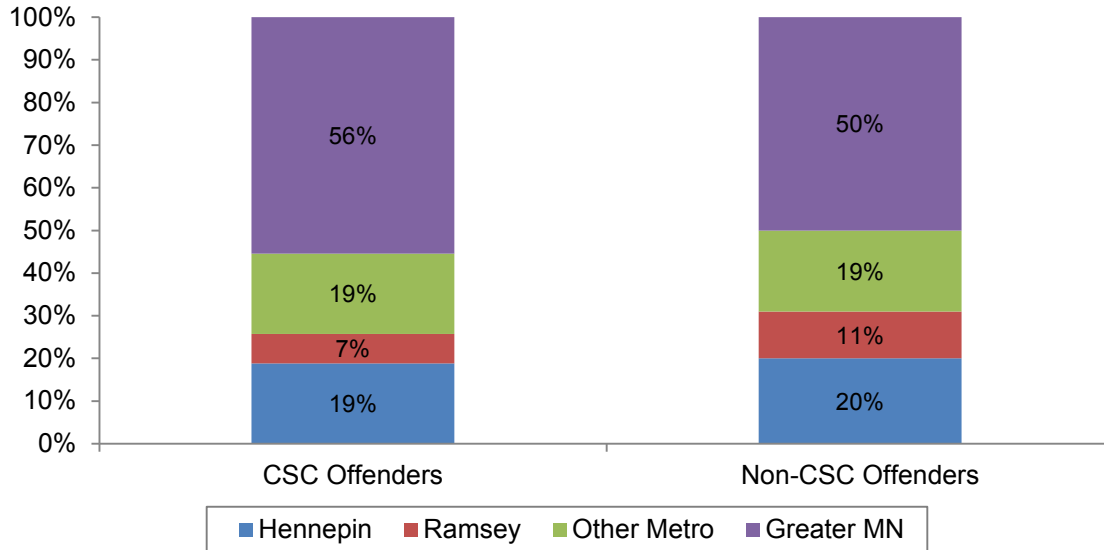
Most offenders sentenced for felony CSC do not have “true prior” sex offenses in their criminal record.⁸ Other priors may include multiple offenses charged in a single complaint and sentenced in successive order. Prior offenses that contribute to an offender’s criminal history score are listed on an offender’s worksheet. In 2016, six percent of sex offenders had a true prior felony sex offense listed on their sentencing worksheet. This figure varied slightly by the type of sex offense. (See Table 3.)

Offender Characteristics

Sex offenders are more likely to be male than offenders sentenced for other offenses. Ninety-eight percent of CSC offenders were male compared to 81 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 slightly more likely to be white or Hispanic and less likely to be black than other offenders (Figure 6). The average offender age at the time of offense was 32 years old for both CSC offenders and other offenders. However, six 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-nine percent of the offenders sentenced for CSC offenses were 21 and under compared to 14 percent of the offenders sentenced for other felonies (Table 2).

⁸ 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.”

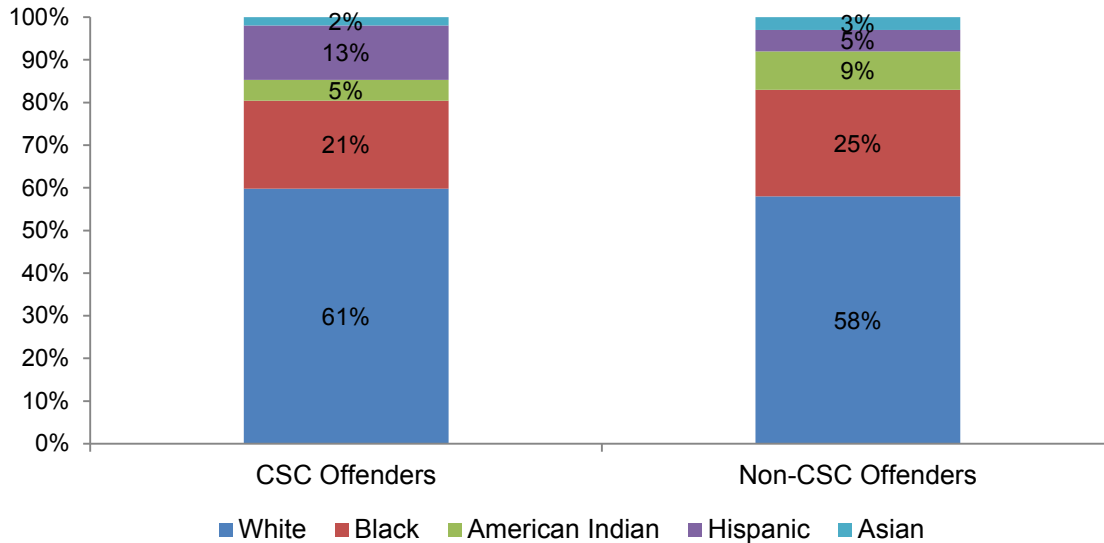
**Figure 5. Distribution of Offenders by Region,
CSC Offenders Compared to Non-CSC Offenders, 2016**



**Table 2. Age Range of Offenders,
CSC Offenders Compared to Non-CSC Offenders, 2016**

Age Range	CSC offenders		Non-CSC Offenders	
Under 18	29	6%	83	0.5%
18-21	112	23%	2,223	14%
22-25	58	12%	2,774	17%
26-30	62	13%	3,411	21%
31-40	110	23%	4,707	29%
41-50	56	12%	2,073	13%
51 and over	54	11%	1,175	7%
Average Age	31.8		32.1	

Figure 6. Distribution of Offenders by Race, CSC Offenders Compared to All Offenders, 2016



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.

2016 Incarceration Rates

The total incarceration rate for CSC offenders was 94 percent, similar to the 2015 rate of 96 percent. As seen in Figure 7, 45 percent of offenders received a prison sentence and 50 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 2016 imprisonment rate (45%) was slightly higher than the 2015 rate (42%), and was the highest ever observed. (See tables 11 and 12 for historical information on incarceration.)

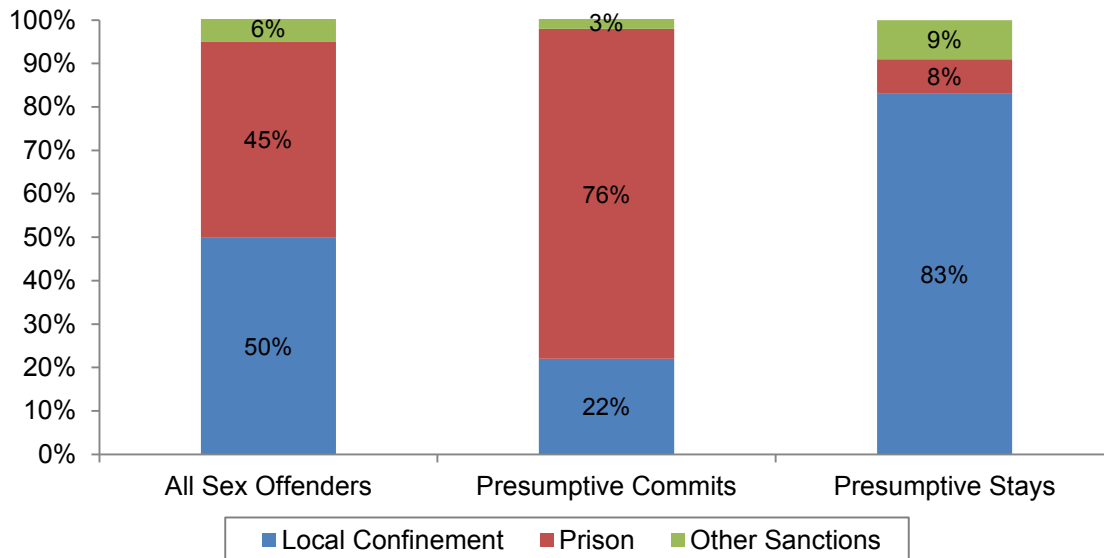
The Guidelines recommended a presumptive sentence of imprisonment for 55 percent of the CSC offenders sentenced. Of those, 76 percent received a prison sentence. The imprisonment rate for offenders who had a true prior sex offense was 84 percent. Imprisonment rates for offenders with true priors were higher for those sentenced for the "IFSA" and "Force" offenses (100%) than for those sentenced for the "Other Child" offenses (75%) (Table 3).

**Table 3. CSC Offenders with True Prior* Sex Offenses,
Number of Cases and Imprisonment Rates by Type of CSC Offense, 2016**

Type of Offense	CSC Offenders		CSC Offenders with True Prior CSC Offense(s)		
	Number of offenders	Imprisonment Rate	Number of offenders	Imprisonment Rate	
IFSA	92	56 (61%)	2	2%	2 (100%)
Other Child	272	105 (39%)	20	7%	15 (75%)
Force	115	55 (48%)	9	8%	9 (100%)
Other	2	0 (0%)	0	0%	---
Total	481	216 (45%)	31	6%	26 (84%)

*Refer to footnote 8 above for a discussion of the meaning of “true prior” offenses.

