Sentencing Practices

Criminal Sexual Conduct Offenses
Sentenced in 2016

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About This Report

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission in fulfillment of the Commission’s statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this report should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.
Summary of 2016 Data

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

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

Ninety-four percent of offenders sentenced for CSC received sentences that included incarceration in a state prison (45%) or local jail (50%) (Figure 7). The imprisonment rate is slightly higher than the 42 percent rate observed in 2015. In CSC cases in which the Guidelines recommended imprisonment, 76 percent of offenders received an executed prison sentence (Figure 7, “Presumptive Commits”). Eighty-four percent of offenders with a prior sex offense conviction received an executed prison sentence (Table 3, “CSC Offenders with True Prior CSC offense(s)”). The mitigated dispositional departure rate for offenders with a presumptive prison sentence was 24 percent (Figure 13), a decrease from the 2015 rate of 26 percent. For executed prison sentences, aggravated durational departures occurred at the same rate as in 2015 (6%), while mitigated durational departures decreased to 10 percent in 2016 from 15 percent in 2015 (Figure 15).

For first- and second-degree offenses, the offender was more likely to be a family member; for third- and fourth-degree offenses, the offender was more likely to be an acquaintance. Five percent of cases involved strangers (Table 16).

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

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

Sex Offense Statutes: General Structure

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

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

Most of the provisions of first-degree CSC involve sexual penetration, together with personal injury, fear of great bodily harm, or the use of a dangerous weapon. First-degree CSC also includes offenses against young children—or, in some cases, somewhat older children, depending on the offender’s relationship to the victim—that may not require injury, force or weapons. Second-degree offenses are similar, but involve sexual contact rather than penetration. Some non-penetration offenses involving more serious forms of sexual contact against young children ¹ are first-degree offenses.

Third-degree offenses involve sexual penetration and focus on children who are somewhat older, or cases in which there was force, coercion, or exploitation of the victim’s physical or mental condition. The use of a weapon or the threat of great bodily harm is not a necessary element of the offense. Third-degree offenses also include cases involving psychotherapists, health professionals, clergy, correctional employees, and others. Fourth-degree offenses are similar, except that they involve sexual contact rather than penetration.

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

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

Relationship-Based Classifications

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

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

¹ “Sexual contact with a person under 13” has a far more limited definition than simple “sexual contact.” The touching must be bare, and contact between very few pairs of bodily parts qualifies. Minn. Stat. § 609.341, subd. 11(c).
• **Other Child**: Conviction under a subdivision that specifies that the victim is a minor, but does not specify that there was a significant relationship. Subdivisions that specify that the offender was in a position of authority over the victim are included here because, in addition to parents, these offenses include unrelated persons acting in a position of authority.

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

It is important to note that an offense may fit into more than one category. For example, many offenses categorized as “Other Child” or “Force/Other” involved family members (37% and 21%, respectively). Likewise, a substantial number of “Force/Other” cases involved victims under the age of 18 (20%). Figure 3 provides a breakdown of sex offenders sentenced by the relationship classification.

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**Sentencing Guidelines for Sex Offenders**

The Commission adopted a Sex Offender Grid in 2006. All first-degree completed offenses are ranked at Severity Level A and have presumptive sentences that range from 144 months\(^2\) to 360 months. The Sex Offender Grid does not distinguish between first-degree contact\(^3\) 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\(^4\) to 300 months. The third-degree force offenses have presumptive sentences that range from 48 months to 180 months.

Second- and third-degree offenses not involving force, and fourth-degree offenses, are ranked at severity levels for which some offenders are recommended probation based on their Criminal History Score. Recommendations for prison begin at a Criminal History Score of 2 or 3, depending on the offense (see Sex Offender Grid, p. 52).

With the implementation of the Sex Offender Grid, longer sentences are recommended for offenders with a criminal history score. In addition, the Guidelines applicable to CSC offenses compute criminal history differently for sex offenses, increasing the weights assigned to some prior sex offenses and assigning two custody status points to repeat sex offenders who commit a new sex offense while on probation or supervised release for a prior sex offense.

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**Life Sentences for Certain Sex Offenders**

Beginning in 2005, the Legislature required life sentences for offenders whose criminal behavior

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

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

\(^4\) The legislatively presumed minimum sentence for second-degree CSC force offenses is 90 months. Minn. Stat. § 609.343, subd. 2(b); 2002 Minn. Laws Chap. 381, § 2.
was so egregious that public safety demands incarceration for much, if not all, of their lives. See Minn. Stat. § 609.3455, subds. 2, 3, & 4, and Table 19. Such offenses are excluded from the Sentencing Guidelines, because by law the sentence is mandatory life imprisonment. In 2016, two offenders were sentenced to life in prison under Minn. Stat. § 609.3455.

Applicable Grid

Section 3.G. of the Guidelines provides that modifications will be applied to offenders with a date of offense on or after the specified modification effective date. Therefore, the Sex Offender Grid enacted in 2006 is applicable to offenders with a date of offense on or after August 1, 2006. Of the 481 offenders sentenced for CSC in 2016, 458 (95%) were eligible for sentencing on the Sex Offender Grid. Table 1 provides a summary of cases by degree and applicable Grid. Ninety percent of first-degree offenders sentenced in 2016 were eligible for sentencing on the Sex Offender Grid (Table 1).

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

<table>
<thead>
<tr>
<th>Degree</th>
<th>Statutory Provisions</th>
<th>Cases Sentenced on Standard Grid</th>
<th>Cases Sentenced on Sex Offender Grid</th>
<th>Total Number of Cases Sentenced</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number of Cases</td>
<td></td>
<td>Number of Cases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sentenced</td>
<td>Severity Level</td>
<td>Sentenced</td>
</tr>
<tr>
<td>First</td>
<td>Penetration: 609.342, all clauses</td>
<td>9</td>
<td>9 (10%)</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Sexual Contact: 609.342, victims under 13</td>
<td>1</td>
<td>37 (97%)</td>
<td></td>
</tr>
<tr>
<td>Second</td>
<td>Contact with Force: 609.343 subd.1 c,d,e,f,h</td>
<td>8</td>
<td>2 (6%)</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Contact with Minors: 609.343 subd.1 a,b,g</td>
<td>6</td>
<td>3 (4%)</td>
<td>D</td>
</tr>
<tr>
<td>Third</td>
<td>Penetration: Force or Prohibited Occupation 609.344 subd.1 c, d, g-n</td>
<td>8</td>
<td>3 (7%)</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Penetration with Minors: 609.343 subd. 1 b,e,f</td>
<td>5</td>
<td>2 (2%)</td>
<td>D</td>
</tr>
<tr>
<td>Fourth</td>
<td>Contact: Force or Prohibited Occupation 609.344 subd. 1 c, d, g-n</td>
<td>6</td>
<td>2 (5%)</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Contact with Minors: 609.344 subd. 1 b,e,f</td>
<td>4</td>
<td>1 (3%)</td>
<td>F</td>
</tr>
<tr>
<td>Fifth</td>
<td>Gross misdemeanor offenses w/ relevant priors</td>
<td>4</td>
<td>0</td>
<td>G</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>23 (5%)</td>
<td></td>
<td>458 (95%)</td>
</tr>
</tbody>
</table>

5 Nevertheless, in some of life-sentence cases, the court must refer to the Guidelines to establish a minimum term of imprisonment that must be served before the offender is supervised-release eligible. Minn. Stat. § 609.3455, subd. 5.
6 “Sexual contact with a victim under 13” was determined based on the Minnesota Offense Codes (MOCs), which accompany the charge on the complaint; see note 1 and “Victim Characteristics” discussion on page 7.
Presumptive Sentences over Time

Figure 1 is meant to illustrate the changes to the presumptive sentences over time at Criminal History Score 0, caused by changes to the presumptive Guidelines sentences, the implementation of the Sex Offender Grid, and statutory changes mandating presumptive sentences for sex offenders. Figure 2 shows the same changes over time at Criminal History Score 6.

Figure 1. Presumptive Sentences by Degree over Time at Criminal History Score 0: 1988, 1999, 2005 & 2016

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CSC 4-Minor*</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td>CSC 4-Force*</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>24</td>
</tr>
<tr>
<td>CSC 3-Minor*</td>
<td>18</td>
<td>18</td>
<td>18</td>
<td>36</td>
</tr>
<tr>
<td>CSC 2-Minor*</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>36</td>
</tr>
<tr>
<td>CSC 3-Force</td>
<td>24</td>
<td>48</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>CSC 2-Force</td>
<td>24</td>
<td>48</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>CSC 1</td>
<td>43</td>
<td>86</td>
<td>144</td>
<td>144</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CSC 4-Minor</td>
<td>41</td>
<td>30</td>
<td>30</td>
<td>84</td>
</tr>
<tr>
<td>CSC 4-Force</td>
<td>65</td>
<td>57</td>
<td>57</td>
<td>120</td>
</tr>
<tr>
<td>CSC 3-Minor</td>
<td>54</td>
<td>48</td>
<td>48</td>
<td>140</td>
</tr>
<tr>
<td>CSC 2-Minor</td>
<td>65</td>
<td>57</td>
<td>57</td>
<td>140</td>
</tr>
<tr>
<td>CSC 3-Force</td>
<td>97</td>
<td>108</td>
<td>108</td>
<td>180</td>
</tr>
<tr>
<td>CSC 2-Force</td>
<td>97</td>
<td>108</td>
<td>108</td>
<td>300</td>
</tr>
<tr>
<td>CSC 1</td>
<td>132</td>
<td>158</td>
<td>158</td>
<td>360</td>
</tr>
</tbody>
</table>

* Presumptive sentence = stayed (probationary) sentence. “12” = 12 months and 1 day.
Case Volume & Distribution

In 2016, 481 offenders were sentenced for CSC offenses, a decrease of 10 percent from 537 offenders sentenced in 2015. As figures 3 and 4 illustrate, the number of offenders sentenced for CSC offenses peaked in 1994 at 880 offenders. From 2004 until 2011, the number of offenders sentenced for CSC offenses had consistently ranged from 580 to 600. In 2014, the number sentenced dipped below 500 for the first time during this period. In 2015 the number sentenced again rose above 500. In 2016, the decline to 481 was a new low point and the lowest number sentenced since 1983. See Table 11 for information on the number of offenders sentenced for sex offenses since 1988.
Type of Offense

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

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

Victim Characteristics

The following overview of victim characteristics for the CSC offenses sentenced in 2016 was derived primarily from the Minnesota Offense Codes (MOCs), which accompany the charge on the criminal complaint. In cases for which the MOC information was unclear or missing, the information was, where possible, obtained from the statute of conviction. In 80 percent of the cases sentenced, the victims were minors: 36 percent involved victims under the age of 13; and 44 percent involved victims who were between the ages of 13 and 17. Twenty percent involved victims who were adults. Ninety-two percent of the victims were female, and eight percent were male. (See Table 15 for information on victim age.)
Table 16 displays the relationship between the victim and the offender by the offense degree and clause of conviction (clause specifying a child victim or clause specifying force or other). For first- and second-degree offenses, the offender was more likely to be a family member (70% and 58%, respectively); for third- and fourth-degree offenses, the offender was more likely to be an acquaintance (70% and 58%, respectively). Only a small percentage of cases (6%) involved strangers.

