

Possess Child Porn, § 617.247 subd. 4(a): 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: Sentencing data for Possess Child Porn, § 617.247 subd. 4(a).

Analysis:

- Sentenced 2019-2023
- Possess Child Porn, § 617.247 subd. 4(a)
- Excludes attempts under Minn. Stat. § 609.17 and conspiracies under Minn. Stat. § 609.175
- Departure rates by Criminal History Score

From 2019-2023, 324 cases were sentenced for Possess Child Porn, § 617.247 subd. 4(a). 252 (77.8%) had a presumptive stayed disposition and 72 (22.2%) had a presumptive disposition of commit. 39 (12.0%) cases received a mitigated dispositional departure, and zero cases received an aggravated dispositional departure. Of the 35 people who received an executed prison sentence, three (8.6%) received a mitigated durational departure, and zero received an aggravated durational departure.

Table 1. Possess Child Porn, § 617.247 subd. 4(a): Sentenced 2019-2023

CHS	Total	Presumptive Disposition		Dispositional Departure			Durational Departure (prison only)		
		Stay	Commit	None	Aggravated	Mitigated	None	Aggravated	Mitigated
0	91	91	0	91	0	0	1	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
1	50	50	0	50	0	0	1	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
2	58	58	0	58	0	0	0	0	0
	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
3	54	53	1	53	0	1	0	0	0
	100.0%	98.1%	1.9%	98.1%	0.0%	1.9%	0.0%	0.0%	0.0%
4	27	0	27	10	0	17	8	0	2
	100.0%	0.0%	100.0%	37.0%	0.0%	63.0%	80.0%	0.0%	20.0%
5	14	0	14	7	0	7	6	0	1
	100.0%	0.0%	100.0%	50.0%	0.0%	50.0%	85.7%	0.0%	14.3%
6+	30	0	30	16	0	14	16	0	0
	100.0%	0.0%	100.0%	53.3%	0.0%	46.7%	100.0%	0.0%	0.0%
Total	324	252	72	285	0	39	32	0	3
	100.0%	77.8%	22.2%	88.0%	0.0%	12.0%	91.4%	0.0%	8.6%

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 15 cases, objected to the departure in 11 cases, and in 13 cases the position of the prosecutor was unknown.

Reasons for mitigated durational departures were unknown. The prosecutor agreed to/recommended/did not object to the departure in one case, and in two cases the position of the prosecutor was unknown.