Figure 7. Incarceration Rates, 2016

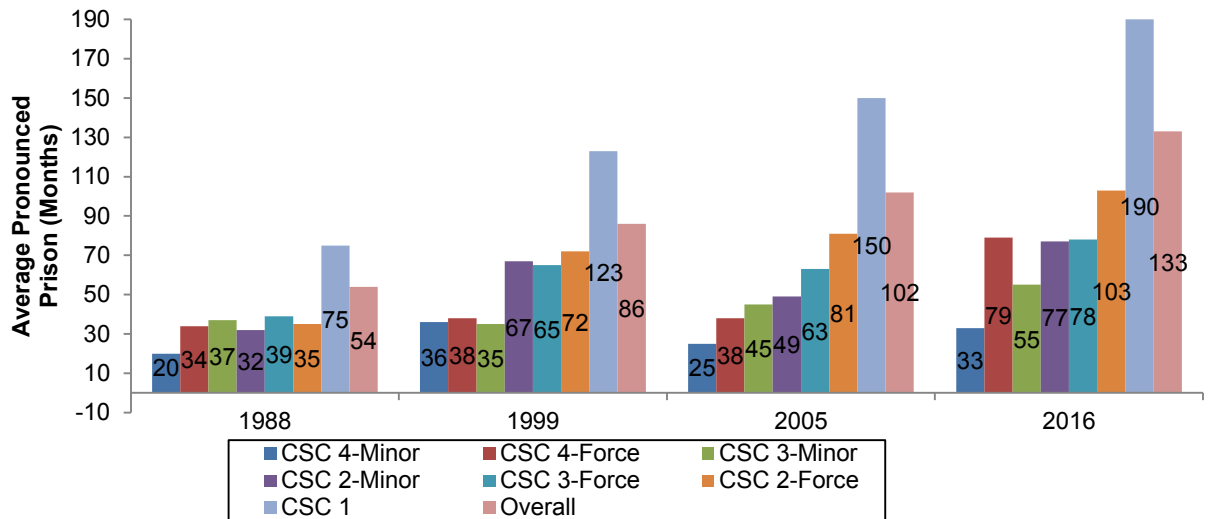


Sentence Durations: Prison Sentences

In 2016, the average pronounced prison sentence⁹ was 133 months (Table 11; see also Figure 8). This was an increase from 2015's average pronounced duration of 116 months. Part of the increase may be due to a slight shift in the distribution of cases among the various degrees. In 2015, 23 percent of the cases were first-degree offenses, whereas, in 2016, 27 percent of the cases were first-degree offenses. Average pronounced durations have been impacted by the implementation of the Sex Offender Grid. In 2016, 94 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.

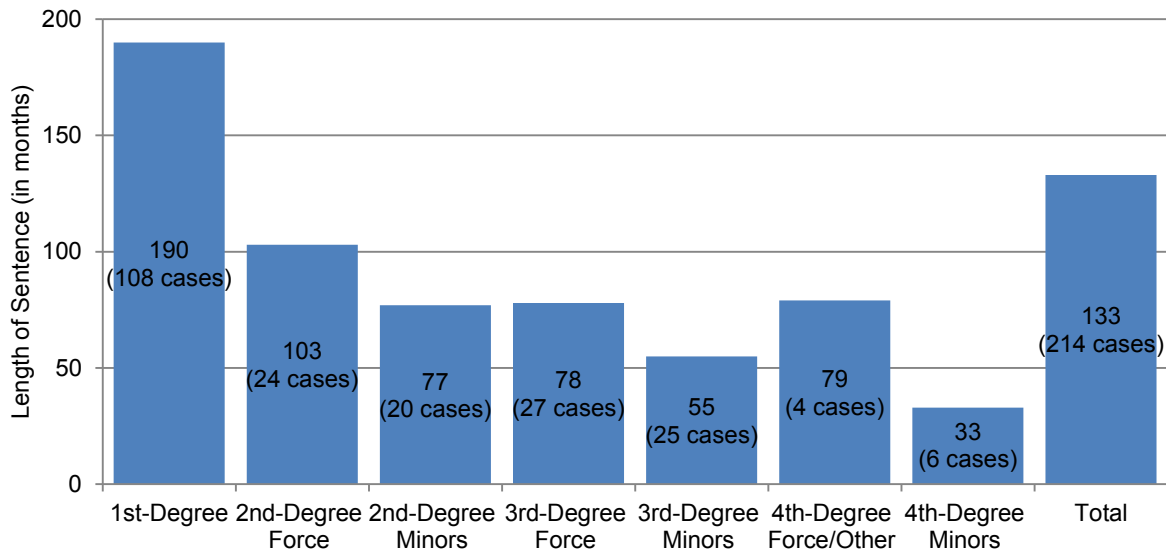
⁹ The average pronounced duration is presented for offenders who received executed prison sentences.

Figure 8. Average Pronounced Prison Sentences by Degree over Time
Executed Sentences by Offense: 1988, 1999, 2005 & 2016



Offenders convicted of first-degree offenses received significantly longer sentences than those convicted of lesser severity-level offenses (Figure 9). The average pronounced sentence for those offenders was 190 months (above the 2015 average of 167 months). Compared to 2015, the average pronounced sentence decreased for some offenses, but rose for others. The average pronounced duration was 103 months for second-degree offenses that involved force (below the 2015 average of 112 months), and 77 months for second-degree offenses with a minor victim (a decrease from 80 month in 2015). Average sentence lengths increased for third-degree offenses involving force: from 72 months in 2015 to 78 months in 2016 for offenses involving force; and decreased from 65 months in 2015 to 55 months for offenses with a minor victim. Average sentences for fourth-degree offenses involving force increased from 52 months in 2015 to 79 months in 2016; and decreased for fourth-degree offenses with a minor victim (from 43 months in 2015 to 33 months in 2016). (See tables 11 and 12 for historical information on past sentence durations.)

Figure 9. Average Pronounced Prison Sentence, Executed Prison Sentences by Offense Type, 2016



The average sentence durations shown in Figure 9 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 9, which generally increases the total duration shown. For first-degree offenses not involving durational departures, the average pronounced sentence was 178 months for cases that did not involve consecutive sentences ($n=82$) and 364 months for cases with consecutive sentences ($n=7$).

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 life sentences for certain offenders under [Minn. Stat. § 609.3455](#). For some provisions of the law, the mandatory sentence is life 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 19 outlines when these and other mandatory-minimum sentencing provisions apply in criminal sexual conduct cases. Table 4 displays information about the 22 CSC offenders who have received life sentences since 2006. In 2016, two offenders received life sentences (up from zero in 2015).

Table 4. Pronounced Life Sentences by Offense Type: 2006-2016

Year	Offense	Severity	Criminal History Score	# True Prior Sex Offenses	Grid Duration (months)	Pronounced Minimum to Serve (months)	Minn. Stat. § 609.3455 Life-Sentence Subd.
2006	3 rd Degree-Force or Coercion	8	2	1	68	136	(Unknown)
2007	1 st Degree - Fear Great Bodily Harm	9	0	0	144	144	(Unknown)
2007	2 nd Degree - Dangerous Weapon	8	4	1	98	180	4(a)(1)
2007	2 nd Degree - Victim Under 13	6	8	1	60	360	4(a)(1)
2007	3 rd Degree - Victim 13-16	D	4	3	91	240	4(a)(1)
2008	1 st Degree - Fear Great Bodily Harm	9	5	2	146	No Release	2(a)(1)
2008	2 nd Degree - Victim Under 13	D	9	4	140	140	4(a)(1)
2008	1 st Degree-Multiple Acts	A	3	1	180	206	4(a)(1)
2009	1 st Degree-Force & Injury	A	1	0	156	No Release	2(a)(1)
2009	1 st Degree - Fear Great Bodily Harm	A	4	0	234	No Release	2(a)(1)
2010	1 st Degree - Fear Great Bodily Harm	A	6	2	360	No Release	2(a)(2)
2010	3 rd Degree-Force or Coercion	C	4	1	117	117	4(a)(2)(ii)
2011	2 nd Degree-Force & Injury	B	2	1	130	No Release	2(a)(2)
2011	1 st Degree – Pos. of Auth. & Victim 13-16	A	3	2	180	300	4(a)(1)
2011	1 st Degree – Pos. of Auth. & Victim 13-16	9	3	2	144	144	4(a)(1)
2011	1 st Degree – Pos. of Auth. & Victim 13-16	A	4	1	234	234	4(a)(2)(ii)
2011	1 st Degree-Force & Injury	A	5	1	306	404	3(a)
2012	1 st Degree-Force & Injury	A	0	0	144	144	3(a)
2012	3 rd Degree-Force or Coercion	C	7	2	180	180	4(a)(1)
2013	(None)	---	---	---	---	---	---
2014	3 rd Degree-Victim Incapacitated	C	5	1	153	153	4(a)(3)(ii)
2015	(None)	---	---	---	---	---	---
2016	1 st Degree - Fear Great Bodily Harm	A	4	0	234	No Release	2(a)(1)
2016	1 st Degree-Force & Injury	A	9	1	180 (Attempt)	180	4(a)(2)(i)

2016 Sentences with Double the Presumptive Sentence or More

Four offenders received prison sentences 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 5.

All of the cases were first-degree offenses. Two involved aggravated durational departures alone and two involved consecutive sentences for multiple sexual assaults one of which also had a durational departure. (Table 5).

Table 5. Executed Sentences of Double the Presumptive Sentence or More, 2016

Offense	Severity	History	Number True Prior Sex Offenses	Grid Duration (months)	Total Sentence (months)	Consecutive Sentence?	Aggravated Duration
1 st Degree-Multiple Acts	A	3	1	180	420	Yes	No
1 st Degree – Pos. of Auth. & Victim 13-16	9	2	1	144	360	Yes	Yes
1 st Degree-Force & Injury	A	0	0	144	344	No	Yes
1 st Degree-Multiple Acts	A	0	0	144	288	No	Yes

Refer to footnote 8 above for a discussion of the meaning of “true prior” offenses.

2016 Sentences with Durations of 30 Years or More

Ten other offenders received prison sentences of 360 months (30 years) or more (Table 6). Unlike the offenders in Table 5, the sentences were not prison sentences that were double the length of their presumptive sentences or more. Instead, all were first-degree offenders who had high criminal history scores. None of these cases involved aggravated durational departures. In nine cases, 360 months was the presumptive midpoint sentence; in one case, 360 months was the top of the upper range. Four cases involved consecutive sentences that resulted in total sentences of longer than 360 months. Eight cases involved multiple current sex offenses.

