

SEX OFFENDER SENTENCING

Senate Judiciary Committee
November 18, 2013

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Criminal Sexual Conduct Offenses

- Sex offenses are categorized into five degrees of criminal sexual conduct (CSC), with first-degree being the most serious. The classification of offenses into degrees is based on a combination of factors:
 - whether the offense involved sexual penetration or contact;
 - the age of the victim;
 - the relationship of the offender to the victim (e.g., position of authority, significant relationship, psychotherapist, etc.);
 - the degree of injury or threat of injury;
 - whether a weapon was involved; and
 - whether force or coercion was involved.

Criminal Sexual Conduct Offenses

First Degree

- Penetration and personal injury, fear of great bodily harm, or the use of a dangerous weapon.
- Offenses involving young children, regardless of whether or not any injury, force or weapons were involved.

Second Degree

- Similar to first-degree but involves sexual contact rather than penetration.

Third Degree

- Penetration and focus on children who are slightly older, or cases in which there was force or coercion.
- Cases involving psychotherapists, health professionals, clergy and correctional employees.

Criminal Sexual Conduct Offenses

Fourth Degree

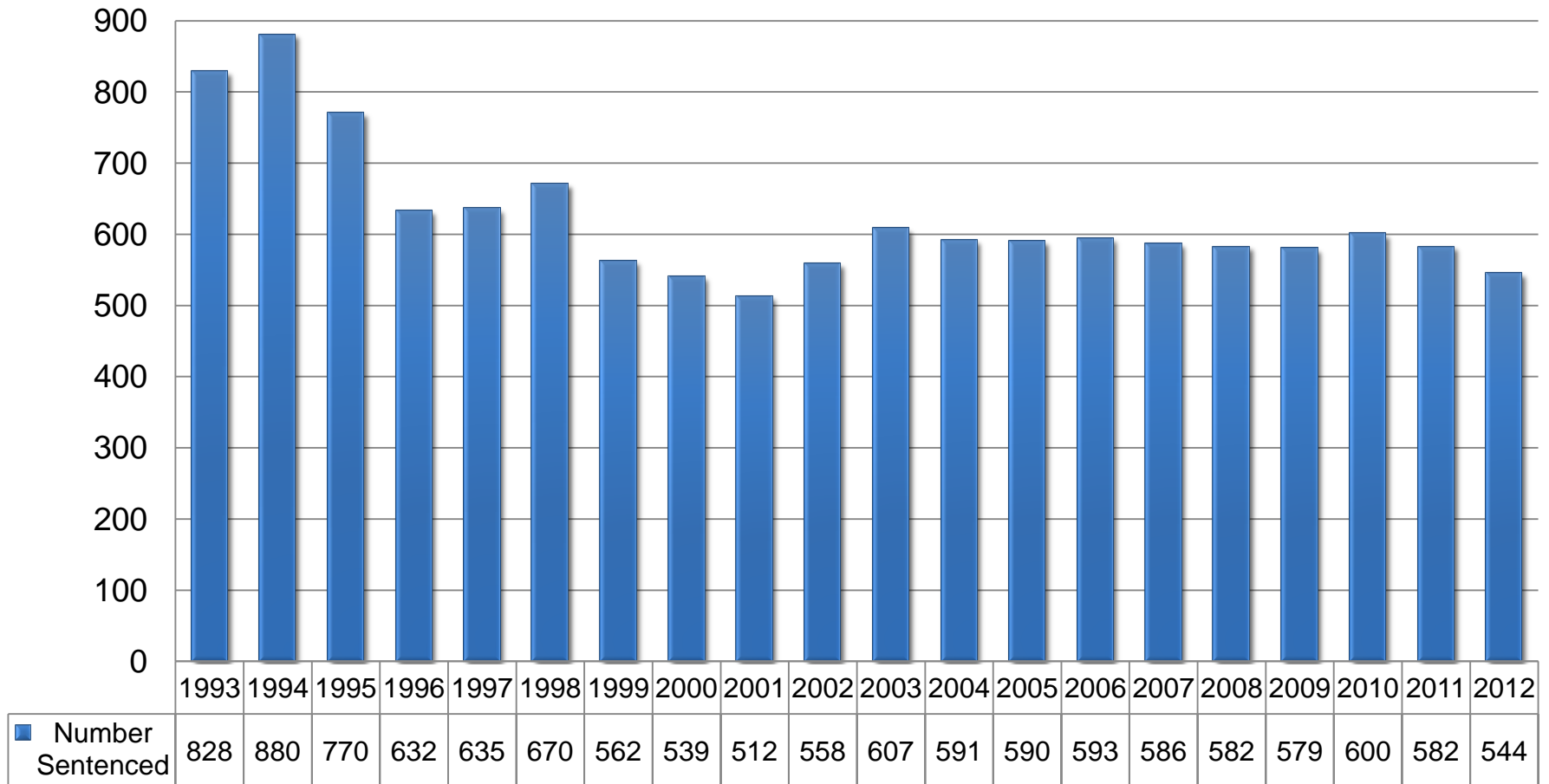
- Similar to fourth degree, but involves sexual contact rather than penetration.

