



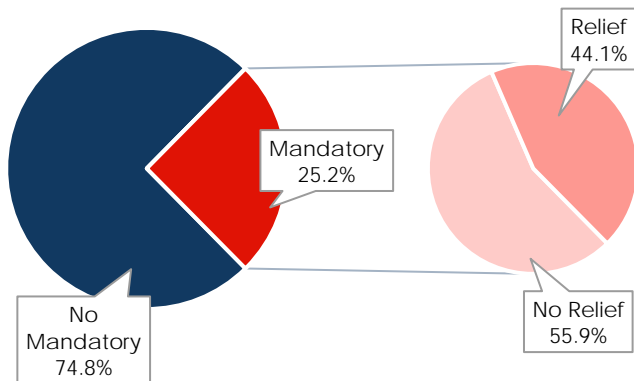
# Quick Facts

## — Mandatory Minimum Penalties —

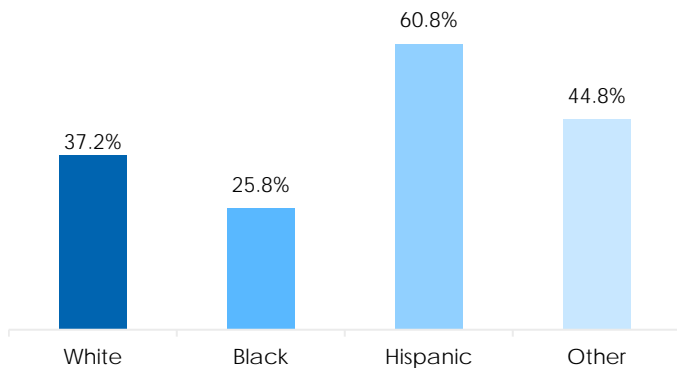
### Fiscal Year 2020

- ▶ IN FY 2020, 64,565 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 15,274 INVOLVED AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.
- ▶ 13.7% 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



### Overview<sup>1</sup>

- 25.2% of all cases carried a mandatory minimum penalty.
- Of all cases carrying a mandatory minimum penalty:
  - ◆ 75.1% were drug trafficking;
  - ◆ 5.2% were firearms;
  - ◆ 4.3% were child pornography;
  - ◆ 4.2% were sexual abuse;
  - ◆ 3.8% were fraud.
- 44.1% of offenders convicted of an offense carrying a mandatory minimum were relieved of the penalty because:
  - ◆ 23.5% received relief through the safety valve provision;<sup>2</sup>
  - ◆ 14.1% provided the government with substantial assistance;<sup>3</sup>
  - ◆ 6.5% received relief through both.
- Of offenders convicted of an offense carrying a mandatory minimum penalty:
  - ◆ 39.6% of male offenders received relief;
  - ◆ 71.0% of female offenders received relief;
  - ◆ 37.6% of U.S. citizen offenders received relief;
  - ◆ 71.4% of non-U.S. citizen offenders received relief.
- 55.9% of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief.
- 41.2% of offenders convicted of a mandatory minimum penalty were Hispanic, 29.5% were White, 26.4% were Black, and 2.9% were Other races.

### Offenders and Sentencing

- The average sentence length was:
  - ◆ 138 months for those subject to the mandatory minimum;
  - ◆ 59 months for those receiving relief;
  - ◆ 22 months for offenders who were not convicted of an offense carrying a mandatory minimum penalty.
- The top five districts where cases involving a mandatory minimum penalty comprised the highest percentage of the overall caseload were:
  - ◆ Eastern District of Tennessee (59.3%);
  - ◆ Southern District of Indiana (55.9%);
  - ◆ Eastern District of Kentucky (55.4%);
  - ◆ District of Puerto Rico (53.5%);
  - ◆ Central District of Illinois (52.7%).

### Offense Categories

#### Identity Theft Offenders

- 81.9% of the 652 identity theft offenders<sup>4</sup> were subject to a mandatory minimum penalty at sentencing.
  - ◆ Their average sentence was 48 months, 24 months with relief.

<sup>1</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>2</sup> See 18 U.S.C. § 3553(f).

