

2nd Degree Criminal Sexual Conduct, subd. 1a(h)(iii): Sentenced 2019-2023

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.

Information Requested: Departure rates and reasons for CSC 2 under § 609.343.1a(h)(iii).

Analysis:

- Sentenced 2019-2023
- CSC 2 under § 609.343.1a(h)(iii) *on and post-2019* and § 609.343 subd 1(h)(iii) *pre-2019*¹
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score (CHS)

From 2019-2023, 146 cases were sentenced for 2nd Degree Criminal Sexual Conduct, subd. 1a(h)(iii). Zero (0.0%) had a presumptive stayed disposition and 146 (100.0%) had a presumptive disposition of commit. Of the 146 people who were presumptive commits, 35 (24.0%) received a mitigated dispositional departure. Of the 111 people who received an executed prison sentence, 10 (9.0%) received a mitigated durational departure and two (1.8%) received an aggravated durational departure.

Table 1. CSC 2 – Vic Under 16, Significant Relation, Multiple Acts: Sentenced 2019-2023

CHS	Total	Presumptive Disposition		Dispositional Departure			Durational Departure (prison only)		
		Stay	Commit	None	Aggravated	Mitigated	None	Aggravated	Mitigated
0	102	0	102	72	0	30	64	2	6
	100.0%	0.0%	100.0%	70.6%	0.0%	29.4%	88.9%	2.8%	8.3%
1	10	0	10	8	0	2	7	0	1
	100.0%	0.0%	100.0%	80.0%	0.0%	20.0%	87.5%	0.0%	12.5%
2	11	0	11	10	0	1	9	0	1
	100.0%	0.0%	100.0%	90.9%	0.0%	9.1%	90.0%	0.0%	10.0%
3	5	0	5	4	0	1	4	0	0
	100.0%	0.0%	100.0%	80.0%	0.0%	20.0%	100.0%	0.0%	0.0%
4	6	0	6	5	0	1	5	0	0
	100.0%	0.0%	100.0%	83.3%	0.0%	16.7%	100.0%	0.0%	0.0%
5	4	0	4	4	0	0	3	0	1
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	75.0%	0.0%	25.0%
6+	8	0	8	8	0	0	7	0	1
	100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	87.5%	0.0%	12.5%
Total	146	0	146	111	0	35	99	2	10
	100.0%	0.0%	100.0%	76.0%	0.0%	24.0%	89.2%	1.8%	9.0%

The most common reasons cited for mitigated dispositional departures were amenable to probation and amenable to treatment. The prosecutor agreed to/recommended/ did not object to the departure in 22 cases, objected to the departure in three cases, and in 10 cases the position of the prosecutor was unknown.

The most common reasons cited for mitigated durational departures were shows remorse/accepts responsibility and crime less onerous. The prosecutor agreed to/recommended/did not object to the departure 10 cases, and in one case the position of the prosecutor was unknown.

¹ MSGC data is for years 2019 – 2023. Current CSC statutes changed effective Sept. 15, 2021. Currently, this offense is under Minn. Stat. § 609.343.1a(h)(iii).