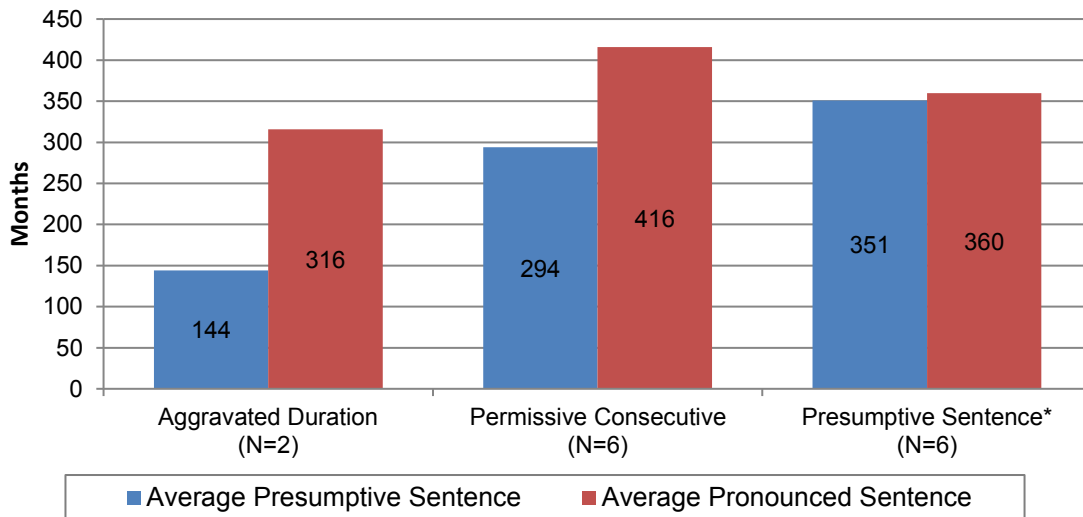
Table 6. Executed Sentences with Durations of 30 Years or More, 2016

Offense	History	# True Prior Sex Offenses	Multiple Current CSC	Grid Duration (months)	Total Sentence (months)	Consecutive Sentence?	Aggravated Duration
1st Degree - Under 16-Pos. Authority	6	0	Yes	360	504	Yes	No
1st Degree - Victim Under 13	6	0	Yes	360	450	Yes	No
1st Degree - Force & Injury	5	0	Yes	306	360	No	No
1st Degree- Multiple Acts	6	0	Yes	360	388	Yes	No
1st Degree - Victim Under 13	6	1	Yes	360	372	Yes	No
1st Degree - Force & Injury	6	0	Yes	360	360	No	No
1st Degree - Dangerous Weapon	6	1	No	360	360	No	No
1st Degree - Fear Great Bodily Harm	6	0	No	360	360	No	No
1st Degree - Victim Under 13	6	2	Yes	360	360	No	No
1st Degree - Force & Injury	6	0	Yes	360	360	No	No

Refer to footnote 8 above for a discussion of the meaning of “true prior” offenses.

Figure 10 combines the information described in tables 5 and 6 to illustrate some of the longest sentences pronounced in 2016. The average presumptive and pronounced sentences are displayed. There were 14 offenders who either received double the presumptive sentence or more, or a sentence of 360 months (30 years) or more. These sentences were achieved either through the presumptive sentence, or Guidelines policies that permitted aggravated durational departures or permissive consecutive sentences or both.

Figure 10. Executed Prison Sentences Significantly Longer than the Presumptive: Double the Presumptive or more and 360 Months or more, 2016



* Of the 6 offenders, 1 received the top of the cell range to get 360 months (30 years).

Conditional Release

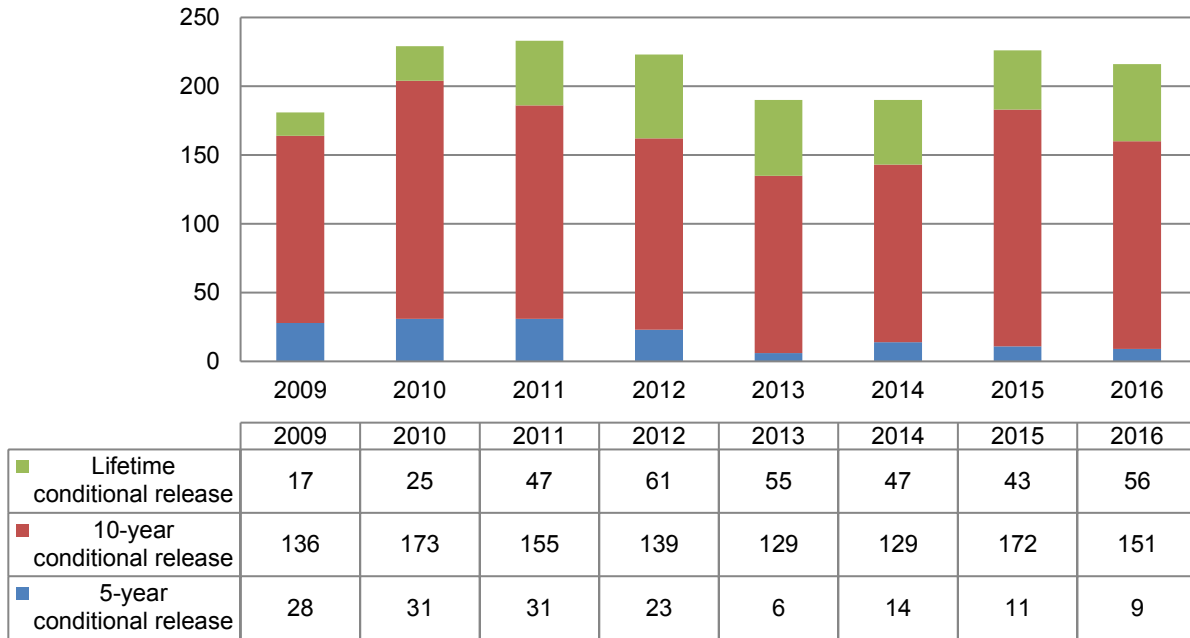
In 1992, the legislature required five- or ten-year conditional-release¹⁰ periods for sex offenders who were committed to prison. The current law requires ten-year or lifetime conditional-release periods for sex offenders who are committed to prison.¹¹ Conditional-release statutes do not apply to attempted offenses unless the statute explicitly states that they do.¹²

Figure 11 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.

¹⁰ 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.

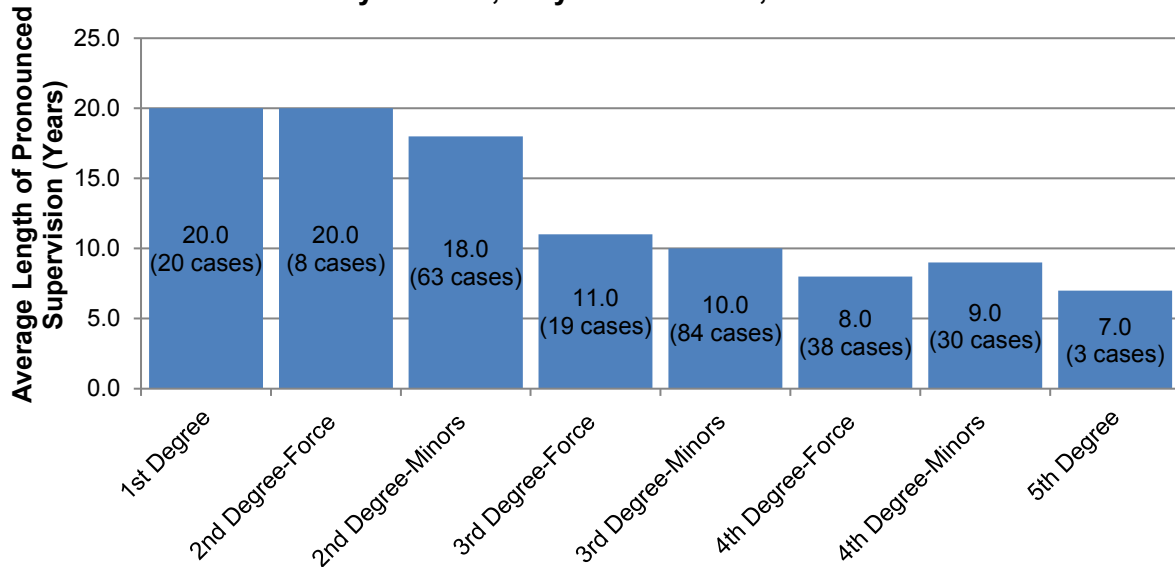
¹¹ [Minn. Stat. § 609.3455](#), subd. 6 & 7. See Table 19 for an outline of how these conditional release terms apply.

¹² *State v. Noggle*, 881 N.W.2d 545 (Minn. 2016).

Figure 11. Executed CSC Cases With Mandatory Conditional-Release Terms, 2009-2016

Sentence Durations: Probation Sentences

Forty-five percent of the CSC offenders sentenced in 2016 received a probation sentence. Of the offenders who were placed on probation, 76 percent received probation because it was the presumptive sentence and 24 percent received probation as a mitigated dispositional departure. The average pronounced period of probation for sex offenders was approximately 13 years (Figure 12). First-degree offenders generally received longer periods of probation than other offenders.

Figure 12. Average Pronounced Period of Supervision by Offense, Stayed Sentences, 2016

Ninety 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 191 days (Table 11). The pronounced local confinement time was significantly longer for offenders convicted of offenses for which the Guidelines recommended presumptive commitment to prison (286 days) than for offenders convicted of offenses for which the Guidelines recommended a presumptive stayed sentence (161 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.

