Fiscal Year 2018

- In FY 2018, 69,425 cases were reported to the U.S. Sentencing Commission.
- 16,228 of these involved an offense carrying a mandatory minimum penalty.
- 14.2% of all offenders remained subject to mandatory minimums at sentencing.

Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties

- 24.7% of all cases carried a mandatory minimum penalty.
- Of all cases carrying a mandatory minimum penalty:
  - 70.5% were drug trafficking;
  - 5.7% were child pornography;
  - 5.5% were fraud;
  - 5.4% were firearms;
  - 4.4% were sexual abuse.
- 40.6% of offenders convicted of an offense carrying a mandatory minimum were relieved of the penalty because:
  - 18.9% received relief through the safety valve provision;
  - 16.3% provided the government with substantial assistance;
  - 5.4% received relief through both.
- Of offenders convicted of an offense carrying a mandatory minimum:
  - 37.0% of male offenders received relief;
  - 65.2% of female offenders received relief;
  - 33.1% of U.S. citizen offenders received relief;
  - 65.9% of non-U.S. citizen offenders received relief.
- 59.4% did not receive relief from the mandatory minimum penalty.
- 42.7% of offenders convicted of a mandatory minimum penalty were Hispanic, 27.3% were White, 27.4% were Black, and 2.6% were Other races.

Offenders and Sentencing

- The average sentence length was:
  - 139 months for those subject to the mandatory minimum;
  - 65 months for those receiving relief;
  - 26 months for offenders who were not convicted of an offense carrying a mandatory minimum.
- Districts with the highest proportion of cases involving a mandatory minimum penalty were:
  - Eastern District of Tennessee (50.8%);
  - District of Hawaii (50.7%);
  - District of Virgin Islands (47.8%);
  - District of Minnesota (46.9%);
  - Central District of Illinois (46.4%).

Offense Categories

Identity Theft Offenders

- 85.5% of the 1,006 identity theft offenders were subject to a mandatory minimum penalty at sentencing.
  - Their average sentence was 53 months, 25 with relief.
Mandatory Minimum Penalties

Offense Categories

Drug Offenders
- 60.3% of drug offenders were convicted of an offense carrying a mandatory minimum penalty.
  - 48.5% remained subject to that penalty at sentencing.
  - Their average sentence was 131 months, 62 months with relief.
- 73.6% of methamphetamine offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 34.7% of marijuana offenders.
- 78.9% of crack cocaine offenders remained subject to a mandatory minimum penalty at sentencing, compared to 36.7% of powder cocaine offenders.

Firearms Offenders
- 2,881 offenders were convicted of a firearms offense carrying a mandatory minimum penalty.
  - 2,527 were convicted under 18 U.S.C. § 924(c);
    - 79.8% remained subject to the mandatory minimum at sentencing.
    - Their average sentence was 157 months, 104 months with relief.
  - 301 qualified as an Armed Career Criminal under 18 U.S.C. § 924(e);
    - 81.4% remained subject to mandatory minimum penalties at sentencing.
    - Their average sentence was 204 months, 107 months with relief.

Sex Offenders
- 64.5% of the 2,503 sex offenders—sexual abuse or child pornography offenders—were convicted of an offense carrying a mandatory minimum penalty.
  - 64.1% of the 1,102 sexual abuse offenders were convicted of an offense carrying a mandatory minimum;
    - 92.6% remained subject to the mandatory minimum at sentencing.
    - Their average sentence was 253 months, 145 months with relief.
  - 64.8% of the 1,401 child pornography offenders were convicted of an offense carrying a mandatory minimum;
    - 97.7% remained subject to the mandatory minimum at sentencing.

Average Sentence by Drug Type and Relief Status FY 2018 (months)
- Meth: 71% Relief, 29% No Relief
- Marijuana: 29% Relief, 71% No Relief
- Heroin: 49% Relief, 51% No Relief
- Crack: 60% Relief, 40% No Relief
- Powder: 62% Relief, 38% No Relief

Offenders Convicted of and Remaining Subject to Mandatory Minimum Penalties

Average Guideline Minimum and Average Sentence for Offenders Convicted of an Offense Carrying Mandatory Minimum Penalty (months)

SOURCE: United States Sentencing Commission, FY 2014 through FY 2018 Datasets, USSCFY14-USSCFY18

1 See 18 U.S.C. § 3553(f).
3 Convicted of an offense under 18 U.S.C. § 1028A.