True Prior Record

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

Offender Characteristics

Sex offenders are more likely to be male than offenders sentenced for other offenses. Ninety-eight percent of CSC offenders were male compared to 81 percent of non-CSC offenders. A higher percentage of sex offenders are sentenced in Greater Minnesota compared to other felony offenders (Figure 5). Sex offenders are also slightly more likely to be white or Hispanic and less likely to be black than other offenders (Figure 6). The average offender age at the time of offense was 32 years old for both CSC offenders and other offenders. However, six percent of the offenders sentenced for CSC offenses were juveniles compared to less than one percent of the offenders sentenced for non-CSC felonies. Twenty-nine percent of the offenders sentenced for CSC offenses were 21 and under compared to 14 percent of the offenders sentenced for other felonies (Table 2).

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8 For purposes of this data report, a “true prior” is defined as an offense with a disposition date before the date of the current offense. “True prior,” within the meaning of this report, is not a statutory or Guidelines term, and may or may not correlate with statutory or Guidelines terms such as “prior,” “previous,” or “subsequent.”
Table 2. Age Range of Offenders, CSC Offenders Compared to Non-CSC Offenders, 2016

<table>
<thead>
<tr>
<th>Age Range</th>
<th>CSC offenders</th>
<th>Non-CSC Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18</td>
<td>29</td>
<td>83</td>
</tr>
<tr>
<td>18-21</td>
<td>112</td>
<td>2,223</td>
</tr>
<tr>
<td>22-25</td>
<td>58</td>
<td>2,774</td>
</tr>
<tr>
<td>26-30</td>
<td>62</td>
<td>3,411</td>
</tr>
<tr>
<td>31-40</td>
<td>110</td>
<td>4,707</td>
</tr>
<tr>
<td>41-50</td>
<td>56</td>
<td>2,073</td>
</tr>
<tr>
<td>51 and over</td>
<td>54</td>
<td>1,175</td>
</tr>
<tr>
<td><strong>Average Age</strong></td>
<td><strong>31.8</strong></td>
<td><strong>32.1</strong></td>
</tr>
</tbody>
</table>
The recommended sentence under the Guidelines varies by the Severity Level of the conviction offense and the offender’s Criminal History Score. These differences make it difficult to interpret sentencing information for CSC offenders. Therefore, in addition to reporting total statistics, this section of the report presents data for presumptive commitments (cases for which the Guidelines recommended prison) and for presumptive stays (cases for which the Guidelines recommended probation) separately. Information on sentence durations is presented by Severity Level and CSC type.

2016 Incarceration Rates

The total incarceration rate for CSC offenders was 94 percent, similar to the 2015 rate of 96 percent. As seen in Figure 7, 45 percent of offenders received a prison sentence and 50 percent received local confinement as a condition of the stayed sentence. Except for 2010, the total incarceration rate has consistently exceeded 90 percent for the past 25 years. The 2016 imprisonment rate (45%) was slightly higher than the 2015 rate (42%), and was the highest ever observed. (See tables 11 and 12 for historical information on incarceration.)

The Guidelines recommended a presumptive sentence of imprisonment for 55 percent of the CSC offenders sentenced. Of those, 76 percent received a prison sentence. The imprisonment rate for offenders who had a true prior sex offense was 84 percent. Imprisonment rates for offenders with true priors were higher for those sentenced for the “IFSA” and “Force” offenses (100%) than for those sentenced for the “Other Child” offenses (75%) (Table 3).
### Table 3. CSC Offenders with True Prior* Sex Offenses, Number of Cases and Imprisonment Rates by Type of CSC Offense, 2016

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>CSC Offenders</th>
<th>CSC Offenders with True Prior CSC Offense(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of offenders</td>
<td>Imprisonment Rate</td>
</tr>
<tr>
<td>IFSA</td>
<td>92</td>
<td>56 (61%)</td>
</tr>
<tr>
<td>Other Child</td>
<td>272</td>
<td>105 (39%)</td>
</tr>
<tr>
<td>Force</td>
<td>115</td>
<td>55 (48%)</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Total</td>
<td>481</td>
<td>216 (45%)</td>
</tr>
</tbody>
</table>

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

### Sentence Durations: Prison Sentences

In 2016, the average pronounced prison sentence\(^9\) was 133 months (Table 11; see also Figure 8). This was an increase from 2015’s average pronounced duration of 116 months. Part of the increase may be due to a slight shift in the distribution of cases among the various degrees. In 2015, 23 percent of the cases were first-degree offenses, whereas, in 2016, 27 percent of the cases were first-degree offenses. Average pronounced durations have been impacted by the implementation of the Sex Offender Grid. In 2016, 94 percent of CSC offenders had offense dates on or after August 1, 2006, which made them eligible to be sentenced based on the Sex Offender Grid. The Sex Offender Grid includes longer presumptive sentences for offenders with prior records and also gives greater weight to prior sex offenses.

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\(^9\) The average pronounced duration is presented for offenders who received executed prison sentences.
Offenders convicted of first-degree offenses received significantly longer sentences than those convicted of lesser severity-level offenses (Figure 9). The average pronounced sentence for those offenders was 190 months (above the 2015 average of 167 months). Compared to 2015, the average pronounced sentence decreased for some offenses, but rose for others. The average pronounced duration was 103 months for second-degree offenses that involved force (below the 2015 average of 112 months), and 77 months for second-degree offenses with a minor victim (a decrease from 80 month in 2015). Average sentence lengths increased for third-degree offenses involving force: from 72 months in 2015 to 78 months in 2016 for offenses involving force; and decreased from 65 months in 2015 to 55 months for offenses with a minor victim. Average sentences for fourth-degree offenses involving force increased from 52 months in 2015 to 79 months in 2016; and decreased for fourth-degree offenses with a minor victim (from 43 months in 2015 to 33 months in 2016). (See tables 11 and 12 for historical information on past sentence durations.)
The average sentence durations shown in Figure 9 are affected both by departures from the Guidelines and by the use of consecutive sentences. When consecutive sentences are imposed for multiple current offenses—even if one of the offenses is not a CSC offense—the total pronounced sentence is reflected in Figure 9, which generally increases the total duration shown. For first-degree offenses not involving durational departures, the average pronounced sentence was 178 months for cases that did not involve consecutive sentences (n=82) and 364 months for cases with consecutive sentences (n=7).

**Longer than Typical Prison Sentences**

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

**Use of Life Sentences over Time**

In 2005, the Legislature established life sentences for certain offenders under Minn. Stat. § 609.3455. For some provisions of the law, the mandatory sentence is life without the possibility of release. For other provisions, the court must specify the minimum time to be served before the offender may be considered for release. Table 19 outlines when these and other mandatory-minimum sentencing provisions apply in criminal sexual conduct cases. Table 4 displays information about the 22 CSC offenders who have received life sentences since 2006. In 2016, two offenders received life sentences (up from zero in 2015).
Table 4. Pronounced Life Sentences by Offense Type: 2006-2016

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

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

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

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

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

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

2016 Sentences with Durations of 30 Years or More

Ten other offenders received prison sentences of 360 months (30 years) or more (Table 6). Unlike the offenders in Table 5, the sentences were not prison sentences that were double the length of their presumptive sentences or more. Instead, all were first-degree offenders who had high criminal history scores. None of these cases involved aggravated durational departures. In nine cases, 360 months was the presumptive midpoint sentence; in one case, 360 months was the top of the upper range. Four cases involved consecutive sentences that resulted in total sentences of longer than 360 months. Eight cases involved multiple current sex offenses.
Table 6. Executed Sentences with Durations of 30 Years or More, 2016

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

Refer to footnote 8 above for a discussion of the meaning of “true prior” offenses.
Figure 10 combines the information described in tables 5 and 6 to illustrate some of the longest sentences pronounced in 2016. The average presumptive and pronounced sentences are displayed. There were 14 offenders who either received double the presumptive sentence or more, or a sentence of 360 months (30 years) or more. These sentences were achieved either through the presumptive sentence, or Guidelines policies that permitted aggravated durational departures or permissive consecutive sentences or both.

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

**Conditional Release**

In 1992, the legislature required five- or ten-year conditional-release\(^{10}\) periods for sex offenders who were committed to prison. The current law requires ten-year or lifetime conditional-release periods for sex offenders who are committed to prison.\(^{11}\) Conditional-release statutes do not apply to attempted offenses unless the statute explicitly states that they do.\(^{12}\)

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

\(^{10}\) Originally called “supervised release,” 1992 Minn. Laws chap. 571, art. 1, § 25, and renamed “conditional release” the following year, 1993 Minn. Laws ch. 326, art. 9, § 9.

\(^{11}\) Minn. Stat. § 609.3455, subd. 6 & 7. See Table 19 for an outline of how these conditional release terms apply.

