

Staff Information Paper

Sentencing Practices: Sex Trafficking and Prostitution Cases

February 24, 2022

This information paper provides 2015–2019 sentencing data on the felony sex trafficking and prostitution offenses found in Minn. Stat. §§ 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking) & 609.325 (Patrons; Prostitutes; Housing Individuals Engaged in Prostitution; Penalties). Due to the COVID-19 health pandemic, 2020 data are considered to be atypical and are generally omitted.

Sex Trafficking

For offense descriptions and rankings, please refer to the [sex trafficking review staff presentation](#) presented at the February meeting.

Table 1. Volume of Sex Trafficking Cases, Sentenced 2015–2020

Offense	2015	2016	2017	2018	2019	2015–2019		2020
						Total	Average	
Sex Trafficking 1st Degree, 609.322 1(a)	9	9	4	5	6	33	6.6	2
Aggravated Sex Trafficking 1st Degree 609.322 1(b)	4	0	0	0	1	5	1.0	0
Sex Trafficking 2nd Degree 609.322 1a	17	18	20	22	15	92	18.4	18
Aggravated Sex Trafficking 2nd Degree 609.322 1(b)	0	3	4	0	1	8	1.6	0
Total	30	30	28	27	23	138	27.6	20

Prostitution Offenses on the Standard Grid

Data on the following felony prostitution offenses are omitted for the reasons stated:

- Prostitution Crimes (Gross Misd. Level) Committed in School or Park Zones (Minn. Stat. § 609.3242, subd. 2(2); severity level 1) – no cases sentenced during the reported time period
- Patrons of Prostitution (2nd or Subsequent Violation) (Minn. Stat. § 609.324, subd. 2(b)); severity level 3) – took effect September 15, 2021

This document was prepared by the staff of the Minnesota Sentencing Guidelines Commission for the Commission's review. This document has not been adopted by the Commission and does not necessarily represent its views.

Similarly, the revised age threshold—changed from 13 to 14 years—is not reflected in the reported data because the change took effect September 15, 2021.

Table 2. Volume of Prostitution Cases on Standard Grid – Offense Definitions, Number of Cases, and Number of Presumptive Commitments, Sentenced 2015–2020

Offense of Engaging in, hiring, or agreeing to hire a minor to engage in prostitution	Severity Level	Statutory Maximum Sentence	2015–2019		Number of Presumptive Commits
			Total	Average	
609.324 1(a); under 13 or reasonably believed to be under 13	9	20	1	<1	1
609.324 1(b); age 13–15 or reasonably believed to be age 13–15	5	10	160	32	2
609.324 1(c); age 16 or 17 or reasonably believed to be age 16 or 18	3	5	139	28	4
Total	---	---	300	60	7

Demographic Information on Sex Trafficking and Prostitution Offenses

Table 3. Demographic Information, Sex Trafficking & Prostitution Offenses, Sentenced 2015–2019

		All Felony Offenses 2015–2019		Sex Trafficking Offenses 2015–2019		Other Cases on Sex Grid 2015–2019 (Excluding FRPO)		Prostitution Offenses On Standard Grid	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
	Male	70,524	80.5	111	80.4	3,206	98	300	100
	Female	17,026	19.5	27	19.6	64	2	0	0
Race	White	50,160	57.3	20	14.5	2,142	65.5	202	67.3
	Black	22,734	26.0	103	74.6	576	17.6	38	12.7
	American Indian	7,560	8.6	2	1.4	121	3.7	2	0.7
	Hispanic	4,532	5.2	5	3.6	351	10.7	28	9.3
	Asian	2,529	2.9	8	2.8	76	2.3	29	9.7
Judicial District	1st	11,342	12.9	6	4.3	426	13	40	13.3
	2nd	9,369	10.7	22	15.9	281	8.6	33	11.0
	3rd	6,766	7.7	16	11.6	328	10	12	4.0
	4th	18,021	20.6	56	40.6	605	18.5	128	42.7
	5th	5,079	5.8	2	1.4	252	7.7	20	6.7
	6th	4,256	4.9	1	0.7	156	4.8	4	1.3
	7th	9,036	10.3	21	15.2	286	8.7	18	6.0
	8th	2,334	2.7	0	0	127	3.9	0	0
	9th	8,577	9.8	2	1.4	313	9.6	5	1.7
	10th	12,817	14.6	12	8.7	496	15.2	40	13.3
Total		87,597	100	138	100	3,270	100	300	100

Note: “FRPO” refers to Failure to Register as a Predatory Offender.

The following figures display Table 3’s racial and geographical percentages graphically. A map of the ten judicial districts is available at mncourts.gov/Find-Courts.aspx.

