

Felony Sex Offenses Handout – for 8/17/23 Meeting

Offense category: Rape and indecent liberties

Crime	Class	Current Level	Proposed Level	Notes	Draft Recommendation:
Rape 1	A	XII (93-123)	XIII (70-117) low: 70 high: 260 XIV (101-135) low: 101 high: 300	Highly traumatic, violent offenses with serious harm caused to victims; high seriousness level of offense	
Rape 2	A	XI (78-102)	XII (60-101) low: 60 high: 225 XIII (70-117) low: 70 high: 260		
Rape 3	C	V (6-12)	V (3-12) low: 3 high: 60	Moving to a SL 6 would require Rape 3 to be changed to a Class B Offense; ISRB oversees many individuals convicted of Rape 3 Ideas: Could make recommendation of 12-20, effect would be 45-60 on high end of range	
Indecent Liberties w/Forcible Compulsion	A	X (51-68)	X (41-69) low: 41 high: 155 XI (51-85) low: 51 high: 190	Forcible compulsion: Using sufficient force to overcome resistance. This offense is not eligible to be sealed (juvenile).	
Indecent Liberties w/out Forcible Compulsion	B	VII (15-20)	VI (12-20) low: 12 high: 75 VII (14-24) low: 14 high: 90		

Offense category: Child rape and molestation

Crime	Class	Current Level	Proposed Level	Notes	Draft Recommendation
Rape of a Child 1	A	XII (93-123)	XIII (70-117) low: 70 high: 260 XIV (101-135) low: 101 high: 300	Some of the most serious crimes; victims in these cases are under 12 Initial thoughts: moving to SL 14 to make it comparable to a very serious offense; needs to move up; don't believe we should go below the current length of time (new grid as it reads currently is approximately 2 years less than current grid sentence length); something less than Rape 1 since it's not the same as Rape 1;	
Rape of a Child 2	A	XI (78-102)	XII (60-101) low: 60 high: 225 XIII (70-117) low: 70 high: 260		
Rape of a Child 3	C	V (6-12)	V (3-12) low: 3 high: 60		
Child Molestation 1	A	X (51-68)	X (41-69) low: 41 high: 155 XI (51-85) low: 51 high: 190	Victims are under the ages of 12; perpetrator must be 24 months older than the victim	
Child Molestation 2	B	VII (15-20)	VII (14-24) low: 14 high: 90	Victims are ages 12 and 13; perpetrator must be 36 months older than the victim	
Child Molestation 3	C	V (6-12)	V (3-12) low: 3 high: 60	Victims are ages 14 and 15 (less than 16yrs); perpetrator must be 48 months older than the victim	

Offense category: Exploitation offenses

Crime	Class	Current Level	Proposed Level	Notes	Draft Recommendation:
Promoting commercial sexual abuse of a minor	A	XII (93-123)	V (3-12) low: 3 high: 60		
Commercial sexual abuse of a minor	B	VIII (21-27)	VII (14-24) low: 14 high: 90		Initial thoughts to move up to SL 8 or 9 due to the seriousness of this offense
Sexual exploitation of a minor	B	IX (31-41)	IX (19-33) low: 19 high: 120 X (41-69) low: 41 high: 155		
Communication with a Minor for Immoral Purposes	C	III (1-3)	II (0-3) low: 0 high: 28 III (2-7) low: 2 high: 39		
Promoting travel for commercial sexual abuse of a minor	E	Unranked		Unranked felony. Out of scope of project.	

Offense category: Depiction offenses

Crime	Class	Current Level	Proposed Level	Notes	Draft Recommendation:
Sending, Bringing into the state depictions of minors 1	B	VII (15-20)	VII (14-24) low: 14 high: 90		
Sending, Bringing into the state depictions of minors 2	B	V (6-12)	V (3-12) low: 3 high: 60		

Dealing in depictions of minors 1	B	VII (15-20)	VII (14-24) low: 14 high: 90		
Dealing in depictions of minors 2	B	V (6-12)	V (3-12) low: 3 high: 60		
Possession of depictions of minors 1	B	VI (12+-14)	VI (12-20) low: 12 high: 75		
Possession of depictions of minors 2	B	IV (3-9)	IV (2-9) low: 2 high: 49		
Viewing depictions of minors 1	B	IV (3-9)	IV (2-9) low: 2 high: 49		
Viewing depictions of minors 2	C	Unranked.		Unranked felony. Out of scope of project.	

Offense category: Custodial offenses

Crime	Class	Current Level	Proposed Level	Notes	Draft Recommendation:
Incest 1	B	VI (12+-14)	VI (12-20) low: 12 high: 75		
Incest 2	C	V (6-12)	V (3-12) low: 3 high: 60		
Custodial sexual misconduct 1	C	V (6-12)	V (3-12) low: 3 high: 60		

Offense category: Miscellaneous offenses

Crime	Class	Current Level	Proposed Level	Notes	Draft Recommendation:
Sexually violating human remains	C	V(6-12)			

Sexual misconduct with a minor 1	C	V (6-12)	V (3-12)		
Voyeurism	C	II (0-90 days)	II (0-3)		
Failure to Register as a Sex Offender (Second Violation Committed on or after 6/10/2010)	C	II(0-90 days)			
Failure to Register as a Sex Offender (Third or Subsequent Violation Committed on or after 6/10/2010)	B	II(0-90 days)			
Assault 2 w/sexual motivation				Other subcommittee handling this offense.	
Kidnap 2 with a finding of sexual motivation				Other subcommittee handling this offense.	

Ideas/Thoughts/Notes brainstormed at the 8/3/23 Meeting:

- Most sex offenses are not identified as violent.
- Can look at “repeat” column if it’s felt strongly that the offense should be in the repeat/DV column.
 - o Potentially make recommendation to add sex offenses to this column