

Staff Information Paper

Estimated Impact of Classifying Sex Trafficking as a Severe Violent Offense Proposal

October 27, 2022

This paper contains staff estimates of the impact of classifying Sex Trafficking as a severe violent offense (SVO) and therefore adding to the Severe Violent Offense List in section 8.

Data Note

Impact estimates are based on 2016 to 2020 MSGC monitoring data. It is assumed that future cases will be similar in terms of offenses, offense severity, offense distribution, criminal history scores (CHS), departure rates, and demographic characteristics to those cases sentenced between 2016 and 2020 (Table 1).

Table 1. Number of Sex trafficking Cases Sentenced, Sentenced 2016-2020

Sex Trafficking	Number of Non- Aggravated Cases	Number of Aggravated Cases	Total
1 st Degree	26	1	27
2 nd Degree	90	12	102

A preliminary look at cases sentenced in 2021 suggests an unusually low number of sex trafficking cases compared to 2016–2020, particularly aggravated sex trafficking offenses. Because the backlog in sentencing due to the pandemic has not yet been cleared,¹ and in order not to underestimate the impact of the various proposals, the 2021 sex trafficking data are not being used to estimate the number of sex trafficking cases will be sentenced in the future.

While the impact estimate is based on 2016 to 2020 data, 2021 data are used to determine the number of cases sentenced for other types of offenses that received the SVO enhancement. 397 cases were sentenced for offenses on the SVO list; 27 of which received the SVO enhancement.

¹ For a discussion of the history and current state of the backlog, refer to the Chief Justice’s 2022 State of the Judiciary Address at <https://mncourts.gov/About-The-Courts/NewsAndAnnouncements/ItemDetail.aspx?id=2127>

Proposal to Classify Sex Trafficking as SVO

Table 2, below, displays the impact if either Option 2 or Option 3² is adopted. Only slight, if any, prison-bed impact is expected.

Table 2. Assumptions for Options 2 & 3

Assumption	Analysis
If current SVO enhancement applied to sex traffickers	<p>From 2016-2020, there were 129 sex trafficking cases.</p> <p>Three sex trafficking cases (less than one per year) had a qualifying prior SVO from the current SVO list.</p> <p>If the SVO enhancement was extended to sex trafficking, the impact would be less than one prison bed per year.</p>
If sex trafficking is added to the SVO list	<p>From 2016-2020, three sex traffickers had a prior sex trafficking offense of any type (less than one per year).</p> <p>If the list is expanded, impact would be less than one prison bed per year.</p>
Combined effect for sex trafficking cases	<p>An estimated one case per year would qualify for SVO enhancement.</p> <p>A possible impact of one prison bed per year.</p>
SVO list is expanded, how many non -sex trafficking cases qualify for SVO sentencing enhancement	<p>In 2021, 397 cases were sentenced for offenses on the SVO list.</p> <p>27 of the 397 cases received the SVO enhancement.</p> <p>None of the 397 cases had a sex trafficking prior.</p>

² As presented October 6, 2022. [Minn. Sentencing Guidelines Staff. *Classifying Sex Trafficking as a Severe Violent Offense*, Table 2 \(p. 17\)](#) (Sept. 29, 2022).