



Sex Trafficking Review – Introduction

Staff Presentation

MSGC Meeting February 10, 2022

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Legislative Mandate to the Commission

Sec. 54. **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, section 609.322.

EFFECTIVE DATE. This section is effective August 1, 2021.

- *2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 54.*

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Minn. Stat. § 609.322 contains sex trafficking offenses

- Prohibited behavior:
 - Soliciting or inducing someone to practice prostitution
 - Promoting the prostitution of an individual
 - Receiving profit known to have been derived from prostitution
 - Engaging in sex trafficking (e.g., recruiting someone to aid in that person's prostitution)
- These offenses do not apply to the person prostituted or the patron
- First degree: the person prostituted was a child under 18
- Second degree: the person prostituted was an adult
- Aggravated offenses:
 - Prior human trafficking offense
 - Victim suffered bodily harm
 - Debt bondage or forced services lasted over 180 days
 - More than one victim

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Statutory structure of Minn. Stat. § 609.322

- Title: "SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING"
- First-degree, subd. 1(a): 25-year stat. max (before 2021: 20-year)
 - Guidelines: Ranked at **Severity Level B** (recommended 7½ to 25 years executed imprisonment)
- Second-degree, subd. 1a: 20-year stat. max (before 2021: 15-year)
 - Guidelines: Ranked at **Severity Level C** (recommended 4 to 15 years executed imprisonment)
- Aggravated (applies to both first- and second-degree), subd. 1(b): 30-year stat. max (before 2021: 25-year)
 - Guidelines **modifier**: Adds +4 years to underlying duration (+2 years for attempt/conspiracy)

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Legislative history

- These changes are from H.F. 613/S.F. 765
- The bill's proponents were the Stearns County Attorney and the Central Minnesota Human Trafficking Task Force
- The proponents' legislative handouts (in your meeting packets) disclose much of the rationale behind the bill
- Transcripts of testimony excerpts most pertinent to MSGC are also in your meeting packets

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Looking at the proponents' intent

- Proponents argued that sex trafficking is a violent crime
 - Not articulated by proponents, but: Should MSGC include sex trafficking in Severe Violent Offense List?
- Proponents wanted to increase statutory maximums so the statutory maximums would not cap the grid durations
 - MSGC has already accommodated these changes in Sex Offender Grid
- Proponents suggested ranking aggravated sex trafficking at SL A (rather than as a 4-year modifier)
 - MSGC deferred action pending the outcome of this comprehensive review

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