Fifth Degree

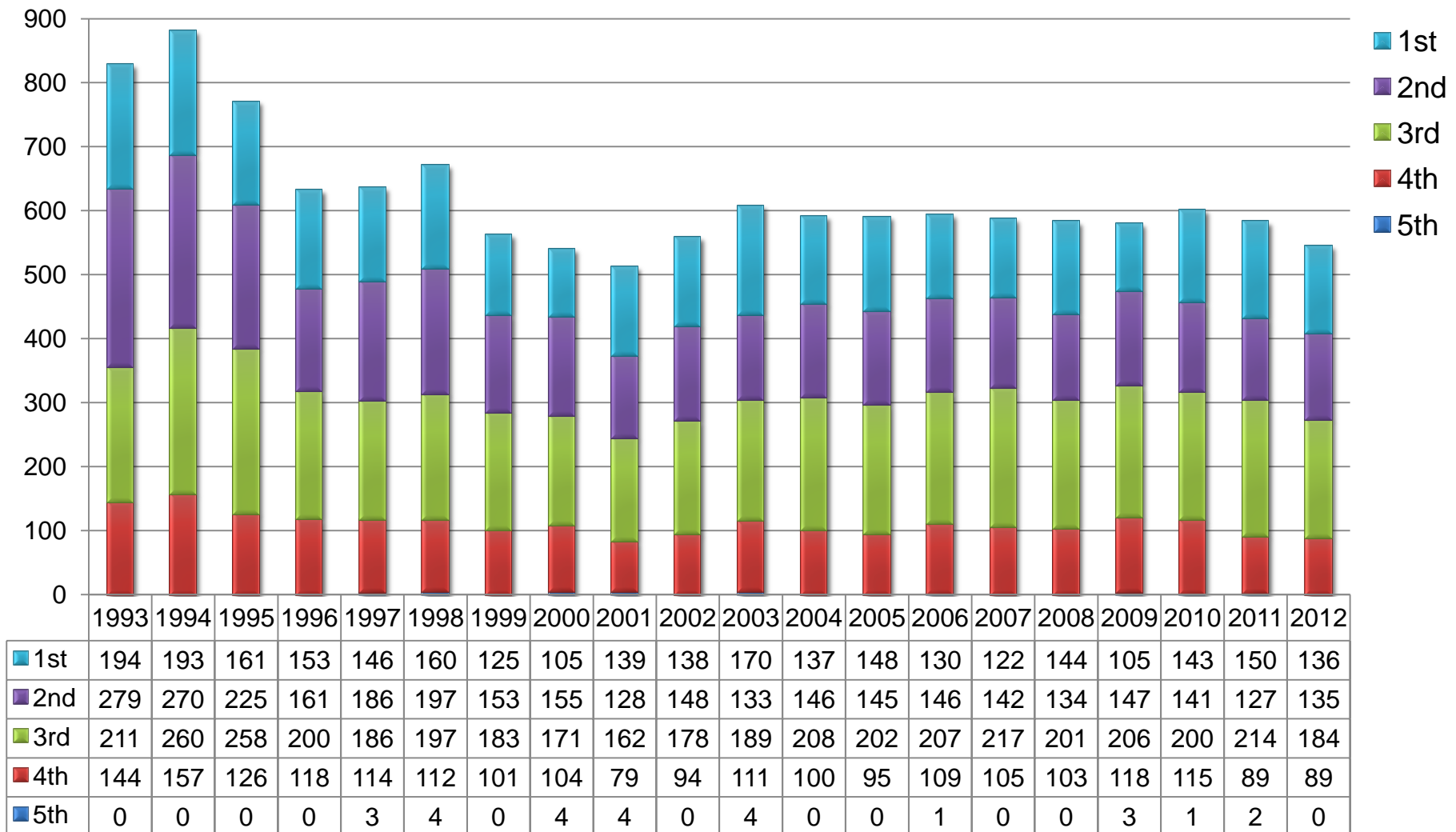
- Repeat violations of gross misdemeanor indecent exposure offenses involving minors.

