

# Sex Offenses

Sentencing Practices for Offenses  
Sentenced in 2020 and 2021

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# MINNESOTA

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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.

# Table of Contents

<b>Summary of 2020 &amp; 2021 Data</b> .....	<b>1</b>
Sex Offender Grid Overview .....	2
Data Description .....	3
Case Volume Over Time.....	3
<b>Criminal Sexual Conduct Offenses Sentenced in 2020 &amp; 2021</b> .....	<b>5</b>
General Structure of CSC Offenses .....	5
Criminal Sexual Conduct Cases in 2020 & 2021.....	8
CSC Sentencing Practices in 2020 & 2021.....	12
CSC Offenses: Guidelines Departures in 2020 & 2021.....	20
<b>Non-CSC Sex Offenses Sentenced in 2020 &amp; 2021</b> .....	<b>26</b>
General Structure of Non-CSC Sex Offenses.....	26
Non-CSC Sentencing Practices in 2020 & 2021: Incarceration Rates .....	28
Non-CSC Sex Offenses: Guidelines Departures in 2020 & 2021 .....	30
<b>Data Tables</b> .....	<b>32</b>
<b>How the Guidelines Work</b> .....	<b>56</b>
<b>Appendices</b> .....	<b>57</b>
Appendix 1. Minnesota Judicial District Map .....	57
Appendix 2. Sentencing Guidelines Standard Grid – Effective August 1, 2019 .....	58
Appendix 3. Sex Offender Grid – Effective August 1, 2019 .....	59
Appendix 4. Criminal Sexual Conduct Offense Flowcharts.....	60

# Table of Figures and Tables

Table 1. Sex Offenses by Sex Offender Grid Severity Level, Grid Maximum, and Statutory Maximum, 2020 & 2021 .....	2
Figure 1. Number of Offenses Sentenced using Sex Offender Grid by Offense Type, 2007–2021 .....	4
Figure 2. Presumptive Sentences by Degree over Time at Criminal History Score 0, 1988, 1999, 2005, 2020 & 2021 .....	7
Figure 3. Presumptive Sentences by Degree over Time at Criminal History Score 6, 1988, 1999, 2005, 2020 & 2021 .....	8
Figure 4. Total Volume of CSC Cases, 1982–2021 .....	8
Figure 5. Volume of CSC Cases by Relationship Category, 1994–2021 .....	10
Figure 6. Case Distribution by Region, CSC Offenses Compared to Other Offense Types, 2020 & 2021.....	11
Figure 7. Case Distribution by Age Range, CSC Offenses Compared to Other Offense Types, 2020 & 2021.....	12
Figure 8. Distribution by Race, CSC Offenses Compared to Other Offense Types, 2020 & 2021 .....	12
Figure 9. Incarceration Rates, 2020 & 2021 .....	13
Table 2. CSC Case Volume & Imprisonment Rate by Offense Type & Prior CSC Record, 2020 & 2021 .....	13
Figure 10. Average Pronounced Prison Sentences by Offense, Executed Prison Sentences, 1988, 1999, 2005, and 2020 & 2021 .....	14
Figure 11. Average Pronounced Prison Sentence, Executed Prison Sentences by CSC Offense Type, 2020 & 2021 .....	15
Table 3. Pronounced Life Sentences for Criminal Sexual Conduct, 2006–2021.....	16
Table 4. Executed Sentences of Double the Presumptive Sentence or More, 2020 & 2021 .....	17
Table 5. Other Executed Sentences with Durations of 30 Years or More, 2020 & 2021 .....	18
Figure 12. Mandatory Conditional Release Terms, CSC Cases with Executed Prison Sentences, 2009–2021.....	19
Figure 13. Average Pronounced Period of Supervision by Offense that Received a Stayed Sentence, 2020 & 2021 .....	19
Figure 14. Mitigated Dispositional Departure Rates by Offense, Presumptive Commitment Cases, 2020 & 2021	21
Figure 15. Mitigated Dispositional Departure Rates by Degree, Presumptive Commitment Cases, 2020 & 2021	21
Figure 16. Most Frequently Cited Mitigated Dispositional Departure Reasons, 2020 & 2021 .....	22
Figure 17. Durational Departure Rates by Offense for Cases Receiving Executed Prison Sentences, 2020 & 2021 .....	23
Figure 18. Most Frequently Cited Mitigated Durational Departure Reasons, 2020 & 2021.....	24

Figure 19. Most Frequently Cited Aggravated Durational Departure Reasons 2020 & 2021 .....	25
Table 6. Incarceration Rates for Non-CSC Sex Offenses, 2020 & 2021 .....	29
Figure 20. Incarceration Rates, 2020 & 2021 .....	29
Table 7. Average Sentence Durations for Non-CSC Sex Offenses, 2020 & 2021.....	30
Figure 21. Mitigated Dispositional Departure Rates by Offense, Presumptive Commitment Cases, 2020 & 2021	31
Table 8. Incarceration Rates and Average Pronounced Durations: Criminal Sexual Conduct (CSC) Offenses, 1988–2021 .....	32
Table 9. Incarceration Rates and Average Pronounced Durations by Degree of Criminal Sexual Conduct Offenses, 1988–2021 .....	33
Table 10. Departure Rates for Criminal Sexual Conduct (CSC) Offenses, 1988–2021 .....	39
Table 11. Departure Rates by Degree of Criminal Sexual Conduct (CSC) Offenses, 1997–2021 .....	40
Table 12. Victim Age by Child/Other Statutory Provisions for Criminal Sexual Conduct (CSC) Offenses, 2020 & 2021 .....	44
Table 13. Victim-Offender Relationship by Child/Other Statutory Provisions for Criminal Sexual Conduct (CSC) Offenses, 2020 & 2021 .....	45
Table 14. Volume of Cases Sentenced for Criminal Sexual Conduct Offenses (CSC) by Statutory Provision, 2017–2021 .....	46
Table 15. Sentencing Practices for Criminal Sexual Conduct (CSC) Offenses by Statutory Provision, Combined Data 2017–2021 .....	50
Table 16. Outline of Mandatory Minimums Applicable to Criminal Sexual Conduct Offenses .....	53
Figure 22. Criminal Sexual Conduct Offense Flowchart – Applicable Regardless of Victim's Age .....	61
Figure 23. Criminal Sexual Conduct Offense Flowchart – Applicable When Victim is a Child .....	61



## Summary of 2020 & 2021 Data

This report summarizes sentencing practices for felony cases sentenced using the Sex Offender Grid in 2020 and 2021. It includes both information on first- through fifth-degree felony Criminal Sexual Conduct (“CSC”) offenses and other (“non-CSC”) sex offenses. Information on sentencing practices for CSC offenses from 1988 to 2021 is provided in the tables beginning on page 32. This report also contains information on the use of special statutory sentencing provisions.

In 2020 and 2021, 826 CSC cases were sentenced. The case volume in 2020 (381 cases) and 2021 (445 cases) was significantly smaller than the 2019 case volume (526 cases). Although this fluctuation is assumed to be related to the COVID-19 pandemic, case volume has fluctuated since 1981. The number of cases sentenced peaked in 1994, at 880 cases, 40 percent greater than in 2019. Almost all the growth since 1981 has been in the CSC child provisions (specifying the age of the victim).

Among the CSC cases sentenced in 2020 and 2021, 94 percent received incarceration, either in a local correctional facility (*i.e.*, county jail or workhouse) (50.5%) or in state prison (43.5%) (Figure 9, p. 13). The latter imprisonment rate was somewhat lower than 2019’s record-high imprisonment rate of 46 percent (Table 9, p. 33). Among 2020–21 CSC cases in which the Guidelines recommended imprisonment, 71 percent received executed prison sentences (Figure 9, p. 13, “Presumptive Commits”), while 29 percent received a mitigated dispositional departure (Figure 14, p. 21). This mitigated dispositional departure rate was almost identical to the 2019 rate of 28 percent and higher than in any year since 2014. Eighty percent of 2020–21 cases with a prior sex offense conviction received an executed prison sentence (Table 2, p. 13, “CSC Offenses with True Prior CSC offense(s)"). Among executed prison sentences, aggravated durational departures occurred at a higher rate (10%) in 2020–21 than in 2019 (6%), while mitigated durational departures, at 15 percent, were also higher than the 2019 rate of 13 percent (Figure 17, p. 23).

For first- and second-degree CSC offenses, the victim was more likely to be a family member; for third- and fourth-degree CSC, the victim was more likely to be an acquaintance. In six percent of cases, the victim was a stranger (Table 13, p. 45).

Among executed prison sentences, the average pronounced duration across all CSC degrees was 136 months in 2020 and 2021, a decrease from 146 months in 2019. The average pronounced sentence for first-degree penetration cases was 203 months (Figure 11, p. 15). While average prison sentences have increased since the implementation of the Sex Offender Grid in 2006, average pronounced confinement in a local correctional facility as a condition of a stayed sentence (*i.e.*, county jail or workhouse) has remained relatively consistent, between 180 and 190 days, since 1989. In 2020 and 2021, the average was 175 days (Table 8, p. 32).

In four CSC cases in 2020 and 2021, the sentence was life imprisonment (Table 3, p. 16). Nine cases received double the presumptive duration or more (Table 4, p. 17). Eleven other cases received total sentences of 360 months (30 years) or more (Table 5, p. 18).

## Sex Offender Grid Overview

The Sex Offender Grid applies to sex offenses committed on or after August 1, 2006.<sup>1</sup> Compared with the Standard Grid, the Sex Offender Grid recommends longer sentences for cases with criminal history scores above zero. In general, the statutory maximum penalties appear on the Sex Offender Grid as the presumptive sentence at the maximum criminal history score (six or above). This holds true for the most common CSC offenses, with exceptions for offenses with multiple severity levels (such as second- through fourth-degree CSC) and offenses that do not fit well on the Sex Offender Grid (such as soliciting minors for sexual conduct). 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 when a sex offense is committed while on probation or supervised release for a prior sex offense. Table 1 displays the severity level, grid maximum, and statutory maximum in effect in 2020 and 2021 for each offense on the Sex Offender Grid.

Table 1. Sex Offenses by Sex Offender Grid Severity Level, Grid Maximum, and Statutory Maximum, 2020 & 2021

Offenses on the Sex Offender Grid		Severity Level	Grid Max. (mo.)	Statutory Max. (mo.)
Criminal Sexual Conduct	First-Degree CSC, M. S. § 609.342	<b>A</b>	360	360
	Second-Degree CSC, M.S. § 609.343	<b>B</b> <i>(contact w/ force: subd. 1(c)(d)(e)(f)(h))</i>	300	300
		<b>C</b> <i>(contact w/ minor: subd. 1(a)(b)(g))</i>	180	300
	Third-Degree CSC, M.S. § 609.344	<b>C</b> <i>(penetration w/ force or prohibited occupation: subd. 1(c)(d)(g)–(n))</i>	180	180
		<b>D</b> <i>(penetration w/ minors: subd. 1(b)(e)(f))</i>	168	180
		<b>G</b> <i>(actor &lt;48 months older than victim: subd. 1(b) w/ ref. subd. 2(2))</i>	60	60
	Fourth-Degree CSC, M.S. § 609.345	<b>E</b> <i>(contact/ force or prohibited occupation: subd. 1(c)(d)(g)–(n))</i>	120	120
		<b>F</b> <i>(contact w/ minors: subd. 1(b)(e)(f))</i>	100	120
Fifth-Degree CSC, M.S. § 609.3451	<b>G</b> <i>(Gross misdemeanor w/ relevant priors)</i>	60	84	
Non-CSC Sex Offenses	First-Degree Sex Trafficking, M.S. § 609.322	<b>B</b> <i>(solicits, promotes, or receives profit derived from prostitution: subd. 1(a))</i>	300	240
	Second-Degree Sex Trafficking, M.S. § 609.322	<b>C</b> <i>(solicits, promotes, or receives profit derived from prostitution: subd. 1a)</i>	180	180
	Dissemination of Child Pornography, M.S. § 617.247	<b>D</b> <i>(subsequent, by predatory offender, or child under 13: subd. 3(b))</i>	168	180
	Use of Minors in Sexual Performance, M.S. § 617.246	<b>D</b> <i>(subsequent, by predatory offender, or child under 13: subd. 4(b))</i>	168	180

<sup>1</sup> Sex trafficking offenses were added to the Sex Offender Grid August 1, 2011.

Offenses on the Sex Offender Grid		Severity Level	Grid Max. (mo.)	Statutory Max. (mo.)
Non-CSC Sex Offenses	Dissemination of Child Pornography, M.S. § 617.247	E	120	84
	Use of Minors in Sexual Performance, M.S. § 617.246	E	120	120
	Possession of Child Pornography, M.S. § 617.247	F <i>(subsequent, by predatory offender, or child under 13: subd. 4(b))</i>	100	120
	Indecent Exposure, M.S. § 617.23	G	60	60
	Possession of Child Pornography, M.S. § 617.247	G	60	60
	Solicitation of Children to Engage in Sexual Conduct, M.S. § 609.352	G	60	36
	Solicitation of Children to Engage in Sexual Conduct (Electronic), M.S. § 609.352	G <i>(electronic: subd. 2a)</i>	60	36
	Surreptitious Observation Device, M.S. § 609.746	G <i>(minor victim and sexual intent: subd. 1(f))</i>	60	48
	Failure to Register as Predatory Offender, M.S. § 243.166	H	43	60

Note: This table does not account for significant statutory changes enacted in 2021 that apply to CSC offenses committed on or after August 1, 2021. See footnote 2.

## Data Description

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

## Case Volume Over Time

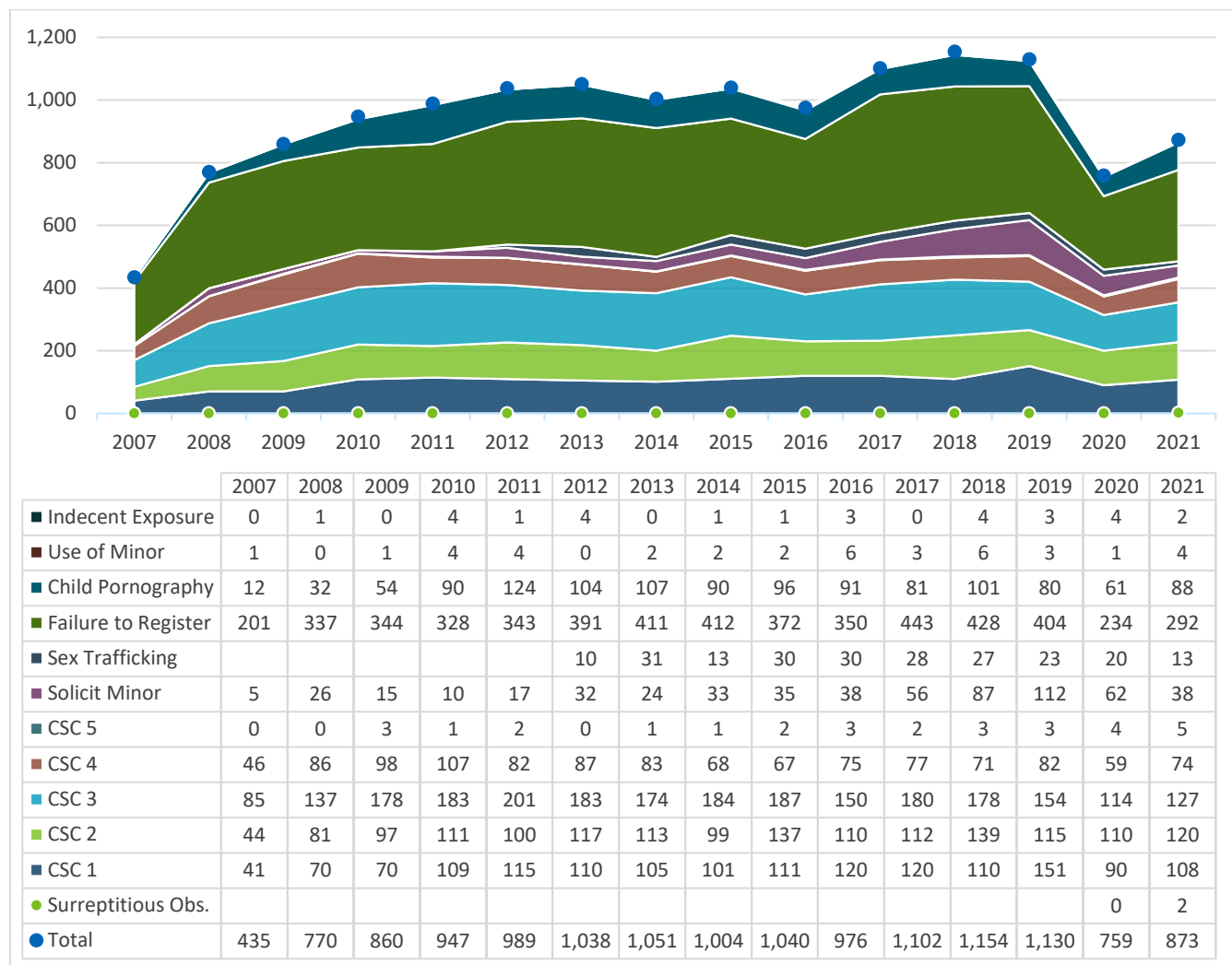
Figure 1 displays the number of cases sentenced on the Sex Offender Grid since 2007. Sex offenses with dates of offense before August 1, 2006, are excluded. Since the Sex Offender Grid became effective for offenses with dates of offenses on or after August 1, 2006, the following growth rates are calculated from 2009 to 2019 (2012–2019 for Sex trafficking). Due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 may not be fair approximations of cases sentenced in the past or future; therefore, only limited comparisons to cases sentenced in 2019 and previous years are made in this report. The cases sentenced in either 2020 (759 cases) or 2021 (873 cases) were about one-third of the cases sentenced in 2019 (1,130).

Overall, the total number of offenses sentenced grew from 860 in 2009 to 1,130 in 2019, a growth rate of 34.1 percent.

- The offense displaying the most growth was Soliciting Minors for Sexual Conduct (Minn. Stat. § 609.352) which grew from 15 cases in 2009 to 112 cases in 2019 (+647%).

- Third- and fourth-degree CSC declined from 2009 to 2019 (-13.5% and -16.3%, respectively).

Figure 1. Number of Offenses Sentenced using Sex Offender Grid by Offense Type, 2007–2021



# Criminal Sexual Conduct Offenses Sentenced in 2020 & 2021

This section of the report focuses on first- through fifth-degree Criminal Sexual Conduct (CSC) offenses. Below is an explanation of Minnesota’s CSC offense statutes and sentencing policy considerations.

## General Structure of CSC Offenses

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Under Minnesota law,<sup>2</sup> criminal sexual conduct (CSC) offenses are categorized into five degrees, with first-degree being the most serious. The classification of offenses into degrees is based on a combination of factors:

- Whether the offense involved sexual penetration or contact;
- Age of the victim and offender;
- Relationship of the offender to the victim (*e.g.*, position of authority, significant relationship, psychotherapist, etc.);
- Degree of injury or threat of injury;
- Weapon involvement; and
- Force or coercion.

Most of the provisions of **first-degree** CSC involve sexual penetration, together with personal injury, fear of great bodily harm, or the use of a dangerous weapon. First-degree CSC also includes offenses against young children—or, in some cases, somewhat older children, depending on the offender’s relationship to the victim—that may not require injury, force, or weapons. **Second-degree** offenses are similar but involve sexual contact rather than penetration. Some non-penetration offenses involving more egregious forms of sexual contact<sup>3</sup> against young children are first-degree offenses.

**Third-degree** offenses involve sexual penetration and focus on children who are somewhat older, or cases in which there was force, coercion, or exploitation of the victim’s physical or mental condition. The use of a weapon or the threat of great bodily harm is not a necessary element of the offense. Third-degree offenses also include cases involving persons in prohibited occupations such as 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.

The flowcharts in Appendix 4 (p. 60) illustrate the differences among the five degrees. Tables 14 and 15 (pp. 46 & 50) display the volume of cases and sentencing practices by statutory provision.

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<sup>2</sup> Minn. Stat. §§ [609.341–609.3451](#) (2020). The 2021 changes to sex offenses ([2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 4](#)) applied to crimes committed on or after September 15, 2021. Because this report’s scope is limited to crimes sentenced on or before December 31, 2021, this report disregards the 2021 statutory changes.

<sup>3</sup> “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) (2020).

## CSC Offense Rankings

All first-degree offenses are ranked at Severity Level A. Completed first-degree offenses have presumptive sentences that range from 144 months<sup>4</sup> to 360 months. The Sex Offender Grid does not distinguish between first-degree contact<sup>5</sup> 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 months<sup>6</sup> 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 cases are recommended probation based on criminal history score (CHS). Recommendations for prison begin at a CHS of 2 or 3, depending on the offense. For a more detailed illustration of how each CSC offense is ranked, refer to the flowcharts in Appendix 4 (p. 60).

## Criminal Sexual Predatory Conduct

Criminal sexual predatory conduct under Minn. Stat. § 609.3453 is effective for crimes committed on or after August 1, 2005. When a person commits a predatory crime<sup>7</sup> motivated by sexual impulses or part of a predatory pattern of behavior with CSC as its goal, the presumptive duration is increased by twenty-five percent—or fifty percent, if the person had a “previous sex offense conviction” as defined in Minn. Stat. § 609.3455, subd. 1. Since the enactment of this statute, four cases have been sentenced, one each in 2008, 2011, 2019, and 2021.<sup>8</sup> The underlying predatory crimes were first-degree aggravated robbery, first-degree burglary of an occupied dwelling, first-degree burglary with assault, and kidnapping.

## Life Sentences for Certain Sex Offenses

Beginning in 2005, the Legislature required life sentences for certain CSC offenses committed repeatedly or under heinous circumstances. In some cases, these life sentences are without the possibility of release. See [Minn. Stat. § 609.3455](#), subds. 2, 3, and 4, and Table 16 (p. 53). Such offenses are excluded from the Guidelines, because by law the sentence is mandatory life imprisonment.<sup>9</sup> In 2020 and 2021, there were four life sentences

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

<sup>5</sup> “Sexual contact with a person under 13.” For discussion, see footnote 3.