\(^{12}\) State v. Noggle, 881 N.W.2d 545 (Minn. 2016).
Forty-five percent of the CSC offenders sentenced in 2016 received a probation sentence. Of the offenders who were placed on probation, 76 percent received probation because it was the presumptive sentence and 24 percent received probation as a mitigated dispositional departure. The average pronounced period of probation for sex offenders was approximately 13 years (Figure 12). First-degree offenders generally received longer periods of probation than other offenders.
Ninety percent of offenders who did not receive an executed prison sentence received local confinement time as a condition of their stayed sentence. The average pronounced local confinement for CSC offenders was 191 days (Table 11). The pronounced local confinement time was significantly longer for offenders convicted of offenses for which the Guidelines recommended presumptive commitment to prison (286 days) than for offenders convicted of offenses for which the Guidelines recommended a presumptive stayed sentence (161 days).
Departures from the Guidelines

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

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

Dispositional Departures

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

Mitigated Dispositions

Figure 13 shows mitigated dispositional departure rates for cases in which the Guidelines recommend prison (“presumptive commitments”) by the type of CSC offense. The total mitigated dispositional departure rate was 24 percent, a decrease from the rate of 26 percent in 2015 and the lowest ever observed since at least 1988 (Table 13). Previously, rates tended to vary by offense type, with “IFSA” cases historically showing the highest rate of departure. Throughout the 1990s, the mitigated dispositional departure rate usually exceeded 33 percent, once reaching 40 percent. Since 2000, the departure rate has usually been below 30 percent. The departure rate in 2016 was slightly higher for the “Force/Other” cases (34%) and slightly lower for the “IFSA” (18%) and “Other Child” cases (21%) (Figure 13).

Figure 14 shows mitigated dispositional departure rates by degree. The rates were lower for the first-degree offenses and the second-degree force offenses than for the other offenses.
Figure 13. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitment Cases, 2016

- Force/Other: 34% (N=28)
- IFSA: 18% (N=12)
- Other Child: 21% (N=24)
- Total: 24% (N=64)

* Number of Presumptive Commitment cases.

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

- 1st Deg. Penet: 14% (N=13)
- 1st Deg. Contact: 18% (N=7)
- 2nd Deg. Force: 25% (N=8)
- 2nd Deg. Minors: 27% (N=6)
- 3rd Deg. Force: 41% (N=19)
- 3rd Deg. Minors: 33% (N=7)
- 4th Deg. Force: 57% (N=4)
- 4th Deg. Minors: 0% (N=0)
- Total: 24% (N=64)

* Number of Presumptive Commitment cases.
The most common reasons cited for mitigated dispositional departures typically involves placement of the offender in sex offender treatment programs, placement in other types of treatment (e.g., chemical dependency), recommendations by court services, placement of the offender on long-term probation supervision to ensure compliance with conditions, amenability to probation and remorse or acceptance of responsibility on the part of the offender. For most years, the court indicates that the victim or victim’s family agreed with the departure in about 15 percent of cases; in 2016, it was 16 percent. In 19 percent of the mitigated dispositions, the court indicated the departure was made to spare the victim from testifying (Table 7). In 72 percent of the mitigated dispositions, the court indicated that there was either a plea agreement for the departure or that the prosecutor recommended or did not object to the departure. The court reported that the prosecutor objected to the departure in 13 percent of the mitigated dispositions. It should be noted that no plea information was provided by the courts in about 16 percent of the mitigated dispositions.

### Table 7. Most Frequently Cited Mitigated Dispositional Departures Reasons, 2016

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

### Aggravated Dispositions

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

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

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

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

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

Mitigated Durations

Ten percent (21) of the 216 offenders who received executed prison sentences were given shorter sentences than recommended, a decrease from the 15 percent rate in 2015 (Table 13). This was the lowest mitigated durational departure rate observed since 1989. Mitigated durational departure rates varied little among the degrees. The most frequently cited reasons for mitigated durational departures were: to prevent trauma to the victim from testifying (24%), and because the offender showed remorse or accepted responsibility (43%) (Table 8). In five cases (14%), the court indicated that the victim or victim’s family agreed with the departure. In 67 percent of these cases, the court indicated either that there was a plea agreement for a mitigated duration or that the prosecutor recommended or did not object to the departure. In one case the court indicated that the prosecutor objected to the mitigated durational departure. It should be noted that no plea information was provided for 29 percent of cases that received mitigated durational departures.

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

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

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

Six percent (12) of the 216 offenders who received executed prison sentences were given longer sentences than recommended. This is the same rate observed in 2015 (Table 14). The three percent rate observed in 2009 was the lowest aggravated durational departure rate ever observed for CSC offenses. Rates in the last five years have been lower than those observed in 2005-08 (16%, 9%, 8%, and 8%, respectively). This rate has declined since the 1990s, when rates as high as 27 percent were seen. (For more detailed information on durational and dispositional departures over time, see tables 13 and 14.)

A possible reason for some of the decline in the aggravated durational departure rate is that over time, more of the offenders sentenced for first-degree offenses and second-degree offenses with force were eligible for the statutorily-set presumptive sentences and higher presumptive sentences on the 2006 Sex Offender Grid. Another possible explanation is the impact of the U.S. Supreme Court ruling in Blakely v. Washington, 542 U.S. 296 (2004), requiring that enhanced sentences generally be supported by jury findings.

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

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

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

¹⁶ The most common reasons cited for mitigated durational departures, as submitted by sentencing judges and coded by MSGC staff. Up to four departure reasons and three plea agreement reasons are coded. A plea agreement alone is not a sufficient basis for departure, State v. Misquadace, 644 N.W.2d 65 (Minn. 2002). There were 12 aggravated durational departures.
Figure 15. Durational Departure Rates by Offense, Executed Prison Sentences, 2016

<table>
<thead>
<tr>
<th>Offense</th>
<th>Mitigated (N)</th>
<th>Aggravated (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Degree (N=110)</td>
<td>10% (N=8)</td>
<td>7% (N=8)</td>
</tr>
<tr>
<td>2nd Degree Force (N=24)</td>
<td>4% (N=1)</td>
<td>0% N=0</td>
</tr>
<tr>
<td>2nd Degree Minors (N=20)</td>
<td>5% (N=1)</td>
<td>7% (N=2)</td>
</tr>
<tr>
<td>3rd Degree Force (N=27)</td>
<td>11% (N=3)</td>
<td>12% (N=3)</td>
</tr>
<tr>
<td>3rd Degree Minors (N=25)</td>
<td>7% (N=2)</td>
<td>4% (N=1)</td>
</tr>
<tr>
<td>4th Degree Force (N=4)</td>
<td>0% (N=0)</td>
<td>0% (N=0)</td>
</tr>
<tr>
<td>4th Degree Minors (N=6)</td>
<td>17% (N=1)</td>
<td>10% (N=21)</td>
</tr>
<tr>
<td>Overall (N=216)</td>
<td>6% (N=12)</td>
<td>10% (N=12)</td>
</tr>
</tbody>
</table>

- Mitigated
- Aggravated
### Data Tables

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

<table>
<thead>
<tr>
<th>Offense</th>
<th>All CSC Offenders Sentenced in 2016</th>
<th>CSC Offenders Sentenced on Standard Grid</th>
<th>CSC Offenders Sentenced on Sex Offender Grid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number Prison Sentences</td>
<td>Avg. Duration (months)</td>
<td>Sev. Level</td>
</tr>
<tr>
<td>1st Degree</td>
<td>108</td>
<td>190</td>
<td>9</td>
</tr>
<tr>
<td>2nd Degree; Force</td>
<td>24</td>
<td>103</td>
<td>8</td>
</tr>
<tr>
<td>2nd Degree; Minors</td>
<td>20</td>
<td>77</td>
<td>6</td>
</tr>
<tr>
<td>3rd Degree; Force</td>
<td>27</td>
<td>78</td>
<td>8</td>
</tr>
<tr>
<td>3rd Degree; Minors</td>
<td>25</td>
<td>55</td>
<td>5</td>
</tr>
<tr>
<td>4th Degree; Force</td>
<td>4</td>
<td>79</td>
<td>6</td>
</tr>
<tr>
<td>4th Degree; Minors</td>
<td>6</td>
<td>33</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>214</td>
<td>133</td>
<td>13</td>
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</tbody>
</table>
### Table 11. Incarceration Rates and Average Pronounced Durations, Criminal Sexual Conduct Offenses, 1988-2016\(^\text{17}\)

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

\(^{17}\) Average prison durations exclude offenders who received life sentences (2006-2012; 2014, 2016).
### Table 12. Incarceration Rates and Average Pronounced Durations by Degree: Criminal Sexual Conduct Offenses, 1988-2016

