



An Act Concerning Recommendations of the Sentencing Commission with Respect to Penalties for Sex Offenders

- Under current law, the penalties for possession of child pornography are as follows:
 - 1st-degree possession (class B felony): for possessing 50+ images; carries a mandatory minimum prison sentence of 5 years
 - 2d-degree possession (class C felony): for possessing 20-49 images; carries a mandatory minimum prison sentence of 2 years
 - 3d-degree possession (class D felony): for possessing 1-19 images; carries a mandatory minimum prison sentence of 1 year
- This proposal allows for an enhanced penalty for those offenders convicted of possession of child pornography who have a previous history of a sexual assault conviction.
- The proposal allows judges to depart from a minimum mandatory sentence for good cause shown and requires that judges state in open court the reasons for imposing a sentence that departs from the prescribed mandatory minimum sentence. The current inflexibility of the mandatory minimums eliminates a prosecutor's discretion in certain cases that might warrant leniency, such as cases involving individuals who are not dangerous.
- The proposal allows for a deviation when the offender is younger than 21 years of age from the current minimum mandatory sentence for 2nd degree sexual assault for sexual intercourse with a person who is 13 to 15 years old and the offender is more than three years older.