<sup>6</sup> The legislatively presumed minimum sentence for second-degree CSC force offenses is 90 months. Minn. Stat. § [609.343](#), subd. 2(b); [2002 Minn. Laws ch. 381](#), § 2.

<sup>7</sup> Murder; manslaughter; first-, second-, or third-degree assault; robbery; kidnapping; false imprisonment; witness tampering; or first-degree arson or burglary. Minn. Stat. § [609.341](#), subd. 22.

<sup>8</sup> MSGC uses the Electronic Worksheet System (EWS) to track when a sentence modifier, such as criminal sexual predatory conduct, is used. The criminal sexual predatory conduct modifier was added to EWS in May of 2006, therefore, MSGC cannot determine if this modifier was used from August of 2005 to April of 2006.

<sup>9</sup> Nevertheless, for life sentences with the possibility of release, the court must refer to the Guidelines to establish a minimum term of imprisonment that must be served before supervised-release eligibility. Minn. Stat. § 609.3455, subd. 5.

for sex offenses under Minn. Stat. § 609.3455 (2 cases in 2020 and 2 cases in 2021) which are discussed further on page 15.

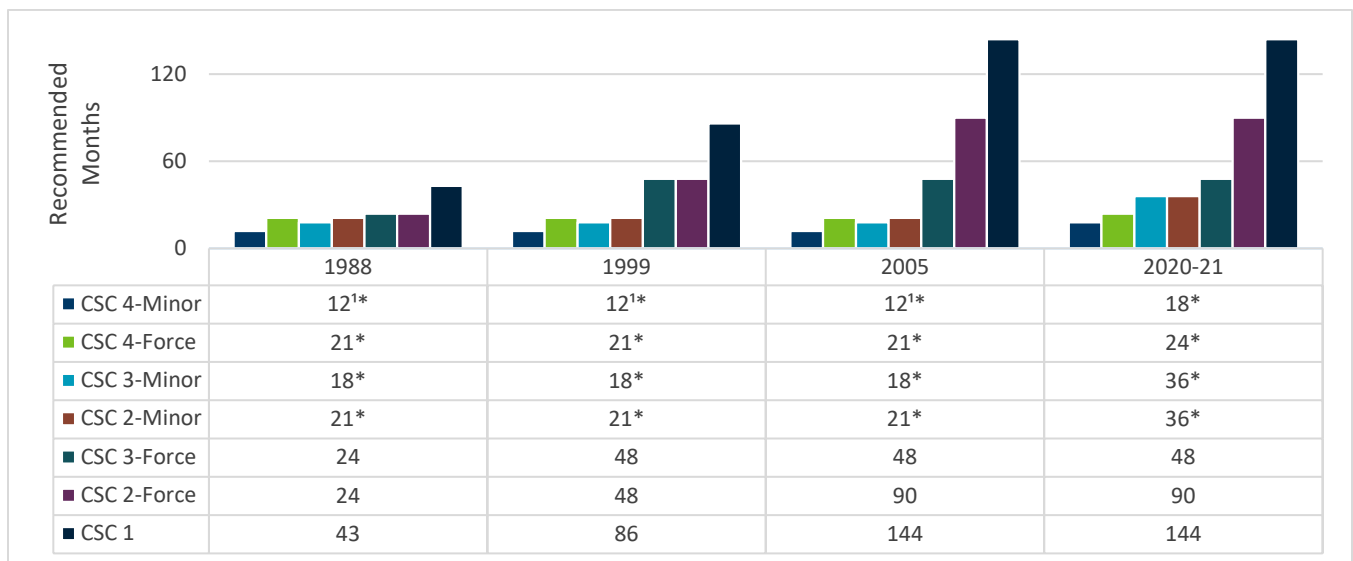
### Applicable Grid

Section 3.G. of the Guidelines provides that modifications apply to offenses committed on or after the specified modification effective date. Therefore, the Sex Offender Grid enacted in 2006 applies to offenses committed on or after August 1, 2006. Of the 826 CSC cases sentenced in 2020 and 2021, 811 (98%) were eligible for sentencing on the Sex Offender Grid.

### Presumptive Sentences over Time

Figure 2 illustrates the impact of policy changes over time to the presumptive sentences at a criminal history score of 0. These policy changes include changes to the presumptive Guidelines sentences, the implementation of the Sex Offender Grid, and statutory changes mandating presumptive sentences for sex offense cases.

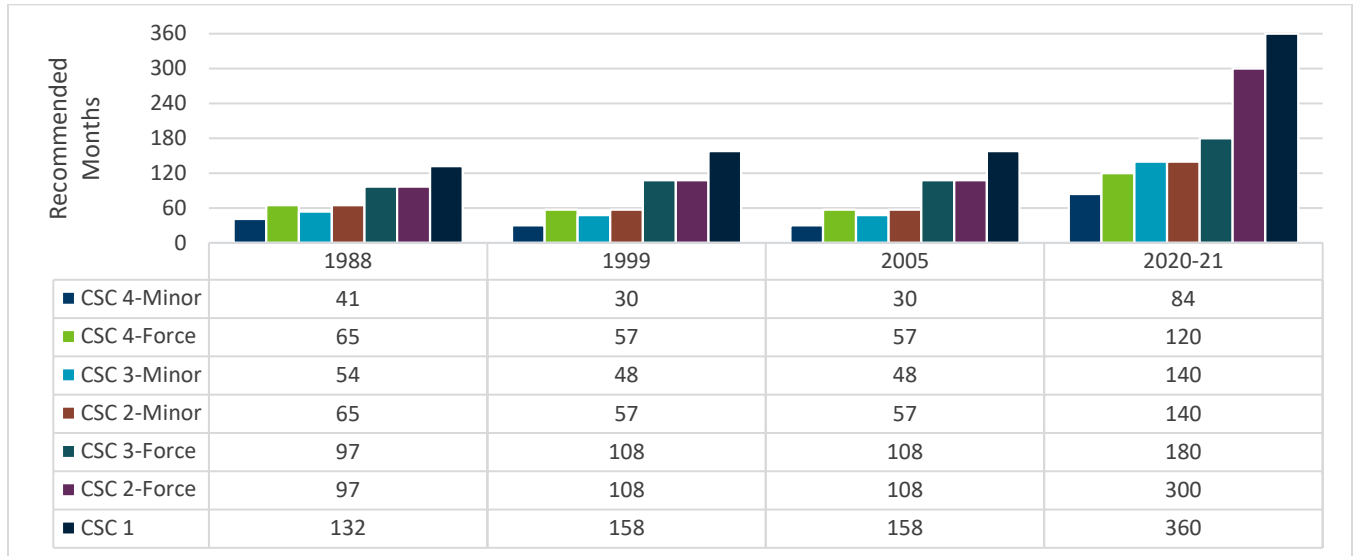
Figure 2. Presumptive Sentences by Degree over Time at Criminal History Score 0, 1988, 1999, 2005, 2020 & 2021



\* Presumptive stayed (probationary) sentence. "12<sup>1</sup>" = 12 months and 1 day.

Like Figure 2, above, Figure 3 shows the changes to the presumptive sentences over time at Criminal History Score 6.

Figure 3. Presumptive Sentences by Degree over Time at Criminal History Score 6, 1988, 1999, 2005, 2020 & 2021

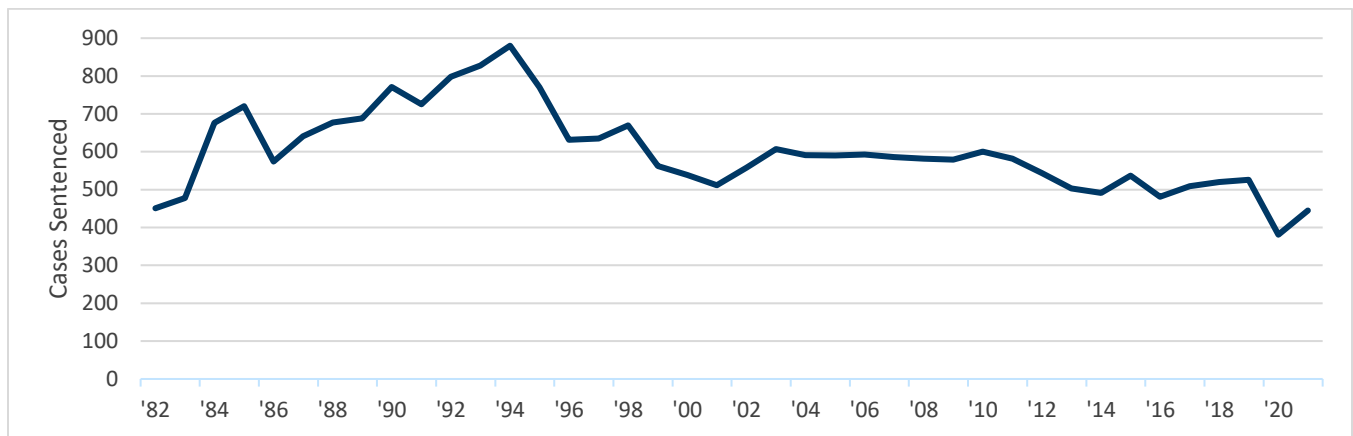


## Criminal Sexual Conduct Cases in 2020 & 2021

### CSC Case Volume and Distribution

In 2020 and 2021, 826 CSC cases were sentenced, 381 in 2020 and 445 in 2021. As Figure 4 illustrates, the number peaked in 1994 at 880 cases. From 2004 until 2011, the number ranged from 580 to 600. In 2014, and again in 2016, the number sentenced dipped below 500 for the first time since 1983. Case volume again rose above 500 in 2017. It is assumed that the lower number of cases sentenced in 2020 and 2021 is due to the pandemic. See Table 8 (p. 32) for information on the number of CSC cases sentenced since 1988.

Figure 4. Total Volume of CSC Cases, 1982–2021



## CSC Offenses by Degree

Until 2019, the distribution of cases among the five statutory degrees of CSC had also remained fairly consistent over the previous fifteen years (Table 9, p. 33). The percentage of first-degree CSC cases had consistently ranged between 21 and 26 percent since 2004, except for 2009 when it dipped to a low of 18 percent. In 2019, for the first time, the percentage of cases that were first-degree CSC rose to 30 percent (up from 23% in 2018). In 2020 and 2021, first-degree cases declined to 25 percent of the total CSC cases sentenced; this change is visually illustrated in Figure 1 (p. 4).

The remainder of the 2020 and 2021 cases were distributed as follows: 28 percent were second-degree CSC (24% in 2019), 30 percent were third-degree CSC (30% in 2019), and 16 percent were fourth-degree CSC (16% in 2019). There were a total of nine felony fifth-degree CSC cases in 2020 and 2021, an increase from the three sentenced in 2019 (Table 9, p. 33).

## CSC Offenses by Relationship Categories

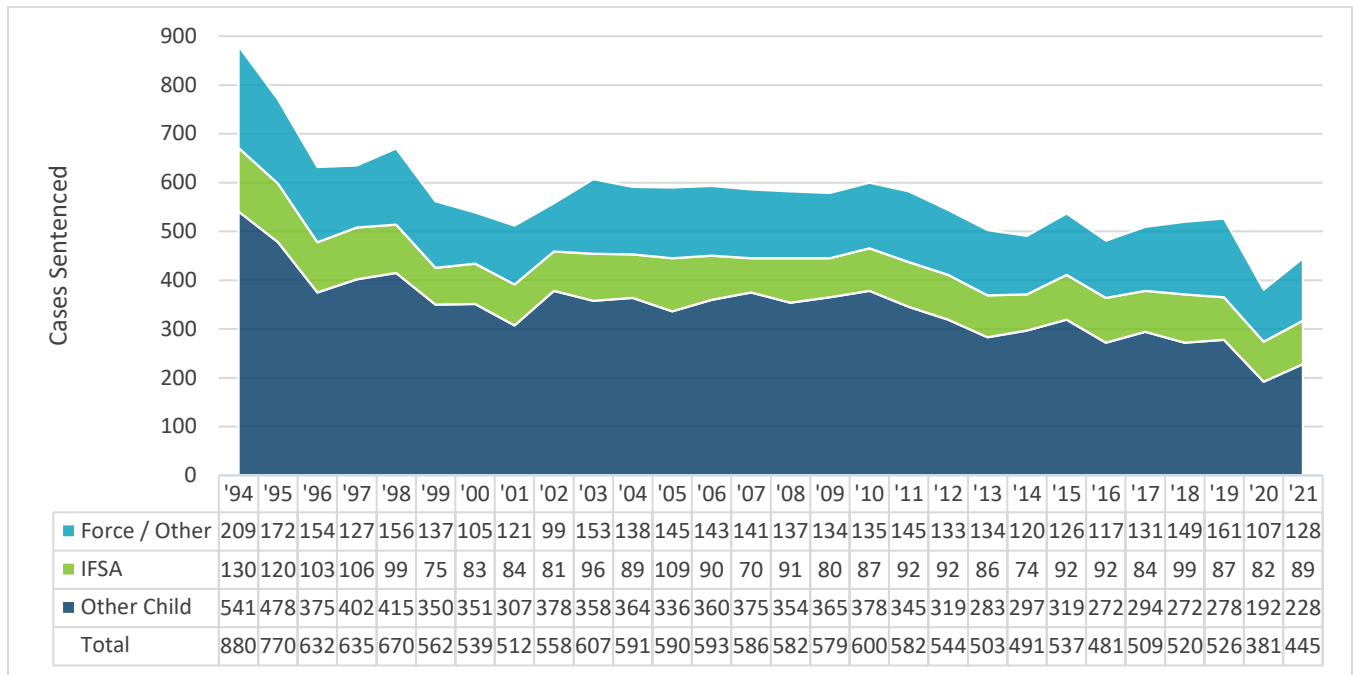
Sentencing practices differ based on the relationship between the victim and the offender. To assist in analyzing and interpreting information on sentencing patterns, criminal sexual conduct cases examined for this report were assigned, according to the statute of conviction, to one of the following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

- **IFSA** (Intra-Familial Sex Abuse): Conviction under a subdivision that requires that the offender had a significant relationship (*e.g.*, parent, sibling, first cousin, uncle, aunt, grandparent) to the victim.
- **Other Child**: Conviction under a subdivision that specifies that the victim is a minor but does not specify that there was a significant relationship. Subdivisions that specify that the offender was in a position of authority over the victim are included here because these offenses include, in addition to parents, unrelated persons acting in a position of authority.
- **Force/Other**: Force or a weapon was involved, or the offense involved abuse by a psychotherapist, health care professional, clergy member or members of other specified occupations. The provisions do not specify the age of the victim or the relationship of the offender to the victim. Some of the victims of these offenses are also children.

Although each offense is assigned to only one category, an offense may, in fact, fit into another category as well. For example, many offenses categorized as “Other Child” or “Force/Other” involved family members (38% and 22%, respectively), according to Minnesota Offense Codes.

The distribution of cases between the relationship categories has remained fairly stable since 2003. In 2020 and 2021, 235 (29%) of the cases sentenced were in the “Force/Other” category, which is comparable to the 31 percent observed in 2019. At 31 percent of the cases sentenced, the 2019 share of cases in the “Force/Other” category was the highest seen since before 1985 when the CSC statutes were recodified. In 2020 and 2021 there were 171 (21%) “IFSA” cases and 420 (51%) “Other Child” offenses (a lower percentage than has typically been seen since 1990) (Figure 5). In the “Force/Other” category, 218 of the 235 cases were offenses involving force. Of the remaining seventeen cases in the other category, three involved correctional employees, four involved a psychotherapist, two involved massage therapists, one involved a clergy member, one involved deception for a medical purpose, and six were fifth-degree offenses.

Figure 5. Volume of CSC Cases by Relationship Category, 1994–2021



### Victim & Relationship Characteristics

The following overview of victim characteristics for the CSC offenses sentenced in 2020 and 2021 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 77 percent of the cases sentenced, the victims were minors: 38 percent involved victims under the age of 13; and 39 percent involved victims who were between the ages of 13 and 17. Twenty-three percent involved victims who were adults. Ninety-one percent of the victims were female, and nine percent were male. (See Table 12, p. 44, for information on victim age.)

Table 13 (p. 45) 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 victim was more likely to be a family member (61% and 63%, respectively); for third- and fourth-degree offenses, the victim was more likely to be an acquaintance (66% and 52%, respectively). Only a small percentage of cases (6%) involved strangers.

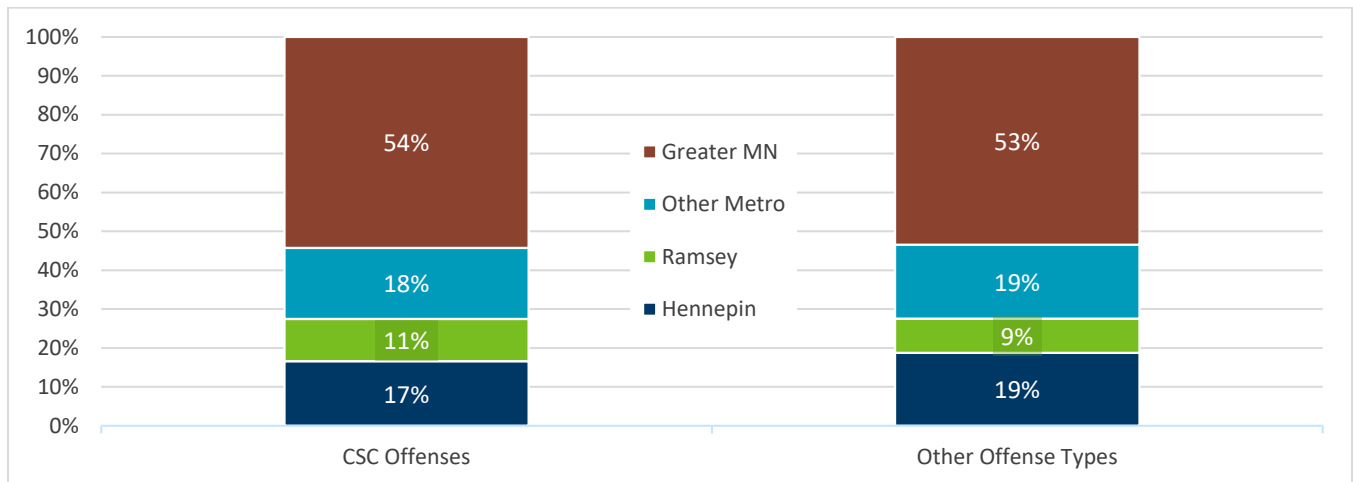
## Prior Record of Sex Offenses

Most people sentenced for felony CSC did not have a true prior<sup>10</sup> sex offense in their criminal records. In 2020 and 2021, five percent of sex offenses had a true prior felony sex offense listed on their sentencing worksheet. This figure varied slightly by the type of sex offense. (See Table 2, p. 13.)

## Case Demographics

A similar percentage of CSC offenses are sentenced in Greater Minnesota compared to other felony offense types (Figure 6). The male percentage of those sentenced for CSC offenses in 2020 and 2021 (99%) was greater than the male percentage of those sentenced for other felony offenses (81%).

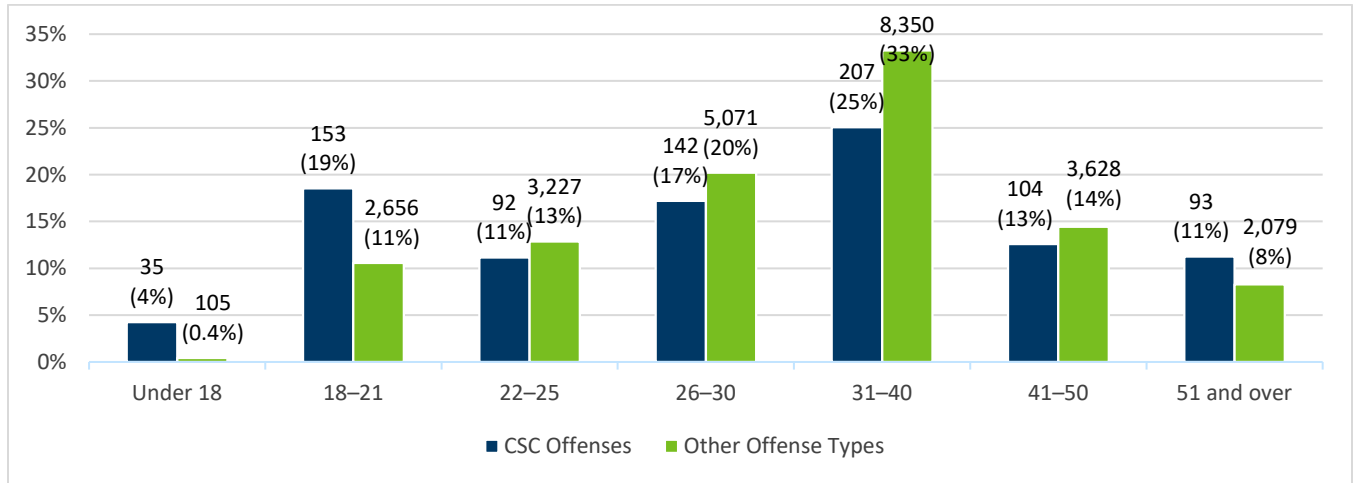
Figure 6. Case Distribution by Region, CSC Offenses Compared to Other Offense Types, 2020 & 2021



Four percent of the CSC cases sentenced were committed by juveniles (under 18) compared to less than one percent of other case types. Nineteen percent of those sentenced for CSC offenses were under 22 years old, compared to 11 percent for other offense types (Figure 7). The average age at the time of offense was 32.6 years old for those sentenced for a CSC offense and 33.6 years old for those sentenced for other offense types.