<table>
<thead>
<tr>
<th>Year</th>
<th>Degree</th>
<th># Cases</th>
<th>Total Incarceration</th>
<th>Prison</th>
<th>Average Duration</th>
<th>Local Confinement</th>
<th>Average Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>All Cases</td>
<td>677</td>
<td>609 90%</td>
<td>180 27%</td>
<td>54 mos.</td>
<td>429 63%</td>
<td>178 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>136</td>
<td>133 98%</td>
<td>85 63%</td>
<td>75 mos.</td>
<td>48 35%</td>
<td>287 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>256</td>
<td>226 88%</td>
<td>47 18%</td>
<td>33 mos.</td>
<td>179 70%</td>
<td>187 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>120</td>
<td>111 93%</td>
<td>39 33%</td>
<td>38 mos.</td>
<td>72 60%</td>
<td>154 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>165</td>
<td>139 84%</td>
<td>9 6%</td>
<td>31 mos.</td>
<td>130 79%</td>
<td>138 days</td>
</tr>
<tr>
<td>1989</td>
<td>All Cases</td>
<td>688</td>
<td>630 92%</td>
<td>217 32%</td>
<td>58 mos.</td>
<td>413 60%</td>
<td>186 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>165</td>
<td>157 95%</td>
<td>111 67%</td>
<td>78 mos.</td>
<td>46 28%</td>
<td>255 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>251</td>
<td>234 93%</td>
<td>45 18%</td>
<td>37 mos.</td>
<td>189 75%</td>
<td>199 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>136</td>
<td>126 93%</td>
<td>45 33%</td>
<td>37 mos.</td>
<td>81 60%</td>
<td>156 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>136</td>
<td>113 83%</td>
<td>16 12%</td>
<td>36 mos.</td>
<td>97 71%</td>
<td>151 days</td>
</tr>
<tr>
<td>1990</td>
<td>All Cases</td>
<td>771</td>
<td>712 92%</td>
<td>231 30%</td>
<td>78 mos.</td>
<td>481 62%</td>
<td>191 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>196</td>
<td>193 99%</td>
<td>122 62%</td>
<td>104 mos.</td>
<td>71 36%</td>
<td>308 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>270</td>
<td>249 92%</td>
<td>52 19%</td>
<td>48 mos.</td>
<td>197 73%</td>
<td>184 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>170</td>
<td>156 92%</td>
<td>35 21%</td>
<td>53 mos.</td>
<td>121 71%</td>
<td>166 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>135</td>
<td>114 84%</td>
<td>22 16%</td>
<td>40 mos.</td>
<td>92 68%</td>
<td>148 days</td>
</tr>
<tr>
<td>1991</td>
<td>All Cases</td>
<td>725</td>
<td>670 92%</td>
<td>227 31%</td>
<td>82 mos.</td>
<td>443 61%</td>
<td>200 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>182</td>
<td>173 95%</td>
<td>108 59%</td>
<td>118 mos.</td>
<td>65 36%</td>
<td>302 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>235</td>
<td>216 92%</td>
<td>50 21%</td>
<td>51 mos.</td>
<td>166 71%</td>
<td>203 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>159</td>
<td>147 93%</td>
<td>50 31%</td>
<td>54 mos.</td>
<td>97 61%</td>
<td>182 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>149</td>
<td>134 90%</td>
<td>19 13%</td>
<td>37 mos.</td>
<td>115 77%</td>
<td>151 days</td>
</tr>
<tr>
<td>1992</td>
<td>All Cases</td>
<td>798</td>
<td>749 94%</td>
<td>239 30%</td>
<td>89 mos.</td>
<td>510 64%</td>
<td>186 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>167</td>
<td>158 95%</td>
<td>100 60%</td>
<td>126 mos.</td>
<td>58 35%</td>
<td>320 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>309</td>
<td>287 93%</td>
<td>73 24%</td>
<td>62 mos.</td>
<td>214 69%</td>
<td>182 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>199</td>
<td>188 95%</td>
<td>50 25%</td>
<td>63 mos.</td>
<td>138 69%</td>
<td>168 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>123</td>
<td>116 94%</td>
<td>16 13%</td>
<td>55 mos.</td>
<td>100 81%</td>
<td>142 days</td>
</tr>
<tr>
<td>1993</td>
<td>All Cases</td>
<td>828</td>
<td>764 92%</td>
<td>244 30%</td>
<td>84 mos.</td>
<td>520 63%</td>
<td>183 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>194</td>
<td>188 97%</td>
<td>118 61%</td>
<td>118 mos.</td>
<td>70 36%</td>
<td>304 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>279</td>
<td>257 92%</td>
<td>55 20%</td>
<td>59 mos.</td>
<td>202 72%</td>
<td>190 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>211</td>
<td>189 90%</td>
<td>53 25%</td>
<td>50 mos.</td>
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<td>163 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>144</td>
<td>130 90%</td>
<td>18 13%</td>
<td>36 mos.</td>
<td>112 78%</td>
<td>120 days</td>
</tr>
<tr>
<td>1994</td>
<td>All Cases</td>
<td>880</td>
<td>827 94%</td>
<td>279 32%</td>
<td>83 mos.</td>
<td>548 62%</td>
<td>195 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>193</td>
<td>188 97%</td>
<td>118 61%</td>
<td>131 mos.</td>
<td>70 36%</td>
<td>312 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>270</td>
<td>252 93%</td>
<td>62 23%</td>
<td>47 mos.</td>
<td>190 70%</td>
<td>205 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>260</td>
<td>246 95%</td>
<td>81 31%</td>
<td>52 mos.</td>
<td>165 64%</td>
<td>174 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>157</td>
<td>141 90%</td>
<td>18 12%</td>
<td>35 mos.</td>
<td>123 78%</td>
<td>142 days</td>
</tr>
<tr>
<td>1995</td>
<td>All Cases</td>
<td>770</td>
<td>714 93%</td>
<td>249 32%</td>
<td>87 mos.</td>
<td>465 60%</td>
<td>183 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>161</td>
<td>157 98%</td>
<td>102 63%</td>
<td>137 mos.</td>
<td>55 34%</td>
<td>293 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
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<td>61 27%</td>
<td>58 mos.</td>
<td>141 63%</td>
<td>177 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>258</td>
<td>238 92%</td>
<td>59 23%</td>
<td>54 mos.</td>
<td>179 69%</td>
<td>171 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>126</td>
<td>117 93%</td>
<td>27 21%</td>
<td>33 mos.</td>
<td>90 71%</td>
<td>147 days</td>
</tr>
<tr>
<td>1996</td>
<td>All Cases</td>
<td>632</td>
<td>590 93%</td>
<td>236 37%</td>
<td>84 mos.</td>
<td>354 56%</td>
<td>206 days</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>153</td>
<td>155 96%</td>
<td>102 67%</td>
<td>131 mos.</td>
<td>48 31%</td>
<td>319 days</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>161</td>
<td>184 92%</td>
<td>44 27%</td>
<td>53 mos.</td>
<td>111 69%</td>
<td>211 days</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>200</td>
<td>184 92%</td>
<td>67 34%</td>
<td>52 mos.</td>
<td>117 59%</td>
<td>192 days</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>118</td>
<td>101 86%</td>
<td>23 20%</td>
<td>32 mos.</td>
<td>78 66%</td>
<td>149 days</td>
</tr>
<tr>
<td>Year</td>
<td>Degree</td>
<td># Cases</td>
<td>Total Incarceration</td>
<td>Prison</td>
<td>Average Duration</td>
<td>Local Confinement</td>
<td>Average Duration</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>---------</td>
<td>---------------------</td>
<td>--------</td>
<td>------------------</td>
<td>-------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>1997</td>
<td>All Cases</td>
<td>635</td>
<td>599 94%</td>
<td>201 32%</td>
<td>81 mos.</td>
<td>398 92%</td>
<td>196 days</td>
</tr>
<tr>
<td>First</td>
<td>146</td>
<td>145 99%</td>
<td>88 60%</td>
<td>125 mos.</td>
<td>57 98%</td>
<td>322 days</td>
<td></td>
</tr>
<tr>
<td>Second</td>
<td>186</td>
<td>164 88%</td>
<td>45 24%</td>
<td>61 mos.</td>
<td>119 84%</td>
<td>189 days</td>
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<td>106 mos.</td>
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<tr>
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<td>Third</td>
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<td>165</td>
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<td>28%</td>
<td>74 mos.</td>
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<tr>
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<td>Fourth</td>
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<td>75</td>
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<td>60 mos.</td>
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</tr>
<tr>
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<td>95%</td>
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<td>37%</td>
<td>137 mos.</td>
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<td>194 mos.</td>
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<tr>
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<tr>
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<td>63</td>
<td>93%</td>
<td>11</td>
<td>16%</td>
<td>52 mos.</td>
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<td>95</td>
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<td>167 mos.</td>
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<td>58</td>
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<td>97 mos.</td>
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<tr>
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<td>47 mos.</td>
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<td>91 mos.</td>
</tr>
<tr>
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<td>67 mos.</td>
</tr>
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<td>71</td>
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<td>51 mos.</td>
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### Table 13. Departure Rates, Criminal Sexual Conduct Offenses, 1988-2016

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<tr>
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<td>688</td>
<td>319 (46%)</td>
<td>110 (35%)</td>
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<tr>
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<td>771</td>
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<tr>
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<tr>
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<td>670</td>
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<td>86 (26%)</td>
</tr>
<tr>
<td>1999</td>
<td>562</td>
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</tr>
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<tr>
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<tr>
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<td>558</td>
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## Table 14. Departure Rates by Degree, Criminal Sexual Conduct Offenses, 1997-2016

