



QuickFacts

Mandatory Minimum Penalties

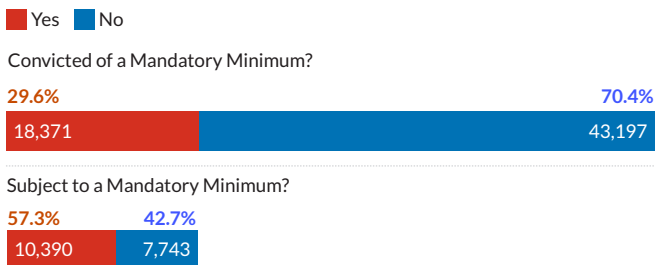
Population Snapshot

64,142 cases were reported in FY22.

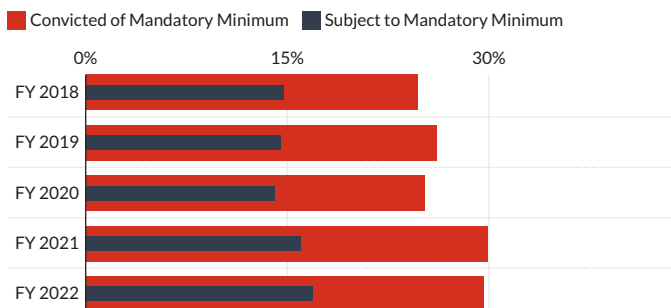
18,371 involved an offense carrying a statutory mandatory minimum penalty.¹

16.7% of all offenders remained subject to a mandatory minimum at sentencing.

FY 2022 Mandatory Minimum Status



Mandatory Minimum Status Over Time



FY 2022 Relief by Race

Race	Percent Receiving Relief
Hispanic	59.1%
Other	42.2%
White	36.3%
Black	27.2%

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Overview

29.6% of all cases carried a mandatory minimum penalty.

Of all cases carrying a mandatory minimum penalty:

- 73.2% were drug trafficking;
- 6.1% were sexual abuse;
- 5.2% were child pornography;
- 4.7% were firearms;
- 3.7% were fraud.

42.7% of offenders convicted of an offense carrying a mandatory minimum were relieved of the penalty;

- 21.6% received relief through the safety valve provision;²
- 14.4% provided the government with substantial assistance;³
- 6.7% received relief through both.

Of offenders convicted of an offense carrying a mandatory minimum penalty:

- 38.3% of male offenders received relief;
- 70.6% of female offenders received relief;
- 37.8% of U.S. citizen offenders received relief;
- 67.7% of non-U.S. citizen offenders received relief.

57.3% of offenders convicted of an offense carrying a mandatory minimum penalty did not receive relief.

38.5% of offenders convicted of a mandatory minimum penalty were Hispanic, 30.2% were White, 28.1% were Black, and 3.2% were Other races.

Offenders and Sentencing

The average sentence length was:

- 144 months for those subject to the mandatory minimum;
- 63 months for those receiving relief;
- 29 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:

- Northern District of Florida (64.4%);
- District of Hawaii (61.3%);
- Eastern District of Tennessee (56.7%);
- Eastern District of Kentucky (55.9%);
- Southern District of Illinois (55.2%).



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Offense Categories

Identity Theft Offenders

- 83.1% of the 775 identity theft offenders⁴ were subject to a mandatory minimum penalty at sentencing.
- Their average sentence was 51 months; 29 months with relief.

Drug Offenders⁵

- 67.1% of drug offenders were convicted of an offense carrying a mandatory minimum penalty;
 - 46.6% remained subject to that penalty at sentencing.
 - Their average sentence was 133 months; 61 months with relief.
- 74.6% of *methamphetamine* offenders were convicted of an offense carrying a mandatory minimum penalty, compared to 42.7% of marijuana offenders.
- 74.4% of *crack cocaine* offenders remained subject to a mandatory minimum penalty at sentencing, compared to 38.5% of marijuana offenders.

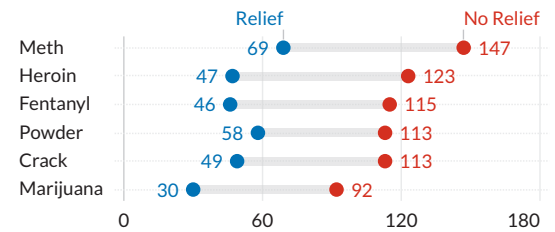
Firearms Offenders

- 3,091 offenders were convicted of a firearms offense carrying a mandatory minimum penalty.
- 2,760 were convicted under **18 U.S.C. § 924(c)**;
 - 82.5% remained subject to the mandatory minimum penalty at sentencing.
 - Their average sentence was 151 months; 101 months with relief.
- 243 qualified as **Armed Career Criminals** under 18 U.S.C. § 924(e);
 - 79.8% remained subject to the mandatory minimum penalty at sentencing.
 - Their average sentence was 208 months; 96 months with relief.

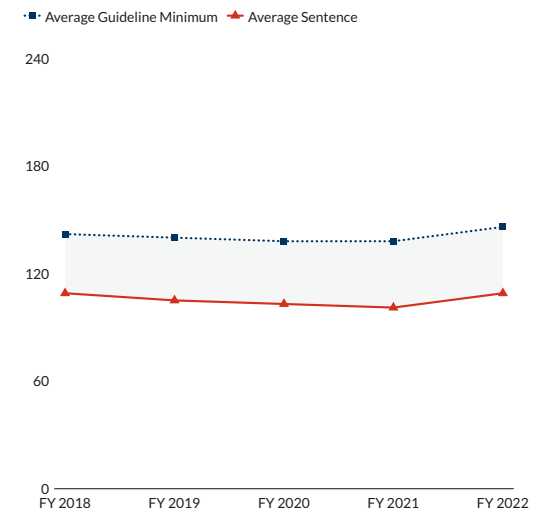
Sex Offenders

- 70.4% of the 2,902 sex offenders—sexual abuse or child pornography offenders—were convicted of an offense carrying a mandatory minimum penalty.
- 74.4% of the 1,478 *sexual abuse* offenders were convicted of an offense carrying a mandatory minimum penalty;
 - 93.5% remained subject to the mandatory minimum at sentencing.
 - Their average sentence was 252 months; 138 months with relief.
- 66.3% of the 1,424 *child pornography* offenders were convicted of an offense carrying a mandatory minimum penalty;
 - 97.8% remained subject to the mandatory minimum at sentencing.
 - Their average sentence was 138 months; 88 months with relief.

FY 2022 Average Sentence by Drug Type and Relief Status (in months)



Average Guideline Minimum and Average Sentence (in months)



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

SOURCE: United States Sentencing Commission, FY 2018 through FY 2022 Datafiles, USSCFY18-USSCFY22.