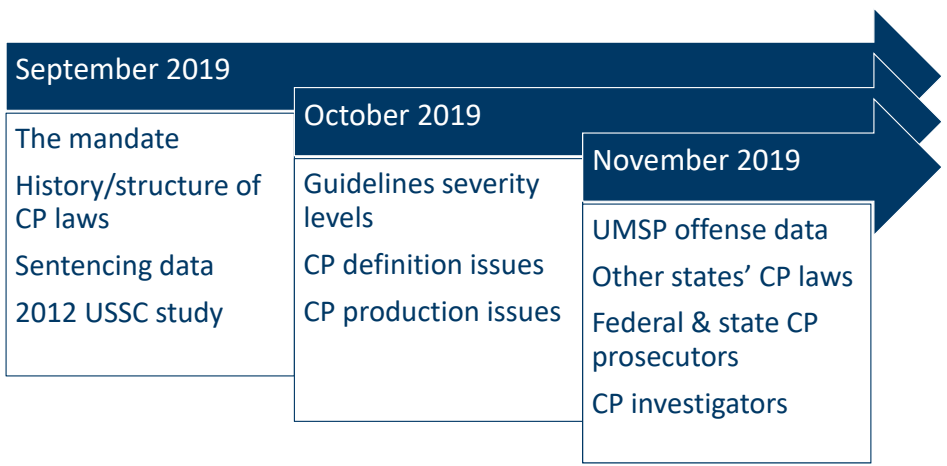




## Continuation of Child Pornography Review

February 13, 2020  
Staff Presentation  
Nate Reitz, MSGC Executive Director  
[mn.gov/sentencing-guidelines](http://mn.gov/sentencing-guidelines)

## Child Pornography Review Thus Far



### 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.

—2019 Minn. Laws 1st Sp. Sess. ch. 5, art. 4, § 22

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## Today: A different look at Guidelines severity levels

- A closer look at sex offenses and how they are ranked
- Goal: See exactly how severely Guidelines rank child pornography offenses
- “Offenses listed within each severity level are deemed equally serious.”
  - Guidelines § 1.B.17.

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## Key to abbreviations on these slides

- **SL** = Sex Offender Grid’s severity level (A through H)
- **CSC** = Criminal Sexual Conduct
- **CP** = Child Pornography
- **P** = Possession
- **D** = Distribution
- **U** = Use of Minor in Sexual Performance
- **P+, D+, U+** = An enhancing factors is present (subsequent, by predatory offender, or child under 13)
- Terminology is not precise