Figure 1. Racial Distribution, Sex Trafficking & Prostitution Offenses, Sentenced 2015–2019

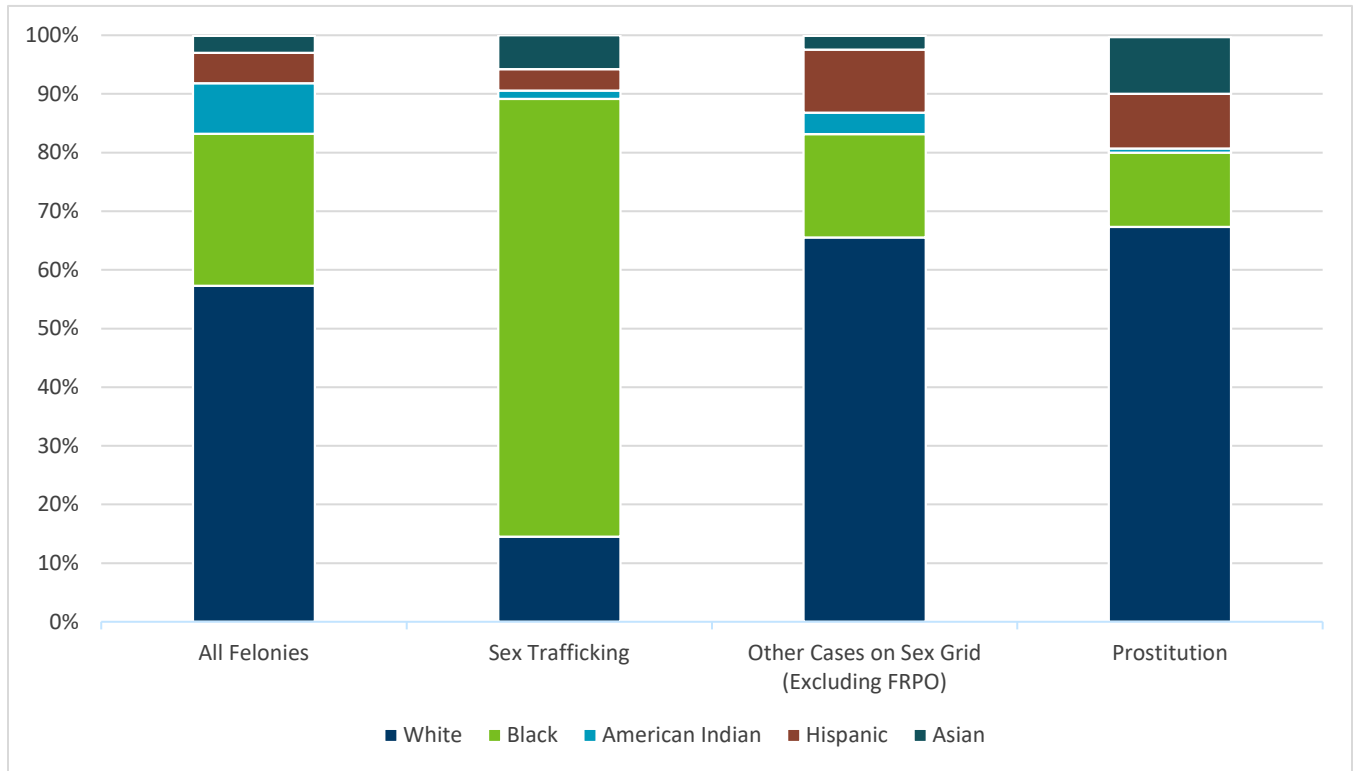
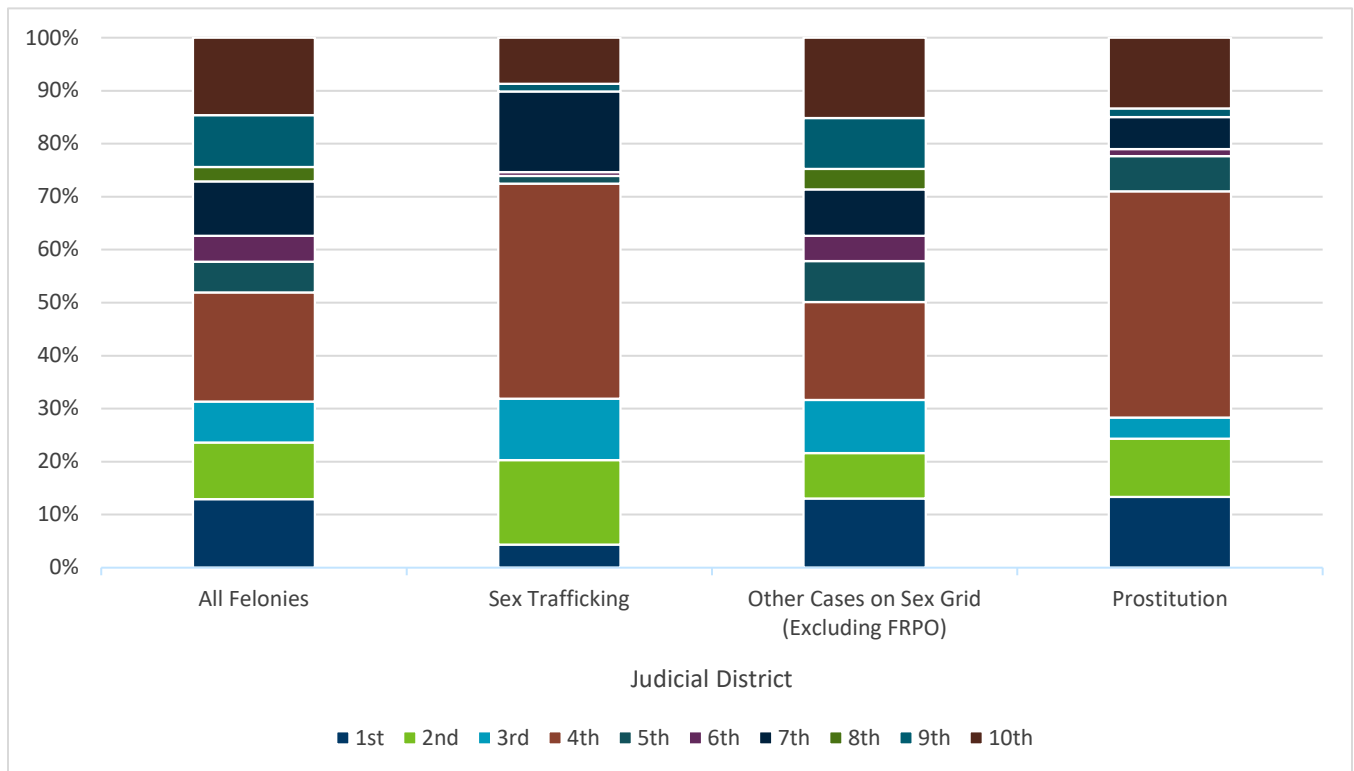


