

## DOJ SVOR Statistics – June 12 LJIC Meeting

Narrative by Madison Mattioli, Assistant Attorney General, Montana Department of Justice

The attached spreadsheet illustrates the makeup of the sexual and violent offender registries in terms of total percentage of *registerable offenses* versus total registered offenders. What this means is that a single individual may have more than one registerable offense, thus the total number of total sexual offenses shown on the spreadsheet (2089) is higher than the number of total registered sexual offenders (1497), the total number of sexual and violent offenses (205) is higher than the number of total registered sexual and violent offenders (99), and the total number of violent offenses (4282) is higher than the number of total registered violent offenders (3558).

The data shows clearly that the highest percentage of offenses for any tier level (0<sup>1</sup>, 1, 2, or 3) are sexual assault and sexual intercourse without consent. Under current Montana law, sexual assault is only a registerable offense if the victim is less than 16 years of age and the offender is 3 or more years older than the victim, or if the offender is a professional licensed under Title 37 and commits the offense in a medical or therapeutic setting. Mont. Code Ann. § 46-23-502(9)(a).

When looking at tier level 0, convictions for sexual abuse of children (Montana's child pornography statute) are among the lowest offenses, making up less than 1% of total offenses in each tier level at just .48% of total offenses.

Tier level 1 is higher, but still markedly lower than either sexual assault or sexual intercourse without consent, making up just 5.41% of total offenses compared to 16.38% (total sexual assault) and 12.21% (SIWOC). These percentages do not include convictions for attempted sexual assault, sexual assault by accountability, or attempted sexual intercourse without consent.

When looking at tier levels 2 and 3, the highest percentage of offenses are sexual intercourse without consent, sexual assault, and incest.

While recognizing that the creation of child pornography often involves the horrific victimization of children, consumers of child pornography are often

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<sup>1</sup> As a reminder, offenders given a level 0 designation, or “non-designated” offenders, are those individuals convicted in Montana courts and who were not given a tier designation at sentencing, out-of-state offenders who relocate to Montana without a “risk level” similar to Montana's, or individuals convicted in federal, military, or tribal courts.

thought of as “hands off” offenders, meaning they do not directly victimize children, but rather indirectly do so through supporting the demand for child pornography. This data illustrates that the total percentage of “hands on” sexual offenses against children and violent offenses against adults far outweigh any “hands off” offenses, such as sexual abuse of children or indecent exposure. This is true across all tier levels, 0 through 3.

The way the data is broken down, the tab labeled sexual violent offenders illustrates the total percentage of offenses for those individuals who have both a sexual offense requiring registration and a violent offense requiring registration. **These totals are in addition to both tabs illustrating sexual and violent offenses.** For sexual and violent offenders, across all tier levels the highest percentage of offenses is sexual intercourse without consent.

For violent offenses, the top five highest percentages of registered convictions are assault with a weapon, partner/family member assault, aggravated assault, robbery, and assault on a minor.

By way of explanation, you may notice that there are registered convictions for non-qualifying sexual or violent offenses, such as intimidation or theft. What this typically means is that a qualifying sexual or violent offense was initially charged and then pled down to a non-qualifying offense during plea bargaining. Defendants will often agree to comply with registration requirements until they discharge their sentence on a non-qualifying offense to avoid a lifetime registration requirement on a qualifying offense. Mont. Code Ann. § 46-23-512. In other cases, the judge simply orders registration at the time of sentencing on a non-qualifying offense and the defendant does not appeal.

The final piece is an age range breakdown of victims for sexual and violent offenders and sexual offenders. This data shows that for sexual offenders the highest percentage of victims are under the age of 16, with **the overwhelming majority being between 13-15 years old.** The second highest percentage are victims between the ages of 9-12 years old, and the third highest are victims between the ages of 5-8 years old.