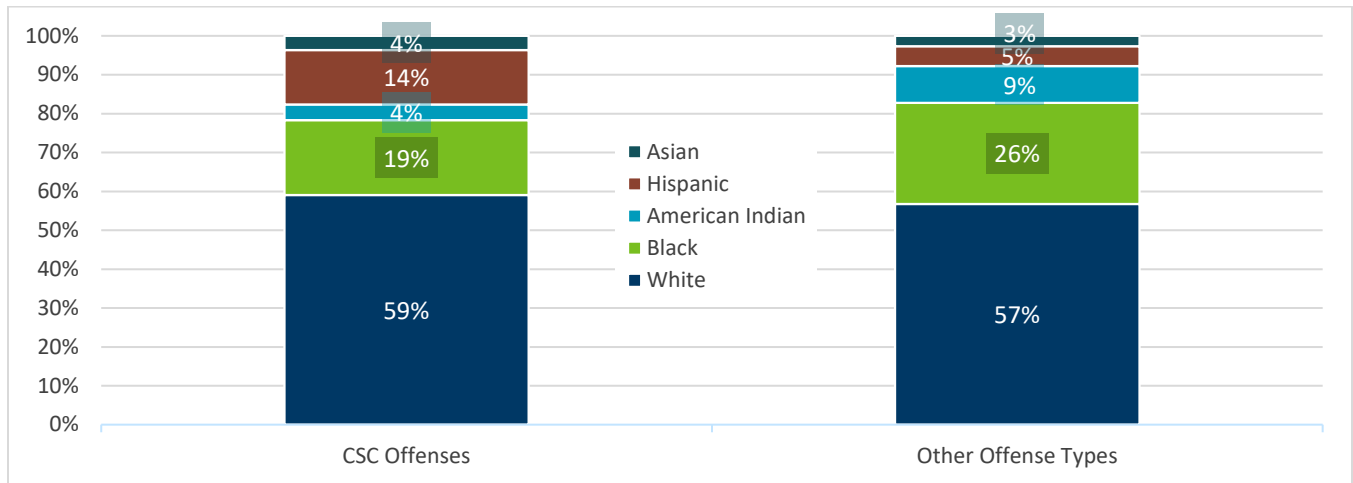
<sup>10</sup> For purposes of this data report, a “true prior” is defined as an offense with a disposition date before the date of the current offense. “True prior,” within the meaning of this report, is not a statutory or Guidelines term, and may or may not correlate with statutory or Guidelines terms such as “prior,” “previous,” or “subsequent.” For purposes of this report, a “true prior” is distinguished from the circumstance that may arise when multiple offenses charged in a single complaint and sentenced in successive order. In such a case, an earlier offense may contribute to the criminal history score applicable to a later offense, but the earlier offense would not be considered a “true prior” within the meaning of this data report.

Figure 7. Case Distribution by Age Range, CSC Offenses Compared to Other Offense Types, 2020 & 2021



Among racial and ethnic categories, the Hispanic group made up a larger percentage of those sentenced for CSC offenses compared with other felony offenses, while the black and American Indian groups made up a smaller percentage of those sentenced for CSC offenses compared with other offenses (Figure 8).

Figure 8. Distribution by Race, CSC Offenses Compared to Other Offense Types, 2020 & 2021



## CSC Sentencing Practices in 2020 & 2021

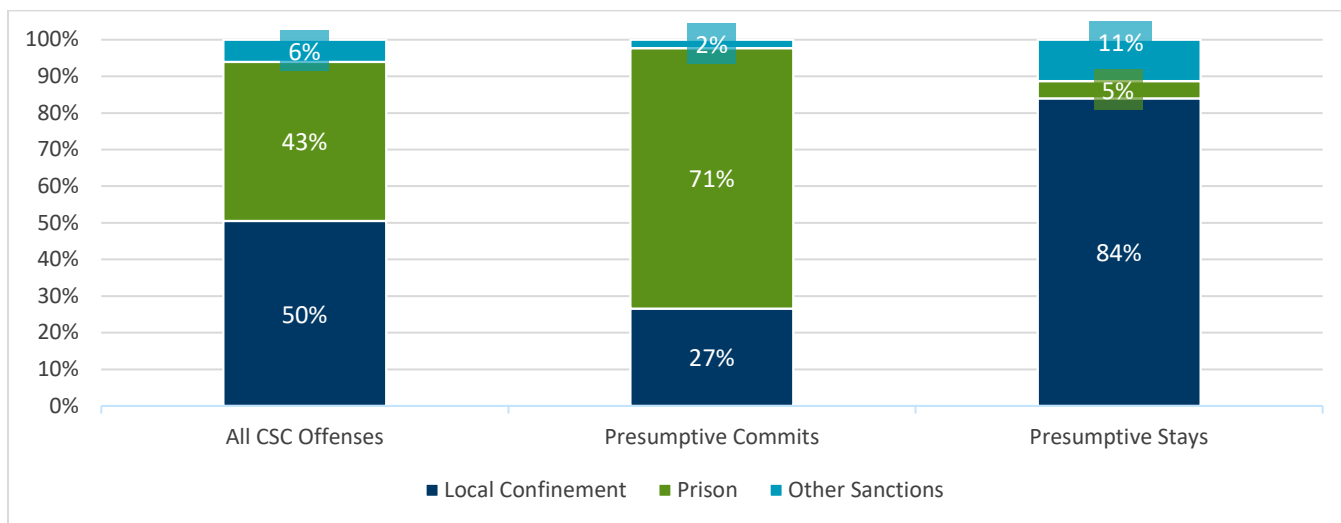
The recommended sentence under the Guidelines varies by the severity level of the conviction offense and criminal history score. These differences make it difficult to interpret sentencing information for CSC offenses. Therefore, in addition to reporting total statistics, this section of the report presents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

## Incarceration Rates

In 2020 and 2021, the incarceration rate for CSC offenses was 94 percent: 43.5 percent received a prison sentence (“imprisonment”) in which they were committed to the Commissioner of Corrections; and 50.5 percent received local confinement as a condition of their stayed sentence (Figure 9). Except for 2010, the incarceration rate has consistently exceeded 90 percent for the past 30 years. The imprisonment rate in 2021 and 2022 (43.5%) was somewhat lower than the 2019 record-high rate of 46 percent. (See tables 8 & 9, pp. 32 & 33, for historical information on incarceration.)

The Guidelines recommended a prison sentence (“presumptive commitment”) in 58 percent of the CSC offenses sentenced. Of those, 71 percent received a prison sentence (Figure 9).

Figure 9. Incarceration Rates, 2020 & 2021



The imprisonment rate for offenses with a true prior<sup>11</sup> sex offense was 80 percent, and was higher for those sentenced for “IFSA” offenses (100%) than for those sentenced for the “Force” offenses (86%) (Table 2).

Table 2. CSC Case Volume & Imprisonment Rate by Offense Type & Prior CSC Record, 2020 & 2021

Type of CSC Offense	CSC Offenses			CSC Offense with True Prior			
	Number of Cases	Received Prison		Number of Cases	Percent	Received Prison	
		Number	Rate			Number	Rate
IFSA	171	84	49%	4	2%	4	100%
Other Child	420	157	37%	23	6%	18	78%
Force	218	111	51%	14	6%	12	86%
Other	17	7	41%	4	24%	2	50%
<b>Total</b>	<b>826</b>	<b>359</b>	<b>44%</b>	<b>45</b>	<b>5%</b>	<b>36</b>	<b>80%</b>

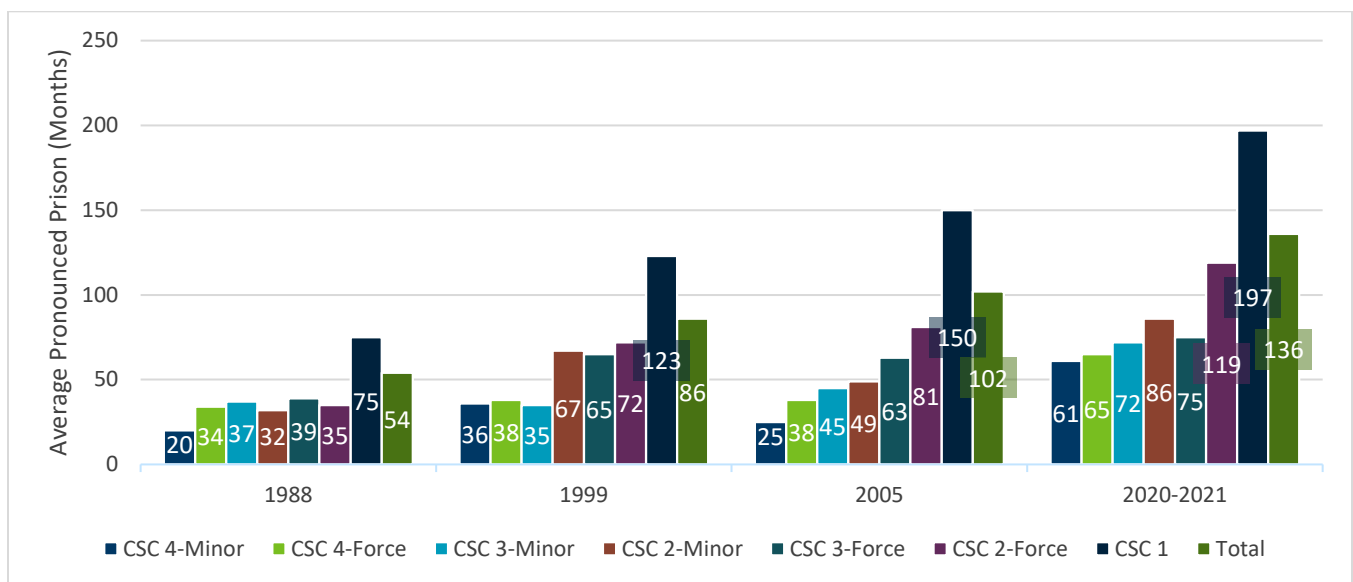
For an explanation of “IFSA,” see p. 9. For a discussion of the meaning of “true prior” offenses, refer to footnote 10 above.

<sup>11</sup> Refer to footnote 10 for a discussion of the meaning of “true prior” offenses.

## Sentence Durations: Prison Sentences

Among executed prison sentenced pronounced in 2020 and 2021, the average duration was 136 months (Table 8, p. 32; see also Figure 11, p. 15). This was a decrease from 2019’s average pronounced duration of 146 months. Average pronounced durations have been impacted by the implementation of the Sex Offender Grid. In 2020 and 2021, 98 percent of CSC cases 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 included longer presumptive sentences for people with prior records and gave greater weight to prior sex offenses.

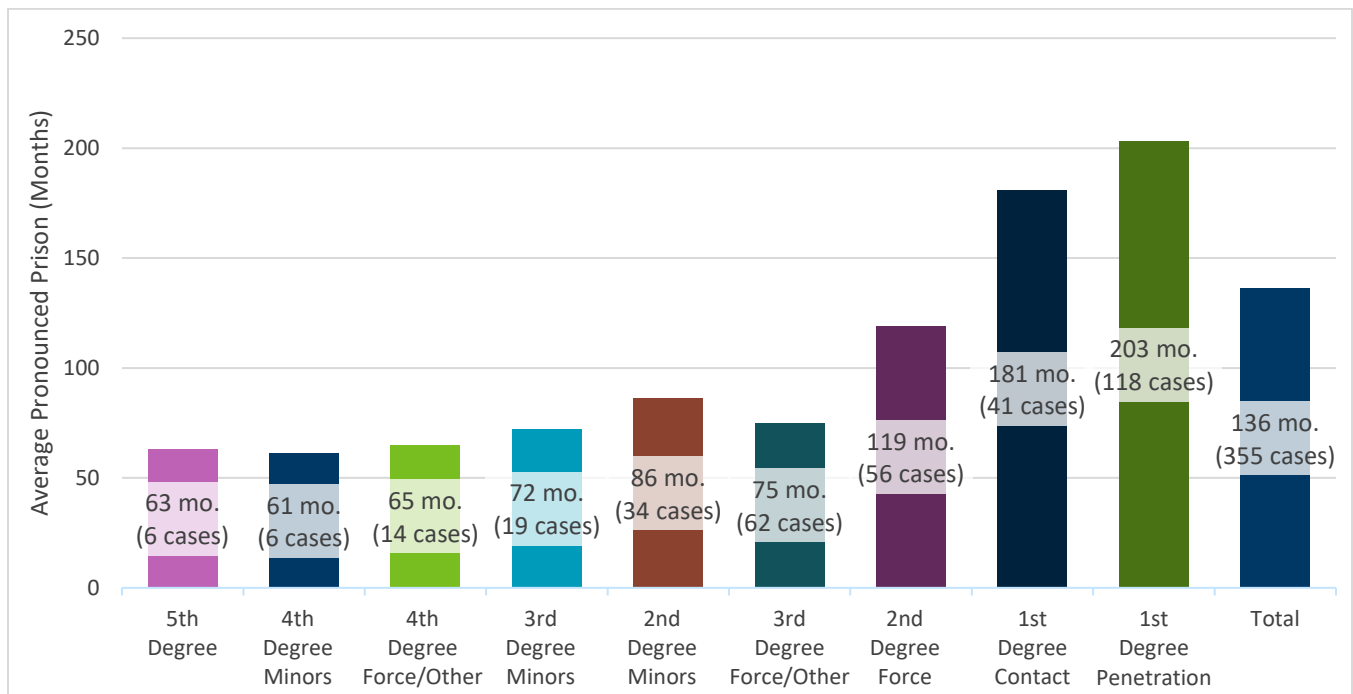
Figure 10. Average Pronounced Prison Sentences by Offense, Executed Prison Sentences, 1988, 1999, 2005, and 2020 & 2021



The average pronounced executed prison sentence for CSC in 2020 and 2021 was 136 months, a decrease over the 2019 average of 146 months. First-degree cases received significantly longer sentences than lesser-severity offenses (Figure 11). The average pronounced sentence for first degree was 197 months (below the 2019 average of 200 months). This was due to decreases in the average pronounced sentence for both first-degree penetration offenses (from 206 months in 2019 to 203 months in 2020 and 2021), and the average for first-degree contact offenses (from 186 months in 2019 to 181 months in 2020 and 2021).

For the other offenses, compared to 2019, the average pronounced sentence decreased for some offenses but rose for others. Most notably, the average pronounced duration increased for second-degree offenses that involved force (from 105 months in 2019 to 119 months in 2020 and 2021). The average pronounced duration decreased for third-degree offenses involving minors (from 80 months in 2019 to 72 months in 2020 and 2021), and for fourth-degree force offenses (from 77 months in 2019 to 65 months in 2020 and 2021). (See tables 8 & 9, pp. 32 & 33, for historical information on past sentence durations.)

Figure 11. Average Pronounced Prison Sentence, Executed Prison Sentences by CSC Offense Type, 2020 & 2021



Note: Includes one case of first-degree penetration that received a consecutive sentence totaling 792 months. If this case were excluded, the average pronounced prison sentence would be 200 months.

The average sentence durations shown in Figure 11 are affected both by departures from the Guidelines and 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 11, which generally increases the total duration shown. For first-degree offenses not involving durational departures, the average pronounced sentence was 184 months for cases that did not involve consecutive sentences (99 cases) and 317 months for cases with consecutive sentences (14 cases). The average sentence for first-degree offenses involving aggravated durational departures was 297 months (17 cases) and 122 months for offenses involving mitigated durational departures (28 cases).

### Longer-than-Typical Prison Sentences

There are several statutes and provisions in the Guidelines that permit the court to impose sentences that are significantly longer than the presumptive sentence when the circumstances of the case so warrant. The Guidelines also establish presumptive sentences of 30 years (the statutory maximum) for first-degree CSC cases with Criminal History Scores of 6 or more. The following sections describes the longer prison sentences pronounced and the use of life sentences since that provision was enacted.

#### Life Imprisonment

In 2005, the Legislature mandated life imprisonment for certain criminal sexual conduct offenses (Minn. Stat. § 609.3455). For some provisions of the law, the life sentence is without the possibility of release. For other

provisions, the court must specify the minimum time to be served before the person may be considered for release. Table 16 (p. 53) outlines when these and other mandatory-minimum sentencing provisions apply in criminal sexual conduct cases. Table 3 displays information about the 29 CSC cases that received life sentences since 2006. In 2020, one first-degree and one second-degree CSC sentences were for life with the possibility of release. In 2021, two first-degree sentences were for life, one with the possibility of release and one without the possibility of release.

*Table 3. Pronounced Life Sentences for Criminal Sexual Conduct, 2006–2021*

Year	Offense	Severity Level	Criminal History Score	Number of True Prior Sex Offenses	Grid Duration (months)	Pronounced Minimum Term to Serve (months)	Minn. Stat. § 609.3455 Life Sentence Subdivision
2021	1st Degree - Fear Great Bodily Harm	A	9	0	360	No Release	2(a)(2)
	1st Degree - Significant Relationship Victim under 16	A	2	1	168	168	4(a)(2)(i)
2020	1st Degree - Force & Injury	A	4	1	234	360	3(a)
	2nd Degree - Victim Under 13	B	5	1	119	119	4(a)(2)(i)
2019	1st Degree - Fear Great Bodily Harm	A	1.5	0	156	No Release	2(a)(1)
2018	No Cases	–	–	–	–	–	–
2017	1st Degree - Significant Relationship Victim under 16 & Injury	A	0	0	144	No Release	2(a)(1)
	1st Degree - Significant Relationship Victim under 16	A	3	1	180	180	4(a)(1)
2016	1st Degree - Fear Great Bodily Harm	A	4	0	234	No Release	2(a)(1)
	1st Degree - Force & Injury (attempt)	A	9	1	180	180	4(a)(2)(i)
2015	No Cases	–	–	–	–	–	–
2014	3rd Degree - Victim Incapacitated	C	5	1	153	153	4(a)(3)(ii)
2013	No Cases	–	–	–	–	–	–
2012	1st Degree - Force & Injury	A	0	0	144	144	3(a)
	3rd Degree - Force or Coercion	C	7	2	180	180	4(a)(1)
2011	1st Degree - Force & Injury	A	5	1	306	144	3(a)
	1st Degree - Pos. of Auth. & Vic. 13-15	A	4	1	234	234	4(a)(2)(ii)
	1st Degree - Pos. of Auth. & Vic. 13-15	A	3	2	180	300	4(a)(1)
	1st Degree - Pos. of Auth. & Vic. 13-15	9	3	2	144	144	4(a)(1)
	2nd Degree - Force & Injury	B	2	1	130	No Release	2(a)(2)
2010	1st Degree - Fear Great Bodily Harm	A	6	2	360	No Release	2(a)(2)
	3rd Degree - Force or Coercion	C	4	1	117	117	4(a)(2)(ii)
2009	1st Degree - Fear Great Bodily Harm	A	4	0	234	No Release	2(a)(1)
	1st Degree - Force & Injury	A	1	0	156	No Release	2(a)(1)
2008	1st Degree - Multiple Acts	A	3	1	180	206	4(a)(1)
	1st Degree - Fear Great Bodily Harm	9	5	2	146	No Release	2(a)(1)
	2nd Degree - Victim Under 13	D	9	4	140	140	4(a)(1)

Year	Offense	Severity Level	Criminal History Score	Number of True Prior Sex Offenses	Grid Duration (months)	Pronounced Minimum Term to Serve (months)	Minn. Stat. § 609.3455 Life Sentence Subdivision
2007	1st Degree - Fear Great Bodily Harm	9	0	0	144	144	unknown
	2nd Degree - Dangerous Weapon	8	4	1	98	180	4(a)(1)
	2nd Degree - Victim Under 13	6	8	1	60	360	4(a)(1)
	3rd Degree - Victim 13-15	D	4	3	91	240	4(a)(1)
2006	3rd Degree - Force or Coercion	8	2	1	68	136	unknown

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

### *Sentences at Least Double the Presumptive Sentence*

In 2020 and 2021, nine cases received prison sentences that were double the length of the presumptive sentences or more. The presumptive sentences, pronounced sentences, criminal history score and sentence type for these cases are listed in Table 4. Seven were first-degree CSC cases and two were second-degree CSC cases. None involved consecutive sentencing; all involved aggravated durational departures.

*Table 4. Executed Sentences of Double the Presumptive Sentence or More, 2020 & 2021*

Offense	Sev. Level	Criminal History Score	Number of True Prior Sex Offenses	Grid Duration (months)	Total Sentence (months)	Consecutive Sentence	Aggravated Duration
1st Degree–Fear Great Bodily Harm	A	1	0	156	360	No	Yes
1st Degree–Victim Under 13	A	2	0	168	360	No	Yes
2nd Degree - Significant Relationship Victim under 16	D	0	0	36	72	No	Yes
1st Degree–Victim Under 13	A	1	0	156	312	No	Yes
1st Degree–Accomplice and Force	A	0	0	144	360	No	Yes
1st Degree–Victim Under 13	A	0	0	144	288	No	Yes
1st Degree–Victim Under 13	A	0	0	144	360	No	Yes
1st Degree - Force & Injury	A	1	0	156	312	No	Yes
2nd Degree–Victim Under 13	D	0	0	36	120	No	Yes

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

### *Sentences with Durations of 30 Years or More*

Eleven other cases received prison sentences of at least 360 months (30 years), the statutory maximum for first-degree CSC offenses. These sentences are shown in Table 5. All were first-degree CSC cases with high criminal history scores. In all eleven cases, 360 months was the presumptive midpoint sentence. Four cases involving multiple current sex offenses resulted in a sentence greater than 360 months through consecutive sentencing.

One of the consecutive sentences, resulting in a total sentence of 640 months, was also an aggravated durational departure from the presumptive Guidelines sentence.