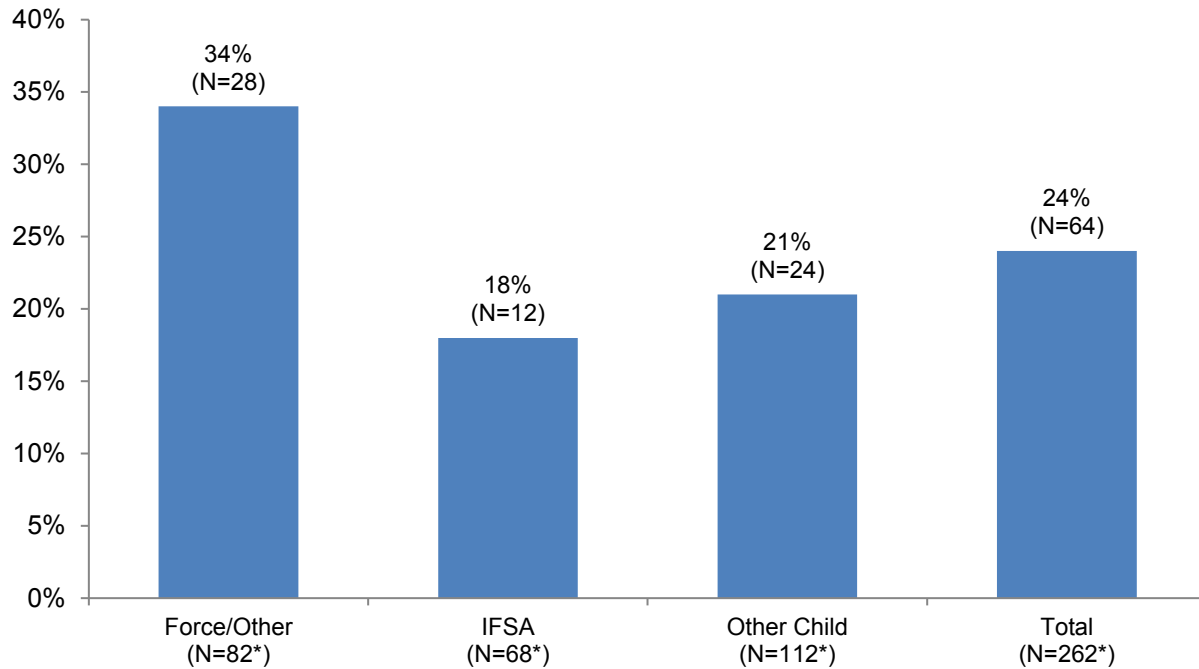
Dispositional Departures

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.

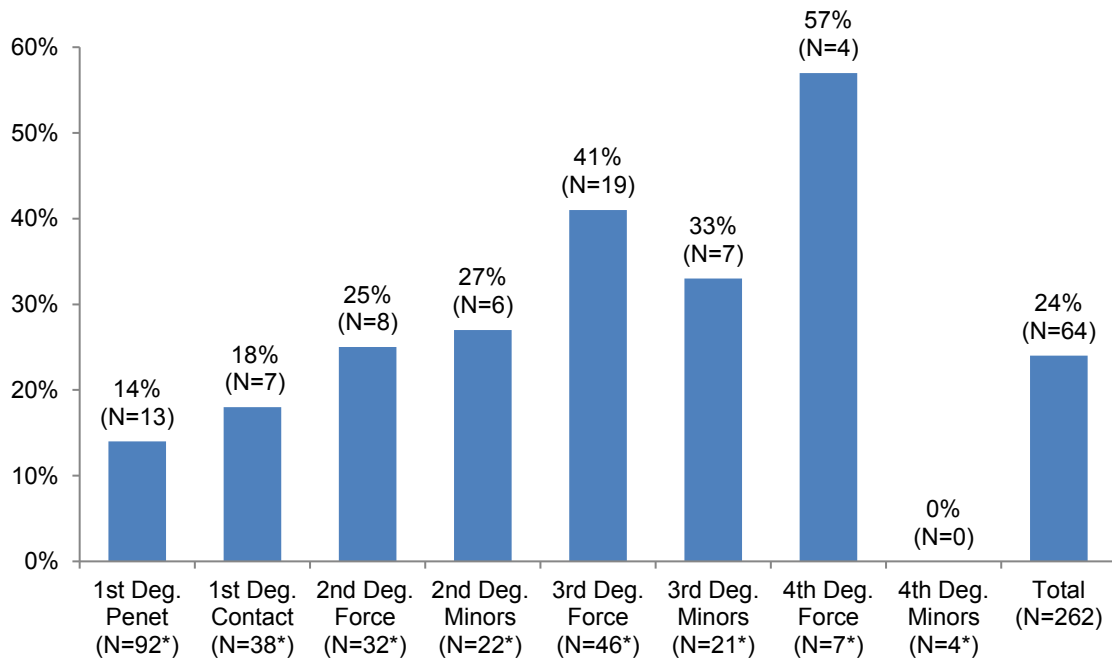
Mitigated Dispositions

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 decrease from the rate of 26 percent in 2015 and the lowest ever observed since at least 1988 (Table 13). Previously, rates tended to vary by offense type, with "IFSA" cases historically showing the highest rate of departure. Throughout the 1990s, the mitigated dispositional departure rate usually exceeded 33 percent, once reaching 40 percent. Since 2000, the departure rate has usually been below 30 percent. The departure rate in 2016 was slightly higher for the "Force/Other" cases (34%) and slightly lower for the "IFSA" (18%) and "Other Child" cases (21%) (Figure 13).

Figure 14 shows mitigated dispositional departure rates by degree. The rates were lower for the first-degree offenses and the second-degree force offenses than for the other offenses.

Figure 13. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitment Cases, 2016

* Number of Presumptive Commitment cases.

Figure 14. Mitigated Dispositional Departures by Degree, Presumptive Commitment Cases, 2016

* 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 2016, it was 16 percent. In 19 percent of the mitigated dispositions, the court indicated the departure was made to spare the victim from testifying (Table 7). In 72 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 13 percent of the mitigated dispositions. It should be noted that no plea information was provided by the courts in about 16 percent of the mitigated dispositions.

Table 7. Most Frequently Cited Mitigated Dispositional Departures Reasons, 2016¹³

Departure Reason	Percent of Departures with Reason Cited
Amenable to Probation	63%
Amenable to Treatment	73%
Agreed by Victim/Victim's Family	16%
Prevent Trauma to Victim from Testifying	19%
Recommended by Court Services	6%
Ensure Compliance with Probation or Allow Longer Supervision	13%
Shows Remorse/Accepts Responsibility	27%
Prosecutor Objects	13%
Prosecutor does not Object	14%
Recommended by Prosecutor	27%
Plea Negotiation	61%

Aggravated Dispositions

Sixteen of the 219 offenders recommended probation received a prison sentence, an aggravated departure rate of seven percent. In seven (47%) of these cases, the court reported that the offender either agreed to the departure or requested a prison sentence. Prison may have been requested because the offender was already in prison or was going to prison on another case.¹⁴

¹³ The most common reasons cited for dispositional departures, as submitted by the court and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded. A plea agreement alone is not a sufficient basis for departure, *State v. Misquidace*, 644 N.W.2d 65 (Minn. 2002). There were 64 mitigated dispositional departures.

¹⁴ For offenses committed after 7/31/2015, a sentence that is executed pursuant to an offender's right to demand execution is not an aggravated dispositional departure (Guidelines § 2.D.1.f).

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 15).

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 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

Ten percent (21) of the 216 offenders who received executed prison sentences were given shorter sentences than recommended, a decrease from the 15 percent rate in 2015 (Table 13). This was the lowest mitigated durational departure rate observed since 1989. Mitigated durational departure rates varied little among the degrees. The most frequently cited reasons for mitigated durational departures were: to prevent trauma to the victim from testifying (24%), and because the offender showed remorse or accepted responsibility (43%) (Table 8). In five cases (14%), 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 one case the court indicated that the prosecutor objected to the mitigated durational departure. It should be noted that no plea information was provided for 29 percent of cases that received mitigated durational departures.

Table 8. Most Frequently Cited Mitigated Durational Departure Reasons, 2016¹⁵

Departure Reason	Percent of Departures with Reason Cited
Recommended by Victim/Victim’s Family	14%
Prevent Trauma to Victim from Testifying	24%
Shows Remorse/Accepts Responsibility	43%
Prosecutor Objects	5%
Prosecutor does not Object	24%
Recommended by Prosecutor	14%
Plea Negotiation	67%

¹⁵ The most common reasons for mitigated durational departures, as submitted by judges and coded by MSGC staff. Up to 4 departure reasons and 3 plea agreement reasons are coded. A plea agreement alone is not a sufficient basis for departure, *State v. Misquidace*, 644 N.W.2d 65 (Minn. 2002). There were 21 mitigated durational departures.

Aggravated Durations

Six percent (12) of the 216 offenders who received executed prison sentences were given longer sentences than recommended. This is the same rate observed in 2015 (Table 14). The three percent rate observed in 2009 was the lowest aggravated durational departure rate ever observed for CSC offenses. Rates in the last five years have been lower than those observed in 2005-08 (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 tables 13 and 14.)

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.

