

Staff Information Paper

Child Pornography Review Mandate: Legislative History Recap

August 26, 2019

2017

- [HF 1572](#) (Grossell), among its other provisions, would have directed the MSGC to elevate rankings for Child Pornography and Use of Minors in Sexual Performance by one severity level each (hereinafter “the reranking directive”). The bill was given a committee hearing on March 7, 2017, at which the following information was considered:
 - A Feb. 27, 2017, television news story on Jacob William Kinn (<https://www.kare11.com/article/news/415779254>).
 - In 2013, Kinn was sentenced in Beltrami County for Possession of Child Pornography (4 counts):
 - His criminal history score was zero.
 - The presumptive sentence (Hernandized) was 30 months, stayed. The sentencing worksheet for Count 4 is attached as Enclosure 1.
 - Kinn’s actual sentence was four 15-month consecutive sentences, stayed, and 120 days conditional confinement. The consecutive nature of this sentence was an aggravated departure because, in general, consecutive sentences are not permissive unless the presumptive disposition for the current offense(s) is commitment.
 - In a portion of Kinn’s police interview replayed on television, Kinn had admitted having watched child pornography “to relieve the want to do.”
 - In 2016, Kinn murdered his girlfriend, who was babysitting a 5-year-old girl, and then kidnapped and sexually assaulted the girl.

- Kinn would later be sentenced in Beltrami County for Second-Degree Felony Murder, Kidnapping, and First-Degree Criminal Sexual Conduct.
 - Kinn’s net sentences (consecutive and aggravated-durational): 52 years.
 - A Nov. 2016 Report from the National Association to Protect Children (“PROTECT”) entitled “Dangerous State of Justice: PROTECT’s Criminal Justice Reform Report on Minnesota’s Failing Response to Sexual Violence and its Decriminalization of Child Sexual Exploitation.”
 - The PROTECT report stated, “Despite a decade of work on the issue of child exploitation—including authoring numerous pieces of federal and state legislation and working closely with law enforcement and prosecutors across the United States—we know of **no other state in the union** with sentencing as weak as Minnesota’s for child sexual exploitation.” (Emphasis in original.)
 - The report’s methodology for interstate sentencing-strength comparison is not further explained.
 - This quote was relied upon in the news story and in hearing testimony.
 - The PROTECT report also stated, “It is fair to say that Minnesota—through the use and abuse of sentencing guidelines—has essentially **decriminalized child sexual exploitation.**” (Emphasis in original.)
 - In context, “decriminalized” appears to refer to the practice of staying, rather than executing, prison sentences in cases of Child Pornography and Use of Minors in Sexual Performance.
- The House version of 2017 Omnibus Public Safety Bill ([HF 896](#)) included the HF 1572 reranking directive, but the Senate version did not. The reranking directive was ultimately not adopted.

2018

- [SF 2699](#) (Limmer) would have required the MSGC to comprehensively review and consider modifying how the Guidelines address Child Pornography and Use of Minors in Sexual Performance (hereinafter “the review mandate”). The author’s remarks in committee ([March 6, 2018](#)), although not specific to the review mandate, generally suggested that the bill, in total, was intended to be a comprehensive and measured response to several of the 2017 House proposals related to sex offenses.
- [HF 2904](#) (Grossell) reintroduced the reranking directive from HF 1572. The bill was given a committee hearing on April 11, 2018.
 - A [Session Daily article](#) (from the Minn. House Public Information Service), summarizing the hearing and the bill, is attached as Enclosure 2.

- An unofficial transcript of the [testimony](#) of Nicole McKinnon is also attached as Enclosure 3. She is the mother of a girl who was tricked into sending nude pictures of herself to her assistant principal, Brandon Mark Bjercknes. Ms. McKinnon’s testimony is critical of both Minnesota’s child pornography statute and its Sentencing Guidelines.
- A [press release](#) describing the outcome of Bjercknes’s federal prosecution is attached as Enclosure 4.
- Ultimately, the review mandate, rather than the reranking directive, was included in the version of the omnibus supplemental budget bill ([SF 3656](#)) that was passed by both houses, but that bill was vetoed on unrelated grounds.