Table 5. Other Executed Sentences with Durations of 30 Years or More, 2020 & 2021

Offense	Criminal History Score	Number of True Prior Sex Offenses	Multiple Current CSC	Grid Duration (months)	Total Sentence (months)	Consecutive Sentence	Aggravated Duration
1st Degree-Victim under 13	6	0	Yes	360	432	Yes	No
1st Degree-Victim under 13	6	0	Yes	360	640	Yes	Yes
1st Degree-Victim under 13	6	0	Yes	360	432	Yes	No
1st Degree-Force and Injury	6	1	No	360	360	No	No
1st Degree-Victim under 13	6	0	No	360	360	No	No
1st Degree-Force and Victim Impaired/Incapacitated	6	0	Yes	360	360	No	No
1st Degree-Victim 13-15 and Position of Authority	6	0	Yes	360	360	No	No
1st Degree-Force and Injury	6	0	No	360	360	No	No
1st Degree-Victim under 13	6	0	Yes	360	360	No	No
1st Degree-Victim under 13	6	1	Yes	360	360	No	No
1st Degree-Force and Injury	6	0	Yes	360	550	Yes	No

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

## Conditional Release

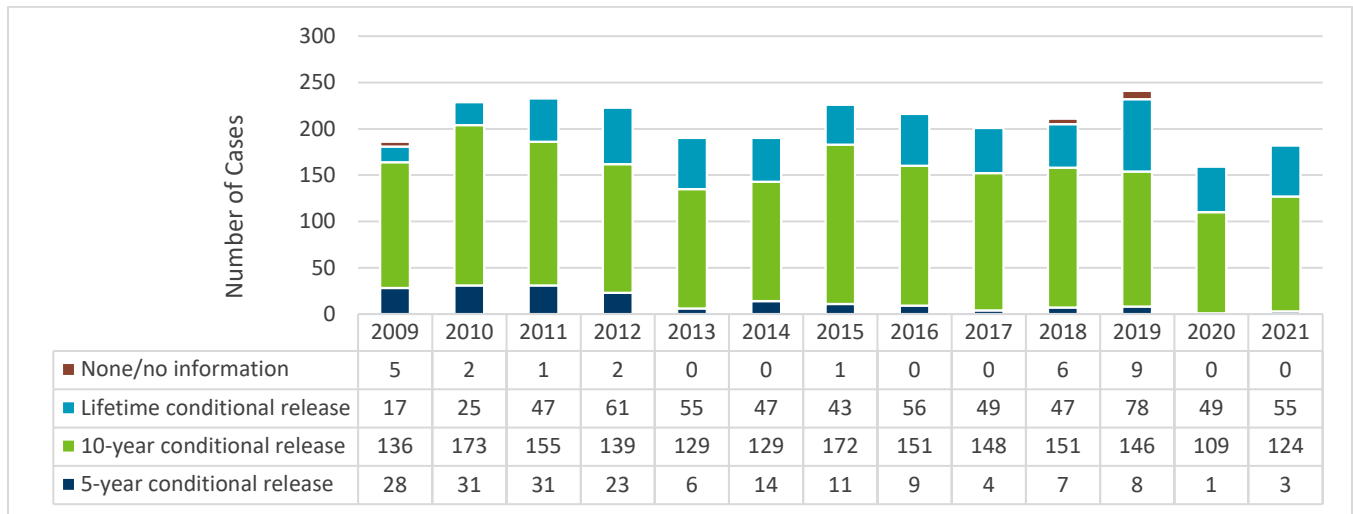
In 1992, the Legislature required five- or ten-year conditional-release<sup>12</sup> periods for sex offenders who were committed to prison. Current law requires ten-year or lifetime conditional-release periods for first- through fourth-degree sex offenders who are committed to prison. Attempted offenses are excluded.<sup>13</sup>

Figure 12 (p. 19) reflects the mandated conditional-release terms, as reflected on each case’s validated sentencing worksheet, for CSC cases with executed prison sentences. Figure 12 may differ somewhat from the actual conditional-release terms as pronounced, as MSGC does not have data for the pronounced conditional-release terms. Moreover, revoked probationary sentences will also result in pronounced conditional-release terms, but those conditional-release terms are not reflected in Figure 12.

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

<sup>13</sup> [Minn. Stat. § 609.3455](#), subd. 6 & 7. See Table 16 for an outline of how these conditional release terms apply. Conditional-release statutes do not apply to attempted offenses unless explicitly stated in law. *State v. Noggle*, 881 N.W.2d 545 (Minn. 2016).

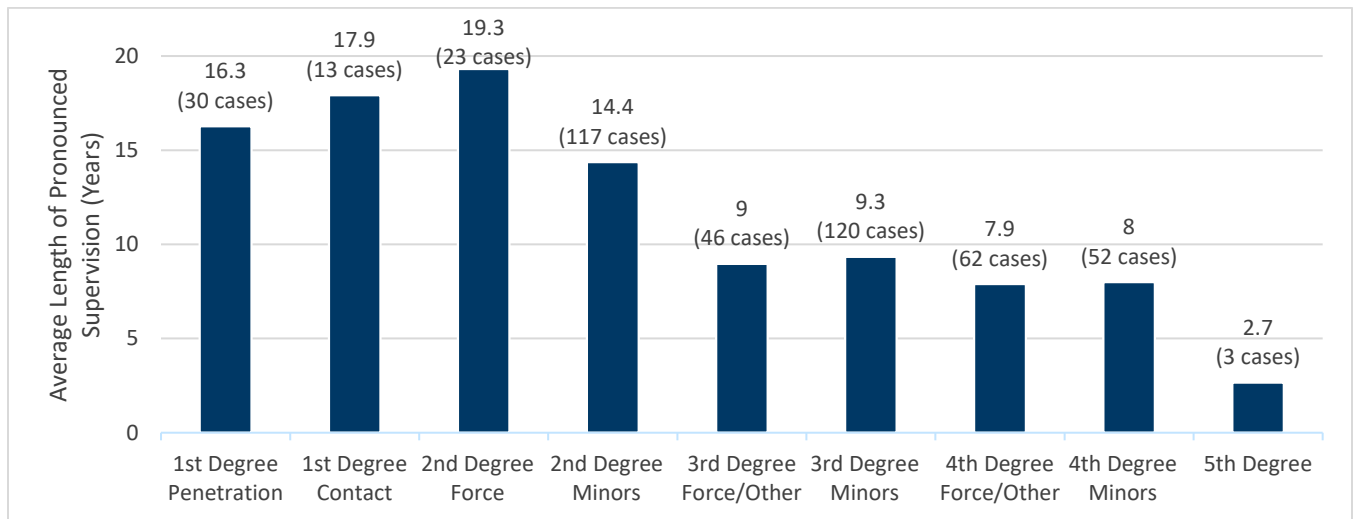
Figure 12. Mandatory Conditional Release Terms, CSC Cases with Executed Prison Sentences, 2009–2021



### Durations of Probationary Sentences

Fifty-seven percent of the 2020 and 2021 CSC sentences were to probation. Of the probation sentences, 70 percent received probation because it was the presumptive sentence and 30 percent received probation as a mitigated dispositional departure. The average pronounced period of probation for sex offenses was greater than 11 years. First-degree cases generally receive longer periods of probation than other degrees, but in 2020 and 2021 (as in 2019), second-degree force cases received the longest average periods of probation (Figure 13).

Figure 13. Average Pronounced Period of Supervision by Offense that Received a Stayed Sentence, 2020 & 2021



In 89 percent of CSC sentences that did not include executed prison time, local confinement time was a condition of the stayed sentence. The average pronounced local confinement duration was 175 days (Table 8, p. 32). The pronounced local confinement time was significantly longer for offenses for which the Guidelines recommended presumptive commitment to prison (260 days) than for offenses for which the Guidelines recommended a presumptive stayed sentence (138 days).

## CSC Offenses: Guidelines Departures in 2020 & 2021

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The Guidelines establish a presumptive sentence for felony offenses based on the severity level of the conviction offense and 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 may 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. These departure statistics should therefore 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.

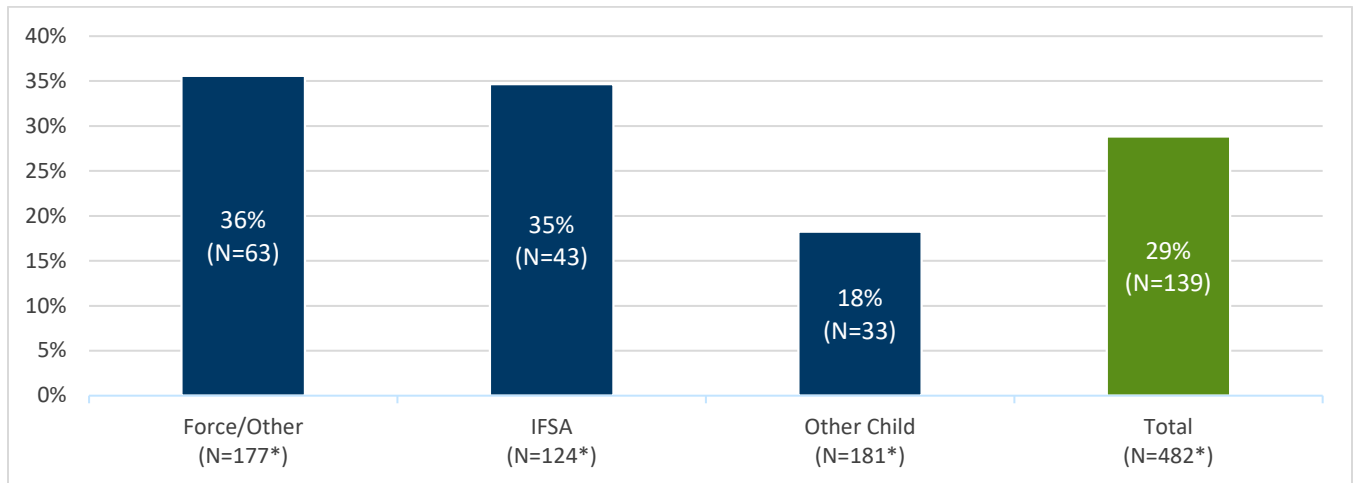
### Dispositional Departures

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 14 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 in 2020 and 2021 was 29 percent, an increase from the rate of 28 percent in 2019, which had been the highest rate observed since 2014 (Table 10, p. 39). Previously, rates tended to vary by offense type, with intra-familial sex abuse cases historically showing the highest rate of departure. Throughout the 1990s, the mitigated dispositional departure rate usually exceeded 33 percent, once reaching 40 percent. Since 2000, the departure rate has usually been below 30 percent. In 2020 and 2021, the departure rate was higher for the “Force/Other” cases (36%) than the other categories (Figure 14).

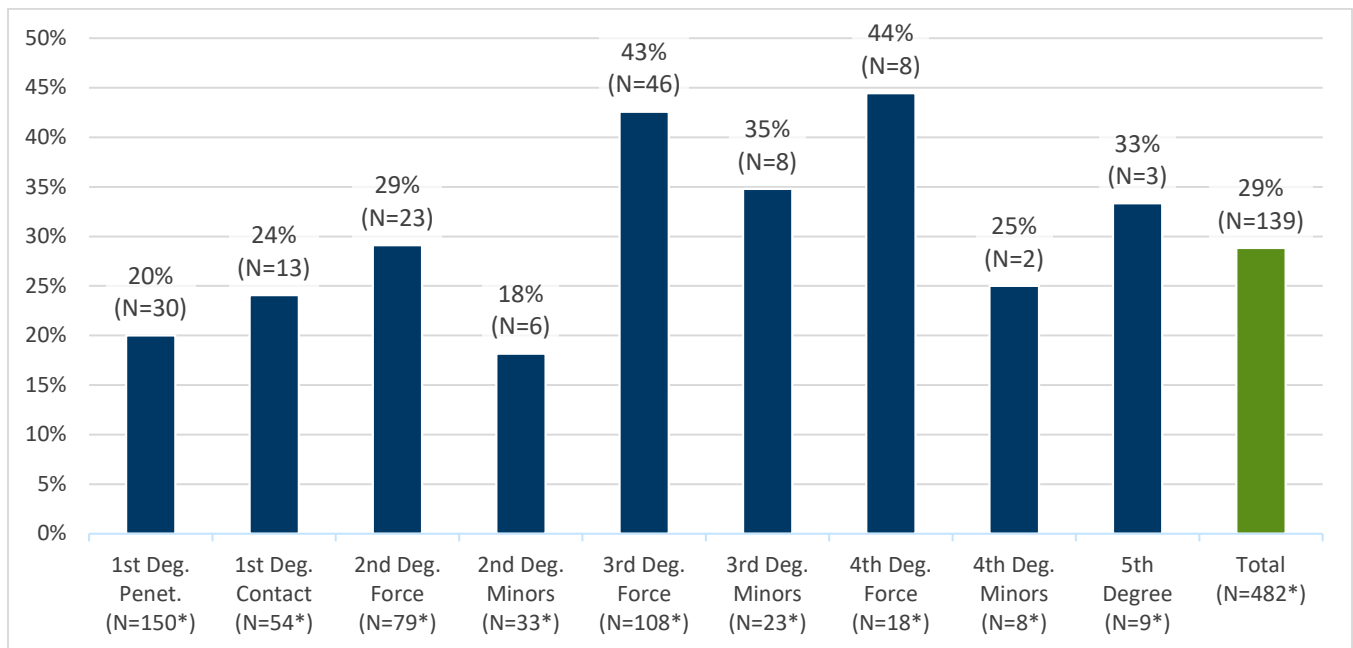
Figure 14. Mitigated Dispositional Departure Rates by Offense, Presumptive Commitment Cases, 2020 & 2021



\* Number of presumptive commitment cases. For an explanation of "IFSA," see p. 9.

Figure 15 shows mitigated dispositional departure rates by degree. The rates were lower for the first- and second-degree offenses than for the other offenses. The mitigated dispositional departure rate was highest for fourth-degree force cases.

Figure 15. Mitigated Dispositional Departure Rates by Degree, Presumptive Commitment Cases, 2020 & 2021



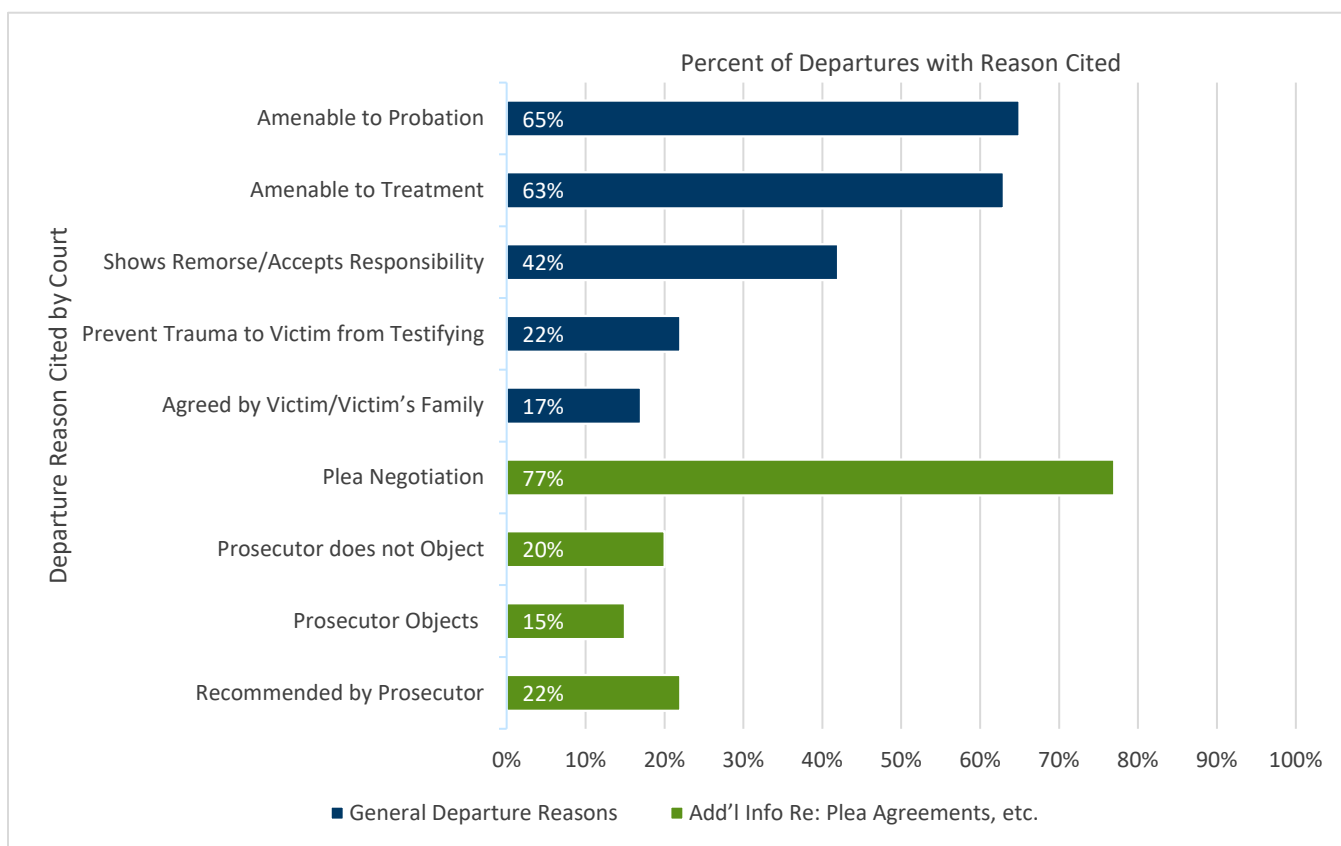
\*Number of presumptive commitment cases.

The most common reasons cited for mitigated dispositional departures typically involves placement of the defendant in sex offender treatment programs, placement in other types of treatment (e.g., chemical dependency), recommendations by court services, placement of the defendant on long-term probation

supervision to ensure compliance with conditions, amenability to probation and remorse or acceptance of responsibility on the part of the defendant. For most years, the court indicates that the victim or victim’s family agreed with the departure in about 15 percent of cases; in 2020 and 2021, it was 17 percent. In 22 percent of the mitigated dispositions, the court indicated the departure was made to spare the victim from testifying (Figure 16).

In 71 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 12 percent of the mitigated dispositions. It should be noted that no plea information was provided by the courts in about 17 percent of the mitigated dispositions.

Figure 16. Most Frequently Cited Mitigated Dispositional Departure Reasons, 2020 & 2021



This figure shows the most common reasons cited for mitigated dispositional departures, as submitted by the court and encoded by MSGC staff. Up to four departure reasons and three plea agreement reasons are encoded per case. A plea agreement alone is not a sufficient basis for departure. *State v. Misquadace*, 644 N.W.2d 65 (Minn. 2002). There were 139 mitigated dispositional departures.

### Aggravated Dispositions

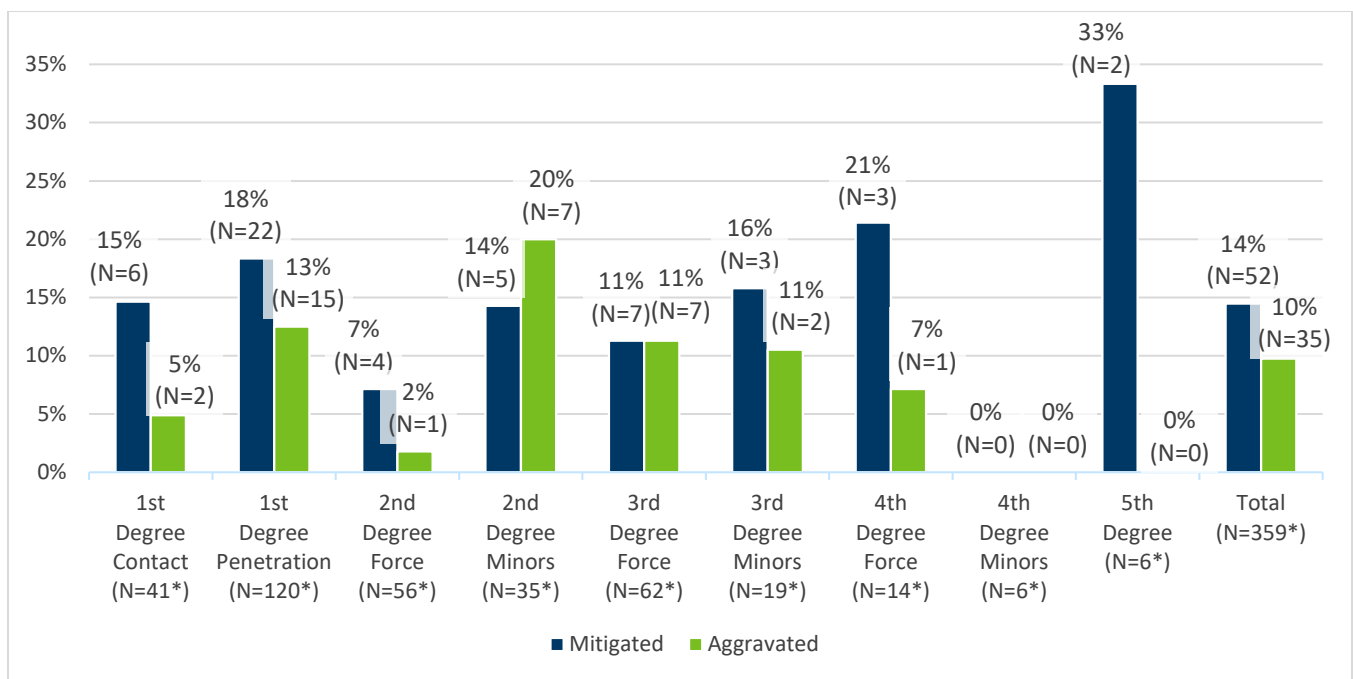
Four of the 344 cases recommended probation received prison sentences, an aggravated departure rate of one percent. In one of these cases, the court reported that the defendant either agreed to the departure or

requested a prison sentence.<sup>14</sup> Prison may have been requested because the defendant was already in prison or was going to prison on another case.

### Durational Departures

A “durational departure” occurs when the court orders a sentence with a duration other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid. There are two types of durational departures: aggravated durational departures and mitigated durational departures. An aggravated durational departure occurs when the court pronounces a duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid. A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid. Durational departure rates are presented by offense for executed sentences only (Figure 17). Fourteen percent of the prison sentences received mitigated durations and 10 percent received aggravated durations.

Figure 17. Durational Departure Rates by Offense for Cases Receiving Executed Prison Sentences, 2020 & 2021



\* Number receiving an executed prison sentence.

Durational departure rates are influenced by changes in presumptive sentences. Prior to 2006, CSC offenses were sentenced using the Standard Grid. Effective August 1, 2005, the ranges on the Standard Grid were increased to allow the court to pronounce a sentence without departure that is up to 20 percent greater than, or 15 percent less than, the presumptive number of months on the Standard Grid. The Sex Offender Grid is used

<sup>14</sup> For offenses committed after July 31, 2015, a sentence that is executed pursuant to a person’s right to demand execution is no longer considered an aggravated dispositional departure (Minn. Sentencing Guidelines section 2.D.1.f).

