



Quick Facts

— Mandatory Minimum Penalties —



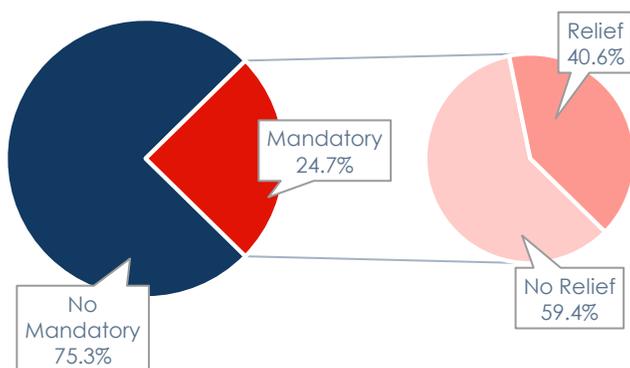
Fiscal Year 2018

▶ IN FY 2018, 69,425 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.

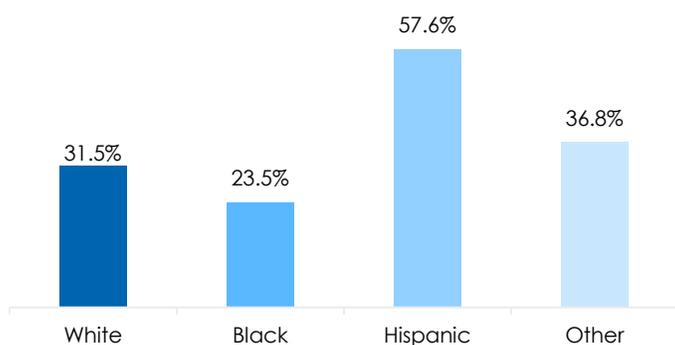
▶ 16,228 OF THESE INVOLVED AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.

▶ 14.2% OF ALL OFFENDERS REMAINED SUBJECT TO MANDATORY MINIMUMS AT SENTENCING.

Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties¹



Relief from Mandatory Minimum Penalties by Race



For more Quick Facts, visit <https://www.ussc.gov/research/quick-facts>.

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 2018 Sourcebook of Federal Sentencing Statistics.

Overview

- 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;²
 - ◆ 16.3% provided the government with substantial assistance;³
 - ◆ 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 offenders⁴ 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.

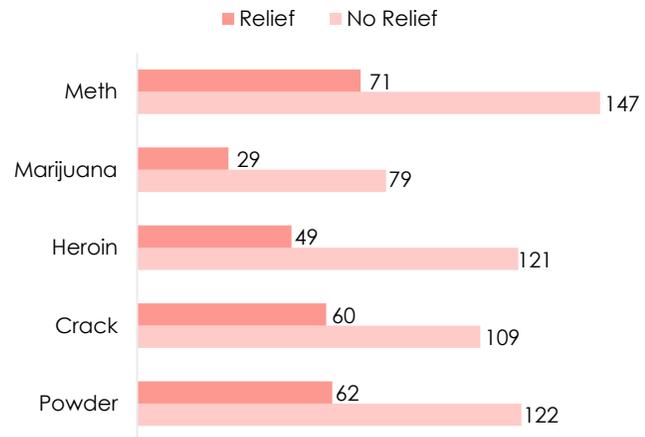
Firearms Offenders

- 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.

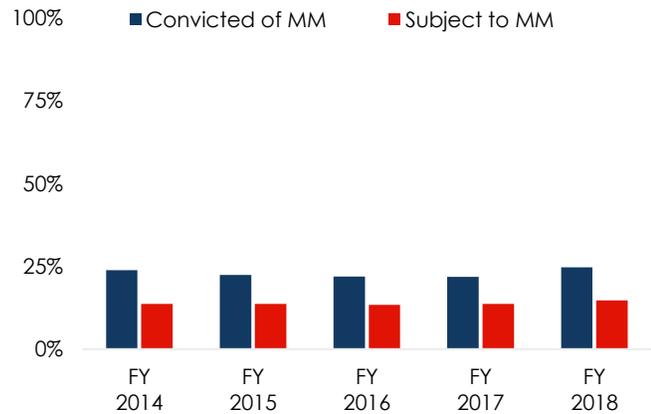
Sex Offenders

- 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.

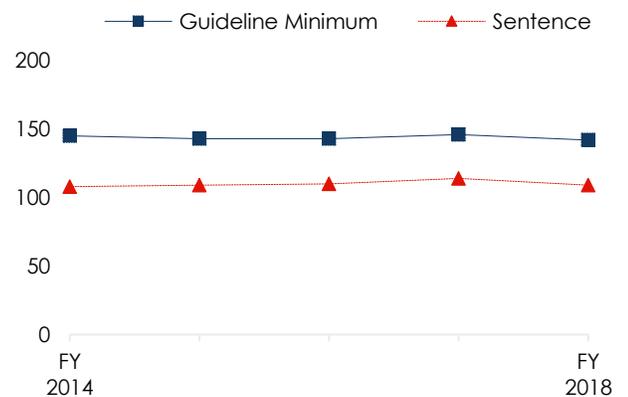
Average Sentence by Drug Type and Relief Status FY 2018 (months)



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)



² See 18 U.S.C. § 3553(f).

³ See 18 U.S.C. § 3553(e).

⁴ Convicted of an offense under 18 U.S.C. § 1028A.