2019

- [HF 89](#) (Grossell) reintroduced the reranking directive from the previous legislative session. The bill was given a committee hearing on February 26, 2019. The committee heard the [testimony](#) of Bemidji Police Detective Heather Holden.
 - Det. Holden testified that she is a member of the Minnesota Internet Crimes Against Children (ICAC) Task Force and of the Minnesota Human Trafficking Task Force, and is a certified computer forensic examiner. She estimated that she has looked at over 500,000 child pornography images since 2014.
 - Det. Holden opined that the majority of child pornography offenders are also contact offenders; that child pornography is used to groom children for contact offenses; and that child pornography is progressive—to younger and younger victims, ultimately leading to contact offenses.
 - Det. Holden recounted the *Kinn* cases, describing the outcome of the original case as a “stay of adjudication.”
 - Det. Holden also recounted the *Bjercknes* case, contrasting the actual federal outcome with the likely Minnesota outcome for an offender with no criminal history.
 - Det. Holden described another particularly disturbing case, which she also pushed for federal prosecution, of an offender who indiscriminately distributed on the Internet depictions of very young children being raped; groomed children with child pornography; and stalked a young girl.
- [HF 341](#) (Mariani), as amended in committee on March 13, 2019, adopted the review mandate (the Senate’s position from the 2018 and 2019 legislative sessions).
- Ultimately, the review mandate, rather than the reranking directive, was included in the May special session’s omnibus public safety bill. The review mandate was enacted in [2019 Minn. Laws 1st Sp. Sess. ch. 5, art. 4, § 22](#) (Enclosure 5).

**Minnesota Sentencing
Guidelines Commission**

SENTENCING WORKSHEET

Email: sentencing.guidelines@state.mn.us

Reviewed Date: 08/02/2013

Phone: (651) 296-0144

Version: 1 of 1

Status: REVIEWED

| Offender and Court Case Information | | | |
|-------------------------------------|----------------------------|-------------------|--------------------------------------|
| Name: | Kinn, Jacob William | County: | BELTRAMI (4) |
| DOB: | 07/13/1983 | Gender: | Male |
| Race/Ethnicity: | White/Unknown | Case #: | CR13824 |
| Conv./Plea Date: | 05/31/2013 | MN SID #: | MN06129353 |
| | | PSI Investigator: | Olson, Tiffany, (218)308-2587 |

| Conviction Offense | | | | |
|---------------------|---|------------------|---------------------------------------|--|
| Sent ord #: | 4 | Count #: | 4 | |
| Offense Title: | Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn | | Severity Level G | |
| Offense Date: | 03/01/2013 | | | |
| Conviction Statute: | 617.247.4(a) | Penalty Statute: | | |
| Addl Statutes: | | | | |
| Modifiers: | | | | |

| Criminal History Score | | | | |
|------------------------|-------------|------------------|---------------|--|
| Custody Status Point | Juv Points | Misd/G.M. Points | Felony Points | Total Criminal History Points 3 |
| 0 | 0 | 0 | 3 | |
| Type: | None | | | |

| Offenses Included in Criminal History Score | | | | |
|---|---------------------------------------|-----------|------------|----------|
| Type | Offense Title | Units/Pts | Disp Date | Exp Date |
| Juvenile | No Juvenile Priors | | | |
| Misd./G.M. | No Misdemeanor Priors | | | |
| Felony | 1. Possess Pornographic Work of Minor | 1.0 pt. | 08/01/2013 | |
| | 2. Possess Pornographic Work of Minor | 1.0 pt. | 08/01/2013 | |
| | 3. Possess Pornographic Work of Minor | 1.0 pt. | 08/01/2013 | |

| | |
|---|------------------|
| Presumptive Disposition | Stay |
| Presumptive Duration | 30 months |
| Conditional Release Statutes Apply if Prison Sentence is Executed: 5 Years | |

| Comments |
|----------|
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ENCLOSURE 1

Bill would toughen state penalties on child porn offenders - Session Daily

Apr 11 2018 4:15PM

Dropping her teenage daughter off at school, Nicole McKinnon worries about things like bullying, boys acting inappropriately or homework getting done.

"I never thought I had to worry about keeping my kids safe from the people I trusted to educate them," she told the House Public Safety and Security Policy and Finance Committee Wednesday.

