

## Dissemination of Child Pornography Offense, subd. 3(a): Sentenced 2018-2022

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. Persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

### DISSEMINATION OF CHILD PORNOGRAPHY, SUBD. 3(A)

#### Analysis:

- Sentenced 2020-2024
- Dissemination of Child Pornography, Minn. Stat. § 617.247, subd. 3(a)
- Severity Level E

From 2020-2024, 43 people were sentenced for Dissemination of Child Pornography under subd. 3(a). 34 (79%) had a presumptive disposition of stay and 9 (21%) had a presumptive disposition of commit. None of the cases received an aggravated dispositional departure. Three (33%) of the 9 people who were presumptive commits received a mitigated dispositional departure. Of the 7 cases that received prison<sup>1</sup>, 2 (29%) received a mitigated durational departure and none received an aggravated durational departure.

**Table 1. Sentencing Information for Dissemination of Child Pornography, subd. 3(a) by Criminal History Score, Sentenced 2020-2024**

CHS	Total	Recommended Disposition		Dispositional Departure		Durational Departure (prison only)		Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Mitigated	
0	24	24	0	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	
1	6	6	0	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	
2	4	4	0	---	---	1	0	48.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	
3	4	0	4	2	2	1	1	60.0 months
	100.0%	0.0%	100.0%	50.0%	50.0%	50.0%	50.0%	
4	1	0	1	1	0	1	0	78.0 months
	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	
5	1	0	1	1	0	1	0	108.0 months
	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	
6+	3	0	3	2	1	1	1	60.0 months
	100.0%	0.0%	100.0%	66.7%	33.3%	50.0%	50.0%	
Total	43	34	9	6	3	5	2	48.0 months
	100.0%	79.1%	20.9%	66.7%	33.3%	71.4%	28.6%	

The reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in two cases, and in one case the position of the prosecutor was unknown.

The reasons cited for mitigated durational departures were offense less onerous, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in one case, and in one case the position of the prosecutor was unknown.

<sup>1</sup> One person demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of offenders that received prison to seven.