

Staff Information Paper

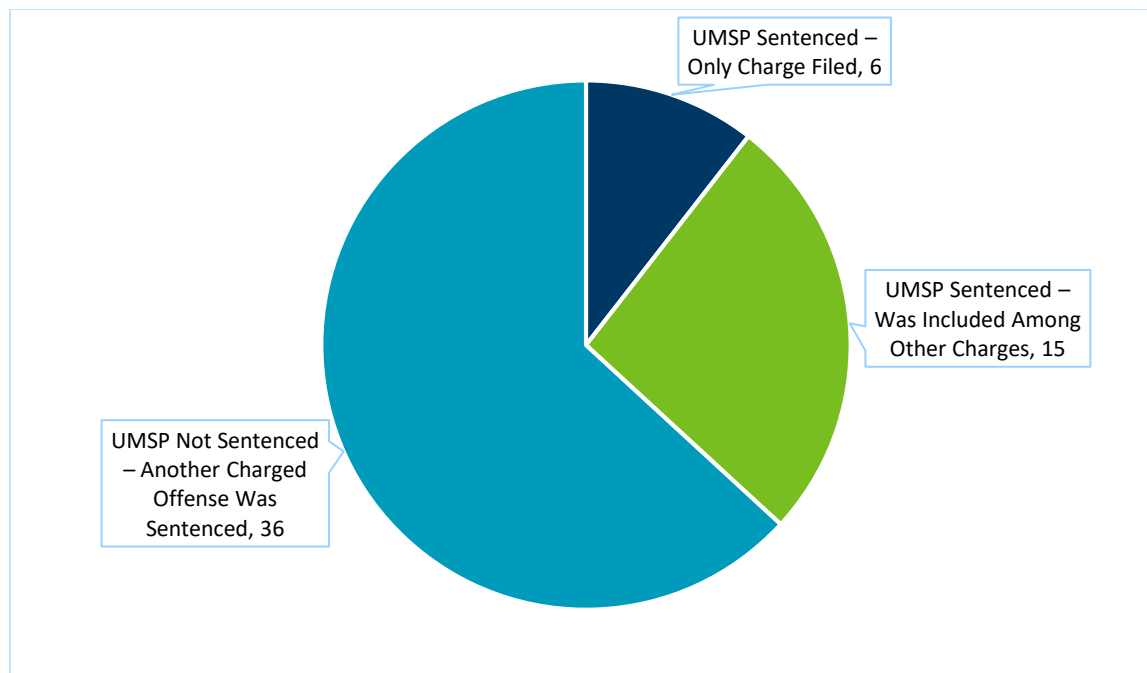
Use of Minors in Sexual Performance: Sentencing Co-Occurring Offenses

October 24, 2019

This paper provides information about other felony offenses charged in conjunction with Use of Minors in Sexual Performance (UMSP), and the sentencing outcomes when co-occurring offense are charged.

In 57 cases sentenced from 2014–18, UMSP was one of the charges originally filed. In 6 cases (11%), UMSP was the only charge. In 15 cases (26%), there were other, non-UMSP charges filed, and UMSP was among the charges sentenced. In 36 cases (63%), UMSP was not among the charges sentenced, but other charged offenses were sentenced. (Figure 1.)