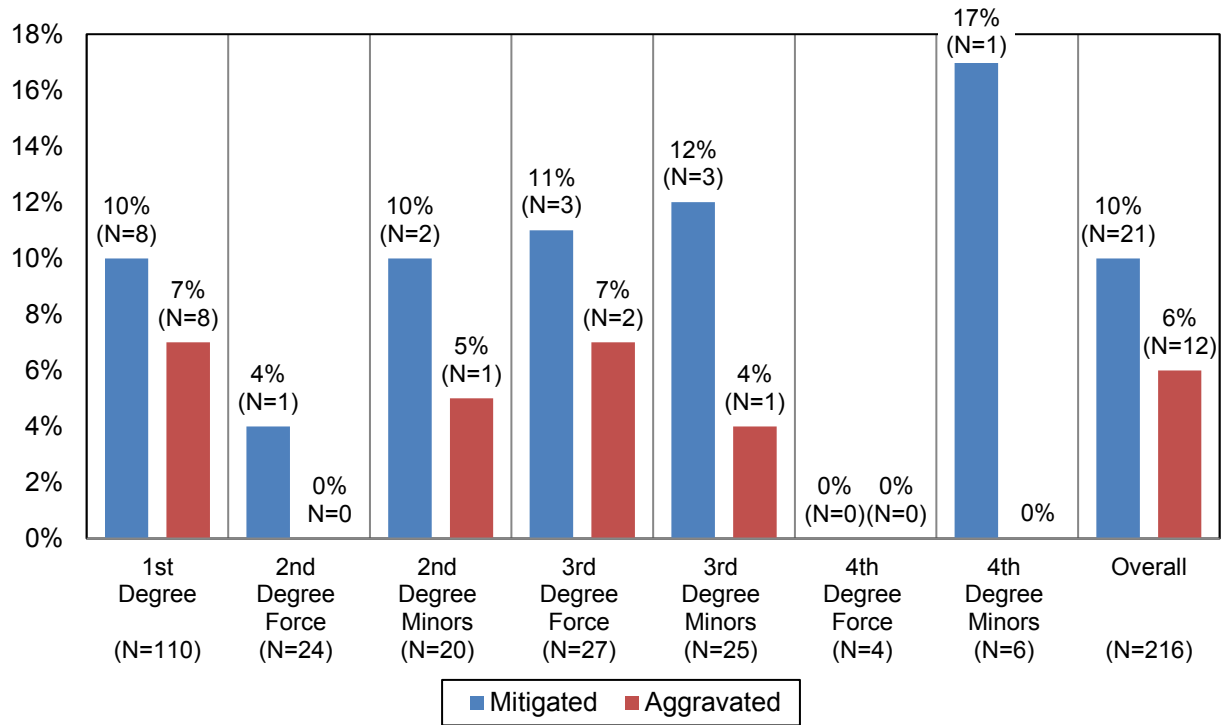
The most frequently cited reasons for the upward durational departures (other than plea negotiation) was zone of privacy. Victim vulnerability, particular cruelty, and "Multiple Victims" were cited in three of the 12 cases). In 50 percent of these cases, the court indicated either that there was a plea 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 five of the 12 cases (Table 9). No information on the position of the prosecutor or defendant was cited in six of the aggravated durations.

Table 9. Most Frequently Cited Aggravated Durational Departure Reasons, 2016¹⁶

Departure Reason	Percent of Departures with Reason Cited
Victim Vulnerability	25%
Particular Cruelty	25%
Multiple Victims or Multiple incidents per victim	25%
Injury/Psychological Impact	17%
Zone of Privacy	33%
Recommended by Prosecutor	33%
Plea Negotiation	33%
Defendant Waived Jury Determination of Aggravating Factors	42%
Jury Determination of Aggravating Factors	25%

¹⁶ The most common reasons cited for mitigated durational departures, as submitted by sentencing judges and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded. A plea agreement alone is not a sufficient basis for departure, *State v. Misquidace*, 644 N.W.2d 65 (Minn. 2002). There were 12 aggravated durational departures.

**Figure 15. Durational Departure Rates by Offense,
Executed Prison Sentences, 2016**



Data Tables

Table 10. Average Pronounced Prison Sentences by Offense and Applicable Grid, Criminal Sexual Conduct Offenses, 2016

Offense	All CSC Offenders Sentenced in 2016		CSC Offenders Sentenced on Standard Grid			CSC Offenders Sentenced on Sex Offender Grid		
	Number Prison Sentences	Avg. Duration (months)	Sev. Level	Number Prison Sentences	Avg. Duration (months)	Sev. Level	Number Prison Sentences	Avg. Duration (months)
1st Degree	108	190	9	7	167	A	101	192
2nd Degree; Force	24	103	8	1	60	B	23	105
2nd Degree; Minors	20	77	6	1	33	D	19	79
3rd Degree; Force	27	78	8	2	58	C	25	77
3rd Degree; Minors	25	55	5	1	44	D	24	55
4th Degree; Force	4	79	6	1	21	E	3	98
4th Degree; Minors	6	33	4	0	---	F	6	33
Total	214	133		13	115		201	134

Table 11. Incarceration Rates and Average Pronounced Durations, Criminal Sexual Conduct Offenses, 1988-2016¹⁷

Year	Number Cases	Incarceration					
		Total Incarceration		Prison		Average Duration	Average Duration
1988	677	609	90%	180	27%	54 months	178 days
1989	688	630	92%	217	32%	58 months	186 days
1990	771	712	92%	231	30%	78 months	191 days
1991	725	670	92%	227	31%	82 months	200 days
1992	798	749	94%	239	30%	89 months	186 days
1993	828	764	92%	244	30%	84 months	183 days
1994	880	827	94%	279	32%	83 months	195 days
1995	770	714	93%	249	32%	87 months	183 days
1996	632	599	94%	236	37%	84 months	206 days
1997	635	599	94%	201	32%	81 months	196 days
1998	670	636	95%	255	38%	88 months	192 days
1999	567	529	94%	189	34%	86 months	173 days
2000	539	509	94%	194	36%	80 months	185 days
2001	512	481	94%	194	38%	99 months	196 days
2002	558	531	95%	197	35%	103 months	179 days
2003	607	566	93%	250	41%	116 months	186 days
2004	591	555	94%	204	35%	99 months	183 days
2005	590	561	95%	230	39%	102 months	179 days
2006	593	563	95%	220	37%	97 months	173 days
2007	586	559	95%	210	36%	106 months	194 days
2008	582	549	94%	229	39%	110 months	180 days
2009	579	534	92%	188	33%	100 months	186 days
2010	600	532	89%	233	39%	125 months	184 days
2011	582	551	95%	234	40%	122 months	190 days
2012	544	513	95%	225	41%	128 months	181 days
2013	503	473	94%	190	38%	133 months	180 days
2014	491	468	95%	190	39%	137 months	186 days
2015	537	515	96%	227	42%	116 months	177 days
2016	481	454	94%	216	45%	133 months	191 days

¹⁷ Average prison durations exclude offenders who received life sentences (2006-2012; 2014, 2016).

**Table 12. Incarceration Rates and Average Pronounced Durations by Degree:
Criminal Sexual Conduct Offenses, 1988-2016**

Year	Degree	# Cases	Total Incarceration		Prison		Average Duration	Local Confinement		Average Duration
1988	All Cases	677	609	90%	180	27%	54 mos.	429	63%	178 days
	First	136	133	98%	85	63%	75 mos.	48	35%	287 days
	Second	256	226	88%	47	18%	33 mos.	179	70%	187 days
	Third	120	111	93%	39	33%	38 mos.	72	60%	154 days
	Fourth	165	139	84%	9	6%	31 mos.	130	79%	138 days
1989	All Cases	688	630	92%	217	32%	58 mos.	413	60%	186 days
	First	165	157	95%	111	67%	78 mos.	46	28%	255 days
	Second	251	234	93%	45	18%	37 mos.	189	75%	199 days
	Third	136	126	93%	45	33%	37 mos.	81	60%	156 days
	Fourth	136	113	83%	16	12%	36 mos.	97	71%	151 days
1990	All Cases	771	712	92%	231	30%	78 mos.	481	62%	191 days
	First	196	193	99%	122	62%	104 mos.	71	36%	308 days
	Second	270	249	92%	52	19%	48 mos.	197	73%	184 days
	Third	170	156	92%	35	21%	53 mos.	121	71%	166 days
	Fourth	135	114	84%	22	16%	40 mos.	92	68%	148 days
1991	All Cases	725	670	92%	227	31%	82 mos.	443	61%	200 days
	First	182	173	95%	108	59%	118 mos.	65	36%	302 days
	Second	235	216	92%	50	21%	51 mos.	166	71%	203 days
	Third	159	147	93%	50	31%	54 mos.	97	61%	182 days
	Fourth	149	134	90%	19	13%	37 mos.	115	77%	151 days
1992	All Cases	798	749	94%	239	30%	89 mos.	510	64%	186 days
	First	167	158	95%	100	60%	126 mos.	58	35%	320 days
	Second	309	287	93%	73	24%	62 mos.	214	69%	182 days
	Third	199	188	95%	50	25%	63 mos.	138	69%	168 days
	Fourth	123	116	94%	16	13%	55 mos.	100	81%	142 days
1993	All Cases	828	764	92%	244	30%	84 mos.	520	63%	183 days
	First	194	188	97%	118	61%	118 mos.	70	36%	304 days
	Second	279	257	92%	55	20%	59 mos.	202	72%	190 days
	Third	211	189	90%	53	25%	50 mos.	136	65%	163 days
	Fourth	144	130	90%	18	13%	36 mos.	112	78%	120 days
1994	All Cases	880	827	94%	279	32%	83 mos.	548	62%	195 days
	First	193	188	97%	118	61%	131 mos.	70	36%	312 days
	Second	270	252	93%	62	23%	47 mos.	190	70%	205 days
	Third	260	246	95%	81	31%	52 mos.	165	64%	174 days
	Fourth	157	141	90%	18	12%	35 mos.	123	78%	142 days
1995	All Cases	770	714	93%	249	32%	87 mos.	465	60%	183 days
	First	161	157	98%	102	63%	137 mos.	55	34%	293 days
	Second	225	202	90%	61	27%	58 mos.	141	63%	177 days
	Third	258	238	92%	59	23%	54 mos.	179	69%	171 days
	Fourth	126	117	93%	27	21%	33 mos.	90	71%	147 days
1996	All Cases	632	590	93%	236	37%	84 mos.	354	56%	206 days
	First	153	155	96%	102	67%	131 mos.	48	31%	319 days
	Second	161	184	92%	44	27%	53 mos.	111	69%	211 days
	Third	200	184	92%	67	34%	52 mos.	117	59%	192 days
	Fourth	118	101	86%	23	20%	32 mos.	78	66%	149 days

