



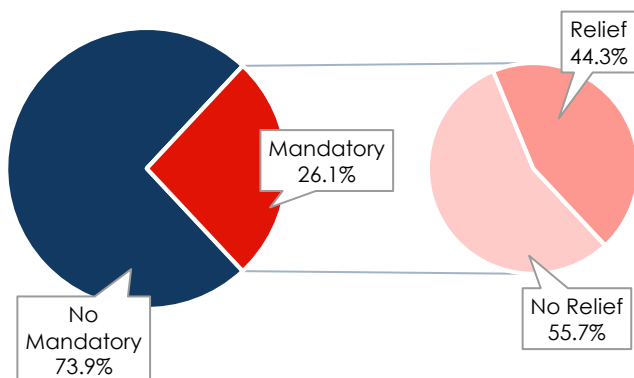
Quick Facts

— Mandatory Minimum Penalties —

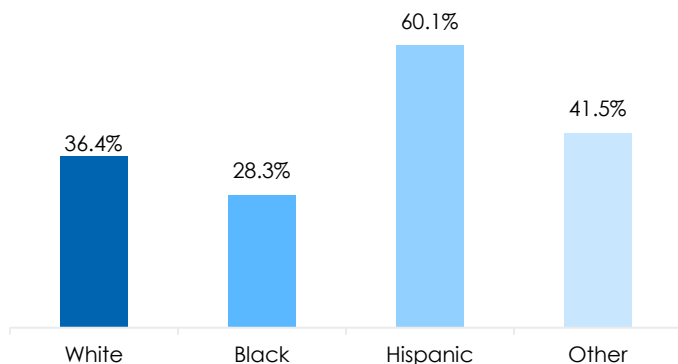
Fiscal Year 2019

- ▶ IN FY 2019, 76,538 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 18,819 INVOLVED AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.
- ▶ 14.1% OF ALL OFFENDERS REMAINED SUBJECT TO MANDATORY MINIMUMS AT SENTENCING.

Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties



Relief from Mandatory Minimum Penalties by Race



Overview¹

- 26.1% of all cases carried a mandatory minimum penalty.
- Of all cases carrying a mandatory minimum penalty:
 - ◆ 72.7% were drug trafficking;
 - ◆ 5.4% were firearms;
 - ◆ 4.8% were child pornography;
 - ◆ 4.6% were fraud;
 - ◆ 4.4% were sexual abuse.
- 44.3% of offenders convicted of an offense carrying a mandatory minimum were relieved of the penalty because:
 - ◆ 21.8% received relief through the safety valve provision;²
 - ◆ 15.9% provided the government with substantial assistance;³
 - ◆ 6.6% received relief through both.
- Of offenders convicted of an offense carrying a mandatory minimum:
 - ◆ 40.2% of male offenders received relief;
 - ◆ 70.3% of female offenders received relief;
 - ◆ 37.8% of U.S. citizen offenders received relief;
 - ◆ 68.8% of non-U.S. citizen offenders received relief.
- 55.7% of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief.
- 41.8% of offenders convicted of a mandatory minimum penalty were Hispanic, 27.6% were White, 27.6% were Black, and 3.0% were Other races.

Offenders and Sentencing

- The average sentence length was:
 - ◆ 141 months for those subject to the mandatory minimum;
 - ◆ 61 months for those receiving relief;
 - ◆ 24 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:
 - ◆ District of Hawaii (61.8%);
 - ◆ District of Virgin Islands (53.3%);
 - ◆ Southern District of Iowa (52.4%);
 - ◆ District of Puerto Rico (50.5%);
 - ◆ Central District of Illinois (50.0%).

Offense Categories

Identity Theft Offenders

- 82.9% of the 999 identity theft offenders⁴ were subject to a mandatory minimum penalty at sentencing.
 - ◆ Their average sentence was 50 months, 30 with relief.

¹ Cases with incomplete sentencing information were excluded from the analysis.