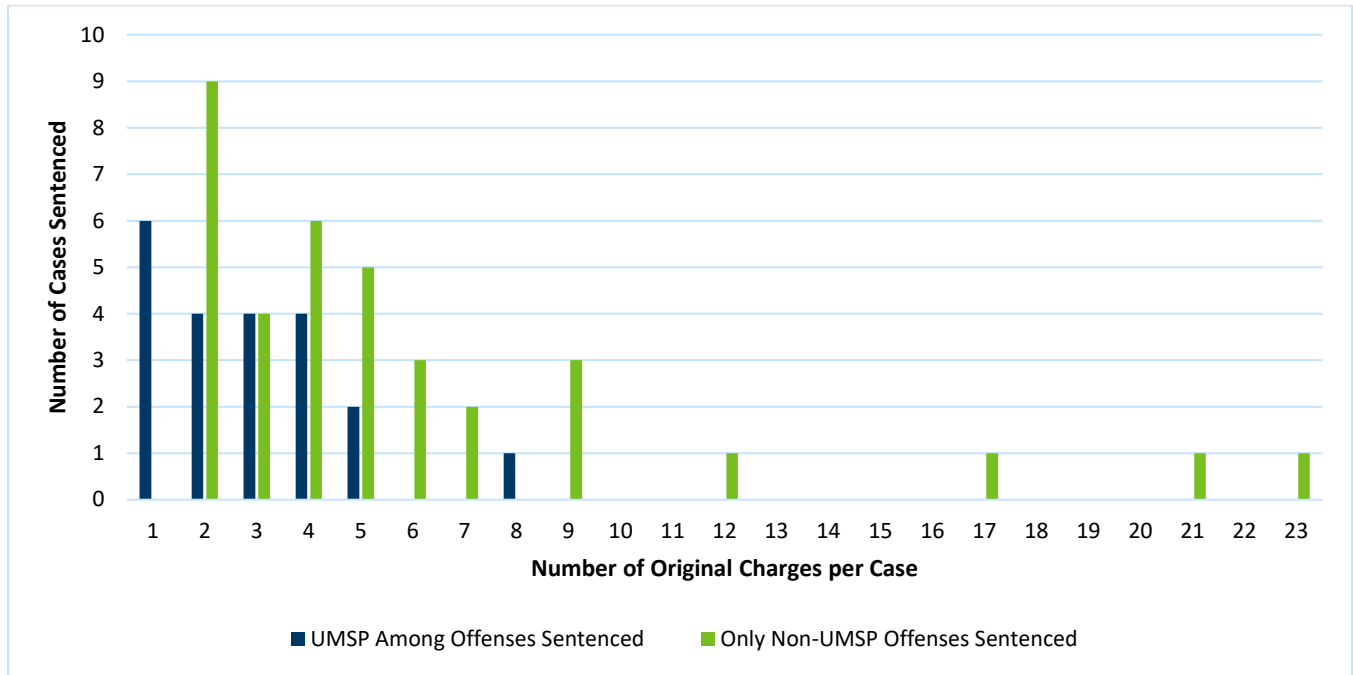
Figure 1. Use of Minors in Sexual Performance (UMSP) Sentencing Outcomes in UMSP-Charged Cases, Sentenced 2014–2018



Source: Minn. Judicial Branch. (Obtained 10/17/2019.)

Figure 2 shows both the number of charges originally filed in these 57 UMSP cases, and whether UMSP was among the offenses sentenced.

Figure 2. Use of Minors in Sexual Performance (UMSP) Sentencing Outcomes in UMSP-Charged Cases, by Number of Charges, Sentenced 2014–2018



