

## Electronic Solicitation of Children, subd. 2a(1): Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning a case represents a person rather than an individual charge. A person 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.

### **ELECTRONIC SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL CONDUCT – SOLICITING CHILD OR SOMEONE REASONABLY BELIEVES IS CHILD, SUBD. 2A(1)**

#### **Analysis:**

- Sentenced 2020-2024
- Electronic Solicitation of Children to Engage in Sexual Conduct, Minn. Stat. § 609.352, subd. 2a(1)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 65 people were sentenced for Electronic Solicitation of Children under subd. 2a(1). 62 (95%) had a presumptive stayed disposition and 3 (5%) had a presumptive disposition of commit. None of the cases received a dispositional departure. One person demanded execution of their sentence. None of the four cases that received prison received a durational departure. Two cases received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced jail term where jail was a condition of probation was 69 days. The average pronounced prison term was 35 months.

**Table 1. Sentencing Information for Electronic Solicitation of Children, subd. 2a(1), Sentenced 2020-2024**

CHS	Total	Recommended Disposition		Durational Departure				Average Pronounced Jail Term (days)	Average Pronounced Prison Term (months)
		Stay	Commit	None	Aggravated	Mitigated	M/GM Sentence		
0	52	52	0	49	1	0	2	53 days	15 months
	100.0%	100.0%	0.0%	94.2%	1.9%	0.0%	3.8%		
1	3	3	0	3	0	0	0	90 days	--
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%		
2	6	6	0	6	0	0	0	159 days	--
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%		
3	1	1	0	0	0	1	0	243 days	--
	100.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%		
4	1	0	1	1	0	0	0	--	39 months
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%		
5	1	0	1	1	0	0	0	--	51 months
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%		
6+	1	0	1	1	0	0	0	--	36 months
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%		
Total	65	62	3	61	1	1	2	69 days	35.3 months
	100.0%	95.4%	4.6%	93.8%	1.5%	1.5%	3.1%		

The reasons cited for mitigated departures were lacked substantial capacity for judgment (nondrug), low risk assessment score, amenable to probation, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in one case, objected to the departure in one case and in one case the position of the prosecutor was unknown.