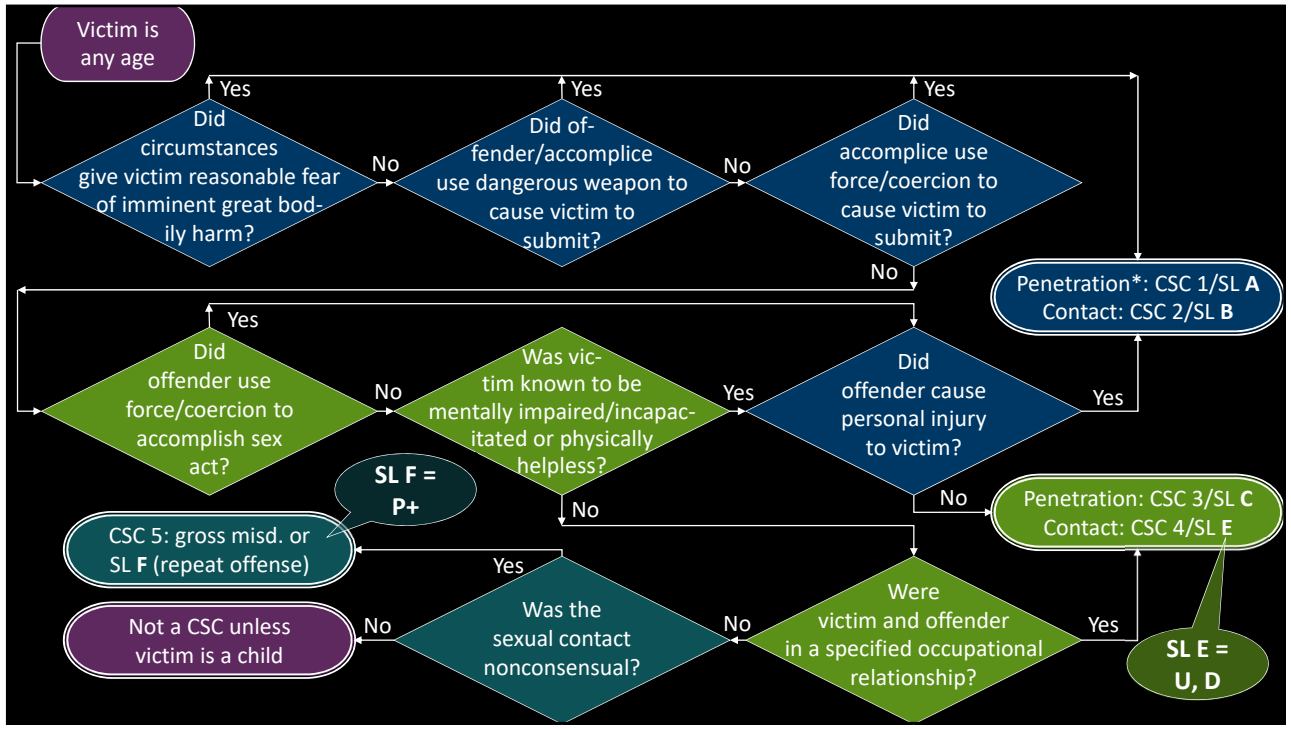
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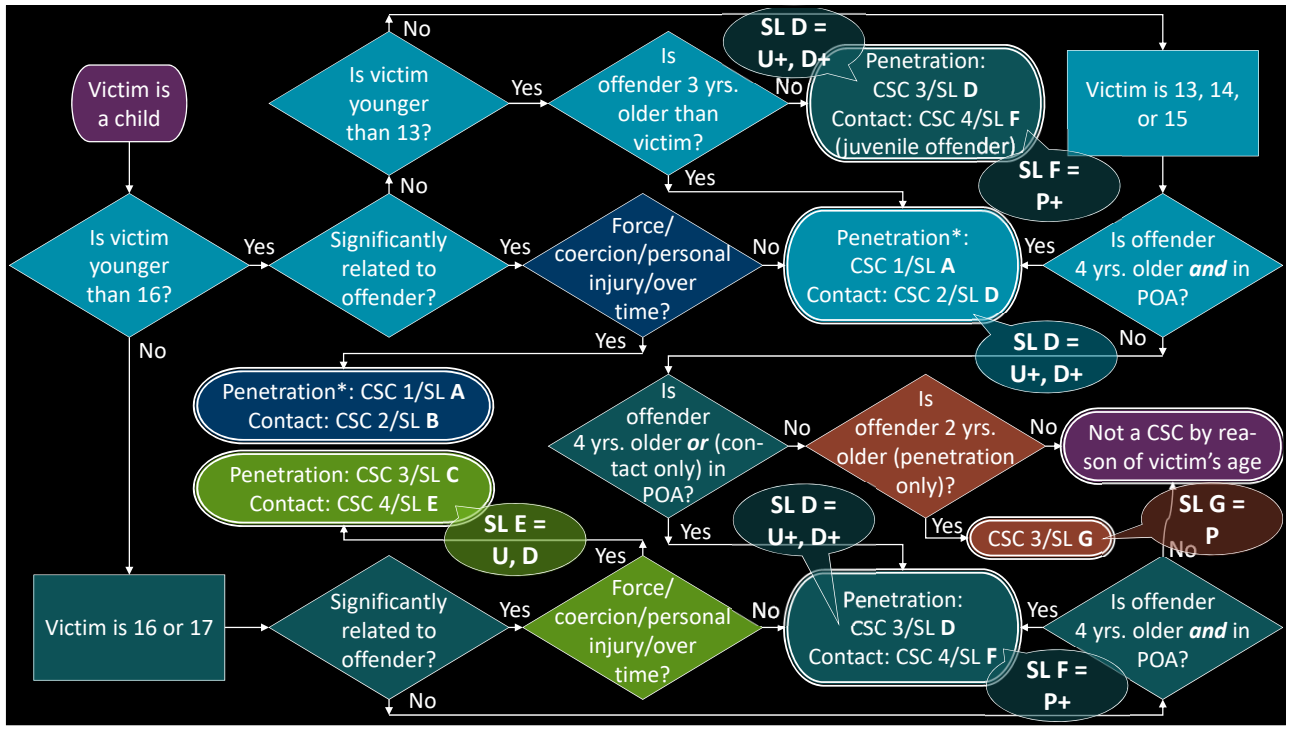
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CSC	CP	SL	CHS 0	CHS 1	CHS 2	CHS 3	CHS 4	CHS 5	CHS 6+
1		A	12	13	14	15	19.5	25.5	30
2		B	7.5	9.2	10.8	12.5	16.3	21.3	25
3		C	4	5.2	6.3	7.5	9.8	12.8	15
2/3	U+, D+	D			5	5.8	7.6	9.9	11.7
4	U, D	E	Presumptive stayed prison (up to 1 year in jail)			5	6.5	8.5	10
4/5	P+	F				3.8	4.9	6.4	7
3	P	G					3.3	4.3	5

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CSC	CP	S L	CHS 0	CHS 1	CHS 2	CHS 3	CHS 4	CHS 5	CHS 6+
1		A	12	13	14	15	19.5	25.5	30
2		B	7.5	9.2	10.8	12.5	16.3	21.3	25
3		C	4	5.2	6.3	7.5	9.8	12.8	15
2/3	U+, D+	D	Penetration: Relative <18; <16 & 4 yrs. older Contact: <13; relative <15		5	5.8	7.6	9.9	11.7
4	U, D	E	Contact: By force/coercion, physical/ mental state, or occupational relationship; aggravated relative <18			5	6.5	8.5	10
4/5	P+	F	Contact: Relative <18; <16 & 4 yrs. older; <18 & authority 4 yrs. older; repeat nonconsensual			3.8	4.9	6.4	7
3	P	G	Penetration: < 16 & 2 yrs. older				3.3	4.3	5