Mandatory Minimum Penalties in the Federal Criminal Justice System

The United States Sentencing Commission on several occasions has examined statutory mandatory minimum penalties in the federal system. Most recently, the Commission completed a six-publication series studying the application and impact of statutory mandatory minimum penalties. This series built upon the Commission’s 2011 Mandatory Minimum Report, in which the Commission assessed the impact of mandatory minimum penalties and provided several recommendations to Congress.1

Click any section for the full report.

Drug Offenders and Enhanced Recidivist Penalties

Nearly half of drug trafficking offenders faced a drug conviction carrying a mandatory minimum penalty.2,3 Historically, enhanced penalties for repeat drug offenders were applied inconsistently but their impact has recently narrowed.2,4

Firearms Offenders and the Armed Career Criminal Act

While fewer offenders were convicted under section 924(c) and the Armed Career Criminal Act in recent years, they serve very long sentences, on average.4 Recidivism rates of armed career criminals show substantial differences depending on whether the offender was previously convicted of a violent offense.5

Identity Theft Offenders

A growing proportion of identity theft offenders were convicted of aggravated identity theft (carrying a 2 year mandatory minimum). The aggravated identity theft mandatory minimum penalty impacted Black offenders more than any other racial group.6

Sex Offenders

Most sexual abuse offenders convicted of an offense carrying a mandatory minimum penalty faced 15 years, minimum, while most child pornography offenders faced 5 years, minimum. Sexual abuse sentences were substantially longer in cases with a mandatory minimum penalty. Similarly, child pornography sentences varied depending on the nature of the offense.7,8

For the latest information, visit https://www.ussc.gov/topic/mandatory-minimums

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