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<td>147</td>
<td>48</td>
<td>14 29%</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>206</td>
<td>79</td>
<td>24 30%</td>
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<tr>
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<td>Fourth</td>
<td>118</td>
<td>14</td>
<td>5 36%</td>
</tr>
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<td>1 100%</td>
</tr>
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<td>All Cases</td>
<td>600</td>
<td>296</td>
<td>74 25%</td>
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<td>143</td>
<td>30 21%</td>
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<tr>
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<td>Second</td>
<td>141</td>
<td>57</td>
<td>14 25%</td>
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<td>200</td>
<td>80</td>
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<td></td>
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<td>16</td>
<td>6 38%</td>
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<td>0</td>
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<td>314</td>
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<td>150</td>
<td>36 24%</td>
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<td>Second</td>
<td>127</td>
<td>49</td>
<td>8 16%</td>
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<td></td>
<td>Third</td>
<td>214</td>
<td>94</td>
<td>43 46%</td>
</tr>
<tr>
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<td>Fourth</td>
<td>89</td>
<td>21</td>
<td>3 14%</td>
</tr>
<tr>
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<td>Fifth</td>
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<td>0</td>
<td>---</td>
</tr>
<tr>
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<td>Degree</td>
<td>Number of Cases</td>
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<td>Durational Departures (Executed Sentences)</td>
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<td>Number Receiving Probation</td>
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<td>281</td>
<td>69 25%</td>
</tr>
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<td>First</td>
<td>136</td>
<td>136</td>
<td>27 20%</td>
</tr>
<tr>
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<td>Second</td>
<td>135</td>
<td>62</td>
<td>13 21%</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>184</td>
<td>72</td>
<td>23 32%</td>
</tr>
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<td>Fourth</td>
<td>89</td>
<td>11</td>
<td>6 55%</td>
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<td>Fifth</td>
<td>0</td>
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<td>2013</td>
<td>All Cases</td>
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<td>257</td>
<td>71 28%</td>
</tr>
<tr>
<td></td>
<td>First</td>
<td>115</td>
<td>115</td>
<td>24 21%</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>126</td>
<td>53</td>
<td>14 26%</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>176</td>
<td>73</td>
<td>27 37%</td>
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<tr>
<td></td>
<td>Fourth</td>
<td>85</td>
<td>16</td>
<td>6 38%</td>
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<tr>
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<td>1</td>
<td>0</td>
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<tr>
<td>2014</td>
<td>All Cases</td>
<td>491</td>
<td>257</td>
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<td>First</td>
<td>122</td>
<td>122</td>
<td>31 25%</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>112</td>
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<td>14 28%</td>
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<td>Third</td>
<td>188</td>
<td>75</td>
<td>32 43%</td>
</tr>
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<td>Fourth</td>
<td>68</td>
<td>10</td>
<td>3 30%</td>
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<td>Fifth</td>
<td>1</td>
<td>0</td>
<td>---</td>
</tr>
<tr>
<td>2015</td>
<td>All Cases</td>
<td>537</td>
<td>285</td>
<td>73 26%</td>
</tr>
<tr>
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<td>123</td>
<td>123</td>
<td>28 23%</td>
</tr>
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<td>Second</td>
<td>150</td>
<td>70</td>
<td>18 26%</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>193</td>
<td>80</td>
<td>24 30%</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>69</td>
<td>11</td>
<td>2 18%</td>
</tr>
<tr>
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<td>Fifth</td>
<td>2</td>
<td>1</td>
<td>1 100%</td>
</tr>
<tr>
<td>2016</td>
<td>All Cases</td>
<td>481</td>
<td>262</td>
<td>64 24%</td>
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<td>First</td>
<td>130</td>
<td>130</td>
<td>20 15%</td>
</tr>
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<td></td>
<td>Second</td>
<td>115</td>
<td>54</td>
<td>14 26%</td>
</tr>
<tr>
<td></td>
<td>Third</td>
<td>155</td>
<td>67</td>
<td>26 39%</td>
</tr>
<tr>
<td></td>
<td>Fourth</td>
<td>78</td>
<td>11</td>
<td>4 36%</td>
</tr>
<tr>
<td></td>
<td>Fifth</td>
<td>3</td>
<td>0</td>
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Table 15. Victim Age by Child/Other Statutory Provisions, Criminal Sexual Conduct Offenses, 2016\textsuperscript{18}

<table>
<thead>
<tr>
<th>Degree</th>
<th>Provision</th>
<th>Age of Victim</th>
<th>Total # Cases</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Less than 13</td>
<td>13-17</td>
</tr>
<tr>
<td>First</td>
<td>Child</td>
<td>75 (70%)</td>
<td>32 (30%)</td>
</tr>
<tr>
<td></td>
<td>Force/Other</td>
<td>0 ---</td>
<td>5 (22%)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>75 (58%)</td>
<td>37 (29%)</td>
</tr>
<tr>
<td>Second</td>
<td>Child</td>
<td>84 (78%)</td>
<td>24 (22%)</td>
</tr>
<tr>
<td></td>
<td>Force/Other</td>
<td>2 (29%)</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>86 (75%)</td>
<td>24 (21%)</td>
</tr>
<tr>
<td>Third</td>
<td>Child</td>
<td>5 (5%)</td>
<td>105 (95%)</td>
</tr>
<tr>
<td></td>
<td>Force/Other</td>
<td>4 (9%)</td>
<td>5 (11%)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>9 (6%)</td>
<td>110 (71%)</td>
</tr>
<tr>
<td>Fourth</td>
<td>Child</td>
<td>3 (8%)</td>
<td>33 (92%)</td>
</tr>
<tr>
<td></td>
<td>Force/Other</td>
<td>1 (2%)</td>
<td>6 (14%)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4 (5%)</td>
<td>39 (50%)</td>
</tr>
<tr>
<td>Fifth</td>
<td>Child</td>
<td>1 (33%)</td>
<td>2 (67%)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>168 (46%)</td>
<td>196 (54%)</td>
</tr>
<tr>
<td>Force/Other</td>
<td>7 (6%)</td>
<td>16 (14%)</td>
<td>94 (80%)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>175 (36%)</td>
<td>212 (44%)</td>
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</table>

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

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

19 The CSC offenses are grouped within each degree by statutory provisions that either specify that the victim was a child or do not specify the victim's age. The “Occupation” category refers to statutes specifying the occupation of the offender e.g.: psychotherapist, health care professional, clergy, correctional employee, or special transportation service employee or if one of the specified occupations was indicated by the MOC code, regardless of how the offense was charged.
<table>
<thead>
<tr>
<th>Offense Severity Levels&lt;sup&gt;20&lt;/sup&gt;</th>
<th>Statute Number</th>
<th>Offense</th>
<th>Number of Offenders Sentenced</th>
</tr>
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<tbody>
<tr>
<td><strong>First Degree</strong></td>
<td></td>
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<td>2012</td>
</tr>
<tr>
<td><strong>Severity Level 9/A 144 Months</strong></td>
<td>609.342 s. 1(a)</td>
<td>Victim under 13, Actor 3 years older</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>609.342 s. 1(b)</td>
<td>Victim 13-16, Actor 4 years older &amp; Pos. Authority</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>609.342 s. 1(c)</td>
<td>Fear Great Bodily Harm</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>609.342 s. 1(d)</td>
<td>Dangerous Weapon</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>609.342 s. 1(e)(i)</td>
<td>Personal Injury and Uses Force or Coercion</td>
<td>20</td>
</tr>
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<td></td>
<td>609.342 s. 1(e)(ii)</td>
<td>Personal Injury and Victim Impaired/Incapacitated</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>609.342 s. 1(f)(i)</td>
<td>Accomplice and use Force or Coercion</td>
<td>4</td>
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<td></td>
<td>609.342 s. 1(f)(ii)</td>
<td>Accomplice and Dangerous Weapon</td>
<td>0</td>
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<tr>
<td></td>
<td>609.342 s. 1(g)</td>
<td>Victim under 16, Significant Relationship</td>
<td>16</td>
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<tr>
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<td>609.342 s. 1(h)(i)</td>
<td>Under 16, Sig. Relation. and Force or Coercion</td>
<td>1</td>
</tr>
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<td></td>
<td>609.342 s. 1(h)(ii)</td>
<td>Under 16, Sig. Relation. and Personal Injury</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>609.342 s. 1(h)(iii)</td>
<td>Under 16, Sig. Relation. and Multiple Acts</td>
<td>14</td>
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<td><strong>Second Degree Contact</strong></td>
<td></td>
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<td>2012</td>
</tr>
<tr>
<td><strong>Severity Level 6/D 21/36 Months (Stayed)</strong></td>
<td>609.343 s. 1(a)</td>
<td>Contact Victim under 13, Actor 3 years older</td>
<td>72</td>
</tr>
<tr>
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<td>609.343 s. 1(b)</td>
<td>Victim 13-16, Actor 4 years older &amp; Pos. Authority</td>
<td>11</td>
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<td>609.343 s. 1(g)</td>
<td>Victim under 16, Significant Relationship</td>
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</tr>
<tr>
<td><strong>Second Degree Contact</strong></td>
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<td>2012</td>
</tr>
<tr>
<td><strong>Severity Level 8/B 90 Months</strong></td>
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<td>Fear Great Bodily Harm</td>
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</tr>
<tr>
<td></td>
<td>609.343 s. 1(d)</td>
<td>Dangerous Weapon</td>
<td>0</td>
</tr>
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<td></td>
<td>609.343 s. 1(e)(i)</td>
<td>Personal Injury and Uses Force or Coercion</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>609.343 s. 1(e)(ii)</td>
<td>Personal Injury and Victim Impaired/Incapacitated</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>609.343 s. 1(f)(i)</td>
<td>Accomplice and use Force or Coercion</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>609.343 s. 1(f)(ii)</td>
<td>Accomplice and Dangerous Weapon</td>
<td>0</td>
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<tr>
<td></td>
<td>609.343 s. 1(h)(i)</td>
<td>Under 16, Sig. Relation. and Force or Coercion</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>609.343 s. 1(h)(ii)</td>
<td>Under 16, Sig. Relation. and Personal Injury</td>
<td>0</td>
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<tr>
<td></td>
<td>609.343 s. 1(h)(iii)</td>
<td>Under 16, Sig. Relation. and Multiple Acts</td>
<td>27</td>
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<td><strong>Third Degree Penetration Unranked/D</strong></td>
<td>609.344 s. 1(a)</td>
<td>Criminal Sexual Conduct 3 – Penetration Victim under 13, perpetrator must be a juvenile</td>
<td>4</td>
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</table>

