

## Electronic Solicitation of Children: 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, SUBD. 2A

#### Analysis:

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

From 2020-2024, 199 people were sentenced for Electronic Solicitation of Children. 189 (95%) had a presumptive stayed disposition and 10 (5%) 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. Four people with a presumptive stayed disposition demanded execution of their sentence. Of the 13 people who received prison, 3 (23%) received a mitigated durational departure and none received an aggravated durational departure. Eight 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 cases that received prison was 37 months. The average pronounced jail term, where jail is a condition of probation, was 66 days.

**Table 1. Sentencing Information for Electronic Solicitation of Children, subd. 2a, 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	156	156	0	---	---	2	1	8	53 days	37.3 months
	100.0%	100.0%	0.0%	---	---	66.7%	33.3%	5.1%		
1	14	14	0	---	---	--	--	0	115 days	--
	100.0%	100.0%	0.0%	---	---	--	--	0.0%		
2	10	10	0	---	---	--	--	0	113 days	--
	100.0%	100.0%	0.0%	---	---	--	--	0.0%		
3	9	9	0	---	---	1	0	0	220 days	30.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	0.0%		
4	3	0	3	3	0	3	0	0	--	29.3 months
	100.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%		
5	3	0	3	3	0	2	1	0	--	34.0 months
	100.0%	0.0%	100.0%	100.0%	0.0%	66.7%	33.3%	0.0%		
6+	4	0	4	3	1	2	1	0	163 days	48.0 months
	100.0%	0.0%	100.0%	75.0%	25.0%	66.7%	33.3%	0.0%		
Total	199	189	10	9	1	10	3	8	66 days	36.6 months
	100.0%	95.0%	5.0%	90.0%	10.0%	76.9%	23.1%	4.0%		

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

The reasons cited for mitigated durational departures were lacked substantial capacity for judgment, offense less onerous, victim recommendation/acquiescence victim's family, prevent trauma to victim from testifying, low risk assessment score, 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, objected to the departure in one case, and in 25% of cases the position of the prosecutor was unknown.