In March 2017 she found out Brandon Bjercknes, the school's assistant principal, groomed her daughter by posing as a teenage boy online, befriended the 13-year-old and ultimately got her to send him nude pictures.

"We have been through hell in the past year," McKinnon said.

Her daughter, well-liked by teachers and fellow students, had much success in school, including being voted class president and was on the school swim team.

"He was a grown man and (my daughter) was not the only victim," McKinnon said, noting authorities said 55 children were victimized.

Once the federal government took over the case, Bjercknes, 35, was sentenced to 25 years in prison plus lifetime supervision and must register as a sex offender.

Until tougher federal charges were filed, McKinnon said Bjercknes, a first-time offender, was looking at "a slap on the wrist" by state courts with a presumptive stayed sentence including no jail time or sex offender registration.

WATCH [House lawmakers debate a bill to toughen penalties for child pornography offenses](#)

"The benefits given to first-time offenders are huge, and he had confessed to preying on children for his own sexual satisfaction for at least three years," McKinnon said. "... Does he really deserve a break because he was smart enough to figure out how to carry on this disgusting scheme for a really long time without being caught?"

The committee held over an amended [HF2904](#), a bill that contains nearly a dozen get-tougher-on-child-pornography provisions, including a guarantee that someone found guilty of distributing or possessing child pornography would spend time behind bars.

"If they're hooked up on a child pornography charge they have to be threatened with federal charges before there's cooperation or before there's really any prison time," said [Rep. Matt Grossell](#) (R-Clearbrook), the bill sponsor.

There is no Senate companion.

Current law does not require jail time for distribution and possession of child pornography. The proposed change calls for a mandatory minimum six-month jail sentence for first-time offenders with a minimum 12-month sentence for predatory and

repeat offenders.

“This is about community justice ... and making sure the [Sentencing Guidelines Commission](#) and judges are holding offenders responsible for at least six months,” said Theresa Paulson, an attorney at Civil Society, a nonprofit organization that helps victims of sexual abuse.

BCA Superintendent Drew Evans said the number of suspected child pornography or online exploitation of children tips continues to rise, with 2,148 received in 2017.

“When an image is shared and somebody uses that for sexual gratification, that child who was victimized and then recorded and then disseminated is re-victimized every single time that image is viewed,” he said.

Ryan Else, legislative chair of the Minnesota Association of Criminal Defense Lawyers, expressed concern about removing court discretion.

“A mandatory minimum jail sentence takes away discretion from judges that get to see these cases, get to know who the offender is, and can make a decision based on the circumstances of the offense,” he said.

Other proposed changes include:

- increasing the maximum sentence for possession of child pornography from five to seven years for first-time offenders and 10 to 15 years for each subsequent conviction, or if the person is required to register as a predatory offender;
- increasing from 10 to 15 years the maximum penalty for using a minor in a sexual performance or pornographic work;
- increasing the maximum sentence for the dissemination of child pornography to 15 years for a first-time offender and 20 years for each subsequent conviction;
- upping the conditional release term for offenders convicted of child pornography for profit from five to 10 years, and imposing a 25-year conditional release term on repeat offenders; and
- directing the Sentencing Guidelines Commission to modify the [sex offender grid](#) by increasing the severity level ranking of the offenses of manufacturing, disseminating, and possessing child pornography.

Unofficial, partial transcript of testimony before the Minnesota House Public Safety and Security Policy and Finance Committee, April 11, 2018.

TESTIFIER: My name is Nicole McKinnon, and this is my daughter [M]. I told her what was coming here to do here today and she thought it was important to be here with me. This is really important to her, too. I was asked to come here today by Mr. Grossell to talk about my experience with the current laws and sentencing guidelines for sexual predators and child pornography offenders. This is not an easy thing for me to do and is certainly not easy for my 14-year-old daughter. Being here today is not within my comfort zone, by any means, but we have been through hell in the past year and our story is important for you to hear. Our pain and frustrations come only from the situation we found ourselves in, but also the laws that are in place, which we feel failed us as victims.