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<sup>20</sup> Standard Grid/Sex Offender Grid
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<thead>
<tr>
<th>Offense</th>
<th>Statute Number</th>
<th>Offense Details</th>
<th>Number of Offenders Sentenced</th>
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</thead>
<tbody>
<tr>
<td>Third Degree Penetration</td>
<td>609.344 s. 1(b)</td>
<td>Victim 13-16, Actor 2 years older</td>
<td>111</td>
</tr>
<tr>
<td>Severity Level 5/D 18/24 Months (Stayed)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>609.344 s. 1(e)</td>
<td>Victim 16-18, Actor 4 years older &amp; Pos. Authority</td>
<td>7</td>
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<tr>
<td></td>
<td>609.344 s. 1(f)</td>
<td>Victim 16-18, Significant Relationship</td>
<td>9</td>
</tr>
<tr>
<td>Third Degree Penetration</td>
<td>609.344 s.1 (b) with reference to subd 2(2)</td>
<td>Victim 13-16, Actor between 2 and 4 years older (not separated from other offenses till 2015)</td>
<td>--</td>
</tr>
<tr>
<td>Severity Level G 15 Months (Stayed)</td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>609.344 s. 1(c)</td>
<td>Force or Coercion</td>
<td>33</td>
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<td>Third Degree Penetration</td>
<td>609.344 s. 1(d)</td>
<td>Victim Mentally Impaired/Incapacitated</td>
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<tr>
<td>Severity Level 8/C 48 Months</td>
<td>609.344 s. 1(g)(i)</td>
<td>Sig. Relation. and Force or Coercion</td>
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<td>609.344 s. 1(g)(ii)</td>
<td>Sig. Relation. and Personal Injury</td>
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<td>609.344 s. 1(g)(iii)</td>
<td>Sig. Relation. and Multiple Acts over Time</td>
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<td>609.344 s. 1(h)</td>
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<td>609.344 s. 1(j)</td>
<td>Psychotherapist &amp; Therapeutic Deception</td>
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<td>609.344 s. 1(k)</td>
<td>Deception/False Rep. for Medical Purpose</td>
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<td>609.344 s. 1(l)</td>
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<td>609.344 s. 1(m)</td>
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<td>Fourth Degree Contact Unranked/F</td>
<td>609.345 s. 1(a)</td>
<td>Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile</td>
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<td>Fourth Degree Contact</td>
<td>609.345 s. 1(b)</td>
<td>Victim 13-16, Actor 4 years older or Pos. Authority</td>
<td>41</td>
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<tr>
<td>Severity Level 4/F 1Yr, 1Day/15 Months (Stayed)</td>
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<td>609.345 s. 1(e)</td>
<td>Victim 16-18, Actor 4 years older &amp; Pos. Authority</td>
<td>4</td>
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<td></td>
<td>609.345 s. 1(f)</td>
<td>Victim 16-18, Significant Relationship</td>
<td>3</td>
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<td>Offense Severity Levels with No Criminal History</td>
<td>Statute Number</td>
<td>Offense</td>
<td># Offenders Sentenced</td>
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<td>21/24 Months (Stayed)</td>
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<td><strong>Force or Coercion</strong></td>
<td>609.345 s. 1(c)</td>
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<td><strong>Victim Mentally Impaired/Incapacitated</strong></td>
<td>609.345 s. 1(d)</td>
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<td><strong>Sig. Relation. and Force or Coercion</strong></td>
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<td><strong>Sig. Relation. and Personal Injury</strong></td>
<td>609.345 s. 1(g)(ii)</td>
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<tr>
<td><strong>Sig. Relation. and Multiple Acts over Time</strong></td>
<td>609.345 s. 1(g)(iii)</td>
<td></td>
<td>2</td>
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<td><strong>Psychotherapist – Patient</strong></td>
<td>609.345 s. 1(h)</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>Psychotherapist-Former Patient Emotional Dependent</strong></td>
<td>609.345 s. 1(i)</td>
<td></td>
<td>0</td>
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<tr>
<td><strong>Psychotherapist &amp; Therapeutic Deception</strong></td>
<td>609.345 s. 1(j)</td>
<td></td>
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<td><strong>Deception/False Rep. for Medical Purpose</strong></td>
<td>609.345 s. 1(k)</td>
<td></td>
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<tr>
<td><strong>Clergy</strong></td>
<td>609.345 s. 1(l)</td>
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<tr>
<td><strong>Correctional Employee</strong></td>
<td>609.345 s. 1(m)</td>
<td></td>
<td>1</td>
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<td><strong>Special Transportation Service</strong></td>
<td>609.345 s. 1(n)</td>
<td></td>
<td>0</td>
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<tr>
<td><strong>Massage Therapist</strong></td>
<td>609.345 s. 1(o)</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>Fifth Degree Contact</strong></td>
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<tr>
<td>Severity Level F</td>
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</tr>
<tr>
<td>18 Months (Stayed)</td>
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<td></td>
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<tr>
<td>Doff Post 7/31/2014</td>
<td>609.3451 s. 3</td>
<td></td>
<td>--</td>
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<td><strong>Criminal Sexual Conduct 5 with previous conviction for 609.3451 s. 1,(2)</strong></td>
<td></td>
<td></td>
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<tr>
<td>with 2 or more previous convictions for 609.3451 s. 1,(1) with qualifying previous conviction for other offenses</td>
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<tr>
<td><strong>Fifth Degree Contact</strong></td>
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</tr>
<tr>
<td>Severity Level 4/G</td>
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<tr>
<td>1Yr. 1Day/15 Months (Stayed)</td>
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<td>Doff Pre 8/1/2014</td>
<td>609.3451 s. 3</td>
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<tr>
<td><strong>Criminal Sexual Conduct 5 Violate 609.3451 s. 1, clause (2) after previous conviction</strong></td>
<td></td>
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</table>
The following table displays sentencing practices from 2014 to 2016 by the statutory provision for which the offender was sentenced. Included are the number of cases, number of cases for which prison was the presumptive sentence, number and percent receiving an executed prison sentence, the average pronounced sentence in months, and the number and rate of mitigated dispositional departures (percent of presumptive commitments receiving probation). Life sentences are excluded from the average durations.


<table>
<thead>
<tr>
<th>Offense Severity Levels(^{21})</th>
<th>Statute Number</th>
<th>Offense Description</th>
<th>Number of Cases</th>
<th>Number of Presumptive Prison</th>
<th>Prison Sentence Number and Rate</th>
<th>Av. Sent in Months</th>
<th>Mitigated Dispositional Departures Number and Rate</th>
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</thead>
<tbody>
<tr>
<td><strong>First Degree</strong></td>
<td>609.342 s.1(a)</td>
<td>Victim under 13, Actor 3 years older</td>
<td>165</td>
<td>165</td>
<td>128</td>
<td>78%</td>
<td>173</td>
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<tr>
<td></td>
<td>609.342 s.1(b)</td>
<td>Victim 13-16, Actor 4 years older &amp; Pos. Authority</td>
<td>33</td>
<td>33</td>
<td>25</td>
<td>76%</td>
<td>198</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(c)</td>
<td>Fear Great Bodily Harm</td>
<td>18</td>
<td>18</td>
<td>17</td>
<td>94%</td>
<td>248</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(d)</td>
<td>Dangerous Weapon</td>
<td>6</td>
<td>6</td>
<td>4</td>
<td>67%</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(e)(i)</td>
<td>Personal Injury and Uses Force or Coercion</td>
<td>41</td>
<td>41</td>
<td>35</td>
<td>85%</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(e)(ii)</td>
<td>Personal Injury and Victim Impaired/Incapacitated</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>71%</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(f)(i)</td>
<td>Accomplice and use Force or Coercion</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(f)(ii)</td>
<td>Accomplice and Dangerous Weapon</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0%</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(g)</td>
<td>Victim under 16, Significant Relationship</td>
<td>59</td>
<td>59</td>
<td>47</td>
<td>80%</td>
<td>151</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(h)(i)</td>
<td>Under 16, Sig. Relation. and Force or Coercion</td>
<td>0</td>
<td>0</td>
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<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(h)(ii)</td>
<td>Under 16, Sig. Relation. and Personal Injury</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>50%</td>
<td>144</td>
</tr>
<tr>
<td></td>
<td>609.342 s.1(h)(iii)</td>
<td>Under 16, Sig. Relation. and Multiple Acts</td>
<td>42</td>
<td>42</td>
<td>34</td>
<td>81%</td>
<td>186</td>
</tr>
<tr>
<td><strong>Second Degree Contact</strong></td>
<td>609.343 s.1(a)</td>
<td>Contact Victim under 13, Actor 3 years older</td>
<td>194</td>
<td>54</td>
<td>53</td>
<td>27%</td>
<td>77</td>
</tr>
<tr>
<td><strong>Severity Level 6/D 21/36 Months (Stayed)</strong></td>
<td>609.343 s.1(b)</td>
<td>Victim 13-16, Actor 4 years older &amp; Pos. Authority</td>
<td>31</td>
<td>10</td>
<td>7</td>
<td>23%</td>
<td>96</td>
</tr>
<tr>
<td></td>
<td>609.343 s.1(g)</td>
<td>Victim under 16, Significant Relationship</td>
<td>50</td>
<td>8</td>
<td>8</td>
<td>16%</td>
<td>64</td>
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</table>