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

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

Year	Degree	# Cases	Total Incarceration		Prison		Average Duration	Local Confinement		Average Duration
2013	All Cases	503	473	94%	190	38%	133 mos.	283	56%	180 days
	First	115	114	99%	91	79%	185 mos.	23	20%	304 days
	Second	126	118	94%	40	32%	106 mos.	78	62%	206 days
	Third	176	165	94%	49	28%	74 mos.	116	66%	158 days
	Fourth	85	75	88%	10	12%	60 mos.	65	77%	146 days
	Fifth	1	1	100%	0		---	1	100%	180 days
2014	All Cases	491	468	95%	190	37%	137 mos.	278	57%	186 days
	First	122	119	98%	91	75%	194 mos.	28	23%	326 days
	Second	112	103	92%	39	35%	105 mos.	64	57%	223 days
	Third	188	182	97%	49	26%	75 mos.	133	71%	161 days
	Fourth	68	63	93%	11	16%	52 mos.	52	77%	131 days
	Fifth	1	1	100%	0		---	1	100%	104 days
2015	All Cases	537	515	96%	227	42%	116 mos.	288	54%	177 days
	First	123	122	99%	95	77%	167 mos.	27	22%	320 days
	Second	150	140	93%	58	39%	97 mos.	82	55%	186 days
	Third	193	187	97%	61	32%	70 mos.	126	65%	165 days
	Fourth	69	64	93%	13	19%	47 mos.	51	74%	117 days
	Fifth	2	2	100%	0		---	2	100%	142 days
2016	All Cases	481	454	94%	216	45%	133 mos.	238	50%	191 days
	First	130	129	99%	110	85%	190 mos.	19	15%	311 days
	Second	115	107	93%	44	38%	91 mos.	63	55%	207 days
	Third	155	144	93%	52	34%	67 mos.	92	59%	187 days
	Fourth	78	71	91%	10	13%	51 mos.	61	78%	146 days
	Fifth	3	3	100%	0	0%	---	3	100%	173 days

Table 13. Departure Rates, Criminal Sexual Conduct Offenses, 1988-2016

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

Table 14. Departure Rates by Degree, Criminal Sexual Conduct Offenses, 1997-2016

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

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

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

Year	Degree	Number of Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences)				
			Number Presumptive Commits	Number Receiving Probation		Number Executed Sentences	Aggravated Duration		Mitigated Duration	
2012	All Cases	544	281	69	25%	223	12	5%	42	19%
	First	136	136	27	20%	108	5	5%	20	19%
	Second	135	62	13	21%	53	5	9%	10	19%
	Third	184	72	23	32%	52	1	2%	10	19%
	Fourth	89	11	6	55%	10	1	10%	2	20%
	Fifth	0	---	---		---			---	
2013	All Cases	503	257	71	28%	190	12	6%	33	17%
	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	---		---	
2014	All Cases	491	257	80	31%	190	8	4%	35	18%
	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	---		---	
2015	All Cases	537	285	73	26%	227	14	6%	35	15%
	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	---		---	
2016	All Cases	481	262	64	24%	216	12	6%	21	10%
	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	---		---	

Table 15. Victim Age by Child/Other Statutory Provisions, Criminal Sexual Conduct Offenses, 2016¹⁸

Degree	Provision	Age of Victim				Total # Cases
		Less than 13	13-17	Adult	Unknown	
First	Child	75 (70%)	32 (30%)	0 ---	0 ---	107 (82%)
	Force/Other	0 ---	5 (22%)	18 (78%)	0 ---	23 (18%)
	Total	75 (58%)	37 (29%)	18 (14%)	0 ---	130 (100%)
Second	Child	84 (78%)	24 (22%)	0 ---	0 ---	108 (94%)
	Force/Other	2 (29%)	0 ---	5 (71%)	0 ---	7 (6%)
	Total	86 (75%)	24 (21%)	5 (4%)	0 ---	115 (100%)
Third	Child	5 (5%)	105 (95%)	0 ---	0 ---	110 (71%)
	Force/Other	4 (9%)	5 (11%)	36 (80%)	0 ---	45 (29%)
	Total	9 (6%)	110 (71%)	36 (23%)	0 ---	155 (100%)
Fourth	Child	3 (8%)	33 (92%)	0 ---	0 ---	36 (46%)
	Force/Other	1 (2%)	6 (14%)	35 (83%)	0 ---	42 (54%)
	Total	4 (5%)	39 (50%)	35 (45%)	0 ---	78 (100%)
Fifth	Child	1 (33%)	2 (67%)	0 ---	0 ---	3 (100%)
Total	Child	168 (46%)	196 (54%)	0 ---	0 ---	364 (76%)
	Force/Other	7 (6%)	16 (14%)	94 (80%)	0 ---	117 (24%)
	Total	175 (36%)	212 (44%)	94 (20%)	0 ---	481 (100%)

¹⁸ The CSC offenses are grouped within each degree by statutory provisions that either specify that the victim was a child or do not specify the victim's age.

**Table 16. Victim-Offender Relationship by Child/Other Statutory Provisions,
Criminal Sexual Conduct Offenses, 2016¹⁹**

Degree	Provision	Relationship Between Victim and Offender						Total # Cases
		Family	Position Authority	Occupation	Acquaintance	Stranger	Unknown	
First	Child	85 (79%)	7 (7%)	1 (1%)	11 (10%)	2 (2%)	1 (1%)	107 (82%)
	Force/Other	6 (26%)	0 ---	0 ---	8 (35%)	9 (39%)	0 ---	23 (18%)
	Total	91 (70%)	7 (5%)	1 (1%)	19 (15%)	11 (9%)	1 (1%)	130 (100%)
Second	Child	66 (61%)	17 (16%)	0 ---	22 (20%)	1 (1%)	2 (2%)	108 (94%)
	Force/Other	2 (29%)	1 (14%)	0 ---	3 (43%)	1 (14%)	0 ---	7 (6%)
	Total	68 (59%)	18 (16%)	0 ---	25 (22%)	2 (2%)	2 (2%)	115 (100%)
Third	Child	17 (16%)	4 (4%)	0 ---	84 (76%)	4 (4%)	1 (1%)	110 (71%)
	Force/Other	12 (27%)	0 ---	0 ---	25 (56%)	7 (16%)	1 (2%)	45 (29%)
	Total	29 (18%)	4 (3%)	0 ---	109 (70 %)	11 (7%)	2 (1%)	155 (100%)
Fourth	Child	17 (47%)	1 (3%)	0 ---	15 (42%)	1 (3%)	2 (6%)	36 (46%)
	Force/Other	5 (12%)	4 (10%)	1 (2%)	30 (71%)	2 (5%)	0 ---	42 (54%)
	Total	22 (28%)	5 (6%)	1 (1%)	45 (58%)	3 (4%)	2 (3%)	78 (100%)
Fifth	Child	0 ---	0 ---	0 ---	1 (33%)	2 (67%)	0 ---	2 (100%)
Total	Child	185 (51%)	29 (8%)	1 (0.3%)	133 (37%)	10 (3%)	6 (2%)	364 (76%)
	Force/Other	25 (21%)	5 (4%)	1 (1%)	66 (56%)	19 (16%)	1 (14%)	117 (24%)
	Total	210 (44%)	34 (7%)	2 (0.4%)	199 (41%)	29 (6%)	7 (1.5%)	481 (100%)

¹⁹ The CSC offenses are grouped within each degree by statutory provisions that either specify that the victim was a child or do not specify the victim's age. The "Occupation" category refers to statutes specifying the occupation of the offender e.g.: psychotherapist, health care professional, clergy, correctional employee, or special transportation service employee or if one of the specified occupations was indicated by the MOC code, regardless of how the offense was charged.

Table 17. Volume of Offenders Sentenced for CSC Offenses by Statutory Provision, 2010-2016

Offense Severity Levels ²⁰ Presumptive Sentence with No Criminal History	Statute Number	Offense	Number of Offenders Sentenced				
			2012	2013	2014	2015	2016
First Degree Severity Level 9/A 144 Months	609.342 s. 1(a)	Victim under 13, Actor 3 years older	56	49	58	51	56
	609.342 s. 1(b)	Victim 13-16, Actor 4 years older & Pos. Authority	13	12	11	11	11
	609.342 s. 1(c)	Fear Great Bodily Harm	6	6	8	8	2
	609.342 s. 1(d)	Dangerous Weapon	3	4	1	3	2
	609.342 s. 1(e)(i)	Personal Injury and Uses Force or Coercion	20	16	12	14	15
	609.342 s. 1(e)(ii)	Personal Injury and Victim Impaired/Incapacitated	1	1	1	3	3
	609.342 s. 1(f)(i)	Accomplice and use Force or Coercion	4	4	0	0	1
	609.342 s. 1(f)(ii)	Accomplice and Dangerous Weapon	0	0	1	0	0
	609.342 s. 1(g)	Victim under 16, Significant Relationship	16	14	19	21	19
	609.342 s. 1(h)(i)	Under 16, Sig. Relation. and Force or Coercion	1	0	0	0	0
	609.342 s. 1(h)(ii)	Under 16, Sig. Relation. and Personal Injury	2	0	0	1	1
	609.342 s. 1(h)(iii)	Under 16, Sig. Relation. and Multiple Acts	14	9	11	11	20
Second Degree Contact Severity Level 6/D 21/36 Months (Stayed)	609.343 s. 1(a)	Contact Victim under 13, Actor 3 years older	72	66	66	75	53
	609.343 s. 1(b)	Victim 13-16, Actor 4 years older & Pos. Authority	11	8	5	14	12
	609.343 s. 1(g)	Victim under 16, Significant Relationship	16	20	10	22	18
Second Degree Contact Severity Level 8/B 90 Months	609.343 s. 1(c)	Fear Great Bodily Harm	1	1	2	1	2
	609.343 s. 1(d)	Dangerous Weapon	0	0	0	1	0
	609.343 s. 1(e)(i)	Personal Injury and Uses Force or Coercion	4	5	1	5	2
	609.343 s. 1(e)(ii)	Personal Injury and Victim Impaired/Incapacitated	2	0	1	1	3
	609.343 s. 1(f)(i)	Accomplice and use Force or Coercion	1	0	0	0	0
	609.343 s. 1(f)(ii)	Accomplice and Dangerous Weapon	0	0	0	0	0
	609.343 s. 1(h)(i)	Under 16, Sig. Relation. and Force or Coercion	1	1	3	2	2
	609.343 s. 1(h)(ii)	Under 16, Sig. Relation. and Personal Injury	0	1	0	3	2
Third Degree Penetration Unranked/D	609.343 s. 1(h)(iii)	Under 16, Sig. Relation. and Multiple Acts	27	24	24	26	21
	609.344 s. 1(a)	Criminal Sexual Conduct 3 – Penetration Victim under 13, perpetrator must be a juvenile	4	3	0	1	1