<sup>3</sup> See 18 U.S.C. § 3553(e).

<sup>4</sup> Convicted of an offense under 18 U.S.C. § 1028A.



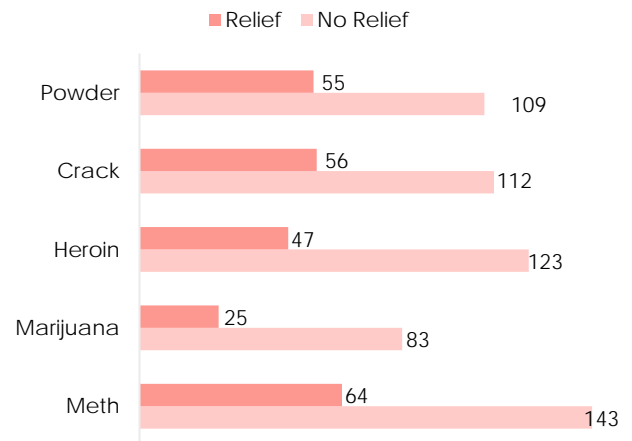
— **Mandatory Minimum Penalties** —

**Offense Categories (continued)**

**Drug Offenders**

- 69.6% of drug offenders were convicted of an offense carrying a mandatory minimum penalty;
  - ◆ 46.1% remained subject to that penalty at sentencing.
  - ◆ Their average sentence was 129 months, 57 months with relief.
- 84.1% of methamphetamine offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 39.2% of marijuana offenders.
- 74.9% of crack cocaine offenders remained subject to a mandatory minimum penalty at sentencing, compared to 38.3% of marijuana offenders.

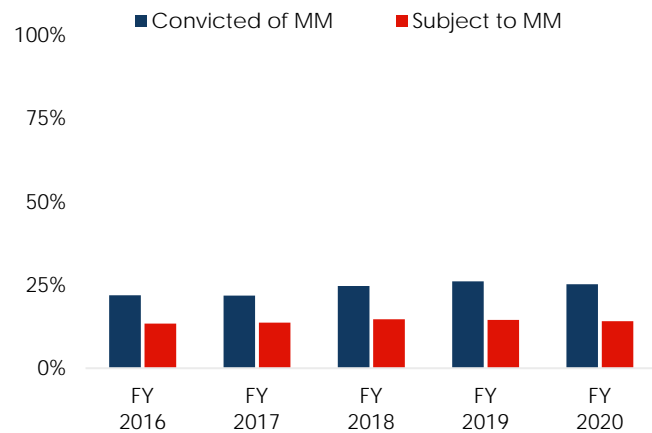
**Average Sentence by Drug Type and Relief Status FY 2020 (months)**



**Firearms Offenders**

- 2,810 offenders were convicted of a firearms offense carrying a mandatory minimum penalty.
  - ◆ 2,500 were convicted under 18 U.S.C. § 924(c);
    - ◇ 81.2% remained subject to the mandatory minimum penalty at sentencing.
    - ◇ Their average sentence was 147 months, 97 months with relief.
  - ◆ 257 qualified as an Armed Career Criminal under 18 U.S.C. § 924(e);
    - ◇ 82.9% remained subject to mandatory minimum penalties at sentencing.
    - ◇ Their average sentence was 204 months, 120 months with relief.

**Offenders Convicted of and Remaining Subject to Mandatory Minimum Penalties**



**Sex Offenders**

- 68.1% of the 1,889 sex offenders—sexual abuse or child pornography offenders—were convicted of an offense carrying a mandatory minimum penalty.
  - ◆ 72.7% of the 874 *sexual abuse offenders* were convicted of an offense carrying a mandatory minimum penalty;
    - ◇ 93.7% remained subject to the mandatory minimum at sentencing.
    - ◇ Their average sentence was 251 months, 147 months with relief.
  - ◆ 64.2% of the 1,015 *child pornography offenders* were convicted of an offense carrying a mandatory minimum penalty;
    - ◇ 96.8% remained subject to the mandatory minimum at sentencing.
    - ◇ Their average sentence was 126 months, 105 months with relief.

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