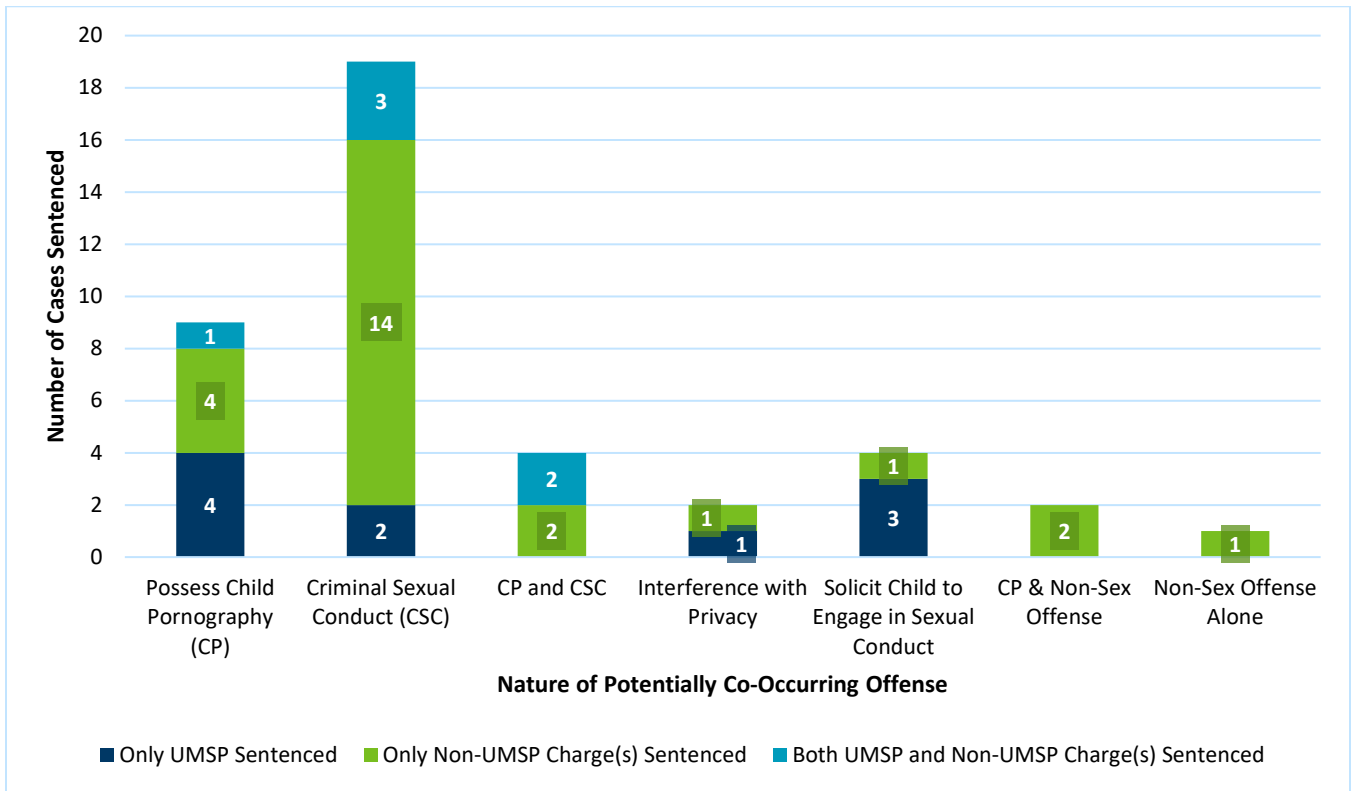
Source: Minn. Judicial Branch. (Obtained 10/17/2019.)

Not all 57 cases involved co-occurring offenses. In a case where a non-UMSP charge allegedly occurred on a different date than the UMSP charge, staff assumes that the charges likely involved different behavioral incidents. In 41 cases, however, the offender was charged with committing an offense on the same day as the alleged UMSP—and was sentenced for either the UMSP, the other offense, or both. Because the offenses allegedly occurred on the same day, staff assumes that it is reasonably possible that these 41 UMSP cases involved sentences either for UMSP or offenses that arose out of the same behavioral incident as UMSP.

Figure 3 shows the sentencing outcomes for the 41 UMSP cases with potentially co-occurring offenses. Among the 41 cases, most involved other charges of criminal sexual conduct, child pornography possession, or both. The potentially co-occurring charges were criminal sexual conduct in 19 (46%) cases, child pornography possession in 9 (22%) cases, and both criminal sexual conduct and child pornography possession in another 4 (10%) cases. Two (5%) cases involved child pornography possession and a non-sex offense. Only 7 (17%) of the cases did not include charges of criminal sexual conduct or possession of child pornography among the potentially co-occurring charges.

As Figure 3 illustrates, in 35 of the 41 (85%) UMSP cases involving another charged offense allegedly committed on the same day, the offender was sentenced for either UMSP or a co-occurring offense, but not both.

Figure 3. Sentencing Outcomes for Potentially Co-Occurring Offenses in Use of Minors in Sexual Performance Cases, Sentenced 2014–2018



Source: Minn. Judicial Branch. (Obtained 10/17/2019.)