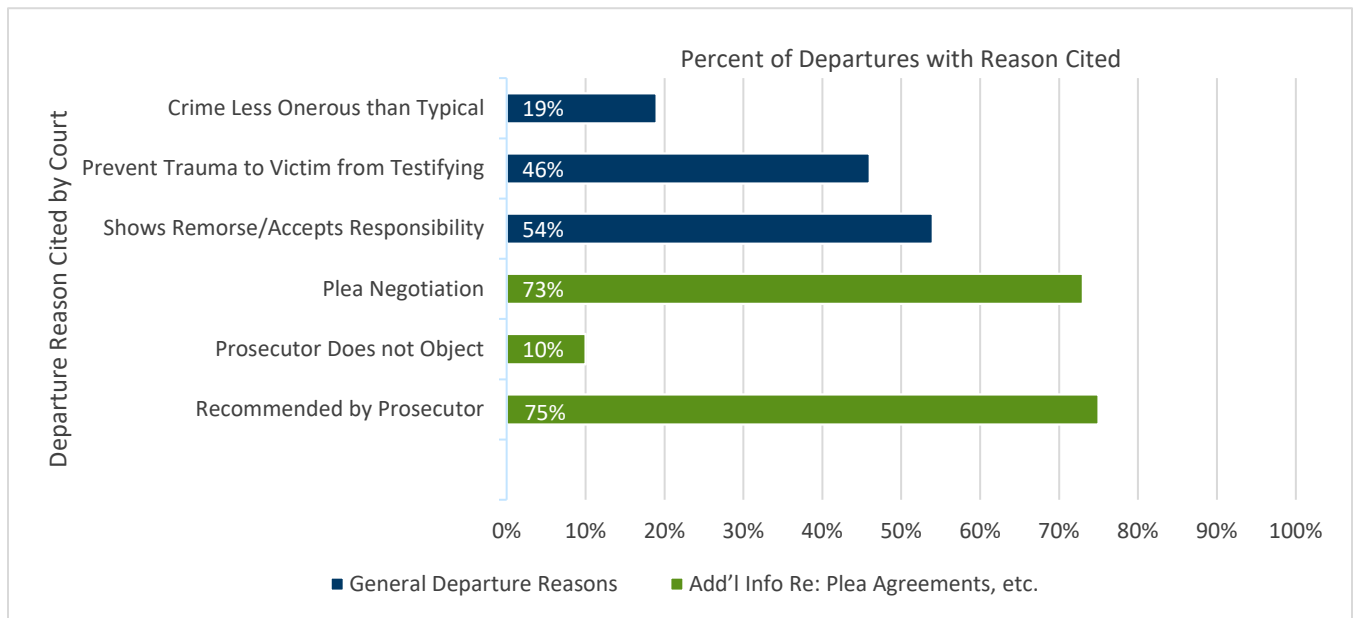
for offenses committed on or after August 1, 2006. The Sex Offender Grid has longer presumptive sentences for repeat offenders and offenders with prior criminal history.

### Mitigated Durations

Fourteen and a half percent (52 cases) of the 359 cases that received executed prison sentences were given shorter sentences than recommended; similar to the 13 percent rate in 2019 (Table 10, p. 21). Mitigated durational departure rates were highest for fifth-degree offenses (33%), a category that had few cases receiving prison sentences.

The most frequently cited reasons for mitigated durational departures were: to prevent trauma to the victim from testifying (46%), and because the offender showed remorse or accepted responsibility (54%) (Figure 18). In two cases (4%), the court indicated that the victim or victim’s family agreed with the departure. In 75 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 10 percent, the court indicated that the prosecutor objected to the mitigated durational departure. It should be noted that no plea information was provided for 15 percent of cases that received mitigated durational departures.

Figure 18. Most Frequently Cited Mitigated Durational Departure Reasons, 2020 & 2021



This figure shows the most common reasons cited for mitigated durational departures, as submitted by the court and encoded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded per case. A plea agreement alone is not a sufficient basis for departure. *State v. Misquadace*, 644 N.W.2d 65 (Minn. 2002). There were 52 mitigated durational departures.

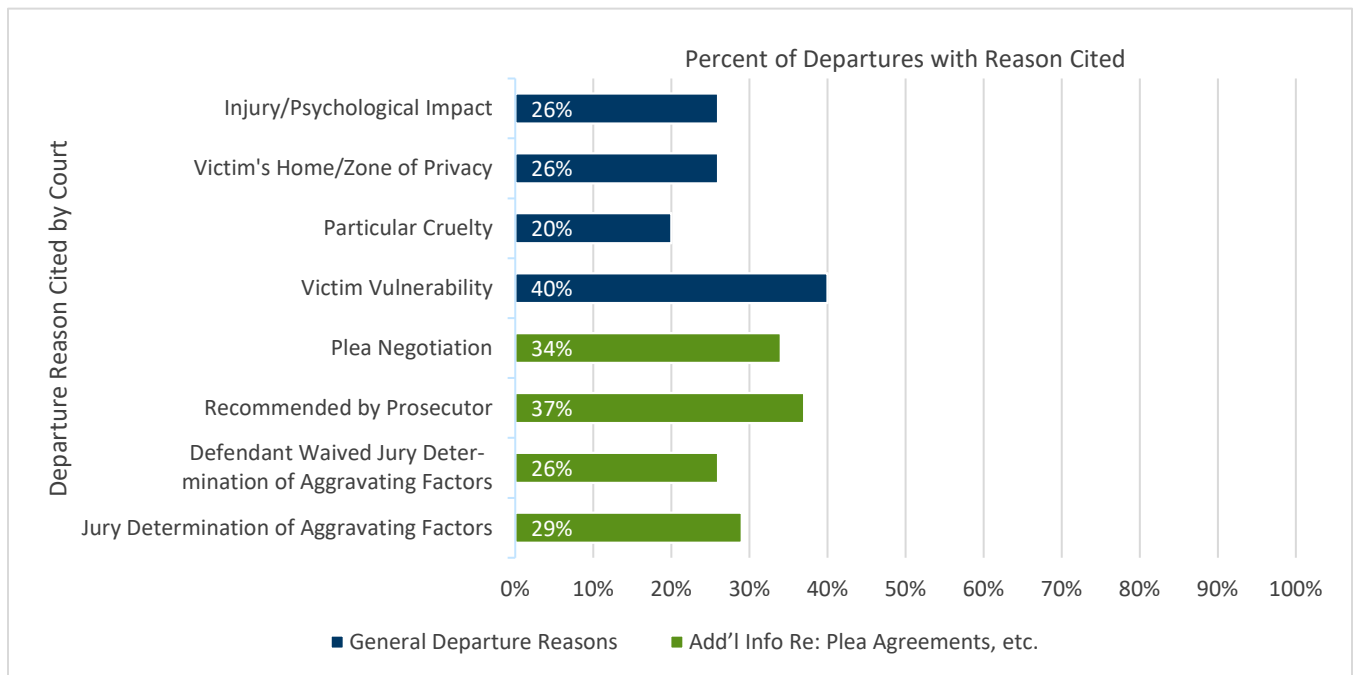
## Aggravated Durations

In 2020 and 2021, ten percent (35 cases) of the 359 cases that received executed prison sentences were given aggravated durational departures, *i.e.*, longer prison sentences than recommended. This is higher the six-percent rate observed in 2019 and the rates observed from 2015 to 2018 (Table 11, p. 40). Until 2020 and 2021, aggravated durational departure rates in the last ten years had been lower than those observed in 2005 through 2008 (16%, 9%, 8%, and 8%, respectively). This rate has declined since the 1990s, when rates as high as 27 percent were seen. (For more detailed information on durational and dispositional departures over time, see tables 10 & 11, pp. 39 & 40.)

A possible reason for the decline in the aggravated durational departure rate is that, over time, more first- and second-degree CSC cases are eligible for statutory and Guidelines presumptive sentences. Another possible explanation is the impact of the U.S. Supreme Court ruling in *Blakely v. Washington*, 542 U.S. 296 (2004), requiring that enhanced sentences generally be supported by jury findings.

The most frequently cited reasons for aggravated durational departures were victim vulnerability (14 cases, 40%), crime committed in victim’s zone of privacy, and injury sustained/psychological impact (both 9 cases, 26%) (Figure 19). In 37 percent of 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 9 of the 35 cases. Jury determination of aggravating factors occurred in 10 cases. No information on the position of the prosecutor was cited in 22 of the aggravated durations.

Figure 19. Most Frequently Cited Aggravated Durational Departure Reasons 2020 & 2021



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

## Non-CSC Sex Offenses Sentenced in 2020 & 2021

This section of the report focuses on other offenses on the Sex Offender Grid that are not first- through fifth-degree CSC. Below is an explanation of these non-CSC sex offenses, their statutes and sentencing policy considerations.

### General Structure of Non-CSC Sex Offenses

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Non-CSC sex offenses<sup>15</sup> include:

**Failure to Register as a Predatory Offender** (Minn. Stat. § 243.166, subd. 5). Persons convicted of specified offenses (including CSC offenses) are required to register their address (among other information) with a corrections agent or law enforcement authority. A person who knowingly violates registration requirements or provides false information is guilty of a felony.

- Statutory Maximum: 60 months
- **Severity Level: H**
- Grid Maximum: 43 months
- Mandatory Minimum: a year and a day for a first offense and 24 months for subsequent offenses.
- Severity Level **H** is reserved for these offenses and shows a presumptive prison disposition at all CHS because of the mandatory minimums.

**Solicitation, Inducement, and Promotion of Prostitution: Sex Trafficking** (Minn. Stat. § 609.322). Solicits, promotes, receives profit from prostitution. First-Degree (subdivision 1) – victim under 18 years of age. Second-Degree (subdivision 2) – victim over 18 years of age.

- Statutory Maximum: First-Degree – 240 months; Second-Degree – 180 months  
**Severity Level: First-Degree – B; Second-Degree – C**
- Grid Maximum: First Degree – 300 months (but limited to the stat max); Second Degree – 180 months
- First-degree is ranked at Severity Level **C** even though the grid maximum exceeds the statutory maximum in order to rank it at a higher severity level than second-degree.
- Enhancement factors listed in statute (Minn. Stat. § 609.322, subd. 1(b)) that provide for an increase in the statutory maximum for first-degree offenses to 25 years under certain conditions. Guidelines provide for an increase to the presumptive sentence of 24 to 48 months depending on whether offense is an attempt or not.

**Solicitation of Children** (Minn. Stat. § 609.352). Subdivision 2 – soliciting a child to engage in sexual conduct with intent to engage in sexual conduct. Subdivision 2a – Electronic Solicitation – uses an electronic device to solicit a

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<sup>15</sup> This report does not account for significant statutory changes enacted in 2021 that apply to some non-CSC sex offenses committed on or after August 1, 2021. See footnote 2.

child to engage in sexual conduct, engaging in communication with a child relating to or describing sexual conduct, distributing material that relates to or describes sexual conduct.

- Statutory Maximum: 36 months
- **Severity Level: G**
- Grid Maximum: 60
- Ranked at the second-to-lowest severity level (Severity Level H is reserved for Failure to Register as a Predatory Offender). Because the statutory maximum is 36 months, cases with CHS of 4, 5, and 6 are limited to a presumptive sentence of 36 months even though the grid time is longer.

**Use of Minor in Sexual Performance** (Minn. Stat. § 617.246). Subdivision 2 – Use a minor to pose, or pornographic work. (“Pornographic Work” is defined in statute as a visual depiction of a minor in actual or simulated sexual conduct.) Subdivision 3 – operation or ownership of a business in which a pornographic work is distributed or reproduced. Subdivision 4 – dissemination of a pornographic work for profit.

- Effective 8/1/2019, an increased statutory maximum was applied to offenses involving use of a minor under 13, subsequent offenses, or offenses committed by persons required to register as a predatory offender.
- Statutory Maximum: 120 months; aggravated offenses: 180 months
- **Severity Level: E; Aggravated Offenses – D**
- Grid Maximum: 120 months; aggravated offenses: 168 months

**Dissemination of Child Pornography** (Minn. Stat. § 617.247, subd. 3). Disseminating a pornographic work to an adult or minor.

- Increased statutory maximum established for offenses involving subsequent offenses or offenses committed by persons required to register as a predatory offender. Effective 8/1/2019, offenses involving use of a minor under 13 were added.
- Statutory Maximum: 84 months; aggravated offenses: 180 months
- **Severity Level: E; Aggravated Offenses – D**
- Grid Maximum: 120 months (but limited to stat max); aggravated offenses: 168 months
- First offenses are ranked at **Severity Level E**, but have a statutory maximum of 84 months, so cases with CHS of 5 and 6 are limited to a presumptive sentence of 84 months even though the grid time is higher.

**Possession of Child Pornography** (Minn. Stat. § 617.247, subd. 4). Possession of a pornographic work.

- Increased statutory maximum established for offenses involving subsequent offenses or offenses committed by persons required to register as a predatory offender. Effective 8/1/2019, offenses involving use of a minor under 13 were added.
- Statutory Maximum: 60 months; Aggravated Offenses – 120 months
- **Severity Level: G; Aggravated Offenses – F**
- Grid Maximum: 60 months; aggravated offenses: 100 months
- Since aggravated offenses are ranked at **Severity Level F**, but have a statutory maximum of 120 months, the statutory maximum does not appear on the Grid.

**Indecent Exposure** (Minn. Stat. § 617.23, subd. 3). It is a felony if someone commits gross misdemeanor level indecent exposure (willfully exposes private body parts in the presence of a minor under the age of 16) after having been previously convicted of a specified prior offense; or commits misdemeanor level indecent exposure (willfully exposes private body parts) in the presence of another while confining that person or restricting their freedom to move.

- Statutory Maximum: 60 months
- **Severity Level: G**
- Grid Maximum: 60 months

**Surreptitious Observation Device (Minor Victim and Sexual Intent)** (Minn. Stat. § 609.716, subd. 1(f)). Effective 8/1/2020, it is a felony surreptitiously to use a privacy-intruding observation device with sexual intent against a minor more than 36 months younger.

- Statutory Maximum: 48 months
- **Severity Level: G**
- Grid Maximum: 60 months

## **Non-CSC Sentencing Practices in 2020 & 2021: Incarceration Rates**

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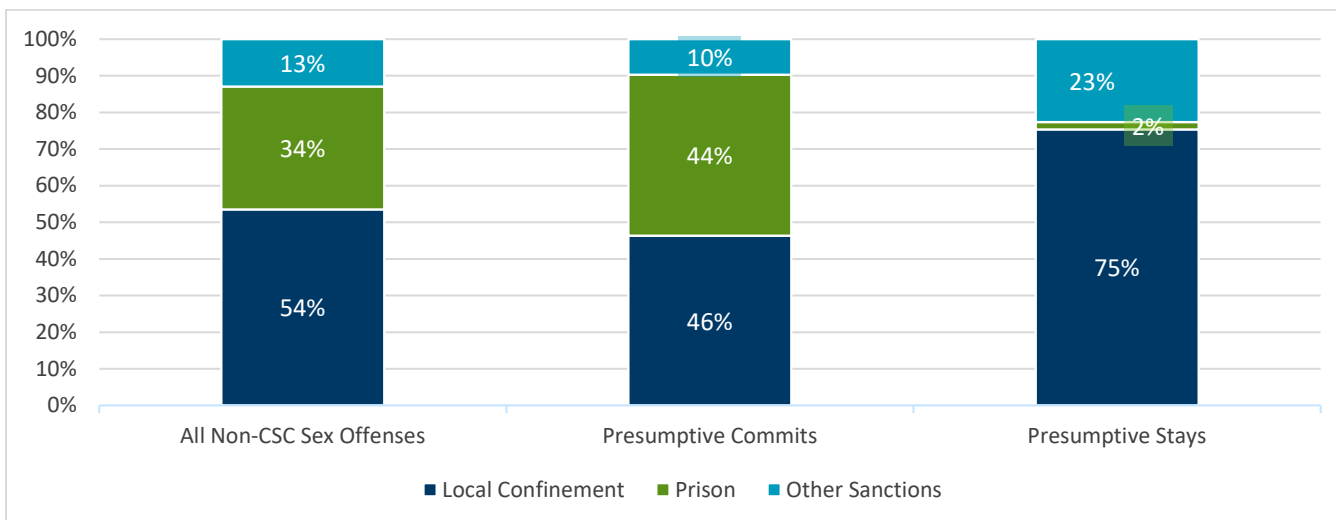
In 2020 and 2021, the incarceration rate for non-CSC sex offenses was 87 percent. As seen in Figure 20, 34 percent received a prison sentence (“imprisonment”) in which they were committed to the Commissioner of Corrections; and 54 percent received local confinement as a condition of the stayed sentence.

The Guidelines recommended a prison sentence (“presumptive commitment”) in 75 percent of the non-CSC cases sentenced. Of those, 52 percent received a prison sentence. The number of presumptive commitment cases is largely influenced by the number of Failure to Register as a Predatory Offender cases because this offense has a statutorily mandated prison disposition as well as a statutorily specified procedure for departing from that mandate. The imprisonment rate for these cases was 40 percent (all 527 cases had a presumptive commitment disposition) while the imprisonment rates for other non-CSC cases with a presumptive commitment dispositions was 67 percent (92 of 295 cases had a presumptive commitment disposition).

Table 6. Incarceration Rates for Non-CSC Sex Offenses, 2020 & 2021

	Number of Cases	Total Incarceration		Received Prison		Local Confinement	
		Number	Rate	Number	Rate	Number	Rate
Failure to Register	527	472	90%	210	40%	262	50%
Solicit Minor for Sexual Conduct	100	84	84%	6	6%	78	78%
Use of Minor-Sexual Perform	5	5	100%	1	20%	4	80%
Sex Trafficking I	4	4	100%	4	100%	0	0%
Sex Trafficking II	29	29	100%	17	59%	12	41%
Indecent Exposure	6	6	100%	5	83%	1	17%
Dissemination of Child Porn	15	11	73%	5	33%	6	40%
Agg. Dissemination of Child Porn	5	4	80%	3	60%	1	20%
Possession of Child Porn	101	76	75%	12	12%	64	63%
Agg. Possession of Child Porn	28	23	82%	13	46%	10	36%
Surreptitious Observation Device (Minor Victim and Sexual Intent)	2	2	100%	0	0%	2	100%
<b>Total</b>	<b>822</b>	<b>716</b>	<b>87%</b>	<b>276</b>	<b>34%</b>	<b>440</b>	<b>54%</b>

Figure 20. Incarceration Rates, 2020 & 2021



## Sentence Durations

In 2020 and 2021, the average pronounced prison sentence was 34.7 months. The average pronounced local-confinement time was 103 days. The average durations are shown by offense in Table 10.

Table 7. Average Sentence Durations for Non-CSC Sex Offenses, 2020 & 2021

	Number of Cases	Total Incarceration		Prison (months)		Local Confinement	
		Number	Rate	Number	Months	Number	Days
Failure to Register	527	472	90%	210	21.6	262	105
Solicit Minor for Sexual Conduct	100	84	84%	6	32.7	78	64
Use of Minor-Sexual Perform	5	5	100%	1	90	4	22
Sex Trafficking I	4	4	100%	4	88	0	--
Sex Trafficking II	29	29	100%	17	104.6	12	265
Indecent Exposure	6	6	100%	5	44.8	1	180
Dissemination of Child Porn	15	11	73%	5	62.4	6	141
Agg. Diss. of Child Porn	5	4	80%	3	189.7	1	120
Possession of Child Porn	101	76	75%	12	50.2	64	109
Agg. Poss. of Child Porn	28	23	82%	13	69.2	10	117
Surreptitious Observation Device (minor and sexual intent)	2	2	100%	0	—	2	75
<b>Total</b>	<b>822</b>	<b>716</b>	<b>87%</b>	<b>276</b>	<b>34.7</b>	<b>440</b>	<b>103</b>

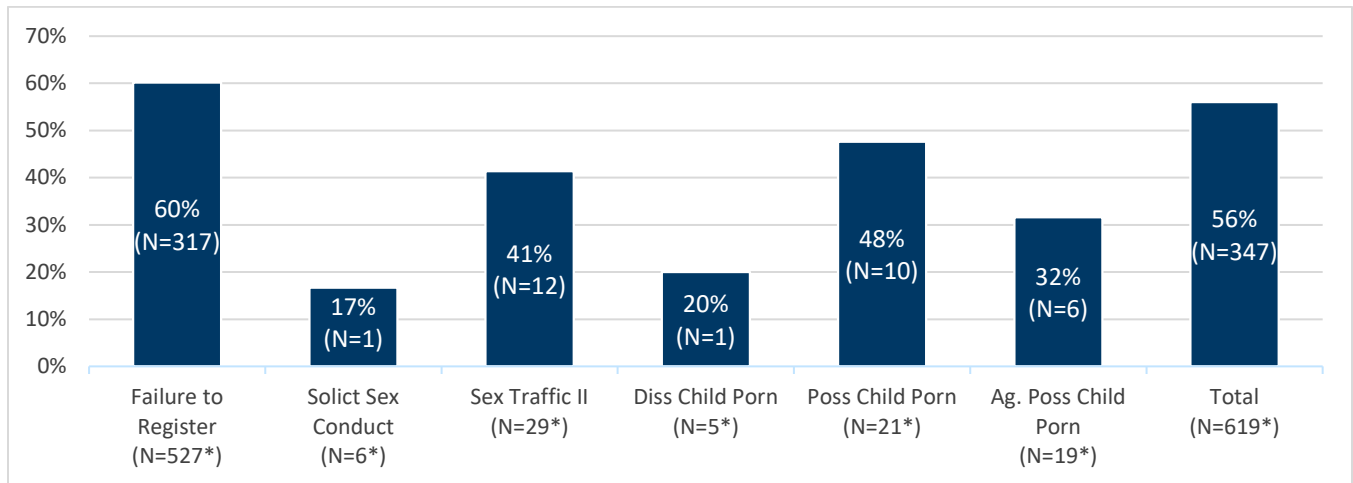
In 2020 and 2021, 535 non-CSC cases were placed on probation for at least one month. The average pronounced probation term was 51 months. For most offenses, the average pronounced probation term ranged from 40 to 60 months. For second-degree sex trafficking the average pronounced term was 100 months (12 cases) and for aggravated possession of child pornography, the average pronounced term was 94 months (15 cases).