Victims of sexual predators feel a lot of shame and embarrassment. They also carry a lot of guilt and responsibility for what happened to them. The sentencing guidelines, as they are now, help to promote the feelings of guilt within the victims to the point where they think maybe they should be punished as well. And many of them punish themselves for the rest of their lives. During the sentencing hearing in the case I am about to discuss, we heard story after story of young girls cutting themselves and attempting suicide after their abuse finally ended. Because of that, the punishment for this type of crime needs to be much more severe. We need to show these kids, like my daughter, that this behavior is not tolerated. The violation of children in Minnesota can no longer be a slap-on-the-wrist offense, and the kids should not feel like they need to share the blame and punish themselves.

Just over a year ago my daughter was a normal, 13-year-old middle school teenager. Actually she is a pretty extraordinary kid in my eyes, but I might be a little biased. In March of 2017, her biggest worry in life was the fact that she was getting braces put on her teeth in a few weeks, and maybe a little friend or boy drama here or there. She was enjoying school and enjoying life. She was into snowboarding and skateboarding and was a member of the middle school swim team. The year before, she had been voted class president, and through student council had formed some pretty close relationships with teachers and administrators of the school. [M]'s teachers really liked her, mostly because she was so helpful and thoughtful. She would constantly beg me in the car on the way to school to stop and get a donut for Mr. Whoever because he looked sad yesterday, or asked if we could get coffee for Mrs. Whoever because her pet turtle died or something. She had this level of empathy and compassion that's rare in middle school kids these days. Her teachers noticed this, and even seemed to treat her a little differently from other students. She had privileges awarded to her that other students didn't have. She was allowed to hang out in certain teachers' classrooms in the morning before school, and even charge her cell phone in the assistant principal's office during the day, and stop in between classes to check messages or to send a quick text. The progression of this was slow, and seemed so natural that it didn't raise red flags like I really wish it had. I was simply

proud of my daughter was flourishing in school, and I was excited to see that so many other people thought she was as amazing as I think she is.

There are so many things we know we need to protect our children from. I thought I'd done a really good job keeping my children safe. None of them have even broken a bone or had anything particularly scary happen to them. I was fine with letting my kids feel angry or disappointed if I had to tell them, no, they couldn't do something because it was unsafe. When I drop them off at school I worry about all sorts of things—bullies; boys acting inappropriately; was their homework getting done; big math test coming up; the grey stuff my daughter said she had for lunch yesterday—but I never really thought to worry about keeping my kid safe from the people I trusted to educate them.

In late March of 2017, I was hit with a massive dose of reality, which felt more like a baseball bat to the head. Someone had been sexually grooming my daughter via social media. He told her he was a middle school boy from Duluth who had recently lost his mother and was dealing with all sorts of issues at home with his father. He felt alone and afraid. My daughter, being the compassionate person she is, felt terrible for this boy she didn't even know. She wanted to help him and do anything she could to make his life better. They spoke often, as teenagers do, via Facebook and Snapchat, and they became close. He slowly pushed for the communication to turn sexual in nature, as he showered her with compliments and made her feel she was really helping him get through this difficult time in his life. He persuaded her to send nude photographs to him.

Investigators from the sheriff's office came to my office one morning to let me know what was happening, and asked permission to interview my daughter at school, because the boy from Duluth was not who he said he was. He was a grown man, and [M] was not the only victim. I did everything they asked. I allowed them to interview [M]. I allowed them into my home to photograph my daughter's bedroom and her bathroom. I was in complete shock. The anger and disbelief I felt was unimaginable. Some man was grooming and using my daughter for his own sick pleasure. There were nude pictures of my little girl being used for disgusting purposes. The investigators couldn't tell me who the man was until they had him in custody; it took two days for that to happen.

In the meantime I brought [M] to church and we talked with our pastor about what had happened. We set up a plan, and worked through this, and the relearning of appropriate behavior. I brought her to a counselor. I'm also not proud to say I yelled at her. I was angry and disappointed that my kid had been so stupid. I was angry at myself for not being more like the helicopter parents I ignorantly prided myself on not being like. I also made some phone calls to the school to start building a support system for [M]. I had wanted to let the people [M] trusted most in the school know that something disturbing had happened, and that [M] might need some special considerations over the next few days. I called the assistant principal. When he did not answer, I tried his cell phone. I had his personal phone number because he was so close

with [M], and had helped her through many issues in the past, and would reach out to me after. I was disappointed when he did not answer his cell either.

