

Electronic Solicitation of Children, subd. 2a(2): 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 – ENGAGING IN COMMUNICATION/DESCRIBING SEXUAL CONDUCT, SUBD. 2A(2)

Analysis:

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

From 2020-2024, 91 people were sentenced for Electronic Solicitation of Children under subd. 2a(2). 88 (97%) had a presumptive stayed disposition and 3 (3%) had a presumptive disposition of commit. None of the cases received a dispositional departure. One person demanded execution of their sentence. Two of the four cases that received prison received a mitigated durational departure and none received an aggravated durational departure. Four cases received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term was 30 months. The average pronounced jail term, where jail is a condition of probation, was 64 days.

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

CHS	Total	Recommended Disposition		Durational Departure (prison only)		Received M/GM Sentence	Average Pronounced Jail Term (days)	Average Pronounced Prison Term (months)
		Stay	Commit	None	Mitigated			
0	74	74	0	0	1	4	53 days	12.03 months
	100.0%	100.0%	0.0%	0.0%	100.0%	5.4%		
1	7	7	0	--	--	0	153 days	--
	100.0%	100.0%	0.0%	--	--	0.0%		
2	2	2	0	--	--	0	54 days	--
	100.0%	100.0%	0.0%	--	--	0.0%		
3	5	5	0	--	--	0	79 days	--
	100.0%	100.0%	0.0%	--	--	0.0%		
4	1	0	1	1	0	0	--	34 months
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%		
5	1	0	1	0	1	0	--	15 months
	100.0%	0.0%	100.0%	0.0%	100.0%	0.0%		
6+	1	0	1	1	0	0	--	60 months
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%		
Total	91	88	3	2	2	4	64 days	30.3 months
	100.0%	96.7%	3.3%	50.0%	50.0%	5.4%		

The reasons cited for mitigated departures were lacked substantial capacity for judgment (nondrug), offense less onerous, prevent trauma to victim from testifying, amenable to probation, amenable to treatment, save taxpayers cost of trial/judicial efficiency, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 67% of cases, and in two cases the position of the prosecutor was unknown.