## Non-CSC Sex Offenses: Guidelines Departures in 2020 & 2021

### Dispositional Departures

Figure 21 shows mitigated dispositional departure rates for cases in which the Guidelines recommend prison (“presumptive commitments”) by the type of non-CSC sex offense. The total mitigated dispositional departure rate was 56 percent. Offenses with fewer than five presumptive commitment cases that had no mitigated dispositions—use of minors in sexual performance, sex trafficking in the first degree, aggravated dissemination of child pornography and indecent exposure—are excluded from the figure.

Figure 21. Mitigated Dispositional Departure Rates by Offense, Presumptive Commitment Cases, 2020 & 2021



\* Number of presumptive commitment cases.

The most common reasons cited for mitigated dispositional departures were: amenable to probation (68% of the mitigated dispositions), amenable to treatment (31%), shows remorse/accepts responsibility (33%), and offenses less onerous than typical (21%). In 74 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 10 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.

### Durational Departures

Among the 276 cases that received prison sentences, 89 (32%) received a mitigated duration. Seventy-two were sentenced for Failure to Register as a Predatory Offender and of them 34 percent received a mitigated durational departure. Ten (48%) of 21 cases that received a prison sentence for Sex Trafficking also received a mitigated duration. There were three cases (less than 2%) that were aggravated durations. In 75 percent of the mitigated durations, 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 six percent of the mitigated durations.

## Data Tables

Table 8. Incarceration Rates and Average Pronounced Durations: Criminal Sexual Conduct (CSC) Offenses, 1988–2021\*

Year	Number of CSC Cases	Incarceration							
		Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
		Number	Percent	Number	Percent		Number	Percent	
2021	445	410	92	191	43	140	219	49	157
2020	381	366	96	168	44	132	198	52	196
2019	526	496	94	241	46	146	255	49	180
2018	520	493	95	211	41	135	282	54	184
2017	509	480	94	212	42	131	268	53	165
2016	481	454	94	216	45	133	238	50	191
2015	537	515	96	227	42	116	288	54	177
2014	491	468	95	190	39	137	278	57	186
2013	503	473	94	190	38	133	283	56	180
2012	544	513	95	225	41	128	291	54	181
2011	582	551	95	234	40	122	317	55	190
2010	600	532	89	233	39	125	299	50	184
2009	579	534	92	188	33	100	346	60	186
2008	582	549	94	229	39	110	320	55	180
2007	586	559	95	210	36	106	369	60	194
2006	593	563	95	220	37	97	343	58	173
2005	590	561	95	230	39	102	331	56	179
2004	591	555	94	204	35	99	351	59	183
2003	607	566	93	250	41	116	316	52	186
2002	558	531	95	197	35	103	334	60	179
2001	512	481	94	194	38	99	287	56	196
2000	539	509	94	194	36	80	315	58	185
1999	567	529	94	189	34	86	340	60	173
1998	670	636	95	255	38	88	381	57	192
1997	635	599	94	201	32	81	398	63	196
1996	632	599	94	236	37	84	354	56	206
1995	770	714	93	249	32	87	465	60	183
1994	880	827	94	279	32	83	548	62	195
1993	828	764	92	244	30	84	520	63	183
1992	798	749	94	239	30	89	510	64	186
1991	725	670	92	227	31	82	443	61	200
1990	771	712	92	231	30	78	481	62	191

\* Average prison durations exclude sentences to life imprisonment (shown in Table 3).

Year	Number of CSC Cases	Incarceration							
		Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
		Number	Percent	Number	Percent		Number	Percent	
1989	688	630	92	217	32	58	413	60	186
1988	677	609	90	180	27	54	429	63	178

Table 9. Incarceration Rates and Average Pronounced Durations by Degree of Criminal Sexual Conduct Offenses, 1988–2021

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
2021	First	111	107	96	93	84	193	14	13	89
	Second	121	112	93	45	37	113	67	55	56
	Third	133	127	96	38	29	79	89	67	50
	Fourth	75	60	80	13	17	56	47	63	24
	Fifth	5	4	80	2	40	78	2	40	8
	<b>Total Cases</b>	445	410	92	191	43	140	219	49	88
2020	First	93	91	98	68	73	203	23	25	309
	Second	110	107	97	46	42	100	61	56	206
	Third	115	110	96	43	37	71	67	58	165
	Fourth	59	54	92	7	12	79	47	80	171
	Fifth	4	4	100	4	100	55	0	0	0
	<b>Total Cases</b>	381	366	96	168	44	132	198	52	196
2019	First	160	156	98	131	82	200	25	16	311
	Second	124	116	94	48	39	96	68	55	189
	Third	156	146	94	47	30	76	99	64	164
	Fourth	83	75	90	12	15	68	63	76	143
	Fifth	3	3	100	3	100	45	0	0	—
	<b>Total Cases</b>	526	496	94	241	46	146	255	49	180
2018	First	119	117	98	97	82	192	20	17	264
	Second	146	136	93	46	32	104	90	62	207
	Third	180	170	94	54	30	74	116	64	166
	Fourth	72	67	93	12	17	87	55	76	155
	Fifth	3	3	100	2	67	44	1	33	68
	<b>Total Cases</b>	520	493	95	211	41	135	282	54	184

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
2017	First	125	122	98	97	71	190	25	20	333
	Second	120	115	96	48	40	97	67	56	165
	Third	184	172	94	51	28	75	121	66	149
	Fourth	78	69	86	14	18	59	55	71	126
	Fifth	2	2	100	2	100	40	0	0	--
	<b>Total Cases</b>	<b>509</b>	<b>480</b>	<b>94</b>	<b>212</b>	<b>42</b>	<b>131</b>	<b>268</b>	<b>53</b>	<b>165</b>
2016	First	130	129	99	110	85	190	19	15	311
	Second	115	107	93	44	38	91	63	55	207
	Third	155	144	93	52	34	67	92	59	187
	Fourth	78	71	91	10	13	51	61	78	146
	Fifth	3	3	100	0	0	---	3	100	173
	<b>Total Cases</b>	<b>481</b>	<b>454</b>	<b>94</b>	<b>216</b>	<b>45</b>	<b>133</b>	<b>238</b>	<b>50</b>	<b>191</b>
2015	First	123	122	99	95	77	167	27	22	320
	Second	150	140	93	58	39	97	82	55	186
	Third	193	187	97	61	32	70	126	65	165
	Fourth	69	64	93	13	19	47	51	74	117
	Fifth	2	2	100	0	---	---	2	100	142
	<b>Total Cases</b>	<b>537</b>	<b>515</b>	<b>96</b>	<b>227</b>	<b>42</b>	<b>116</b>	<b>288</b>	<b>54</b>	<b>177</b>
2014	First	122	119	98	91	75	194	28	23	326
	Second	112	103	92	39	35	105	64	57	223
	Third	188	182	97	49	26	75	133	71	161
	Fourth	68	63	93	11	16	52	52	77	131
	Fifth	1	1	100	0	---	---	1	100	104
	<b>Total Cases</b>	<b>491</b>	<b>468</b>	<b>95</b>	<b>190</b>	<b>37</b>	<b>137</b>	<b>278</b>	<b>57</b>	<b>186</b>
2013	First	115	114	99	91	79	185	23	20	304
	Second	126	118	94	40	32	106	78	62	206
	Third	176	165	94	49	28	74	116	66	158
	Fourth	85	75	88	10	12	60	65	77	146
	Fifth	1	1	100	0	---	---	1	100	180
	<b>Total Cases</b>	<b>503</b>	<b>473</b>	<b>94</b>	<b>190</b>	<b>38</b>	<b>133</b>	<b>283</b>	<b>56</b>	<b>180</b>
2012	First	136	133	98	109	80	181	24	18	311
	Second	135	127	94	53	39	97	74	55	222
	Third	184	173	94	53	29	66	120	65	157
	Fourth	89	83	93	10	11	49	73	82	138
	<b>Total Cases</b>	<b>544</b>	<b>516</b>	<b>95</b>	<b>225</b>	<b>41</b>	<b>128</b>	<b>291</b>	<b>54</b>	<b>181</b>

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

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

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
1997	First	146	145	99	88	60	125	57	98	322
	Second	186	164	88	45	24	61	119	84	189
	Third	186	177	95	43	23	43	134	94	178
	Fourth	114	110	96	23	20	33	87	96	152
	Fifth	3	3	100	2	67	27	1	100	114
	<b>Total Cases</b>	<b>635</b>	<b>599</b>	<b>94</b>	<b>201</b>	<b>32</b>	<b>81</b>	<b>398</b>	<b>92</b>	<b>196</b>
1996	First	153	155	96	102	67	131	48	31	319
	Second	161	184	92	44	27	53	111	69	211
	Third	200	184	92	67	34	52	117	59	192
	Fourth	118	101	86	23	20	32	78	66	149
	<b>Total Cases</b>	<b>632</b>	<b>590</b>	<b>93</b>	<b>236</b>	<b>37</b>	<b>84</b>	<b>354</b>	<b>56</b>	<b>206</b>
1995	First	161	157	98	102	63	137	55	34	293
	Second	225	202	90	61	27	58	141	63	177
	Third	258	238	92	59	23	54	179	69	171
	Fourth	126	117	93	27	21	33	90	71	147
	<b>Total Cases</b>	<b>770</b>	<b>714</b>	<b>93</b>	<b>249</b>	<b>32</b>	<b>87</b>	<b>465</b>	<b>60</b>	<b>183</b>
1994	First	193	188	97	118	61	131	70	36	312
	Second	270	252	93	62	23	47	190	70	205
	Third	260	246	95	81	31	52	165	64	174
	Fourth	157	141	90	18	12	35	123	78	142
	<b>Total Cases</b>	<b>880</b>	<b>827</b>	<b>94</b>	<b>279</b>	<b>32</b>	<b>83</b>	<b>548</b>	<b>62</b>	<b>195</b>
1993	First	194	188	97	118	61	118	70	36	304
	Second	279	257	92	55	20	59	202	72	190
	Third	211	189	90	53	25	50	136	65	163
	Fourth	144	130	90	18	13	36	112	78	120
	<b>Total Cases</b>	<b>828</b>	<b>764</b>	<b>92</b>	<b>244</b>	<b>30</b>	<b>84</b>	<b>520</b>	<b>63</b>	<b>183</b>
1992	First	167	158	95	100	60	126	58	35	320
	Second	309	287	93	73	24	62	214	69	182
	Third	199	188	95	50	25	63	138	69	168
	Fourth	123	116	94	16	13	55	100	81	142
	<b>Total Cases</b>	<b>798</b>	<b>749</b>	<b>94</b>	<b>239</b>	<b>30</b>	<b>89</b>	<b>510</b>	<b>64</b>	<b>186</b>
1991	First	182	173	95	108	59	118	65	36	302
	Second	235	216	92	50	21	51	166	71	203
	Third	159	147	93	50	31	54	97	61	182
	Fourth	149	134	90	19	13	37	115	77	151
	<b>Total Cases</b>	<b>725</b>	<b>670</b>	<b>92</b>	<b>227</b>	<b>31</b>	<b>82</b>	<b>443</b>	<b>61</b>	<b>200</b>

Year	Degree	Number of Cases	Total Incarceration		Received Prison		Average Duration (months)	Local Confinement		Average Duration (days)
			Number	Percent	Number	Percent		Number	Percent	
1990	First	196	193	99	122	62	104	71	36	308
	Second	270	249	92	52	19	48	197	73	184
	Third	170	156	92	35	21	53	121	71	166
	Fourth	135	114	84	22	16	40	92	68	148
	<b>Total Cases</b>	<b>771</b>	<b>712</b>	<b>92</b>	<b>231</b>	<b>30</b>	<b>78</b>	<b>481</b>	<b>62</b>	<b>191</b>
1989	First	165	157	95	111	67	78	46	28	255
	Second	251	234	93	45	18	37	189	75	199
	Third	136	126	93	45	33	37	81	60	156
	Fourth	136	113	83	16	12	36	97	71	151
	<b>Total Cases</b>	<b>688</b>	<b>630</b>	<b>92</b>	<b>217</b>	<b>32</b>	<b>58</b>	<b>413</b>	<b>60</b>	<b>186</b>
1988	First	136	133	98	85	63	75	48	35	287
	Second	256	226	88	47	18	33	179	70	187
	Third	120	111	93	39	33	38	72	60	154
	Fourth	165	139	84	9	6	31	130	79	138
	<b>Total Cases</b>	<b>677</b>	<b>609</b>	<b>90</b>	<b>180</b>	<b>27</b>	<b>54</b>	<b>429</b>	<b>63</b>	<b>178</b>

Table 10. Departure Rates for Criminal Sexual Conduct (CSC) Offenses, 1988–2021

Year	Number of CSC Cases	Mitigated Dispositional Departures				Durational Departures (Executed Sentences Only)				
		Presumptive Commitment		Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
		Number	Percent	Number	Percent		Number	Percent	Number	Percent
2021	445	253	57	71	28	189	18	10	21	11
2020	381	229	60	68	30	166	17	10	31	19
2019	526	327	62	91	28	241	14	6	31	13
2018	520	271	52	66	24	211	11	5	27	13
2017	509	274	54	69	25	212	13	6	24	11
2016	481	262	55	64	24	216	12	6	21	10
2015	537	285	53	73	26	227	14	6	35	15
2014	491	257	52	80	31	190	8	4	35	18
2013	503	257	51	71	28	190	12	6	33	17
2012	544	281	52	69	25	223	12	5	42	19
2011	582	314	54	90	29	229	12	5	34	15
2010	600	296	49	74	25	231	12	5	43	19
2009	579	247	43	74	30	186	6	3	39	21
2008	582	288	49	80	28	229	18	8	40	18
2007	586	278	47	86	31	210	17	8	36	17
2006	593	281	47	77	27	220	20	9	44	20
2005	590	299	51	82	27	230	36	16	41	18
2004	591	288	49	103	36	204	41	20	43	21
2003	607	323	53	95	29	250	57	23	48	19
2002	558	241	43	60	25	197	41	21	36	18
2001	512	250	49	66	26	194	49	25	36	19
2000	539	248	46	67	27	194	46	24	39	20
1999	562	245	44	80	33	189	45	24	18	10
1998	670	326	49	86	26	255	55	22	32	13
1997	635	288	45	107	37	201	41	20	44	22
1996	632	317	50	97	31	236	63	27	28	12
1995	770	346	45	118	34	249	59	24	40	16
1994	880	408	46	148	36	279	61	22	38	14
1993	828	360	44	136	38	244	45	18	41	17
1992	798	353	44	129	37	239	50	21	30	13
1991	725	334	46	121	36	227	44	19	37	16
1990	771	365	47	144	40	231	50	22	39	17
1989	688	319	46	110	35	217	29	13	20	9
1988	677	273	40	101	37	180	19	11	19	11

Table 11. Departure Rates by Degree of Criminal Sexual Conduct (CSC) Offenses, 1997–2021

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)					
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration		
				Number	Percent		Number	Percent	Number	Percent	
2021	First	111	111	18	16	91	9	10	14	15	
	Second	121	57	15	26	45	5	11	4	9	
	Third	133	68	32	47	38	3	8	2	5	
	Fourth	75	12	3	25	13	1	8	1	8	
	Fifth	5	5	3	60	2	0	0	0	0	
	<b>Total</b>	<b>445</b>	<b>253</b>	<b>71</b>	<b>28</b>	<b>189</b>	<b>18</b>	<b>10</b>	<b>21</b>	<b>11</b>	
2020	First	93	93	25	27	67	8	12	14	21	
	Second	110	55	14	26	45	3	7	5	11	
	Third	115	63	22	35	43	6	14	8	19	
	Fourth	59	14	7	50	7	0	0	2	29	
	Fifth	4	4	0	0	4	0	0	2	50	
	<b>Total</b>	<b>381</b>	<b>229</b>	<b>68</b>	<b>30</b>	<b>166</b>	<b>17</b>	<b>10</b>	<b>31</b>	<b>19</b>	
2019	First	160	160	29	18	131	9	7	14	11	
	Second	124	59	15	25	48	3	6	3	6	
	Third	156	85	38	45	47	2	4	8	17	
	Fourth	83	20	9	45	12	0	-	4	33	
	Fifth	3	3	0	-	3	0	-	2	67	
	<b>Total</b>	<b>526</b>	<b>327</b>	<b>91</b>	<b>28</b>	<b>241</b>	<b>14</b>	<b>6</b>	<b>31</b>	<b>13</b>	
2018	First	119	119	22	19	97	5	5	12	12	
	Second	146	53	10	19	46	5	11	7	15	
	Third	180	84	32	38	54	1	2	5	9	
	Fourth	72	13	2	15	12	0	0	2	17	
	Fifth	3	2	0	0	2	0	0	1	50	
	<b>Total</b>	<b>520</b>	<b>271</b>	<b>66</b>	<b>24</b>	<b>211</b>	<b>11</b>	<b>5</b>	<b>27</b>	<b>13</b>	
2017	First	125	125	28	22	97	8	8	11	11	
	Second	120	56	9	16	48	0	0	4	8	
	Third	184	73	26	36	51	4	8	8	16	
	Fourth	78	18	6	33	14	1	7	1	7	
	Fifth	2	2	0	0	2	0	0	0	0	
	<b>Total</b>	<b>509</b>	<b>274</b>	<b>69</b>	<b>25</b>	<b>212</b>	<b>13</b>	<b>6</b>	<b>24</b>	<b>11</b>	
2016	First	130	130	20	15	110	8	7	11	10	
	Second	115	54	14	26	44	1	2	3	7	
	Third	155	67	26	39	52	3	6	6	12	
	Fourth	78	11	4	36	10	0	---	1	10	
	Fifth	3	0	---	---	0	---	---	---	---	
	<b>Total</b>	<b>481</b>	<b>262</b>	<b>64</b>	<b>24</b>	<b>216</b>	<b>12</b>	<b>6</b>	<b>21</b>	<b>10</b>	

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
2015	First	123	123	28	23	95	4	4	17	18
	Second	150	70	18	26	58	5	9	7	12
	Third	193	80	24	30	61	5	8	10	16
	Fourth	69	11	2	18	13	0	---	1	8
	Fifth	2	1	1	100	0	---	---	---	---
	<b>Total</b>	<b>537</b>	<b>285</b>	<b>73</b>	<b>26</b>	<b>227</b>	<b>14</b>	<b>6</b>	<b>35</b>	<b>15</b>
2014	First	122	122	31	25	91	6	7	13	14
	Second	112	50	14	28	39	1	3	10	26
	Third	188	75	32	43	49	1	2	11	22
	Fourth	68	10	3	30	11	0	---	1	9
	Fifth	1	0	---	---	0	---	---	---	---
	<b>Total</b>	<b>491</b>	<b>257</b>	<b>80</b>	<b>31</b>	<b>190</b>	<b>8</b>	<b>4</b>	<b>35</b>	<b>18</b>
2013	First	115	115	24	21	91	4	4	21	23
	Second	126	53	14	26	40	3	8	6	15
	Third	176	73	27	37	49	5	10	5	10
	Fourth	85	16	6	38	10	0	---	1	10
	Fifth	1	0	---	---	0	---	---	---	---
	<b>Total</b>	<b>503</b>	<b>257</b>	<b>71</b>	<b>28</b>	<b>190</b>	<b>12</b>	<b>6</b>	<b>33</b>	<b>17</b>
2012	First	136	136	27	20	108	5	5	20	19
	Second	135	62	13	21	53	5	9	10	19
	Third	184	72	23	32	52	1	2	10	19
	Fourth	89	11	6	55	10	1	10	2	20
	<b>Total</b>	<b>544</b>	<b>281</b>	<b>69</b>	<b>25</b>	<b>223</b>	<b>12</b>	<b>5</b>	<b>42</b>	<b>19</b>
2011	First	150	150	36	24	110	6	6	20	18
	Second	127	49	8	16	46	1	2	4	9
	Third	214	94	43	46	52	4	8	6	12
	Fourth	89	21	3	14	21	1	5	4	19
	Fifth	2	0	---	---	0	---	---	---	---
	<b>Total</b>	<b>582</b>	<b>314</b>	<b>90</b>	<b>29</b>	<b>229</b>	<b>12</b>	<b>5</b>	<b>34</b>	<b>15</b>
2010	First	143	143	30	21	112	9	8	27	24
	Second	141	57	14	25	48	1	2	3	6
	Third	200	80	24	30	58	2	3	11	19
	Fourth	115	16	6	38	13	0	---	2	15
	Fifth	1	0	---	---	0	---	---	---	---
	<b>Total</b>	<b>600</b>	<b>296</b>	<b>74</b>	<b>25</b>	<b>231</b>	<b>12</b>	<b>5</b>	<b>43</b>	<b>19</b>