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.

⁵ *Supra* note 1.



— **Mandatory Minimum Penalties** —

Offense Categories (continued)

Drug Offenders

- 68.1% of drug offenders were convicted of an offense carrying a mandatory minimum penalty;
 - ◆ 44.7% remained subject to that penalty at sentencing.
 - ◆ Their average sentence was 133 months, 58 months with relief.
- 82.4% of methamphetamine offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 42.6% of marijuana offenders.
- 73.2% of crack cocaine offenders remained subject to a mandatory minimum penalty at sentencing, compared to 36.0% of marijuana offenders.

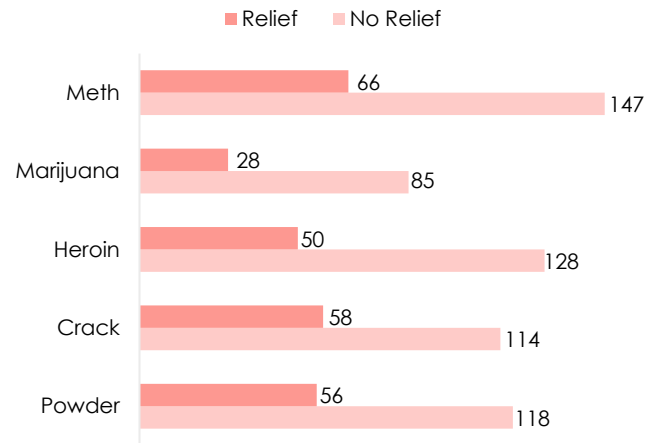
Firearms Offenders

- 3,486 offenders were convicted of a firearms offense carrying a mandatory minimum penalty.
 - ◆ 3,109 were convicted under 18 U.S.C. § 924(c);
 - ◇ 80.7% remained subject to the mandatory minimum at sentencing.
 - ◇ Their average sentence was 148 months, 97 months with relief.
 - ◆ 312 qualified as an Armed Career Criminal under 18 U.S.C. § 924(e);
 - ◇ 80.1% remained subject to mandatory minimum penalties at sentencing.
 - ◇ Their average sentence was 206 months, 116 months with relief.

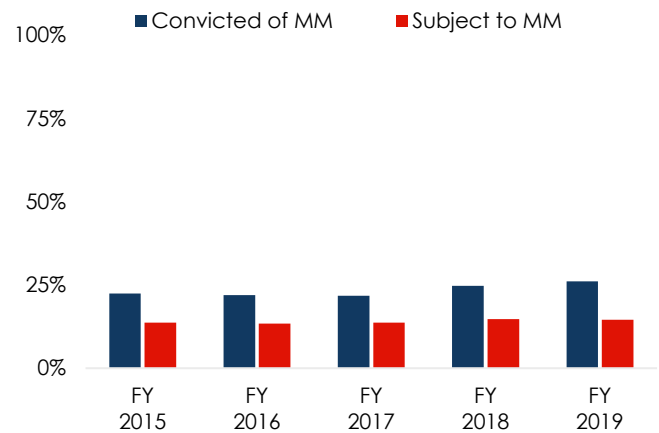
Sex Offenders⁵

- 68.2% of the 2,500 sex offenders—sexual abuse or child pornography offenders—were convicted of an offense carrying a mandatory minimum penalty.
 - ◆ 70.6% of the 1,148 *sexual abuse offenders* were convicted of an offense carrying a mandatory minimum;
 - ◇ 94.8% remained subject to the mandatory minimum at sentencing.
 - ◇ Their average sentence was 257 months, 172 months with relief.
 - ◆ 66.2% of the 1,352 *child pornography offenders* were convicted of an offense carrying a mandatory minimum;
 - ◇ 97.3% remained subject to the mandatory minimum at sentencing.
 - ◇ Their average sentence was 130 months, 93 with relief.

Average Sentence by Drug Type and Relief Status FY 2019 (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)

