Mandatory Minimum Penalties

In fiscal year 2017, the Commission received data on 13,577 offenders convicted of an offense carrying a mandatory minimum penalty. Over 60 percent (62.7%) of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief from the penalty and were subject to the mandatory minimum penalty at sentencing (13.7% of all federal offenders).

Overview
- In 21.8% of all cases, the offender was convicted of an offense carrying a mandatory minimum penalty.
- Drug trafficking offenses accounted for almost two-thirds (67.8%) of the offenses carrying a mandatory minimum penalty, followed by fraud (6.5%), child pornography (6.0%), and sexual abuse (5.5%).
- Almost 40 percent (37.3%) of offenders convicted of an offense carrying a mandatory minimum were relieved of the mandatory minimum penalty because:
  - 18.5% received relief solely by providing the government with substantial assistance;
  - 13.3% received relief solely through the statutory safety valve provision;
  - 5.5% received relief through both the statutory safety valve provision and by providing substantial assistance to the government.
- Over 60 percent (62.7%) of offenders convicted of a mandatory minimum did not receive relief from the mandatory minimum penalty, and therefore, remained subject to the mandatory minimum at sentencing, accounting for 13.7% of all federal offenders.

Offenders and Sentencing
- Hispanic offenders accounted for the largest group (41.0%) of offenders convicted of an offense carrying a mandatory minimum penalty followed by Black (29.5%), White (26.9%), and Other Races (2.6%).
- The average sentence length for offenders who remained subject to a mandatory minimum penalty at sentencing was 138 months, almost twice the average sentence of offenders receiving relief from such a penalty (72 months). The average sentence for offenders not convicted of any offense carrying a mandatory minimum penalty was 28 months.
- Districts with the highest caseload proportion of offenses carrying a mandatory minimum penalty:
  - Northern District of Florida (48.4%);
  - Southern District of Indiana (47.5%);
  - Western District of Kentucky (47.3%);
  - District of Puerto Rico (46.0%); and
  - Eastern District of Tennessee (45.3%).

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1 Mandatory minimum cases with complete guideline application information are used in this analysis. As a result, the numbers reported differ from the Commission’s 2017 Sourcebook of Federal Sentencing Statistics.
**Offense Categories**

- Of the 19,495 drug offenders sentenced in fiscal year 2017, less than half (47.2%) were convicted of an offense carrying a mandatory minimum penalty.
  - Over half (52.0%) of drug offenders convicted of an offense carrying a mandatory minimum penalty remained subject to that penalty at sentencing.
    - The average sentence for drug offenders subject to a mandatory minimum penalty at sentencing was 128 months (with relief, 69 months) compared to 41 months for drug offenders not convicted of an offense carrying a mandatory minimum penalty.
  - Drug offenders were convicted of an offense carrying a mandatory minimum penalty most often in powder cocaine cases (60.9%). In contrast, such a penalty applied least often in marijuana cases (27.2%).
  - Crack cocaine offenders remained subject to mandatory minimum penalties at sentencing most often (in 77.2% of crack cocaine cases involving a conviction for an offense carrying a mandatory minimum penalty). In contrast, 35.4% of marijuana offenders remained subject to a mandatory minimum penalty at sentencing.

- There were 2,415 offenders convicted of a firearms offense carrying a mandatory minimum penalty (2,075 of whom were convicted under 18 U.S.C. § 924(c) and 275 of whom qualified as an Armed Career Criminal under 18 U.S.C. § 924(e)).
  - Over 80 percent (81.2%) of section 924(c) offenders remained subject to the mandatory minimum at sentencing.
  - Over 80 percent (81.1%) of Armed Career Criminals remained subject to the mandatory minimum penalty at sentencing.

- Of the 2,517 sex offenders (cases involving sexual abuse or child pornography), 61.7% were convicted of an offense carrying a mandatory minimum penalty.
  - Of the 1,130 sexual abuse offenders, 65.5% were convicted of an offense carrying a mandatory minimum penalty.
  - Of the 1,387 child pornography offenders, 58.6% were convicted of an offense carrying a mandatory minimum penalty.

- Of the 1,043 identity theft offenders convicted of an offense under 18 U.S.C. § 1028A, 82.4% were subject to the mandatory minimum penalty at sentencing.
  - The average sentence for identity theft offenders subject to the mandatory minimum penalty was 52 months (with relief, 27 months).