CSC Case Volume: 1993-2012

Number of Offenders Sentenced for CSC



Distribution by Degree (2012)



Sentencing Enhancements Over Time

- **2000:** Legislature enacts 144-month mandatory minimum for first-degree criminal sexual conduct offenses.
- **2002:** Legislature enacts 90-month mandatory minimum for second-degree criminal sexual conduct offenses.

Sentencing Enhancements Over Time

- **2005:** Legislature enacts Minn. Stat. § 609.3455, which established:
 - Mandatory life sentences for certain repeat and egregious first-time offenders;
 - A 10-year conditional release term for most criminal sexual conduct convictions;
 - A lifetime conditional release term for repeat offenders and offenders sentenced to life.

In its 2005 report to the Legislature, the Commission recommended that life sentences be established so that there would be a specific indeterminate sentencing option for offenders considered “the worst of the worst.” Many of the attributes suggested by the Commission were enacted in these provisions.

Sentencing Enhancements Over Time

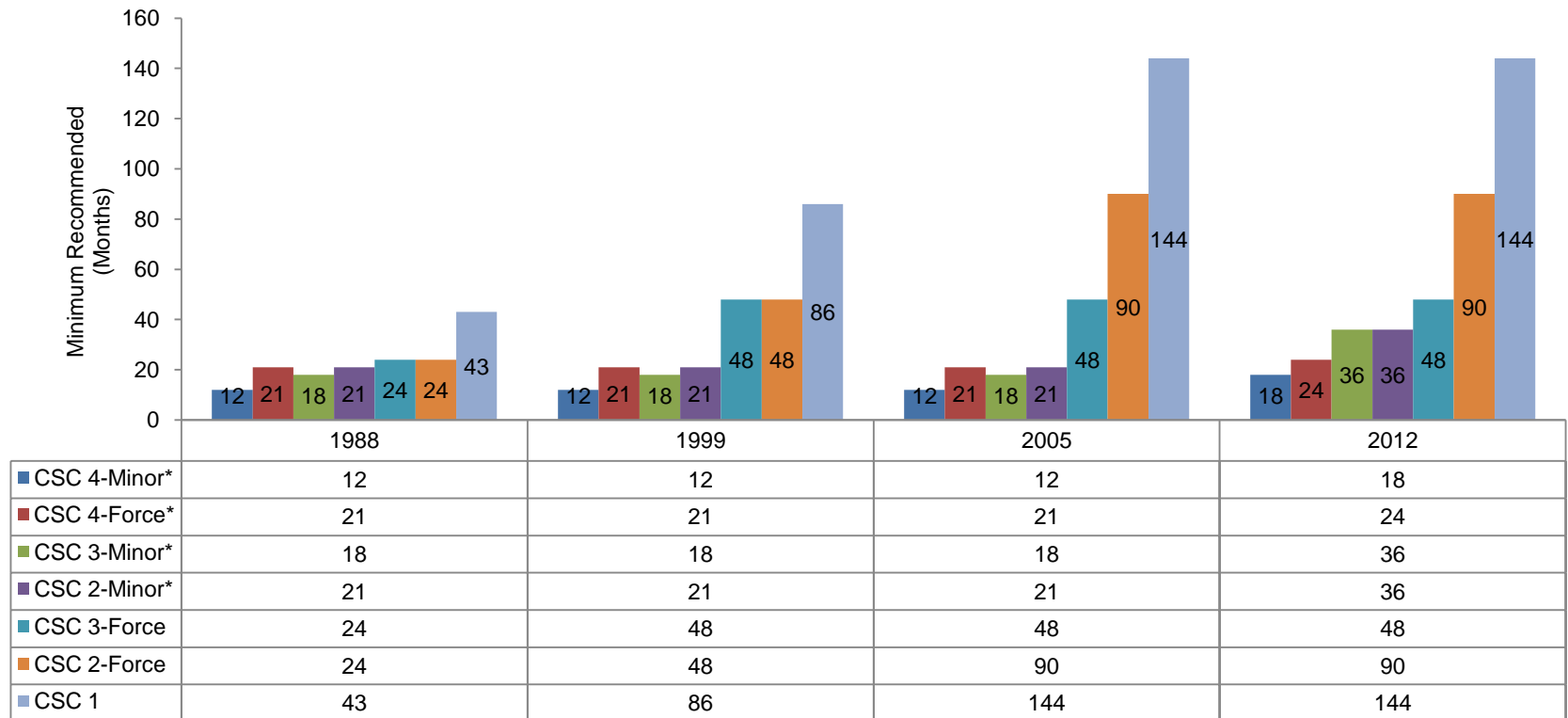
- **2006: Sex Offender Grid Enacted**
 - Presumptive minimum sentence for first- and second-degree offenses is on the Grid at a criminal history score of 0.
 - Maximum sentence set by the Legislature is on the Grid for all degrees at a criminal history score of 6.
 - Increases the weights in criminal history of some prior sex offenses if the offender commits a new offense that is on the Sex Offender Grid.
 - Assigns two custody status points to repeat sex offenders who commit a new sex offense while on probation or supervised release for a prior sex offense.