²⁰ Standard Grid/Sex Offender Grid

Offense Severity Levels ²⁰ Presumptive Sentence with No Criminal History	Statute Number	Offense	Number of Offenders Sentenced				
			2012	2013	2014	2015	2016
Third Degree Penetration Severity Level 5/D 18/24 Months (Stayed)	609.344 s. 1(b)	Victim 13-16, Actor 2 years older	111	100	118	122	93
	609.344 s. 1(e)	Victim 16-18, Actor 4 years older & Pos. Authority	7	8	6	4	1
	609.344 s. 1(f)	Victim 16-18, Significant Relationship	9	8	5	2	5
Third Degree Penetration Severity Level G 15 Months (Stayed)	609.344 s.1 (b) w/ reference to subd 2(2)	Victim 13-16, Actor between 2 and 4 years older (not separated from other offenses till 2015)	--	--	--	7	9
Third Degree Penetration Severity Level 8/C 48 Months	609.344 s. 1(c)	Force or Coercion	33	30	25	31	24
	609.344 s. 1(d)	Victim Mentally Impaired/Incapacitated	16	19	31	24	21
	609.344 s. 1(g)(i)	Sig. Relation. and Force or Coercion	1	0	0	0	0
	609.344 s. 1(g)(ii)	Sig. Relation. and Personal Injury	0	0	0	0	0
	609.344 s. 1(g)(iii)	Sig. Relation. and Multiple Acts over Time	0	3	0	2	1
	609.344 s. 1(h)	Psychotherapist – Patient	2	0	1	0	0
	609.344 s. 1(i)	Psychotherapist-Former Patient Emotional Dependent	0	0	0	0	0
	609.344 s. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	0	0
	609.344 s. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	0	0
	609.344 s. 1(l)	Clergy	0	0	0	0	0
	609.344 s. 1(m)	Correctional Employee	1	2	1	0	0
	609.344 s. 1(n)	Special Transportation Service	0	0	0	0	0
	609.344 s. 1(o)	Massage Therapist	0	3	1	0	0
Fourth Degree Contact Unranked/F	609.345 s. 1(a)	Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile	0	0	2	0	1
Fourth Degree Contact Severity Level 4/F 1Yr, 1Day/ 15 Months (Stayed)	609.345 s. 1(b)	Victim 13-16, Actor 4 years older or Pos. Authority	41	33	27	28	29
	609.345 s. 1(e)	Victim 16-18, Actor 4 years older & Pos. Authority	4	3	3	4	3
	609.345 s. 1(f)	Victim 16-18, Significant Relationship	3	6	2	2	3

Offense Severity Levels ²⁰ Presumptive Sentence with No Criminal History	Statute Number	Offense	# Offenders Sentenced				
			2012	2013	2014	2015	
Fourth Degree Contact Severity Level 6/E 21/24 Months (Stayed)	609.345 s. 1(c)	Force or Coercion	17	24	18	15	14
	609.345 s. 1(d)	Victim Mentally Impaired\Incapacitated	21	16	12	16	26
	609.345 s. 1(g)(i)	Sig. Relation. and Force or Coercion	0	0	0	0	0
	609.345 s. 1(g)(ii)	Sig. Relation. and Personal Injury	0	0	0	0	0
	609.345 s. 1(g)(iii)	Sig. Relation. and Multiple Acts over Time	2	0	0	0	0
	609.345 s. 1(h)	Psychotherapist – Patient	0	0	0	0	0
	609.345 s. 1(i)	Psychotherapist-Former Patient Emotional Dependent	0	0	0	0	0
	609.345 s. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	0	0
	609.345 s. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	0	1
	609.345 s. 1(l)	Clergy	0	1	0	0	0
	609.345 s. 1(m)	Correctional Employee	1	1	0	1	0
	609.345 s. 1(n)	Special Transportation Service	0	0	0	0	1
	609.345 s. 1(o)	Massage Therapist	0	1	4	3	0
Fifth Degree Contact Severity Level F 18 Months (Stayed) Doff Post 7/31/2014	609.3451 s. 3	Criminal Sexual Conduct 5 with previous conviction for 609.3451 s. 1,(2) with 2 or more previous convictions for 609.3451 s. 1,(1) with qualifying previous conviction for other offenses	--	--	--	1	3
Fifth Degree Contact Severity Level 4/G 1Yr, 1Day/ 15 Months (Stayed) Doff Pre 8/1/2014	609.3451 s. 3	Criminal Sexual Conduct 5 Violate 609.3451 s. 1, clause (2) after previous conviction	0	1	1	1	0

The following table displays sentencing practices from 2014 to 2016 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 18. Sentencing Practices for CSC Offenses by Statutory Provision, Combined Data for Cases Sentenced, 2013-2016

Offense Severity Levels ²¹ Presumptive Sentence with No Criminal History	Statute Number	Offense	Number of Cases	Number of Presumptive Prison	Prison Sentence Number and Rate		Av. Sent in Months	Mitigated Dispositional Departures Number and Rate	
First Degree Severity Level 9/A 144 Months	609.342 s.1(a)	Victim under 13, Actor 3 years older	165	165	128	78%	173	37	22%
	609.342 s.1(b)	Victim 13-16, Actor 4 years older & Pos. Authority	33	33	25	76%	198	8	24%
	609.342 s.1(c)	Fear Great Bodily Harm	18	18	17	94%	248	1	6%
	609.342 s.1(d)	Dangerous Weapon	6	6	4	67%	210	2	33%
	609.342 s.1(e)(i)	Personal Injury and Uses Force or Coercion	41	41	35	85%	220	6	15%
	609.342 s.1(e)(ii)	Personal Injury and Victim Impaired/Incapacitated	7	7	5	71%	203	2	29%
	609.342 s.1(f)(i)	Accomplice and use Force or Coercion	1	1	0	0%	---	1	100%
	609.342 s.1(f)(ii)	Accomplice and Dangerous Weapon	1	1	0	0%	---	1	100%
	609.342 s.1(g)	Victim under 16, Significant Relationship	59	59	47	80%	151	12	20%
	609.342 s.1(h)(i)	Under 16, Sig. Relation. and Force or Coercion	0	0	---	---	---	---	---
	609.342 s.1(h)(ii)	Under 16, Sig. Relation. and Personal Injury	2	2	1	50%	144	1	50%
	609.342 s.1(h)(iii)	Under 16, Sig. Relation. and Multiple Acts	42	42	34	81%	186	8	19%
Second Degree Contact Severity Level 6/D 21/36 Months (Stayed)	609.343 s.1(a)	Contact Victim under 13, Actor 3 years older	194	54	53	27%	77	11	20%
	609.343 s.1(b)	Victim 13-16, Actor 4 years older & Pos. Authority	31	10	7	23%	96	4	40%
	609.343 s.1(g)	Victim under 16, Significant Relationship	50	8	8	16%	64	2	25%

²¹ Standard Grid/Sex Offender Grid

Offense Severity Levels ²¹ Presumptive Sentence with No Criminal History	Statute Number	Offense	Number of Cases	Number Presumptive Prison	Prison Sentence Number and Rate		Av. Sent. in Months	Mitigated Dispositional Departures Number and Rate	
Second Degree Contact Severity Level 8/B 90 Months	609.343 s.1(c)	Fear Great Bodily Harm	5	5	4	80%	166	1	20%
	609.343 s.1(d)	Dangerous Weapon	1	1	1	100%	171	0	0%
	609.343 s.1(e)(i)	Personal Injury and Uses Force or Coercion	8	8	5	63%	116	3	38%
	609.343 s.1(e)(ii)	Personal Injury and Victim Impaired/Incapacitated	5	5	2	40%	95	3	60%
	609.343 s.1(f)(i)	Accomplice and use Force or Coercion	0	0	---	---	---	---	---
	609.343 s.1(f)(ii)	Accomplice and Dangerous Weapon	0	0	---	---	---	---	---
	609.343 s.1(h)(i)	Under 16, Sig. Relation. and Force or Coercion	7	7	5	71%	130	2	29%
	609.343 s.1(h)(ii)	Under 16, Sig. Relation. and Personal Injury	5	5	4	80%	101	1	20%
	609.343 s.1(h)(iii)	Under 16, Sig. Relation. and Multiple Acts	71	71	52	73%	111	19	27%
Third Degree Penetration Unranked/D	609.344 s.1(a)	Criminal Sexual Conduct 3 – Penetration Victim under 13, perpetrator must be a juvenile	2	0	1	50%	36	0	0%
Third Degree Penetration Severity Level 5/D 18/24 Months (Stayed)	609.344 s.1(b)	Victim 13-16, Actor 2 years older	333	58	55	17%	66	21	36%
	609.344 s.1(e)	Victim 16-18, Actor 4 years older & Pos. Authority	11	1	2	18%	73	0	0%
	609.344 s.1(f)	Victim 16-18, Significant Relationship	12	1	0	0%	---	1	100%
Third Degree Penetration Severity Level G 15 Months (Stayed)	609.344 s.1 (b) w/ reference to subd. 2(2)	Victim 13-16, Actor between 2 and 4 years older (not separated from other offenses till 2015)	16	0	2	13%	22.5	0	0%
Third Degree Penetration Severity Level 8/C 48 Months	609.344 s.1(c)	Force or Coercion	80	80	53	66%	78	27	34%
	609.344 s.1(d)	Victim Mentally Impaired/Incapacitated	76	76	43	57%	71	33	43%
	609.344 s.1(g)(i)	Sig. Relation. and Force or Coercion	0	0	---	---	---	---	---
	609.344 s.1(g)(ii)	Sig. Relation. and Personal Injury	0	0	---	---	---	---	---
	609.344 s.1(g)(iii)	Sig. Relation. and Multiple Acts over Time	3	3	3	100%	49	0	00%
	609.344 s.1(h)	Psychotherapist - Patient	1	1	1	100%	48	0	0%
	609.344 s.1(i)	Psychotherapist-Former Patient Emotional Dependent	0	0	---	---	---	---	---
	609.344 s.1(j)	Psychotherapist & Therapeutic Deception	0	0	---	---	---	---	---
	609.344 s.1(k)	Deception/False Rep. for Medical Purpose	0	0	---	---	---	---	---
	609.344 s.1(l)	Clergy	0	0	---	---	---	---	---

