



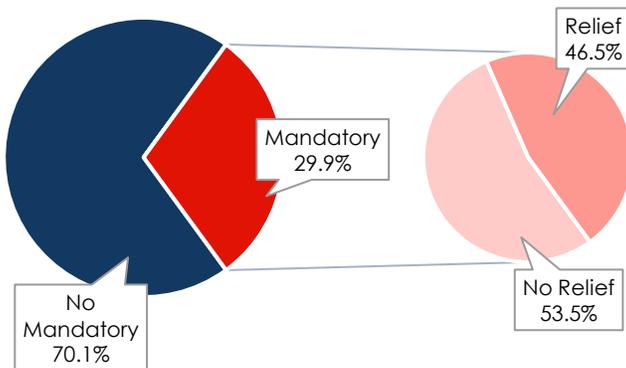
Quick Facts

— Mandatory Minimum Penalties —

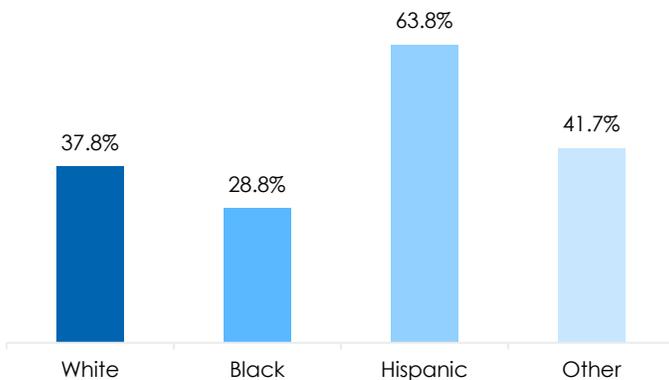
Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 16,439 INVOLVED AN OFFENSE CARRYING A MANDATORY MINIMUM PENALTY.
- ▶ 15.7% OF ALL OFFENDERS REMAINED SUBJECT TO A MANDATORY MINIMUM AT SENTENCING.

Offenders Convicted of Offenses Carrying Mandatory Minimum Penalties



Relief from Mandatory Minimum Penalties by Race



Overview¹

- 29.9% of all cases carried a mandatory minimum penalty.
- Of all cases carrying a mandatory minimum penalty:
 - ◆ 75.5% were drug trafficking;
 - ◆ 5.1% were child pornography;
 - ◆ 4.9% were firearms;
 - ◆ 4.7% were sexual abuse;
 - ◆ 3.2% were fraud.
- 46.5% of offenders convicted of an offense carrying a mandatory minimum were relieved of the penalty;
 - ◆ 25.8% received relief through the safety valve provision;²
 - ◆ 13.7% provided the government with substantial assistance;³
 - ◆ 7.0% received relief through both.
- Of offenders convicted of an offense carrying a mandatory minimum penalty:
 - ◆ 41.9% of male offenders received relief;
 - ◆ 73.0% of female offenders received relief;
 - ◆ 41.2% of U.S. citizen offenders received relief;
 - ◆ 72.2% of non-U.S. citizen offenders received relief.
- 53.5% of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief.
- 41.7% of offenders convicted of a mandatory minimum penalty were Hispanic, 30.1% were White, 25.0% were Black, and 3.2% were Other races.

Offenders and Sentencing

- The average sentence length was:
 - ◆ 139 months for those subject to the mandatory minimum;
 - ◆ 57 months for those receiving relief;
 - ◆ 28 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 (60.1%);
 - ◆ Southern District of Alabama (57.8%);
 - ◆ Northern District of Florida (56.7%);
 - ◆ District of Puerto Rico (55.0%);
 - ◆ Southern District of Iowa (52.8%).

Offense Categories

Identity Theft Offenders

- 76.7% of the 602 identity theft offenders⁴ were subject to a mandatory minimum penalty at sentencing.
 - ◆ Their average sentence was 52 months, 28 months 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.



Offense Categories (continued)

Drug Offenders

- 70.4% of drug offenders were convicted of an offense carrying a mandatory minimum penalty;
 - 43.3% remained subject to that penalty at sentencing.
 - Their average sentence was 128 months, 55 months with relief.
- 81.9% of methamphetamine offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 43.5% of marijuana offenders.
- 72.8% of crack cocaine offenders remained subject to a mandatory minimum penalty at sentencing, compared to 36.2% of marijuana offenders.