The next day the investigator's black SUV rolled into my driveway and I felt the smallest bit of relief. I hoped this meant the pervert was in custody and we could move on, a valuable life lesson learned. Unfortunately, what he was about to tell us ended up more devastating than we ever could have imagined. The assistant principal at the Bemidji middle school had been arrested and charged as a sexual predator, and he had already confessed. The assistant principal had been engaging in disturbing sexual conversations with my little girl, conversations that the investigator said sickened him, a seasoned detective, and he hoped I never had to learn the full extent of it. The assistant principal had nude photos of my child, which he used for his own sexual pleasure. He told me this and my heart dropped, knowing I now had to tell [M].

I called her into the room and I hugged her. I told her everything was going to be okay, and that I was here for her no matter what. Then, the investigator and I told her the truth about the situation together. It took her a few minutes to fully understand what we were saying. The impossibility of it was almost comical to her at first. It didn't take long for her world to come crashing down. The color drained from her face and she started to sob. The investigator, a big bear of a man, had to excuse himself as his eyes filled with tears. As he was walking to the door, with a broken voice he managed to explain that he had a daughter too. He was going to make certain that justice would be served. He left, and my three other children came into the room. We all held each other and cried for hours; I don't think any of us got much sleep that night.

The next day, I was on a mission. I marched into the school and demanded to speak with the head principal. I was angry, probably looked a little scary, and I don't think anyone at the school dared to tell me "No" at that point. I had questions I wanted answered, I needed a plan for my [M]'s future, and I needed it now. After that lengthy meeting at the school, I headed to the district offices to speak with the head of human resources. I again showed up unannounced and demanded a meeting which I was given immediately. The whole angry-mother-on-a-mission thing is pretty effective. At this meeting I was told that the assistant principal was still employed. He was put on administrative leave and would continue to receive his pay unless a conviction was made. I left that meeting even more fired up. By now it was time to head over to the courthouse for the arraignment, which I was not going to miss. I needed to look that man in the eyes. I sat in the front row. I must've still had that angry-scary-mother appearance because they posted two bailiffs on either side of me during the hearing, probably for good reason.

The reason I'm here today starts at this point in my story. Because this man was a first-time offender, he was given the option of posting a low bail amount with conditions attached, such as no access to the internet and no contact with children. Or, he could post a much higher bail with no conditions at all. He ended up posting the higher bail and was released, just like that: Able to return to his family, able to do anything he wanted. This man, who had just confessed to preying on kids, was free to go sit at the playground on his laptop if he wanted to. He was

ultimately given the opportunity to buy himself access to children. I was furious that this was allowed. Unfortunately, it was actually about to get a whole lot worse.

The prosecuting attorney invited me up to his office after the arraignment to talk about what would happen next. When we arrived in his office, he explained to me what just happened in court was completely normal, pretty much exactly what he expected to happen. Not surprisingly, this didn't calm me down much. Someone known to violate children, a dangerous predator, was free to go with no conditions, and this was all perfectly normal. I learned he could walk up to my front door if he wanted to. I was terrified for my family. I started to think of people we could stay with, places we could hide. It was beginning to become obvious that the legal system was not interested in keeping us safe.

The prosecutor then put a sex offender sentencing guideline grid in front of me. This was something I had never seen before, didn't even know such a thing existed. He explained that the principal, with his new high-dollar attorney, was a squeaky-clean, highly educated, first-time offender, which meant he came in with zero criminal points. He also explained that the severity of what they knew about the crimes up to this point were considered a very low-level G. I believe there were only two or three charges at this point, which meant the sentencing guidelines suggested a presumptive stayed sentence; no jail time, and no registration on the sex offender list.

My daughter's abuser was labeled a first-time offender by the court system. Maybe technically that is true, but the benefits given to first-time offenders are huge, and he had confessed to preying on innocent children for his own sexual satisfaction for at least three years. He took what he knew about these kids by getting to know them at school, his place of employment, and used his position of authority to groom them and use them for sexual purposes. But he is considered a first-time offender. Does that seem right to you? Does he really deserve a break because he was smart enough to figure out how to carry on this disgusting scheme for a really long time without being caught? This left me with horrible thoughts that kept me up at night. Should I hope that more kids were hurt by this man so he would receive more criminal points? What a sick thought. I hated myself for thinking that way. But it felt as though my daughter's pain, the abuse she suffered, didn't mean anything. The sentencing grid was like a sick board game and we were losing.

