

Electronic Solicitation of Children, subd. 2a(3): 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 – DISTRIBUTING MATERIAL DESCRIBING SEXUAL CONDUCT TO A CHILD, SUBD. 2A(3)

Analysis:

- Sentenced 2020-2024
- Electronic Solicitation of Children to Engage in Sexual Conduct, Minn. Stat. § 609.352, subd. 2a(3)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175

From 2020-2024, 43 people were sentenced for Electronic Solicitation of Children under subd. 2a(3). 39 (91%) had a presumptive stayed disposition and 4 (9%) had a presumptive disposition of commit. One of the presumptive commit cases received a mitigated dispositional departure and none of the presumptive stayed cases received an aggravated dispositional departure. Two people with a presumptive stayed disposition demanded execution of their sentence. One of the five departure. Two cases received a departure to a misdemeanor/gross misdemeanor sentence. Two of the cases that received prison also received a consecutive sentence. The average pronounced prison term for the five prison cases was 43 months. The average pronounced jail term, where jail is a condition of probation, was 67 days.

Table 1. Sentencing Information for Electronic Solicitation of Children, subd. 2a(3), Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure (presumptive commit)		Durational Departure (prison only)		Received M/GM Sentence	Average Pronounced Jail Term (days)	Average Pronounced Prison Term (months)
		Stay	Commit	None	Mitigated	None	Mitigated			
0	30	30	0	---	---	1	0	2	52 days	85 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	6.7%		
1	4	4	0	---	---	--	--	0	23 days	--
	100.0%	100.0%	0.0%	---	---	--	--	0.0%		
2	2	2	0	---	---	--	--	0	4 days	--
	100.0%	100.0%	0.0%	---	---	--	--	0.0%		
3	3	3	0	---	---	1	0	0	480 days	30 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%		
4	1	0	1	1	0	1	0	0	--	15 months
	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%		
5	1	0	1	1	0	1	0	0	--	36 months
	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%		
6+	2	0	2	1	1	0	1	0	163 days	48 months
	100.0%	0.0%	100.0%	50.0%	50.0%	0.0%	100.0%	0.0%		
Total	43	39	4	3	1	4	1	2	67 days	42.8 months
	100.0%	90.7%	9.3%	75.0%	25.0%	80.0%	20.0%	4.7%		

The reason cited for the mitigated dispositional departure was plea negation.

The reasons cited for mitigated durational departures were offense less onerous, victim recommendation/acquiescence victim's family, 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 all three cases.