Firearms Offenders

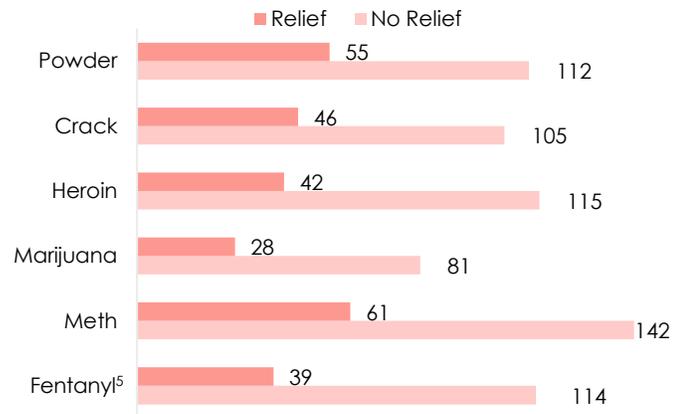
- 2,746 offenders were convicted of a firearms offense carrying a mandatory minimum penalty.
 - 2,400 were convicted under 18 U.S.C. § 924(c);
 - 81.6% remained subject to the mandatory minimum penalty at sentencing.
 - Their average sentence was 143 months, 102 months with relief.
 - 262 qualified as an Armed Career Criminal under 18 U.S.C. § 924(e);
 - 81.7% remained subject to the mandatory minimum penalty at sentencing.
 - Their average sentence was 203 months, 119 months with relief.

Sex Offenders

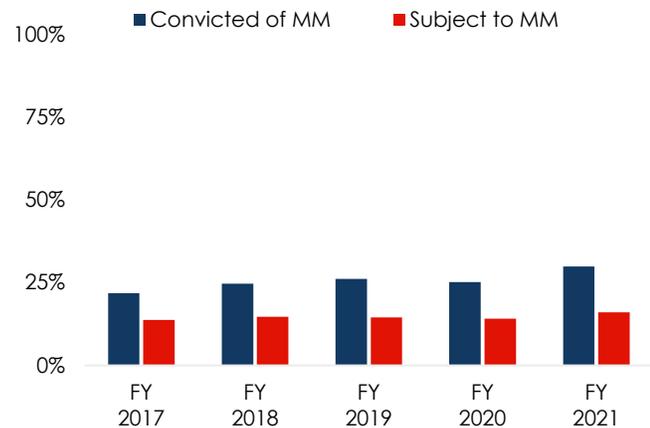
- 70.1% of the 2,261 sex offenders—sexual abuse or child pornography offenders—were convicted of an offense carrying a mandatory minimum penalty.
 - 73.1% of the 1,050 **sexual abuse offenders** were convicted of an offense carrying a mandatory minimum penalty;
 - 94.0% remained subject to the mandatory minimum at sentencing.
 - Their average sentence was 259 months, 158 months with relief.
 - 67.5% of the 1,211 **child pornography offenders** were convicted of an offense carrying a mandatory minimum penalty;
 - 98.0% remained subject to the mandatory minimum at sentencing.
 - Their average sentence was 133 months, 131 months with relief.

— Mandatory Minimum Penalties —

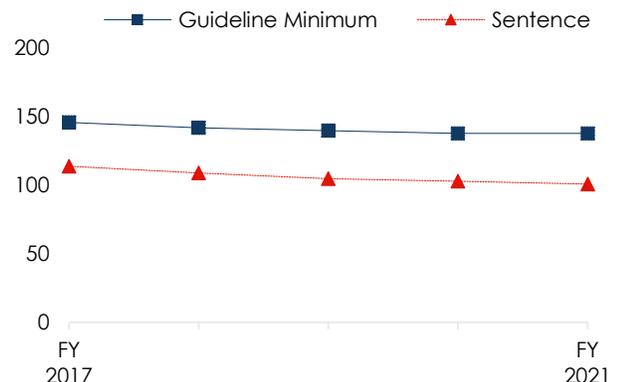
Average Sentence by Drug Type and Relief Status
FY 2021
(months)



Offenders Convicted of and Remaining Subject to a Mandatory Minimum Penalty



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



⁵ The 'Fentanyl' category includes both Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide) and Fentanyl Analogue.