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
2009	First	105	105	30	29	73	2	3	20	27
	Second	147	48	14	29	37	2	5	5	14
	Third	206	79	24	30	61	2	3	12	20
	Fourth	118	14	5	36	15	0	---	2	13
	Fifth	3	1	1	100	0	---	---	---	---
	<b>Total</b>	<b>579</b>	<b>247</b>	<b>74</b>	<b>30</b>	<b>186</b>	<b>6</b>	<b>3</b>	<b>39</b>	<b>21</b>
2008	First	144	144	41	29	103	9	9	23	22
	Second	134	52	10	19	48	6	13	6	13
	Third	201	79	27	34	62	2	3	7	11
	Fourth	103	13	2	15	16	1	6	4	25
	<b>Total</b>	<b>582</b>	<b>288</b>	<b>80</b>	<b>28</b>	<b>229</b>	<b>18</b>	<b>8</b>	<b>40</b>	<b>18</b>
2007	First	122	122	37	30	85	11	13	14	17
	Second	142	60	16	27	52	3	6	6	12
	Third	217	82	29	35	59	3	5	13	22
	Fourth	105	14	4	29	14	0	---	3	21
	<b>Total</b>	<b>586</b>	<b>278</b>	<b>86</b>	<b>31</b>	<b>210</b>	<b>17</b>	<b>8</b>	<b>36</b>	<b>17</b>
2006	First	130	130	34	26	96	12	13	20	21
	Second	146	56	16	29	43	3	7	10	23
	Third	207	82	24	29	64	2	3	11	17
	Fourth	109	12	3	25	16	2	13	3	19
	Fifth	1	1	0	---	1	1	100	0	---
	<b>Total</b>	<b>593</b>	<b>281</b>	<b>77</b>	<b>27</b>	<b>220</b>	<b>20</b>	<b>9</b>	<b>44</b>	<b>20</b>
2005	First	148	148	37	25	111	18	16	24	22
	Second	145	61	16	26	52	9	17	11	21
	Third	202	81	25	31	57	8	14	5	9
	Fourth	95	9	4	44	10	1	10	1	10
	<b>Total</b>	<b>590</b>	<b>299</b>	<b>82</b>	<b>27</b>	<b>230</b>	<b>36</b>	<b>16</b>	<b>41</b>	<b>18</b>
2004	First	137	137	42	31	95	20	21	25	26
	Second	146	55	20	36	42	10	24	6	14
	Third	208	81	36	44	53	10	19	12	23
	Fourth	100	15	5	33	14	1	7	0	---
	<b>Total</b>	<b>591</b>	<b>288</b>	<b>103</b>	<b>36</b>	<b>204</b>	<b>41</b>	<b>20</b>	<b>43</b>	<b>21</b>

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
2003	First	170	170	47	28	123	33	27	30	24
	Second	133	51	17	33	44	10	23	8	18
	Third	189	77	27	35	58	9	16	8	14
	Fourth	111	24	4	17	24	5	21	2	8
	Fifth	4	1	0	---	1	0	---	0	---
	<b>Total</b>	<b>607</b>	<b>323</b>	<b>95</b>	<b>29</b>	<b>250</b>	<b>57</b>	<b>23</b>	<b>48</b>	<b>19</b>
2002	First	138	138	30	22	108	25	23	21	19
	Second	148	39	10	26	34	9	27	4	12
	Third	178	52	19	37	39	6	15	8	21
	Fourth	94	12	1	8	16	1	6	3	19
	<b>Total</b>	<b>558</b>	<b>241</b>	<b>60</b>	<b>25</b>	<b>197</b>	<b>41</b>	<b>21</b>	<b>36</b>	<b>18</b>
2001	First	139	139	43	31	96	23	24	19	20
	Second	128	42	9	21	39	13	33	4	10
	Third	162	58	13	22	45	8	18	11	24
	Fourth	79	11	1	9	14	5	36	2	14
	Fifth	4	0	---	---	0	---	---	---	---
	<b>Total</b>	<b>512</b>	<b>250</b>	<b>66</b>	<b>26</b>	<b>194</b>	<b>49</b>	<b>25</b>	<b>36</b>	<b>19</b>
2000	First	105	105	32	31	73	19	26	17	23
	Second	155	50	11	22	46	14	30	6	13
	Third	171	72	21	29	55	9	16	12	22
	Fourth	104	18	2	11	17	2	12	4	24
	Fifth	4	3	1	33	3	2	67	0	---
	<b>Total</b>	<b>539</b>	<b>248</b>	<b>67</b>	<b>27</b>	<b>194</b>	<b>46</b>	<b>24</b>	<b>39</b>	<b>20</b>
1999	First	125	125	43	34	82	18	22	11	13
	Second	153	34	9	27	36	13	36	1	3
	Third	183	73	27	37	50	12	24	4	8
	Fourth	101	13	1	8	21	2	10	2	10
	<b>Total</b>	<b>562</b>	<b>245</b>	<b>80</b>	<b>33</b>	<b>189</b>	<b>45</b>	<b>24</b>	<b>18</b>	<b>10</b>
1998	First	160	160	45	28	115	28	24	12	10
	Second	197	65	15	23	60	14	23	7	12
	Third	197	88	24	27	66	9	14	12	18
	Fourth	112	12	2	17	13	4	31	1	8
	Fifth	5	1	0	---	1	0	---	0	---
	<b>Total</b>	<b>670</b>	<b>326</b>	<b>86</b>	<b>26</b>	<b>255</b>	<b>55</b>	<b>22</b>	<b>32</b>	<b>13</b>

Year	Degree	Number of CSC Cases	Mitigated Dispositional Departures			Durational Departures (Executed Sentences Only)				
			Number Presumptive Commits	Received Probation		Number Received Prison	Aggravated Duration		Mitigated Duration	
				Number	Percent		Number	Percent	Number	Percent
1997	First	146	146	58	40	88	20	23	20	23
	Second	186	52	13	25	45	10	22	10	22
	Third	186	69	29	42	43	6	14	9	21
	Fourth	114	21	7	33	23	4	17	5	22
	Fifth	3	0	---	---	2	1	50	0	---
	<b>Total</b>	<b>635</b>	<b>288</b>	<b>107</b>	<b>37</b>	<b>201</b>	<b>41</b>	<b>20</b>	<b>44</b>	<b>22</b>

Table 12. Victim Age by Child/Other Statutory Provisions for Criminal Sexual Conduct (CSC) Offenses, 2020 & 2021

CSC Degree	CSC Provision	Age of Victim								Total	
		Less than 13		13–17		Adult		Unknown			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
First	Child	130	76	41	24	0	--	0	---	171	84
	Force/Other	0	0	2	6	31	94	0	---	33	16
	<b>Total</b>	<b>130</b>	<b>64</b>	<b>43</b>	<b>21</b>	<b>31</b>	<b>15</b>	<b>0</b>	<b>---</b>	<b>204</b>	<b>100</b>
Second	Child	165	76	50	23	0	---	1	0.5	216	94
	Force/Other	3	20	4	27	8	53	0	---	15	7
	<b>Total</b>	<b>168</b>	<b>73</b>	<b>54</b>	<b>23</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>---</b>	<b>231</b>	<b>100</b>
Third	Child	4	3	139	97	0	---	0	---	143	59
	Force/Other	6	6	18	17	81	77	0	---	105	42
	<b>Total</b>	<b>10</b>	<b>4</b>	<b>157</b>	<b>63</b>	<b>81</b>	<b>33</b>	<b>0</b>	<b>---</b>	<b>248</b>	<b>100</b>
Fourth	Child	3	5	55	95	0	---	0	---	58	43
	Force/Other	6	8	7	9	63	83	0	---	76	57
	<b>Total</b>	<b>9</b>	<b>7</b>	<b>62</b>	<b>46</b>	<b>63</b>	<b>47</b>	<b>0</b>	<b>---</b>	<b>134</b>	<b>100</b>
Fifth	<b>Total</b>	<b>1</b>	<b>11</b>	<b>2</b>	<b>22</b>	<b>6</b>	<b>67</b>	<b>0</b>	<b>---</b>	<b>9</b>	<b>100</b>
Total	Child	303	51	287	49	0	--	1	0.1	591	72
	Force/Other	15	6	31	13	189	80	0	---	235	29
	<b>Total</b>	<b>318</b>	<b>39</b>	<b>318</b>	<b>39</b>	<b>189</b>	<b>23</b>	<b>1</b>	<b>0.1</b>	<b>826</b>	<b>100</b>

Note: The "CSC Provision" column is based on statute and specifies that the victim was a child or does not specify the victim's age. The "Age of Victim" columns are based on the Minnesota Offense Codes (MOCs) that accompany the charge on the complaint; see footnote 3 and "Victim Characteristics" discussion on page 10.

Table 13. Victim-Offender Relationship by Child/Other Statutory Provisions for Criminal Sexual Conduct (CSC) Offenses, 2020 & 2021

CSC Degree	CSC Provision	Relationship between Victim and Offender												Total	
		Family		Authority		Occupation		Acquaintance		Stranger		Unknown			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
First	Child	120	70	21	12	0	--	29	17	0	--	1	1	171	84
	Force/Other	5	15	0	---	0	---	16	49	12	36	0	--	33	16
	<b>Total</b>	<b>125</b>	<b>61</b>	<b>21</b>	<b>10</b>	<b>0</b>	<b>--</b>	<b>45</b>	<b>22</b>	<b>12</b>	<b>6</b>	<b>1</b>	<b>0.5</b>	<b>204</b>	<b>100</b>
Second	Child	143	66	28	13	0	---	40	19	4	2	1	0.5	216	94
	Force/Other	2	13	0	---	0	---	7	47	6	40	0	---	15	7
	<b>Total</b>	<b>145</b>	<b>63</b>	<b>28</b>	<b>12</b>	<b>0</b>	<b>---</b>	<b>47</b>	<b>20</b>	<b>10</b>	<b>4</b>	<b>0</b>	<b>--</b>	<b>231</b>	<b>100</b>
Third	Child	21	15	15	11	0	---	102	71	5	4	0	--	143	58
	Force/Other	25	24	2	2	7	7	62	59	9	9	0	--	105	42
	<b>Total</b>	<b>46</b>	<b>19</b>	<b>17</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>164</b>	<b>66</b>	<b>14</b>	<b>6</b>	<b>0</b>	<b>--</b>	<b>248</b>	<b>100</b>
Fourth	Child	19	33	13	22	0	---	22	38	4	7	0	---	58	43
	Force/Other	15	44	0	--	8	11	69	52	6	8	0	--	76	57
	<b>Total</b>	<b>34</b>	<b>25</b>	<b>13</b>	<b>10</b>	<b>8</b>	<b>6</b>	<b>69</b>	<b>52</b>	<b>10</b>	<b>8</b>	<b>0</b>	<b>--</b>	<b>134</b>	<b>100</b>
Fifth	<b>Total</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>---</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>--</b>	<b>7</b>	<b>78</b>	<b>0</b>	<b>---</b>	<b>9</b>	<b>100</b>
Total	Child	304	51	77	13	0	--	193	33	15	3	2	0.3	591	72
	Force/Other	47	20	2	1	16	7	132	56	38	16	0	--	235	29
	<b>Total</b>	<b>351</b>	<b>43</b>	<b>79</b>	<b>10</b>	<b>16</b>	<b>2</b>	<b>325</b>	<b>39</b>	<b>53</b>	<b>6</b>	<b>2</b>	<b>0.2</b>	<b>826</b>	<b>100</b>

Note: The "CSC Provision" column is based on statute and specifies the victim was a child or does not specify the victim's age. Except for "Occupation," the "Relationship between Victim and Offender" columns are based on the Minnesota Offense Codes (MOCs) that accompany the charge on the complaint; see footnote 3 and "Victim Characteristics" discussion on page 10. The "Occupation" category is provided in statute and specifies the occupation of the offender, e.g., psychotherapist, health care professional, clergy, correctional employee, or special transportation service employee. If one of the specified occupations was indicated by the MOC code, the offense is included regardless of how it was charged.

Table 14. Volume of Cases Sentenced for Criminal Sexual Conduct Offenses (CSC) by Statutory Provision, 2017–2021

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Cases Sentenced					
			2017	2018	2019	2020	2021	5-year average
<b>First Degree</b> Severity Level 9/A 144 months, commit	609.342 subd. 1(a)	Victim under 13, Actor 3 years older	51	50	76	51	58	57
	609.342 subd. 1(b)	Victim 13–15, Actor 4 years older & Pos. Authority	4	11	13	6	9	9
	609.342 subd. 1(c)	Fear Great Bodily Harm	9	7	13	3	5	7
	609.342 subd. 1(d)	Dangerous Weapon	1	2	2	0	1	1
	609.342 subd. 1(e)(i)	Personal Injury & Uses Force or Coercion	20	16	19	8	12	15
	609.342 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	6	3	1	1	2	3
	609.342 subd. 1(f)(i)	Accomplice & use Force or Coercion	1	1	3	0	1	1
	609.342 subd. 1(f)(ii)	Accomplice & Dangerous Weapon	0	0	0	0	0	0
	609.342 subd. 1(g)	Victim under 16, Significant Relationship	17	18	17	11	11	15
	609.342 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	1	0	0	1	0	0.4
	609.342 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	2	0	0	0	1	0.6
	609.342 subd. 1(h)(iii)	Under 16, Sig. Relationship & Multiple Acts	13	11	16	12	11	13
<b>Second Degree</b> Severity Level 6/D 21/36 months, stayed	609.343 subd. 1(a)	Contact Victim under 13, Actor 3 years older	66	77	68	49	52	62
	609.343 subd. 1(b)	Victim 13–15, Actor 4 yrs. older & Pos. Authority	6	9	8	8	5	7
	609.343 subd. 1(g)	Victim under 16, Significant Relationship	19	23	14	15	23	19

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Cases Sentenced					5-year average
			2017	2018	2019	2020	2021	
<b>Second Degree</b> Severity Level 8/B 90 months, commit	609.343 subd. 1(c)	Fear Great Bodily Harm	1	3	1	2	0	1
	609.343 subd. 1(d)	Dangerous Weapon	0	0	0	0	0	0
	609.343 subd. 1(e)(i)	Personal Injury & Uses Force and Coercion	3	4	2	5	6	4
	609.343 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	2	2	1	1	1	1
	609.343 subd. 1(f)(i)	Accomplice and use Force or Coercion	0	0	1	0	0	0.2
	609.343 subd. 1(f)(ii)	Accomplice and Dangerous Weapon	0	0	0	0	0	0
	609.343 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	4	2	2	2	4	3
	609.343 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	0	2	1	1	0	1
	609.343 subd. 1(h)(iii)	Under 16, Sig. Relationship & Multiple Acts	19	24	26	27	30	25
<b>Third Degree</b> Unranked/D	609.344 subd. 1(a)	Criminal Sexual Conduct 3 – Penetration Victim under 13 (must be committed by a juvenile)	0	0	1	0	0	0.2
<b>Third Degree</b> Severity Level 5/D 18/24 months, stayed	609.344 subd. 1(b)	Victim 13–15, Actor 4 years older	105	82	71	54	55	73
	609.344 subd. 1(e)	Victim 16–17, Actor 4 years older & Pos. Authority	8	3	5	1	8	5
	609.344 subd. 1(f)	Victim 16–17, Significant Relationship	2	7	2	5	3	3
<b>Third Degree</b> Severity Level G 15 months, stayed	609.344 subd. 1(b) w/ reference to subd. 2(2)	Victim 13–15, Actor 2–3 years older	21	16	8	5	9	12

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Cases Sentenced					5-year average
			2017	2018	2019	2020	2021	
<b>Third Degree</b> Severity Level 8/C 48 months, commit	609.344 subd. 1(c)	Force or Coercion	24	42	37	25	30	32
	609.344 subd. 1(d)	Victim Mentally Impaired/Incapacitated	18	20	23	18	27	21
	609.344 subd. 1(g)(i)	Significant Relationship & Force or Coercion	0	2	0	0	0	0.4
	609.344 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	1	0	0	0.2
	609.344 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	3	1	4	3	0	2
	609.344 subd. 1(h)	Psychotherapist – Patient	0	1	2	2	1	1
	609.344 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	0	0	0
	609.344 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	0	0	0
	609.344 subd. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	0	0	0
	609.344 subd. 1(l)	Clergy	0	2	0	1	0	0.6
	609.344 subd. 1(m)	Correctional Employee	1	1	2	1	0	1
	609.344 subd. 1(n)	Special Transportation Service	1	0	0	0	0	0.2
	609.344 subd. 1(o)	Massage Therapist	1	3	0	0	0	1
<b>Fourth Degree</b> Unranked, F	609.345 subd. 1(a)	Criminal Sexual Conduct 4 – Contact Victim under 13 (must be committed by a juvenile)	2	0	1	1	2	1
<b>Fourth Degree</b> Severity Level 4/F 12.03/15 mo., stayed	609.345 subd. 1(b)	Victim 13–15, Actor 4 yrs. older or Pos. Authority	28	19	21	13	25	21
	609.345 subd. 1(e)	Victim 16–17, Actor 4 yrs. older & Pos. Authority	3	3	4	3	3	3
	609.345 subd. 1(f)	Victim 16–17, Significant Relationship	4	8	3	5	6	5

CSC Degree, Severity Level And Presumptive Duration at CHS 0	Statute Number	Offense	Number of Cases Sentenced					5-year average
			2017	2018	2019	2020	2021	
<b>Fourth Degree</b> Severity Level 6/E 21/24 months, stayed	609.345 subd. 1(c)	Force or Coercion	22	21	23	19	17	20
	609.345 subd. 1(d)	Victim Mentally Impaired/Incapacitated	16	18	23	17	17	18
	609.345 subd. 1(g)(i)	Significant Relationship & Force or Coercion	0	1	0	0	0	0.2
	609.345 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	0	0	0	0
	609.345 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	0	0	1	0	0	0.2
	609.345 subd. 1(h)	Psychotherapist – Patient	0	0	0	0	0	0
	609.345 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	0	1	0.2
	609.345 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	0	0	0
	609.345 subd. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	0	0	0
	609.345 subd. 1(l)	Clergy	1	0	0	0	0	0.2
	609.345 subd. 1(m)	Correctional Employee	1	1	1	0	2	1
	609.345 subd. 1(n)	Special Transportation Service	0	0	2	0	0	0.4
609.345 subd. 1(o)	Massage Therapist	1	1	4	0	2	1	
<b>Fifth Degree</b> Severity Level F 18 months, stayed	609.3451 subd. 3	5th Degree CSC with previous conviction for 609.3451, subd. 1(2) or other offenses, or two previous convictions for 609.3451, subd. 1(1)	2	1	1	3	3	2
<b>Fifth Degree</b> If offense pre- 7/31/2014 Severity Level 4/G 15 months, stayed	609.3451 subd. 3	5th Degree CSC – Violate 609.3451, subd. 1(2) after previous conviction	0	2	2	1	2	1

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

The following table displays sentencing practices from 2017 to 2021 by the statutory provision for which the case 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 15. Sentencing Practices for Criminal Sexual Conduct (CSC) Offenses by Statutory Provision, Combined Data 2017–2021

CSC Degree, Severity Level, and Presumptive Duration at CHS 0	Statute Number	Offense	Cases	Presump- tive Prison	Prison Sentence		Av. Prison Term (months)	Mitigated Dispositional Departures	
			No.	No.	No.	%		No.	%
<b>First Degree</b> Severity Level 9/A 144 months, commit	609.342 subd. 1(a)	Victim under 13, Actor 3 years older	286	286	226	79	191	60	21
	609.342 subd. 1(b)	Victim 13–15, Actor 4 years older & Pos. Authority	43	43	36	84	188	7	16
	609.342 subd. 1(c)	Fear Great Bodily Harm	37	37	36	97	226	1	3
	609.342 subd. 1(d)	Dangerous Weapon	6	6	6	100	309	0	0
	609.342 subd. 1(e)(i)	Personal Injury & Uses Force or Coercion	75	75	71	95	207	4	5
	609.342 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	13	13	9	69	228	4	13
	609.342 subd. 1(f)(i)	Accomplice & use Force or Coercion	6	6	4	67	238	2	33
	609.342 subd. 1(f)(ii)	Accomplice & Dangerous Weapon	0	0	0	---	---	---	---
	609.342 subd. 1(g)	Victim under 16, Significant Relationship	74	74	48	65	158	26	35
	609.342 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	2	2	2	100	114	0	0
	609.342 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	3	3	2	67	144	1	33
609.342 subd. 1(h)(iii)	Under 16, Sig. Relationship & Multiple Acts	63	63	46	73	198	17	27	
<b>Second Degree</b> Severity Level 6/D 21/36 months, stayed	609.343 subd. 1(a)	Contact Victim under 13, Actor 3 years older	312	77	76	24	87	12	16
	609.343 subd. 1(b)	Victim 13–15, Actor 4 years older & Pos. Authority	36	7	9	25	94	0	0
	609.343 subd. 1(g)	Victim under 16, Significant Relationship	94	17	13	14	56	7	41
<b>Second Degree</b> Severity Level 8/B 90 months, commit	609.343 subd. 1(c)	Fear Great Bodily Harm	7	7	5	71	109	2	29
	609.343 subd. 1(d)	Dangerous Weapon	0	0	0	--	--	0	0
	609.343 subd. 1(e)(i)	Personal Injury & Uses Force and Coercion	20	20	16	80	152	4	20
	609.343 subd. 1(e)(ii)	Personal Injury & Victim Impaired/Incapacitated	7	7	7	100	126	0	0
	609.343 subd. 1(f)(i)	Accomplice and use Force or Coercion	1	1	1	100	96	0	0
609.343 subd. 1(f)(ii)	Accomplice and Dangerous Weapon	0	0	0	---	---	---	---	

CSC Degree, Severity Level, and Presumptive Duration at CHS 0	Statute Number	Offense	Cases	Presump- tive Prison	Prison Sentence		Av. Prison Term	Mitigated Dispositional Departures	
			No.	No.	No.	%	(months)	No.	%
<b>Second Degree</b> Severity Level 8/B 90 months, commit (cont'd)	609.343 subd. 1(h)(i)	Under 16, Sig. Relationship & Force or Coercion	14	14	10	77	102	4	29
	609.343 subd. 1(h)(ii)	Under 16, Sig. Relationship & Personal Injury	4	4	4	100	161	0	0
	609.343 subd. 1(h)(iii)	Under 16, Significant Relationship & Multiple Acts	126	126	92	73	109	34	27
<b>Third Degree</b> Unranked/D	609.344 subd. 1(a)	Criminal Sexual Conduct 3 – Penetration Victim under 13 (must be committed by a juvenile)	1	0	0	0	--	0	0
<b>Third Degree</b> Severity Level 5/D 18/24 months, stayed	609.344 subd. 1(b)	Victim 13–15, Actor 4 years older	367	66	57	16	77	17	26
	609.344 subd. 1(e)	Victim 16–17, Actor 4 years older & Pos. Authority	25	4	3	12	39	2	67
	609.344 subd. 1(f)	Victim 16–18, Significant Relationship	19	3	1	5	105	1	50
<b>Third Degree</b> Severity Level G 15 months, stayed	609.344 subd. 1(b) w/ reference subd. 2(2)	Victim 13–15, Actor 2–3 years older	59	3	2	3	23	2	67
<b>Third Degree</b> Severity Level 8/C 48 months, commit	609.344 subd. 1(c)	Force or Coercion	158	158	96	61	81	62	39
	609.344 subd. 1(d)	Victim Mentally Impaired/Incapacitated	106	106	54	51	69	52	49
	609.344 subd. 1(g)(i)	Significant Relationship & Force or Coercion	2	2	2	100	48	0	0
	609.344 subd. 1(g)(ii)	Significant Relationship & Personal Injury	1	1	1	100	93	0	0
	609.344 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	11	11	8	73	69	3	27
	609.344 subd. 1(h)	Psychotherapist – Patient	6	6	3	50	57	3	50
	609.344 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	0	0	0	---	---	---	---
	609.344 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	---	---	---	---
	609.344 subd. 1(k)	Deception/False Rep. for Medical Purpose	0	0	0	---	---	---	---
	609.344 subd. 1(l)	Clergy	3	3	3	100	57	0	0
	609.344 subd. 1(m)	Correctional Employee	5	5	2	40	114	3	60
	609.344 subd. 1(n)	Special Transportation Service	1	1	0	0	---	1	100
609.344 subd. 1(o)	Massage Therapist	4	4	1	25	62	3	75	
<b>Fourth Degree</b> Unranked/F	609.345 subd. 1(a)	Criminal Sexual Conduct 4 – Contact Victim under 13 (must be committed by a juvenile)	6	3	2	51	39	1	33