How would I explain this to my daughter? "What happened to you is really bad, but the court system doesn't think so, so this horrible person isn't going to have consequences." You understand how that makes a kid feel. It makes them feel like blame and consequences are due somewhere: A terrible crime was committed, and the offender isn't receiving consequences, then the victims must hold some responsibility themselves. I'm convinced that if my daughter's abuser had been dealt with appropriately, she would've been spared a lot of unnecessary pain. She would've fully realized the severity of what happened and let the blame rest on the principal himself. She would've walked away with a life lesson instead of carrying around baggage filled with guilt and responsibility.

At the end of the investigation it was found that over 55 children have been victims of the assistant principal at the middle school—55 children and hundreds of family members' lives changed by this sick man. I thought, surely this would be enough to put him away and throw away the key. But again, I was very wrong and this is not the case. Because of the definition of child pornography, as defined in Minnesota, many of the pictures the principal is in possession of did not constitute child pornography. Let me make sure I am clear here: A man in a position of authority at a middle school has nude pictures on his computer of the very children he sees and mentors every day, and only a few are legally considered child pornography. Pardon my frankness here but: Why? What are you people doing? Why is the law like this? It is so wrong. How is this protecting our children in Minnesota?

Take a minute and think about your own children, your grandchildren, your nieces and nephews. I didn't put much thought into this until it happen to my family, so I understand that there's not giving it the complete attention it deserves, but I'm asking you to do that now. Do it before it touches your loved ones. Fix these problems and make the changes that need to be made to these laws.

Our story has an ending I can live with, but only because the federal government agreed to take over the case, and was able to sentence him based on federal guidelines. This man was looking at a maximum of only a few years in jail before the assistant U.S. Attorney took over and saved the day. She is a hero in my eyes. I am so relieved to be able to tell you that the man who hurt my child was sentenced to 25 years in federal prison for what he did, plus lifetime supervision after he is released. He will be registered as a federal sex offender, and a long list of measures will be taken to prevent him from ever hurting anyone else. But this doesn't change the fact that we were first failed by Minnesota. More children are failed by Minnesota every day the laws stay as they are. Minnesota wanted to send this disgusting sexual predator back to his comfortable life with barely a slap on the wrist. The federal government understands the severity of this problem and sentences these predators appropriately.

Minnesota needs to do the same. We need to fix the sentencing guidelines because they are outdated and they do not serve justice. They do not protect the children of Minnesota and they cause more harm than good. Mr. Grossell has a good start here with this bill, and I'm so thankful to him for feeling personally responsible for protecting Minnesota's children. I hope you all feel the same way, as you should as elected officials. This bill is a good start, but there's still more that can be done. If you're sitting here worrying about this bill going too far, as I've heard some people feel, just ask yourself how far you would go to protect my daughter sitting here today. How far would you go to protect the children in your own lives? This bill does not go too far. Please, let's give the sick predators in our state one more reason to leave our children alone.

This is our story, our extremely painful experience, and now I can pray and trust that you'll do your job and do the right thing. Thank you.



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Department of Justice

U.S. Attorney's Office

District of Minnesota

FOR IMMEDIATE RELEASE

Wednesday, February 7, 2018

Former Bemidji Assistant Principal Sentenced To 300 Months In Federal Prison For Sexually Exploiting Dozens Of Children

United States Attorney Gregory G. Brooker announced the sentencing of BRANDON MARK BJERKNES, 35, to 300 months in prison for sexually exploiting dozens of children. BJERKNES, who pleaded guilty on September 28, 2017, to one count of coercion and enticement of a minor and one count of production of child pornography, was sentenced on February 6, 2018, before Judge Wilhelmina M. Wright in U.S. District Court in St. Paul, Minn.

"During his tenure as Assistant Principal of Bemidji Middle School, Brandon Bjerknes repeatedly victimized at least 55 vulnerable young girls and boys over the course of almost three years," said Assistant U.S. Attorney Angela Munoz-Kaphing. "Today's sentence ensures that this defendant is held accountable for his reprehensible crimes and our community, including the brave victims who shared their stories, will be safe from his predatory actions."

