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

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

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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.

Firearm 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.

Average Sentence by Drug Type and Relief Status

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<th>Drug Type</th>
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<td>Fentanyl</td>
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</tbody>
</table>

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

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