Sentencing Enhancements Over Time

- **2006:** Legislature Enacts Engrained Offender Provision
 - Establishes mandatory minimum of double the presumptive Guidelines sentence for offenders who are a danger to the public and for whom the risk to reoffend is great without psychotherapeutic intervention.
- **2013:** Legislature reinstates 3-year mandatory minimum for repeat offenders
 - Requires executed sentence of at least 36 months if the offender has a previous sex offense conviction.

Minimum Presumptive Sentences by Degree Over Time

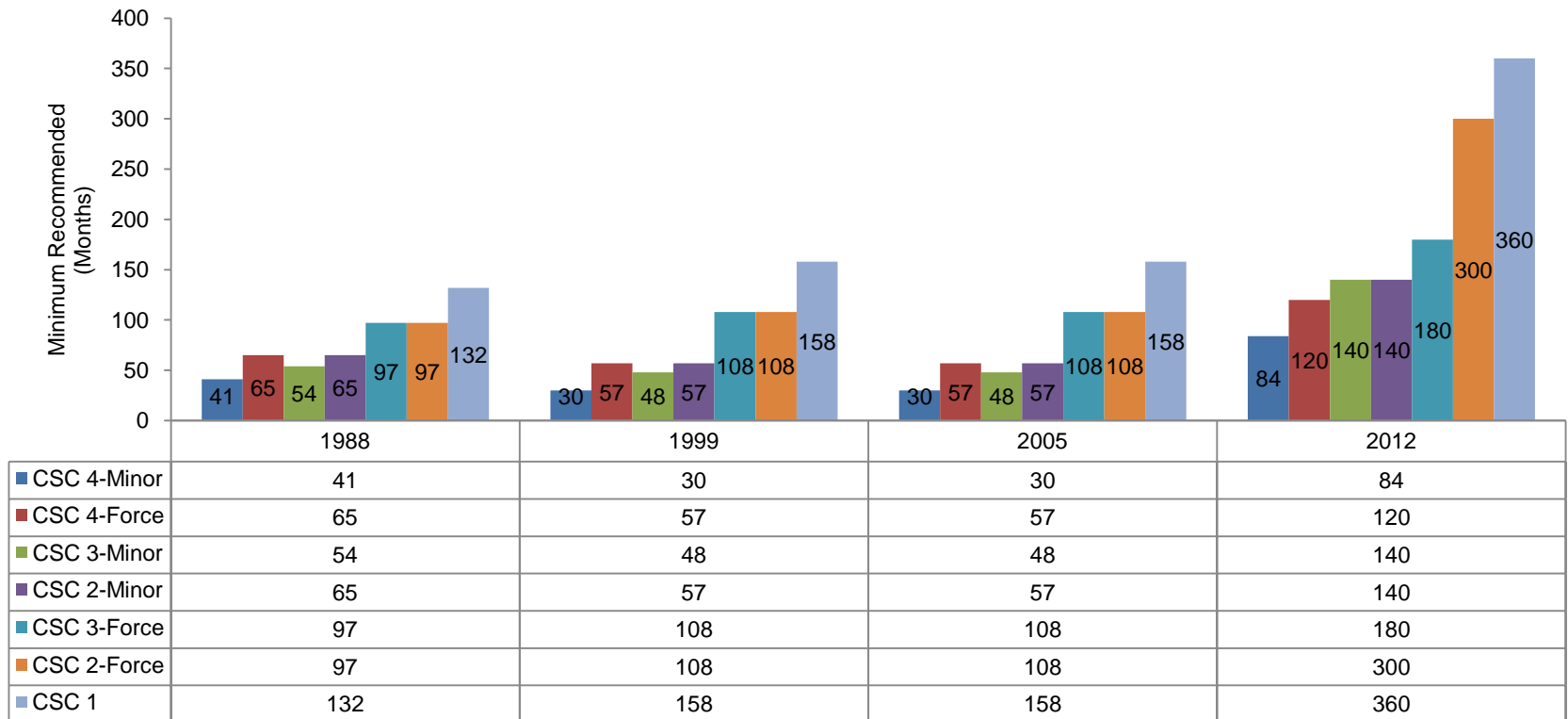
At Criminal History Score 0



* Presumptive sentence = stayed (probationary) sentence

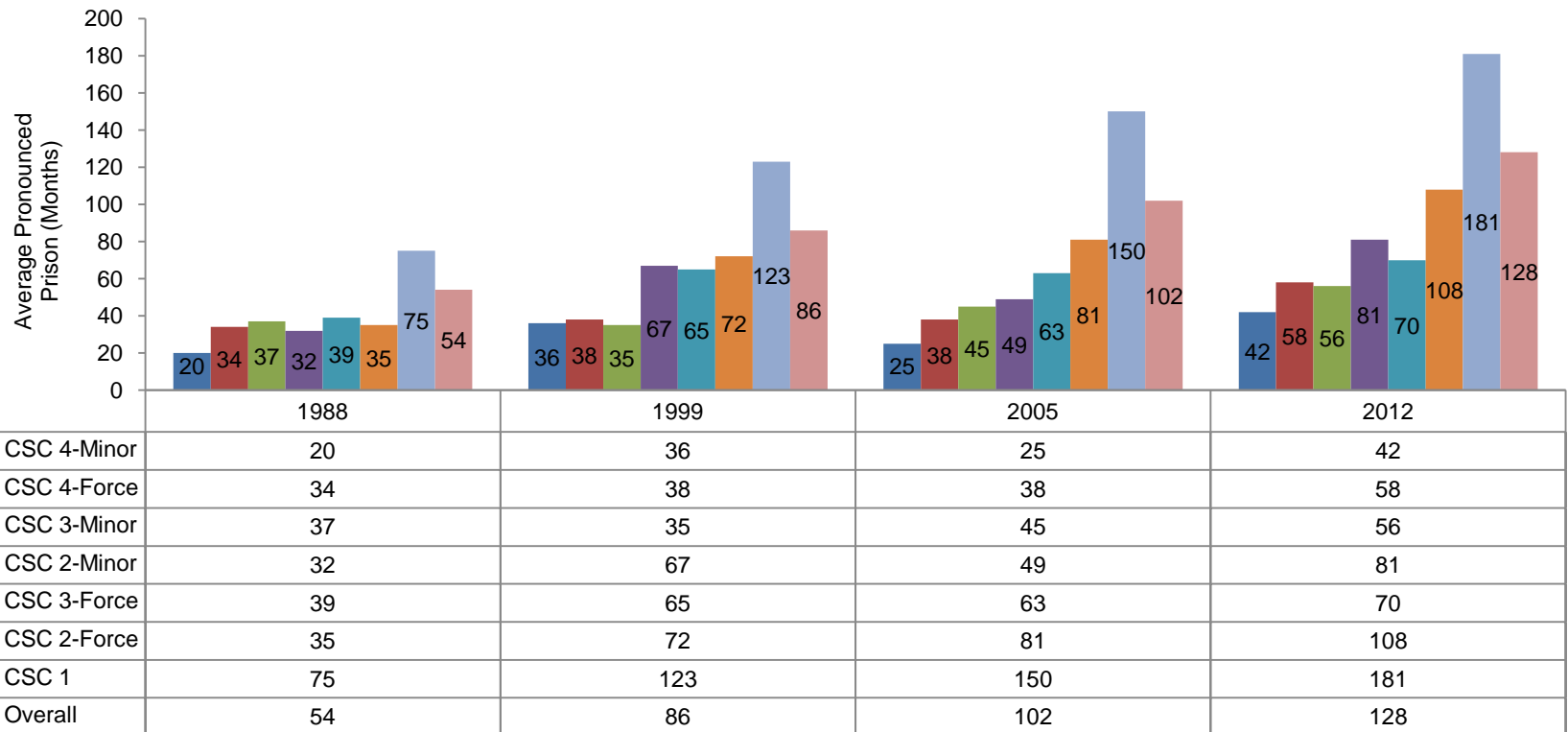
Maximum Presumptive Sentences by Degree Over Time