"Preying on children is detestable. It is especially egregious when the predator is someone in a position of authority and trust," said BCA Superintendent Drew Evans. "Partnering with our law enforcement partners and prosecutors, we will find these people and bring them to justice."

The Beltrami County Sheriff's Office is extremely satisfied to see this case against Brandon Bjerknes concluded in the federal courts," said Sheriff Phil Hodapp. "Mr. Bjerknes violated his high position of trust and authority over the children in our schools and our community, so it was exceptionally important for us to see this case brought to justice."

According to the defendant's guilty plea and documents filed in court, since 2006, BJERKNES was employed by the Bemidji Area Schools and, beginning in 2014, served as the Assistant Principal of Bemidji Middle School until his resignation in April 2017. While holding the position of Assistant Principal, BJERKNES posed as a 13-15-year-old male named "Brett Larson," and used various social media profiles on Facebook and Snapchat with "decoy photographs" to contact minor females and males in middle and high school. Using the alias profiles, BJERKNES directed the minor victims to send him sexually explicit photographs. BJERKNES also used the alias profiles to engage in sexually explicit conversations with the minor victims. Some of the minor victims BJERKNES contacted on social media were students at Bemidji Middle School.

ENCLOSURE 4

According to the defendant's guilty plea and documents filed in court, on March 20, 2017, law enforcement executed a search warrant at BJERKNES' Bemidji residence. Officers seized a number of electronic devices including BJERKNES' personal iPhone and work iPhone, multiple iPads, computers and external hard drives. The social media accounts and the electronic devices contained multiple sexually explicit photos and videos of multiple known minor victims. Law enforcement identified evidence that BJERKNES used the alias social media accounts to contact more than 50 minor victims.

This case is the result of an investigation conducted by the Minnesota Bureau of Criminal Apprehension and the Beltrami County Sheriff's Office.

Assistant United States Attorney Angela Munoz-Kaphing prosecuted the case.

Defendant Information:

BRANDON MARK BJERKNES, 35

Bemidji, Minn.

Convicted:

- Coercion and enticement of a minor, 1 count
- Production of child pornography, 1 count

Sentenced:

- 300 months in prison
- Lifetime of supervised release
- \$8,789.93 in restitution thus far

###

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Updated February 7, 2018

CHAPTER 5--S.F.No. 8

An act relating to public safety; modifying certain provisions relating to public safety, courts, corrections, sexual offenders, predatory offenders, vehicle operations, and firefighters; providing for a task force and working group; requiring reports; providing for criminal penalties; appropriating money for courts, public safety, sentencing guidelines, corrections, human rights, Peace Officer Standards and Training (POST) Board, Private Detective Board, Guardian ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Bureau of Mediation Services; amending Minnesota Statutes 2018, sections 2.722, subdivision 1; 13.201; 13.72, subdivision 19; 15A.0815, subdivision 3; 84.91, subdivision 1; 86B.331, subdivision 1; 169A.24, subdivision 1; 169A.63, by adding a subdivision; 171.07, subdivision 1a; 171.20, subdivision 4; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 7; 243.48, subdivision 1; 244.052, subdivision 4; 299A.707, by adding a subdivision; 299C.093; 299F.857; 299N.01, subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06; 340A.22, subdivision 4; 357.021, subdivision 7; 363A.35, subdivision 3; 403.02, by adding a subdivision; 403.03; 465.719, subdivision 14; 590.11, subdivisions 1, 2, 5, 7; 609.095; 609.341, subdivisions 10, 11, 12; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.746, subdivision 1; 609.749, subdivisions 1, 2, 3, 5, 8; 611.365, subdivisions 2, 3; 611.367; 611.368; 617.246, subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9; 624.712, subdivision 5; 626.556, subdivision 2; 631.412; 634.20; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; proposing coding for new law in Minnesota Statutes, chapters 13; 171; 241; 243; 609; 626; repealing Minnesota Statutes 2018, section 13.72, subdivision 9.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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ARTICLE 4**SEXUAL OFFENDERS**

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Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

The Sentencing Guidelines Commission shall comprehensively review and consider modifying how the Sentencing Guidelines and the sex offender grid address the crimes described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar crimes, including other sex offenses and other offenses with similar maximum penalties.

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