CSC Degree, Severity Level, and Presumptive Duration at CHS 0	Statute Number	Offense	Cases	Presump- tive Prison	Prison Sentence		Av. Prison Term	Mitigated Dispositional Departures	
			No.	No.	No.	%	(months)	No.	%
<b>Fourth Degree</b> Severity Level 4/F 12.03/15 months, stayed	609.345 subd. 1(b)	Victim 13–15, Actor 4 years older or Pos. Authority	106	19	16	15	55	5	26
	609.345 subd. 1(e)	Victim 16–17, Actor 4 years older & Pos. Authority	16	1	1	6	90	0	0
	609.345 subd. 1(f)	Victim 16–17, Significant Relationship	26	4	2	8	83	2	50
<b>Fourth Degree</b> Severity Level 6/E 21/24 months, stayed	609.345 subd. 1(c)	Force or Coercion	102	32	26	25	73	11	34
	609.345 subd. 1(d)	Victim Mentally Impaired/Incapacitated	91	15	9	10	76	7	4
	609.345 subd. 1(g)(i)	Significant Relationship & Force or Coercion	1	0	0	0	---	---	---
	609.345 subd. 1(g)(ii)	Significant Relationship & Personal Injury	0	0	0	---	---	---	---
	609.345 subd. 1(g)(iii)	Significant Relationship & Multiple Acts over Time	1	1	1	100	60	0	0
	609.345 subd. 1(h)	Psychotherapist – Patient	0	0	0	---	---	---	---
	609.345 subd. 1(i)	Psychotherapist – Former Patient Emotional Dependent	1	0	0	0	---	---	---
	609.345 subd. 1(j)	Psychotherapist & Therapeutic Deception	0	0	0	---	---	---	---
	609.345 subd. 1(k)	Deception/False Rep. for Medical Purpose	1	0	0	0	---	---	---
	609.345 subd. 1(l)	Clergy	1	0	0	0	---	---	---
	609.345 subd. 1(m)	Correctional Employee	5	0	0	0	---	---	---
609.345 subd. 1(n)	Special Transportation Service	2	0	0	0	---	---	---	
609.345 subd. 1(o)	Massage Therapist	8	2	1	13	65	1	50	
<b>Fifth Degree</b> Severity Level F 18 months, stayed	609.3451 subd. 1(1)	Nonconsensual Contact	10	10	8	80	45	2	20
	609.3451 subd. 1(2)	Presence of Minor under 16 years	7	6	5	71	63	1	17

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

Table 16. Outline of Mandatory Minimums Applicable to Criminal Sexual Conduct Offenses

If the current offense is ...	and ...	and ...	then the court must sentence the person to ...	per Minn. Stat. § ...
Criminal Sexual Conduct (CSC) 1st–4th Degree or Criminal Sexual Predatory Conduct (CSPC)	the court is committing person to prison for the current offense	[no additional requirements]	a sentence that provides for a 10-year conditional release term upon release from prison	<a href="#">609.3455</a> , subd. 6.
		before the current conviction, the person was convicted of a prior completed/attempted CSC 1st–5th Degree (or CSC 1st–3rd Degree, if current offense is CSC 4th Degree) or CSPC, involving separate behavioral incident	a sentence that provides for lifetime conditional release term upon release from prison	609.3455, subd. 7(b) & (c); see also <a href="#">State v. Nodes</a> , 863 N.W.2d 77 (Minn. 2015) (at one hearing, one conviction was entered “before” other).
CSC 1st–4th Degree	before the current offense date, the person was convicted of two prior felony violent crimes (see statutory list; includes CSC 1st-4th Degree & Controlled Substance Crime 1st & 2nd Degree)	the person 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	<a href="#">609.1095</a> , subd. 3; see also subd. 2 (aggravated departures for dangerous offenders).
CSC 2nd Degree	the charge is not 2nd Degree based solely on age, age & position, or age & relationship not involving multiple incidents	[no additional requirements]	executed sentence of at least 90 months, unless the court finds substantial & compelling reasons justifying a Guidelines departure	<a href="#">609.343</a> , subd. 2(b).
CSC 1st Degree	[no additional requirements]	[no additional requirements]	executed sentence of at least 144 months, unless the court finds substantial & compelling reasons justifying a Guidelines departure	<a href="#">609.342</a> , subd. 2(b).
CSC 1st–4th Degree or CSPC	before the current offense date, the person was sentenced for a previously completed or attempted CSC 1st–5th Degree or CSPC	the current conviction date is within 15 years of previous conviction date	executed sentence of 3 years to statutory maximum, unless the court finds that a professional assessment indicates that person 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 the person to ...	per Minn. Stat. § ...
completed or attempted CSC 1st–4th Degree or CSPC for which the court is imposing an executed sentence	the factfinder finds the person to be a danger to public safety (based on a Guidelines aggravating factor; planning or preparation; or previously completing or attempting one of the following adult crimes, or committing one of the following juvenile offenses: murder, manslaughter, Assault 1st-3rd or 5th Degree, Domestic Assault, robbery, kidnapping, false imprisonment, witness tampering, Arson 1st Degree, or Burglary 1st Degree)	the factfinder finds the person's criminal sexual behavior to be so engrained that re-offense risk is great without intensive/long-term treatment/supervision beyond presumptive prison and supervised release	at least double the Guidelines sentence, but not more than the statutory maximum	609.3455, subd. 3a.
CSC 1st–4th Degree or CSPC	before the current offense date, offender was convicted of two previously completed or attempted CSC 1st–5th Degree (or CSC 1st–3rd Degree, in the case of a current CSC 4th Degree) or CSPC, and was sentenced for both offenses	the person 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, the person was sentenced for a previously completed or attempted CSC 1st–5th Degree (or CSC 1st–3rd Degree, in the case of a current CSC 4th Degree) or CSPC	the factfinder finds a Guidelines aggravating factor (other than repeat sex offender) that would justify a durational departure		609.3455, subd. 4(a)(2)(i), 4(b), 5, 7(a).
		the previous sentence was an upward durational departure		609.3455, subd. 4(a)(2)(ii), 4(b), 5, 7(a).
	the previous sentence was under Minn. Stat. § 609.3455 or the old patterned/predatory sex offender law	609.3455, subd. 4(a)(2)(iii), 4(b), 5, 7(a).		

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

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

## How the Guidelines Work

Minnesota’s guidelines are based on a grid structure. The vertical axis of the Grid represents the **severity** of the conviction offense. The horizontal axis represents a measure of the defendant’s **criminal history**. The Commission has ranked felony-level offenses into eleven severity levels. Offenses for which a life sentence is mandated by statute (first-degree murder and certain criminal sexual conduct offenses) are excluded from the Guidelines. A separate Sex Offender Grid, with severity levels from H to A (most serious), is used for sentencing sex offenses. A separate Drug Offender Grid, with severity levels from D1 to D9 (most serious), was implemented for drug offenses committed after July 31, 2016. Offenses included in each severity level are listed in the **Severity Reference Table** in the *Minnesota Sentencing Guidelines and Commentary*.

The criminal history index measures the defendant’s prior record and includes points for: (variously weighted prior felony sentences; some prior misdemeanor/gross misdemeanor sentences; limited prior serious juvenile offenses; and “custody status”—if the current offense was committed while confined or under community supervision.

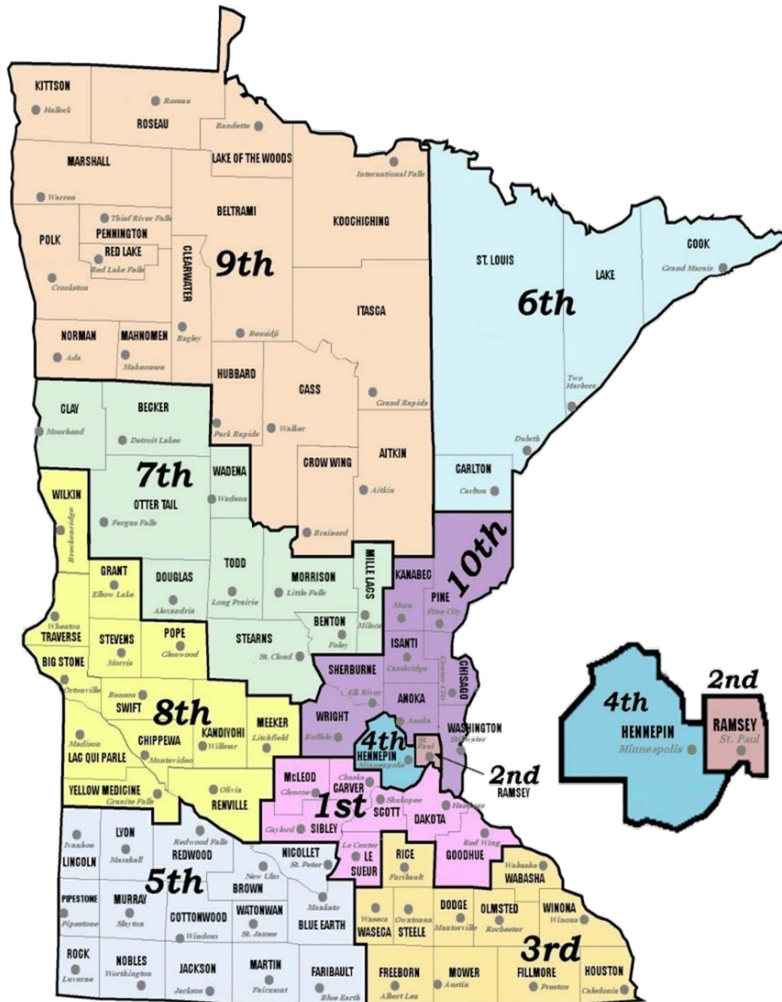
The recommended (presumptive) guideline sentence is found in the cell of the sentencing grid in which the defendant’s criminal history score and severity level intersect. The Guidelines recommend imprisonment in a state prison in the non-shaded cells of the grid. The Guidelines generally recommend a stayed sentence for cells in the shaded area of the applicable Grid. When a sentence is stayed, the court typically places the defendant on probation and may require up to a year of local confinement (*i.e.*, local correctional facility, county jail or workhouse) as a condition of probation. Other conditions such as fines, restitution, community work service, treatment, house arrest, etc. may also be applied. There are, however, a number of offenses that carry a presumptive prison sentence regardless of where the defendant is on the applicable Guidelines Grid (*e.g.*, offenses involving dangerous weapons which carry mandatory minimum prison terms, and some drug and burglary offenses).

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

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

# Appendices

## Appendix 1. Minnesota Judicial District Map



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

Source: Minn. Judicial Branch.

## Appendix 2. Sentencing Guidelines Standard Grid – Effective August 1, 2019

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)	<b>11</b>	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 <sup>2</sup>	426 363-480 <sup>2</sup>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	<b>10</b>	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>	<b>9</b>	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree;</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	<b>8</b>	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 Vulnerable Adult</i>	<b>7</b>	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 <sup>2</sup>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	<b>6</b>	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary;</i> <i>Simple Robbery</i>	<b>5</b>	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	<b>4</b>	12 <sup>1</sup>	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b>	12 <sup>1</sup>	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>	<b>2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 18-25
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	<b>1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 17-22

<sup>1</sup> 12<sup>1</sup>=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.

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

<sup>3</sup> 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.)

## Appendix 3. Sex Offender Grid – Effective August 1, 2019

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>Criminal Sexual Conduct (CSC) 1st Degree</i>	<b>A</b>	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> <sup>2</sup>
<i>CSC 2nd Degree–1(c)(d)(e)(f)(h) (e.g., contact, force, &amp; injury)</i>	<b>B</b>	90 <i>90</i> <sup>3</sup> -108	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> <sup>2</sup>
<i>CSC 3rd Degree–1(c)(d)(g)(h)(i)(j) (k)(l)(m)(n)(o)(p) (e.g., penetra- tion &amp; force/occupation)</i>	<b>C</b>	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> <sup>2</sup>
<i>CSC 2nd Degree–1(a)(b)(g) (e.g., contact &amp; victim under 13) CSC 3rd Degree–1(a)(e)(f) or 1(b) with 2(1) (e.g., penetration &amp; child victim)</i>	<b>D</b>	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–1(c)(d)(g)(h)(i)(j) (k)(l)(m)(n)(o)(p) (e.g., contact &amp; force/occupation) Dissemination of Child Pornography<sup>2</sup></i>	<b>E</b>	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> <sup>2</sup>
<i>CSC 4th Degree–1(a)(b)(e)(f) (e.g., contact &amp; child victim) CSC 5th Degree Possession of Child Pornography (Subseq./Pred. Off./Under 13)</i>	<b>F</b>	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–1(b) with 2(2) (i.e., penetration &amp; child victim 24–48 mo. younger) Possession of Child Pornography Solicit Child for Sexual Conduct<sup>2</sup></i>	<b>G</b>	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> <sup>2</sup>
<i>Failure to Register as a Predatory Offender</i>	<b>H</b>	12 <sup>1</sup> <i>12<sup>1</sup>-14</i>	14 <i>12<sup>1</sup>-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>

<sup>1</sup> 12<sup>1</sup>=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 cases 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.

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

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

## Appendix 4. Criminal Sexual Conduct Offense Flowcharts

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This appendix illustrates how the Sentencing Guidelines rank the various felony Criminal Sexual Conduct (CSC) offenses found in Minn. Stat. §§ 609.341–609.3451 (2020).<sup>16</sup>

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

The flowcharts on the following page illustrate the SL assigned to each of the various ways of committing CSC. In these flowcharts, “penetration” refers to sexual penetration<sup>17</sup> (required for CSC 1st and 3rd Degree) and “contact” refers to sexual contact (required for CSC 2nd, 4th, and 5th Degree), as these terms are statutorily defined. The CSC degrees are indicated by the number after “CSC.”

All first-degree CSC offenses carry a statutory presumptive minimum prison term of 144 months; those are the CSC offenses ranked at Severity Level A. Some second-degree CSC offenses carry a statutory presumptive minimum prison term of 90 months; those are the CSC offenses ranked at Severity Level B.

The flowchart in Figure 22 illustrates the SL rankings that apply to those CSC offenses where the age of the victim is immaterial to the offense’s elements. The flowchart in Figure 23, on the other hand, applies only when the victim is a child. In Figure 23, the term “POA” refers to the offender’s current or recent position of authority over the child. The terminology used in these flowcharts is not precise; please refer to the statutes for precise terminology.

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<sup>16</sup> This appendix does not account for significant statutory changes enacted in 2021 that apply to CSC offenses committed on or after August 1, 2021. See footnote 2.

<sup>17</sup> For some offenses illustrated in Figure 22 & Figure 23, the word “penetration” should be read as including “sexual contact with a person under 13,” which includes contact between bare genitals, etc. See Minn. Stat. § 609.341, subd. 11(c), and footnote 3. These offenses are identified with an asterisk after the word “penetration.”

Figure 22. Criminal Sexual Conduct Offense Flowchart – Applicable Regardless of Victim's Age

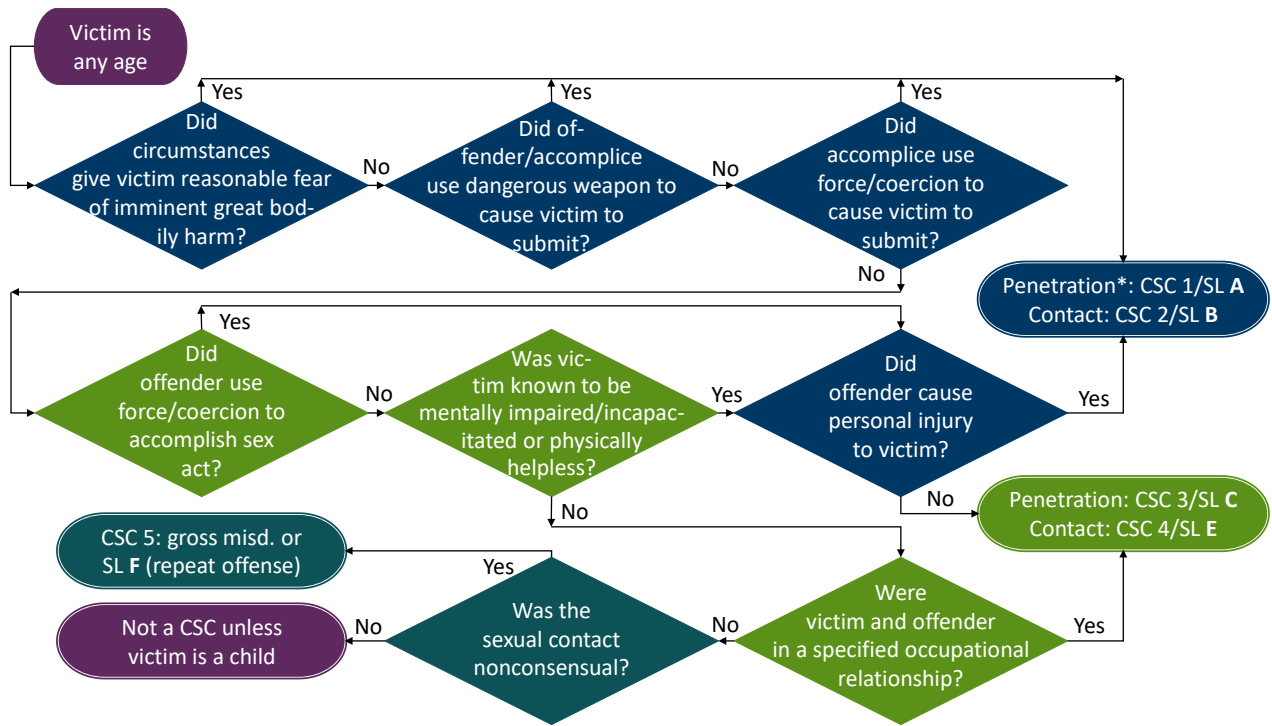
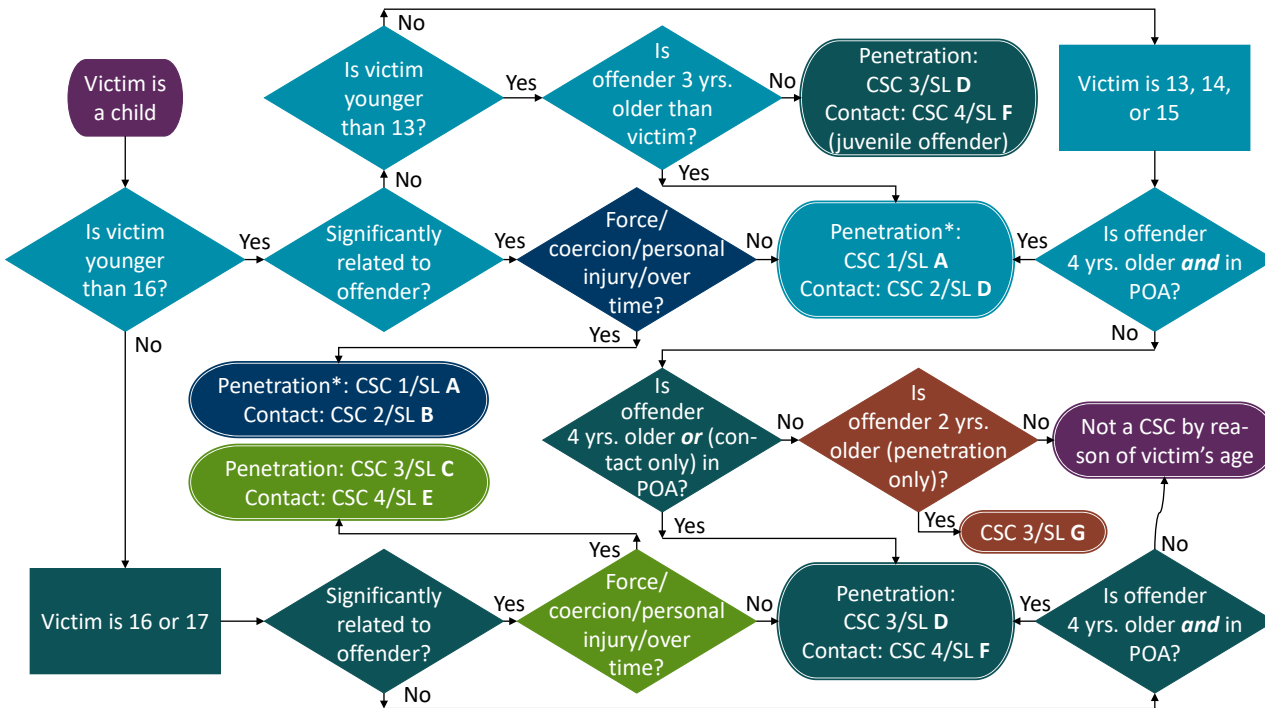


Figure 23. Criminal Sexual Conduct Offense Flowchart – Applicable When Victim is a Child



\* For a victim under 13, "penetration" here should be understood to include contact between bare genitals, etc. See footnote 3.