Figure 2. Geographical Distribution, Sex Trafficking & Prostitution Offenses, Sentenced 2015–2019



Prison Rates for Sex Trafficking and Prostitution Offenses

All sex trafficking offenses have presumptive prison dispositions. In five years, 94 sex trafficking cases received prison, six of which received a consecutive sentence. Table 5 displays the average pronounced prison term for these 94 cases and comparison groups (including consecutive time). Two aggravated 2nd degree cases received consecutive sentences with total durations of 324 and 700 months, which affects the average.

Table 4. Prison Rate and Average Duration for Sex Trafficking and Prostitution Offenses Sentenced 2015–2019 (Including Consecutive Time)

	Offense	Number of Prison Sentences	Prison Rate	Av. Duration (months)
Sex Trafficking	Sex Trafficking 1st Degree, 609.322 1(a)	25	76%	123
	Agg. Sex Trafficking 1st Degree, 609.322 1(b)	4	80%	172
	Sex Trafficking 2nd Degree, 609.322 1a	59	64%	80
	Agg. Sex Trafficking 2nd Degree, 609.322 1(b)	6	75%	339
	Sex Trafficking Total	94	68%	112
Prostitution	Prostitution Under 13, 609.324 1(a)	0	0%	---
	Prostitution 13 to 15, 609.324 1(b)	0	0%	---
	Prostitution 16 & 17, 609.324 1(b)	4	3%	17
	Prostitution Total	4	1.3%	17
All Cases 2015–2019		21,527	24.6%	46.6
Other non-FRPO Cases on Sex Grid 2015–2019		1,151	35.2%	126.1

Departure Rates for Sex Trafficking and Prostitution Offenses

All sex trafficking cases are presumptive commits.

Table 5. Departure Rates, Cases Sentenced 2015–2020

	Offense	Number Presumptive Commits	Mitigated Dispositions		Number Prison Sentences	Mitigated Durations		Aggravated Durations	
			No.	%		No.	%	No.	%
Sex Trafficking	Sex Trafficking 1st Degree, 609.322 1(a)	33	8	24%	25	9	36%	0	---
	Agg. Sex Trafficking 1st Degree, 609.322 1(b)	5	1	20%	4	2	50%	0	---
	Sex Trafficking 2nd Degree, 609.322 1a	92	33	36%	59	26	44%	0	---
	Agg. Sex Trafficking 2nd Degree, 609.322 1(b)	8	2	25%	6	0	---	1	17%
	Sex Trafficking Total	138	44	32%	94	37	39%	1	1%
Prostitution	Prostitution Under 13, 609.324 1(a)	1	1	100%	0	----	----	----	----
	Prostitution 13 to 15, 609.324 1(b)	2	2	100%	0	----	----	----	----
	Prostitution 16 & 17, 609.324 1(b)	4	1	25%	4	1	25%	0	----
	Prostitution Total	7	4	57%	4	1	25%	0	----
All Cases 2015–2019		29,031	10,653	36.7%	21,527	4,890	22.7%	611	2.8%
Other non-FRPO Cases on Sex Grid 2015–2019		1,481	392	26.5%	1,151	150	13%	58	5%