Offense Severity Levels ²¹ Presumptive Sentence with No Criminal History	Statute Number	Offense	Number of Cases	Number Presumptive Prison	Prison Sentence Number and Rate		Av. Sent. in Months	Mitigated Dispositional Departures Number and Rate	
	609.344 s.1(m)	Correctional Employee	1	1	1	100%	100	0	0%
	609.344 s.1(n)	Special Transportation Service	0	0	---	---	---	---	---
	609.344 s.1(o)	Massage Therapist	1	1	1	100%	48	0	0%
Fourth Degree Contact Unranked/F	609.345 s.1(a)	Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile	3	0	1	33%	36	---	---
Fourth Degree Contact Severity Level 4/F 1Yr, 1Day/ 15 Months (Stayed)	609.345 s.1(b)	Victim 13-16, Actor 4 years older or Pos. Authority	84	14	15	18%	45	2	14%
	609.345 s.1(e)	Victim 16-18, Actor 4 years older & Pos. Authority	10	1	1	10%	12.03	1	100%
	609.345 s.1(f)	Victim 16-18, Significant Relationship	7	1	1	14%	58	0	0%
Fourth Degree Contact Severity Level 6/E 21/24 Months (Stayed)	609.345 s.1(c)	Force or Coercion	47	7	8	17%	55	2	29%
	609.345 s.1(d)	Victim Mentally Impaired/Incapacitated	54	8	8	15%	58	3	38%
	609.345 s.1(g)(i)	Sig. Relation. and Force or Coercion	0	---	---	---	---	---	---
	609.345 s.1(g)(ii)	Sig. Relation. and Personal Injury	0	---	---	---	---	---	---
	609.345 s.1(g)(iii)	Sig. Relation. and Multiple Acts over Time	0	---	---	---	---	---	---
	609.345 s.1(h)	Psychotherapist - Patient	0	---	---	---	---	---	---
	609.345 s.1(i)	Psychotherapist-Former Patient Emotional Dep.	0	---	---	---	---	---	---
	609.345 s.1(j)	Psychotherapist & Therapeutic Deception	0	---	---	---	---	---	---
	609.345 s.1(k)	Deception/False Rep. for Medical Purpose	1	0	0	0%	---	---	---
	609.345 s.1(l)	Clergy	0	0	---	---	---	---	---
	609.345 s.1(m)	Correctional Employee	1	0	0	0%	---	---	---
	609.345 s.1(n)	Special Transportation Service	1	0	0	0%	---	---	---
	609.345 s.1(o)	Massage Therapist	7	1	0	0%	---	1	100%

Offense Severity Levels ²¹ Presumptive Sentence with No Criminal History	Statute Number	Offense	Number of Cases	Number Presumptive Prison	Prison Sentence Number and Rate		Av. Sent. in Months	Mitigated Dispositional Departures Number and Rate	
Fifth Degree Contact Severity Level F 18 Months (Stayed) Doff Post 7/31/2014	609.3451 s. 3	Criminal Sexual Conduct 5 previous conviction for 609.3451 s. 1,(2) 2 or more previous convictions for 609.3451 s. 1,(1) qualifying previous conviction for other offenses	3	1	0	0%	---	1	100%
Fifth Degree Contact Severity Level 4/G 1Yr, 1Day/15 Months (Stayed) Doff Pre 8/1/2014	609.3451 s.3	Criminal Sexual Conduct 5 Violate 609.3451 s.1, clause (2) after previous conviction	2	0	0	0%	---	---	---

Table 19. Outline of Mandatory Minimums Applicable to Criminal Sexual Conduct Offenses, 2016*

If the current offense is ...	and ...	and ...	then the court must sentence offender to ...	per Minn. Stat. § ...
Criminal Sexual Conduct (CSC) 1 st -4 th 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 1 st -5 th Degree (or CSC 1 st -3 rd Degree, if current offense is CSC 4 th 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 1 st -4 th Degree	before the current offense date, offender was convicted of two prior felony violent crimes (see statutory list; includes CSC 1 st -4 th Degree & Controlled Substance Crime 1 st & 2 nd 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 2 nd Degree	the charge is not 2 nd 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 1 st 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 1 st -4 th Degree or CSPC	before the current offense date, offender was sentenced for a previously completed or attempted CSC 1 st -5 th Degree or CSPC	the current conviction date is within 15 yrs. 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 1 st -4 th 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 1 st -3 rd or 5 th Degree, Domestic Assault, robbery, kidnapping, false imprisonment, witness tampering, Arson 1 st Degree, or Burglary 1 st 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 1 st -4 th Degree or CSPC	before the current offense date, offender was convicted of two previously completed or attempted CSC 1 st -5 th Degree (or CSC 1 st -3 rd Degree, in the case of a current CSC 4 th 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 1 st -5 th Degree (or CSC 1 st -3 rd Degree, in the case of a current CSC 4 th 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 1 st -4 th Degree or CSPC	before the current conviction (see <i>Nodes</i>), offender was twice convicted of CSC 1 st -5 th Degree (or CSC 1 st -3 rd Degree, in the case of a current CSC 4 th 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 1 st or 2 nd 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 1 st -3 rd 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.”

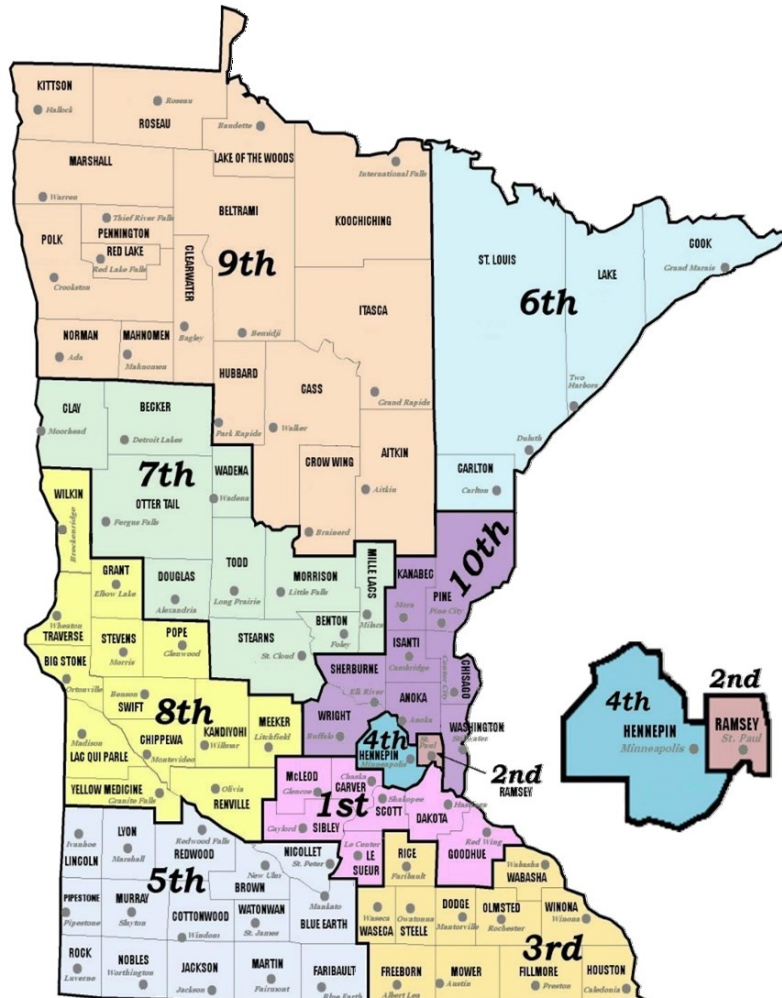
How the Guidelines Work

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

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

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

Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
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.

Sentencing Guidelines Grid

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/</i> <i>Weapon 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, 3}
<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.

³ The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

Sex Offender Grid

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>306-360</i> ²
<i>CSC 2nd Degree—(c)(d)(e)(f)(h) Prostitution; Sex Trafficking</i> ³ <i>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>255-300</i> ²
<i>CSC 3rd Degree—(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking</i> <i>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>153-180</i> ²
<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 Pornography</i> ²	E	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> ²
<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 Conduct</i> ²	G	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> ²
<i>Registration Of Predatory Offenders</i>	H	12 ¹ <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.)