At Criminal History Score 6

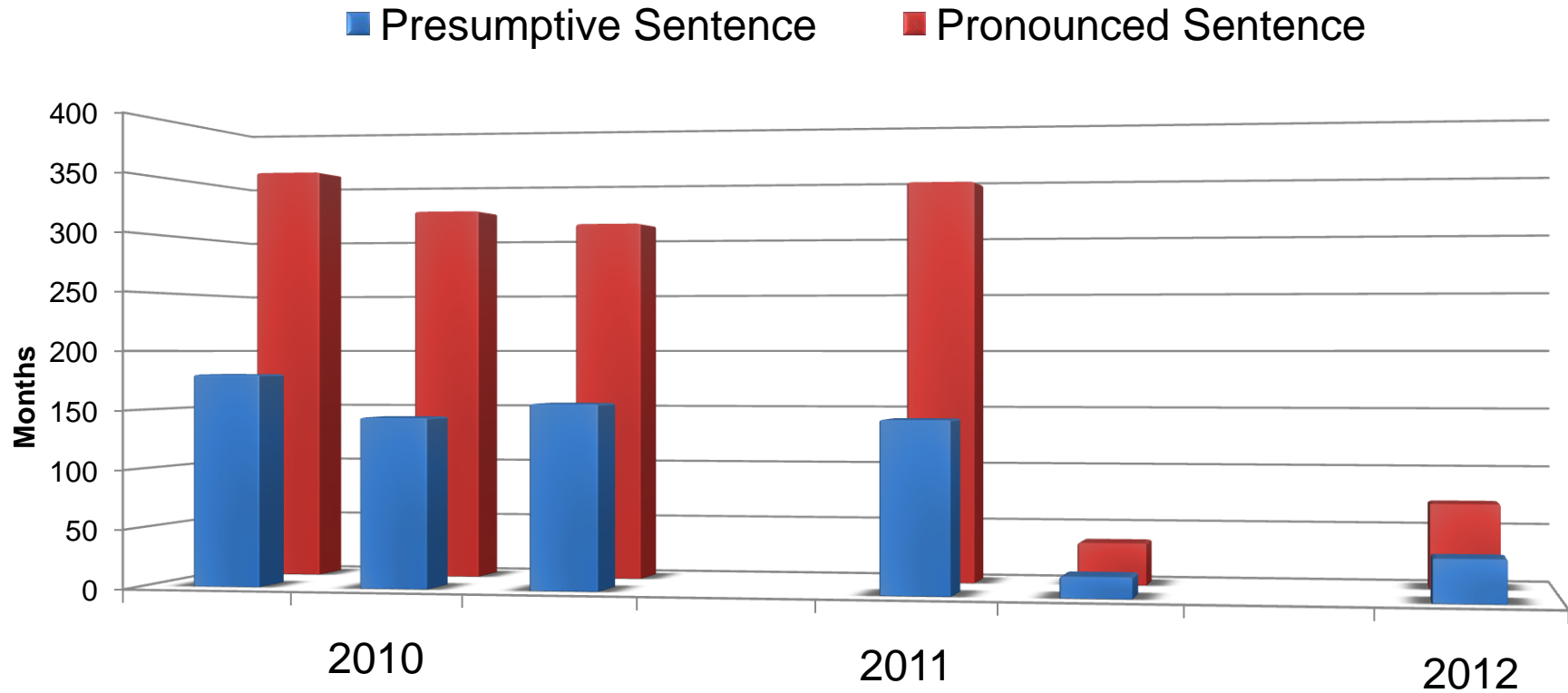


Average Pronounced Sentences by Degree Over Time

Executed Sentences by Offense



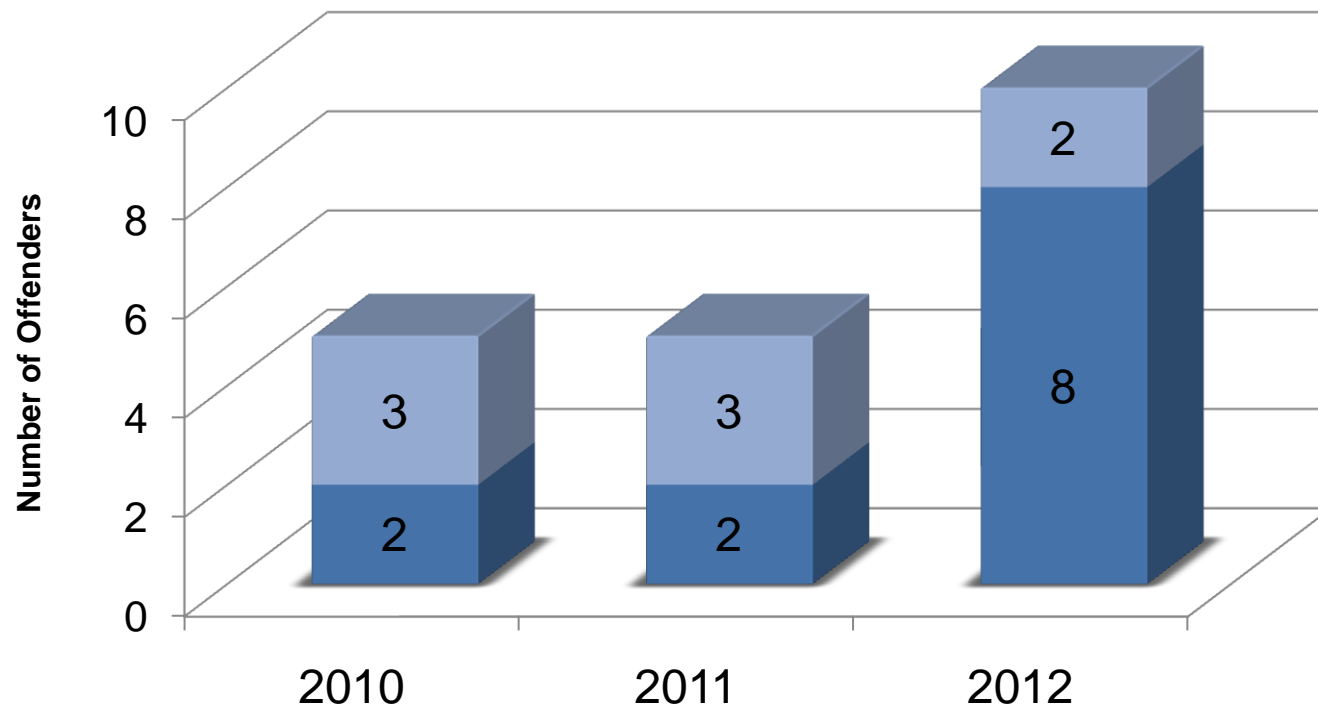
Double Presumptive Sentence



**This information illustrates offenders that received prison sentences that were double the length of their presumptive sentence or more. This does not include offenses that were sentenced consecutively.*

Sentences of 30 Years or More

- 30 Years or More is Presumptive
- 30 Years or More is High End of Range or Aggravated Departure



**This information illustrates offenders who received prison sentences of 360 months (30 years) or more that were not twice their presumptive sentences.*

Life Sentences Issued Over Time