\(^{21}\) Standard Grid/Sex Offender Grid
<table>
<thead>
<tr>
<th>Offense Severity Levels&lt;sup&gt;21&lt;/sup&gt;</th>
<th>Statute Number</th>
<th>Offense</th>
<th>Number of Cases</th>
<th>Number Presumptive Prison</th>
<th>Prison Sentence Number and Rate</th>
<th>Av. Sent. in Months</th>
<th>Mitigated Dispositional Departures Number and Rate</th>
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</thead>
<tbody>
<tr>
<td>Second Degree Contact</td>
<td>609.343 s.1(c)</td>
<td>Fear Great Bodily Harm</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>80%</td>
<td>166</td>
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<tr>
<td></td>
<td>609.343 s.1(d)</td>
<td>Dangerous Weapon</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>100%</td>
<td>171</td>
</tr>
<tr>
<td></td>
<td>609.343 s.1(e)(i)</td>
<td>Personal Injury and Uses Force or Coercion</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>63%</td>
<td>116</td>
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<tr>
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<td>609.343 s.1(e)(ii)</td>
<td>Personal Injury and Victim Impaired/Incapacitated</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>40%</td>
<td>95</td>
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<td>609.343 s.1(f)(i)</td>
<td>Accomplice and use Force or Coercion</td>
<td>0</td>
<td>0</td>
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</tr>
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<td></td>
<td>609.343 s.1(f)(ii)</td>
<td>Accomplice and Dangerous Weapon</td>
<td>0</td>
<td>0</td>
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<td>---</td>
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<tr>
<td></td>
<td>609.343 s.1(h)(i)</td>
<td>Under 16, Sig. Relation. and Force or Coercion</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>71%</td>
<td>130</td>
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<td>609.343 s.1(h)(ii)</td>
<td>Under 16, Sig. Relation. and Personal Injury</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>80%</td>
<td>101</td>
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<tr>
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<td>609.343 s.1(h)(iii)</td>
<td>Under 16, Sig. Relation. and Multiple Acts</td>
<td>71</td>
<td>71</td>
<td>52</td>
<td>73%</td>
<td>111</td>
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<tr>
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<td>609.344 s.1(a)</td>
<td>Criminal Sexual Conduct 3 – Penetration Victim under 13, perpetrator must be a juvenile</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>50%</td>
<td>36</td>
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<tr>
<td>Third Degree Penetration Severity Level 5/D 18/24 Months (Stayed)</td>
<td>609.344 s.1(b)</td>
<td>Victim 13-16, Actor 2 years older</td>
<td>333</td>
<td>58</td>
<td>55</td>
<td>17%</td>
<td>66</td>
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<tr>
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<td>609.344 s.1(e)</td>
<td>Victim 16-18, Actor 4 years older &amp; Pos. Authority</td>
<td>11</td>
<td>1</td>
<td>2</td>
<td>18%</td>
<td>73</td>
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<tr>
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<td>609.344 s.1(f)</td>
<td>Victim 16-18, Significant Relationship</td>
<td>12</td>
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<td>0</td>
<td>0%</td>
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<tr>
<td>Third Degree Penetration Severity Level G 15 Months (Stayed)</td>
<td>609.344 s.1(b) w/ reference to subd. 2(2)</td>
<td>Victim 13-16, Actor between 2 and 4 years older (not separated from other offenses till 2015)</td>
<td>16</td>
<td>0</td>
<td>2</td>
<td>13%</td>
<td>22.5</td>
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<tr>
<td>Third Degree Penetration Severity Level 8/C 48 Months</td>
<td>609.344 s.1(c)</td>
<td>Force or Coercion</td>
<td>80</td>
<td>80</td>
<td>53</td>
<td>66%</td>
<td>78</td>
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<td>609.344 s.1(d)</td>
<td>Victim Mentally Impaired/Incapacitated</td>
<td>76</td>
<td>76</td>
<td>43</td>
<td>57%</td>
<td>71</td>
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<td>609.344 s.1(g)(i)</td>
<td>Sig. Relation. and Force or Coercion</td>
<td>0</td>
<td>0</td>
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<td>609.344 s.1(g)(ii)</td>
<td>Sig. Relation. and Personal Injury</td>
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<td>0</td>
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<td>609.344 s.1(g)(iii)</td>
<td>Sig. Relation. and Multiple Acts over Time</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>100%</td>
<td>49</td>
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<td>609.344 s.1(h)</td>
<td>Psychotherapist - Patient</td>
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<td>1</td>
<td>1</td>
<td>100%</td>
<td>48</td>
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<td>609.344 s.1(i)</td>
<td>Psychotherapist-Former Patient Emotional Dependent</td>
<td>0</td>
<td>0</td>
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<td>609.344 s.1(j)</td>
<td>Psychotherapist &amp; Therapeutic Deception</td>
<td>0</td>
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<td>609.344 s.1(k)</td>
<td>Deception/False Rep. for Medical Purpose</td>
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<td>609.344 s.1(l)</td>
<td>Clergy</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Offense Severity Levels&lt;sup&gt;21&lt;/sup&gt; Presumptive Sentence with No Criminal History</td>
<td>Statute Number</td>
<td>Offense Description</td>
<td>Number of Cases</td>
<td>Number Presumptive Prison</td>
<td>Prison Sentence Number and Rate</td>
<td>Av. Sent. in Months</td>
<td>Mitigated Dispositional Departures Number and Rate</td>
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<tr>
<td><strong>Fourth Degree Contact Unranked/F</strong></td>
<td>609.344 s.1(m)</td>
<td>Correctional Employee</td>
<td>1</td>
<td>1</td>
<td>1 100%</td>
<td>100</td>
<td>0 0%</td>
</tr>
<tr>
<td></td>
<td>609.344 s.1(n)</td>
<td>Special Transportation Service</td>
<td>0</td>
<td>0</td>
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<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.344 s.1(o)</td>
<td>Massage Therapist</td>
<td>1</td>
<td>1</td>
<td>1 100%</td>
<td>48</td>
<td>0 0%</td>
</tr>
<tr>
<td><strong>Fourth Degree Contact Severity Level 4/F 1Yr. 1Day/15 Months (Stayed)</strong></td>
<td>609.345 s.1(a)</td>
<td>Criminal Sexual Conduct 4 – Contact Victim under 13, perpetrator must be a juvenile</td>
<td>3</td>
<td>0</td>
<td>1 33%</td>
<td>36</td>
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<tr>
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<td>609.345 s.1(b)</td>
<td>Victim 13-16, Actor 4 years older or Pos. Authority</td>
<td>84</td>
<td>14</td>
<td>15 18%</td>
<td>45</td>
<td>2 14%</td>
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<td>609.345 s.1(e)</td>
<td>Victim 16-18, Actor 4 years older &amp; Pos. Authority</td>
<td>10</td>
<td>1</td>
<td>1 10%</td>
<td>12.03</td>
<td>1 100%</td>
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<td></td>
<td>609.345 s.1(f)</td>
<td>Victim 16-18, Significant Relationship</td>
<td>7</td>
<td>1</td>
<td>1 14%</td>
<td>58</td>
<td>0 0%</td>
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<tr>
<td><strong>Fourth Degree Contact Severity Level 6/E 21/24 Months (Stayed)</strong></td>
<td>609.345 s.1(c)</td>
<td>Force or Coercion</td>
<td>47</td>
<td>7</td>
<td>8 17%</td>
<td>55</td>
<td>2 29%</td>
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<tr>
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<td>609.345 s.1(d)</td>
<td>Victim Mentally Impaired/Incapacitated</td>
<td>54</td>
<td>8</td>
<td>8 1.5%</td>
<td>58</td>
<td>3 38%</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(g)(i)</td>
<td>Sig. Relation. and Force or Coercion</td>
<td>0</td>
<td>---</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(g)(ii)</td>
<td>Sig. Relation. and Personal Injury</td>
<td>0</td>
<td>---</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(g)(iii)</td>
<td>Sig. Relation. and Multiple Acts over Time</td>
<td>0</td>
<td>---</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(h)</td>
<td>Psychotherapist - Patient</td>
<td>0</td>
<td>---</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(i)</td>
<td>Psychotherapist-Former Patient Emotional Dep.</td>
<td>0</td>
<td>---</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(j)</td>
<td>Psychotherapist &amp; Therapeutic Deception</td>
<td>0</td>
<td>---</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(k)</td>
<td>Deception/False Rep. for Medical Purpose</td>
<td>1</td>
<td>0</td>
<td>0 0%</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(l)</td>
<td>Clergy</td>
<td>0</td>
<td>0</td>
<td>--- ---</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(m)</td>
<td>Correctional Employee</td>
<td>1</td>
<td>0</td>
<td>0 0%</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(n)</td>
<td>Special Transportation Service</td>
<td>1</td>
<td>0</td>
<td>0 0%</td>
<td>---</td>
<td>--- ---</td>
</tr>
<tr>
<td></td>
<td>609.345 s.1(o)</td>
<td>Massage Therapist</td>
<td>7</td>
<td>1</td>
<td>0 0%</td>
<td>---</td>
<td>1 100%</td>
</tr>
<tr>
<td>Offense Severity Levels&lt;sup&gt;21&lt;/sup&gt;</td>
<td>Statute Number</td>
<td>Offense</td>
<td>Number of Cases</td>
<td>Number Presumptive Prison</td>
<td>Prison Sentence Number and Rate</td>
<td>Av. Sent. in Months</td>
<td>Mitigated Dispositional Departures Number and Rate</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------</td>
<td>---------------------------</td>
<td>-------------------------------</td>
<td>-------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Fifth Degree Contact</td>
<td>609.3451 s. 3</td>
<td>Criminal Sexual Conduct 5 previous conviction for 609.3451 s. 1,(2) 2 or more previous convictions for 609.3451 s. 1,(1) qualifying previous conviction for other offenses</td>
<td>3</td>
<td>1</td>
<td>0 0%</td>
<td>---</td>
<td>1 100%</td>
</tr>
<tr>
<td>Severity Level F 18 Months (Stayed)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doff Post 7/31/2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fifth Degree Contact</td>
<td>609.3451 s.3</td>
<td>Criminal Sexual Conduct 5 Violate 609.3451 s.1, clause (2) after previous conviction</td>
<td>2</td>
<td>0</td>
<td>0 0%</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Severity Level 4/G 1Yr, 1Day/15</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Months (Stayed) (Stayed) Doff Pre 8/1/2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 19. Outline of Mandatory Minimums Applicable to Criminal Sexual Conduct Offenses, 2016*

<table>
<thead>
<tr>
<th>If the current offense is ... and ...</th>
<th>then the court must sentence offender to ...</th>
<th>per Minn. Stat. § ...</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal Sexual Conduct (CSC) 1st-4th Degree or Criminal Sexual Predatory Conduct (CSPC)</strong></td>
<td>[no additional requirements]</td>
<td>609.3455, subd. 6.</td>
</tr>
<tr>
<td>the court is committing offender to prison for the current offense</td>
<td>a sentence that provides for a 10-year conditional release term upon release from prison</td>
<td></td>
</tr>
<tr>
<td>before the current conviction, offender was convicted of a prior completed/attempted CSC 1st-5th Degree (or CSC 1st-3rd Degree, if current offense is CSC 4th Degree) or CSPC, involving separate behavioral incident</td>
<td>a sentence that provides for lifetime conditional release term upon release from prison</td>
<td>609.3455, subd. 7(b) &amp; (c); see also <em>State v. Nodes</em>, 863 NW2d 77 (Minn. 2015) (at one hearing, one conviction was entered “before” other).</td>
</tr>
<tr>
<td><strong>CSC 1st-4th Degree</strong></td>
<td>before the current offense date, offender was convicted of two prior felony violent crimes (see statutory list; includes CSC 1st-4th Degree &amp; Controlled Substance Crime 1st &amp; 2nd Degree)</td>
<td>executed sentence of at least the presumptive Guidelines duration</td>
</tr>
<tr>
<td>the charge is not 2nd Degree based solely on age, age &amp; position, or age &amp; relationship not involving multiple incidents</td>
<td>[no additional requirements]</td>
<td>609.343, subd. 2(b).</td>
</tr>
<tr>
<td><strong>CSC 2nd Degree</strong></td>
<td>executed sentence of at least 90 months, unless the court finds substantial &amp; compelling reasons justifying a Guidelines departure</td>
<td></td>
</tr>
<tr>
<td><strong>CSC 1st Degree</strong></td>
<td>executed sentence of at least 144 months, unless the court finds substantial &amp; compelling reasons justifying a Guidelines departure</td>
<td>609.342, subd. 2(b).</td>
</tr>
<tr>
<td>[no additional requirements]</td>
<td>[no additional requirements]</td>
<td></td>
</tr>
<tr>
<td><strong>CSC 1st-4th Degree or CSPC</strong></td>
<td>before the current offense date, offender was sentenced for a previously completed or attempted CSC 1st-5th Degree or CSPC</td>
<td>executed sentence of 3 years to statutory maximum, unless the court finds that a professional assessment indicates that offender is accepted by, and can respond to, approved long-term inpatient sex-offender treatment</td>
</tr>
<tr>
<td>the current conviction date is within 15 yrs. of previous conviction date</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*CSC 1st-4th Degree = 1st Degree = 2nd Degree = 3rd Degree = 4th Degree
CSC 1st-5th Degree = 1st Degree = 2nd Degree = 3rd Degree = 4th Degree = 5th Degree
CSPC = Criminal Sexual Predatory Conduct*
<table>
<thead>
<tr>
<th>If the current offense is ... and ...</th>
<th>and ...</th>
<th>then the court must sentence offender to ...</th>
<th>per Minn. Stat. § ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>completed or attempted CSC 1&lt;sup&gt;st&lt;/sup&gt;-4&lt;sup&gt;th&lt;/sup&gt; Degree or CSPC for which the court is imposing an executed sentence</td>
<td>the factfinder finds that offender is a danger to public safety (based on a Guidelines aggravating factor; planning or preparation; or previously completing or attempting one of the following adult crimes, or committing one of the following juvenile offenses: murder, manslaughter, Assault 1&lt;sup&gt;st&lt;/sup&gt;-3&lt;sup&gt;rd&lt;/sup&gt; or 5&lt;sup&gt;th&lt;/sup&gt; Degree, Domestic Assault, robbery, kidnapping, false imprisonment, witness tampering, Arson 1&lt;sup&gt;st&lt;/sup&gt; Degree, or Burglary 1&lt;sup&gt;st&lt;/sup&gt; Degree)</td>
<td>the factfinder finds that offender's criminal sexual behavior is so engrained that re-offense risk is great without intensive/long-term treatment/supervision beyond presumptive prison and supervised release</td>
<td>at least double the Guidelines sentence, but not more than the statutory maximum</td>
</tr>
<tr>
<td>life</td>
<td></td>
<td></td>
<td>609.3455, subd. 3a.</td>
</tr>
<tr>
<td>CSC 1&lt;sup&gt;st&lt;/sup&gt;-4&lt;sup&gt;th&lt;/sup&gt; Degree or CSPC</td>
<td>before the current offense date, offender was convicted of two previously completed or attempted CSC 1&lt;sup&gt;st&lt;/sup&gt;-5&lt;sup&gt;th&lt;/sup&gt; Degree (or CSC 1&lt;sup&gt;st&lt;/sup&gt;-3&lt;sup&gt;rd&lt;/sup&gt; Degree, in the case of a current CSC 4&lt;sup&gt;th&lt;/sup&gt; Degree) or CSPC, and was sentenced for both offenses</td>
<td>the factfinder finds that offender was sentenced for the first previous sex offense before committing the second previous sex offense</td>
<td>life, with specified minimum term of imprisonment based on the Guidelines, and provide for lifetime conditional release</td>
</tr>
<tr>
<td></td>
<td>the factfinder finds a Guidelines aggravating factor (other than repeat sex offender) that would justify a durational departure</td>
<td>the previous sentence was an upward durational departure</td>
<td>609.3455, subd. 4(a)(2)(i), 4(b), 5, 7(a).</td>
</tr>
<tr>
<td></td>
<td>the previous sentence was under Minn. Stat. § 609.3455 or the old patterned/predatory sex offender law</td>
<td>the previous sentence was under Minn. Stat. § 609.3455 or the old patterned/predatory sex offender law</td>
<td>609.3455, subd. 4(a)(2)(ii), 4(b), 5, 7(a).</td>
</tr>
<tr>
<td></td>
<td>the previous sentence was an upward durational departure</td>
<td></td>
<td>609.3455, subd. 4(a)(2)(iii), 4(b), 5, 7(a).</td>
</tr>
<tr>
<td>If the current offense is ...</td>
<td>and ...</td>
<td>and ...</td>
<td>then the court must sentence offender to ...</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------</td>
<td>----------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>CSC 1&lt;sup&gt;st&lt;/sup&gt;-4&lt;sup&gt;th&lt;/sup&gt; Degree or CSPC</td>
<td>before the current conviction (see Nodes), offender was twice convicted of CSC 1&lt;sup&gt;st&lt;/sup&gt;-5&lt;sup&gt;th&lt;/sup&gt; Degree (or CSC 1&lt;sup&gt;st&lt;/sup&gt;-3&lt;sup&gt;rd&lt;/sup&gt; Degree, in the case of a current CSC 4&lt;sup&gt;th&lt;/sup&gt; 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</td>
<td>the factfinder finds a Guidelines aggravating factor (other than repeat sex offender) that would justify a durational departure</td>
<td>609.3455, subd. 4(a)(3)(i), 4(b), 5, 7(a).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>one of the prior sentences was an upward durational departure</td>
<td>609.3455, subd. 4(a)(3)(ii), 4(b), 5, 7(a).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>one of the prior sentences was under Minn. Stat. § 609.3455 or old patterned/predatory sex offender law</td>
<td>609.3455, subd. 4(a)(3)(iii), 4(b), 5, 7(a).</td>
</tr>
<tr>
<td></td>
<td>the factfinder finds a &quot;heinous element&quot; (torture, great bodily harm, mutilation, inhumane conditions, weapon used, multiple victims or perpetrators, removal of victim without safe release)</td>
<td>the heinous element is non-elemental (i.e., not already an element of the current offense)</td>
<td>609.3455, subd. 3, 5, 7(a).</td>
</tr>
<tr>
<td></td>
<td>the factfinder finds a non-elemental heinous element before the current offense date, offender was sentenced for a previous CSC 1&lt;sup&gt;st&lt;/sup&gt;-3&lt;sup&gt;rd&lt;/sup&gt; Degree</td>
<td>life without the possibility of release</td>
<td>609.3455, subd. 2(a)(2) &amp; 2(b).</td>
</tr>
<tr>
<td></td>
<td>the factfinder finds two non-elemental heinous elements</td>
<td>the two heinous elements are supported by different underlying facts</td>
<td>609.3455, subd. 2(a)(1) &amp; 2(b).</td>
</tr>
</tbody>
</table>

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

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

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

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

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

### SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)

<table>
<thead>
<tr>
<th>CRIMINAL HISTORY SCORE</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Murder, 2nd Degree (intentional murder; drive-by shootings)</strong></td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>306</td>
<td>326</td>
<td>346</td>
<td>366</td>
<td>386</td>
<td>406</td>
<td>426</td>
</tr>
<tr>
<td><strong>Murder, 3rd Degree</strong></td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td><strong>Murder, 2nd Degree (unintentional murder)</strong></td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td><strong>Assault, 1st Degree</strong></td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td><strong>Agg. Robbery, 1st Degree; Burglary, 1st Degree (w/ Weapon or Assault)</strong></td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td><strong>Felony DWI; Financial Exploitation of a Vulnerable Adult</strong></td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td><strong>Assault, 2nd Degree</strong></td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Burglary, 1st Degree (Occupied Dwelling)</strong></td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Residential Burglary; Simple Robbery</strong></td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>Nonresidential Burglary</strong></td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Theft Crimes (Over $5,000)</strong></td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>Theft Crimes ($5,000 or less)</strong></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Check Forgery ($251-$2,500)</strong></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Assault, 4th Degree Fleeing a Peace Officer</strong></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

1. 121 = One year and one day

---

1. 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.

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

---

2. Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C1-2.

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

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Effective August 1, 2016
Sex Offender Grid

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

<table>
<thead>
<tr>
<th>SEVERITY LEVEL OF CONVICTION OFFENSE</th>
<th>CRIMINAL HISTORY SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>CSC 1st Degree</strong></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>144</td>
</tr>
<tr>
<td></td>
<td>144-172</td>
</tr>
<tr>
<td><strong>CSC 2nd Degree</strong></td>
<td>B</td>
</tr>
<tr>
<td>(c)(d)(e)(f)(h) Prostitution; Sex Trafficking 1st Degree–1a</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>90 3-108</td>
</tr>
<tr>
<td><strong>CSC 3rd Degree</strong></td>
<td>C</td>
</tr>
<tr>
<td>(g)(h)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2nd Degree–1a</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>41-57</td>
</tr>
<tr>
<td><strong>CSC 2nd Degree</strong></td>
<td>D</td>
</tr>
<tr>
<td>(a)(b)(g) CSC 3rd Degree–(a)(e)(f) or(b) with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>60 51-72</td>
</tr>
<tr>
<td><strong>CSC 4th Degree</strong></td>
<td>E</td>
</tr>
<tr>
<td>(g)(h)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography²</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>24 51-72</td>
</tr>
<tr>
<td><strong>CSC 4th Degree</strong></td>
<td>F</td>
</tr>
<tr>
<td>(a)(b)(e)(f); CSC 5th Degree: Possession of Child Pornography (Subsequent or by Predatory Offender)</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>18 39-54</td>
</tr>
<tr>
<td><strong>CSC 3rd Degree</strong></td>
<td>G</td>
</tr>
<tr>
<td>(b) with subd. 2(2): Indecent Exposure Possession of Child Pornography; Solicit Child for Sexual Conduct²</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>15 34-46</td>
</tr>
<tr>
<td><strong>Registration Of Predatory Offenders</strong></td>
<td>H</td>
</tr>
<tr>
<td></td>
<td>12¹</td>
</tr>
<tr>
<td></td>
<td>12¹-14</td>
</tr>
</tbody>
</table>

1 12¹=One year and one day.

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

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

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

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