



# QuickFacts

## Mandatory Minimum Penalties

### Population Snapshot

**64,124 cases** were reported in FY23.

**17,080** involved an offense carrying a statutory mandatory minimum penalty.

**16.3%** of all sentenced individuals were subject to a mandatory minimum penalty at sentencing.

### FY23 Mandatory Minimum Penalty Status

Yes No

Convicted of an offense carrying a Mandatory Minimum penalty?

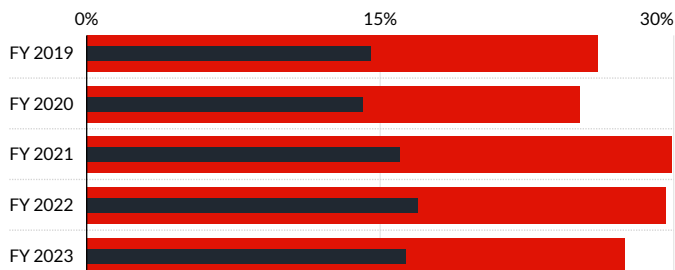


Subject to a Mandatory Minimum penalty at sentencing?

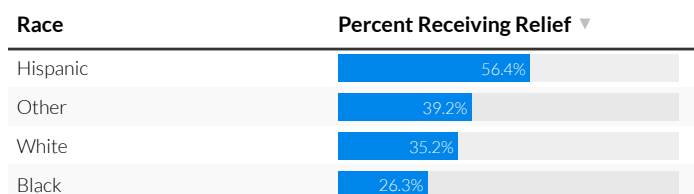


### Mandatory Minimum Penalty Status Over Time

Convicted of an Offense Carrying a Mandatory Minimum Penalty  
Subject to a Mandatory Minimum Penalty at Sentencing



### FY23 Relief by Race



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

26.6% of all cases carried a mandatory minimum penalty.

Of all cases carrying a mandatory minimum penalty:

- 72.3% were drug trafficking;
- 6.1% were sexual abuse;
- 5.6% were child pornography;
- 4.8% were firearms;
- 3.2% were fraud.

40.9% of individuals convicted of an offense carrying a mandatory minimum penalty were relieved of the penalty;

- 19.5% received relief through the safety valve provision;<sup>2</sup>
- 14.4% provided the government with substantial assistance;<sup>3</sup>
- 7.1% received relief through both.

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

- 36.9% of males received relief;
- 69.9% of females received relief;
- 35.8% of U.S. citizens received relief;
- 66.2% of non-U.S. citizens received relief.

59.1% of individuals convicted of an offense carrying a mandatory minimum penalty did not receive relief.

38.1% of individuals convicted of an offense carrying a mandatory minimum penalty were Hispanic, 30.3% were White, 28.3% were Black, and 3.2% were Other races.

### Individuals and Sentencing

The average sentence length was:

- 151 months for those subject to the mandatory minimum penalty;
- 67 months for those receiving relief;
- 30 months for individuals 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:

- Central District of Illinois (63.7%);
- Northern District of Florida (57.7%);
- Western District of Virginia (57.0%);
- Southern District of Indiana (57.0%);
- District of Puerto Rico (56.7%).



# QuickFacts

## Mandatory Minimum Penalties

### Offense Categories

#### Identity Theft Offenses

- 80.7% of the 626 individuals sentenced for **identity theft offenses**<sup>4</sup> were subject to a mandatory minimum penalty at sentencing.
  - Their average sentence was 57 months; 28 months with relief.

#### Drug Offenses<sup>5</sup>

- 64.7% of the 18,818 individuals sentenced for **drug offenses** were convicted of an offense carrying a mandatory minimum penalty;
  - 48.6% remained subject to that penalty at sentencing.
  - Their average sentence was 138 months; 64 months with relief.
- 72.6% of the 3,547 individuals sentenced for **powder cocaine** offenses were convicted of an offense carrying a mandatory minimum penalty, compared to 47.0% of individuals sentenced for marijuana offenses.
- 63.3% of the 357 individuals sentenced for **crack cocaine** offenses remained subject to a mandatory minimum penalty at sentencing, compared to 39.1% of individuals sentenced for marijuana offenses.

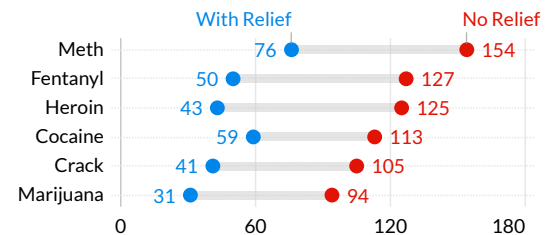
#### Firearms Offenses

- 28.0% of the 11,131 individuals sentenced for **firearms offenses** were convicted of an offense carrying a mandatory minimum penalty.
- 2,830 were convicted under **18 U.S.C. § 924(c)**;
  - 81.9% remained subject to the mandatory minimum penalty at sentencing.
  - Their average sentence was 153 months; 108 months with relief.
- 189 qualified as **Armed Career Criminals** under 18 U.S.C. § 924(e);
  - 79.0% remained subject to the mandatory minimum penalty at sentencing.
  - Their average sentence was 223 months; 116 months with relief.

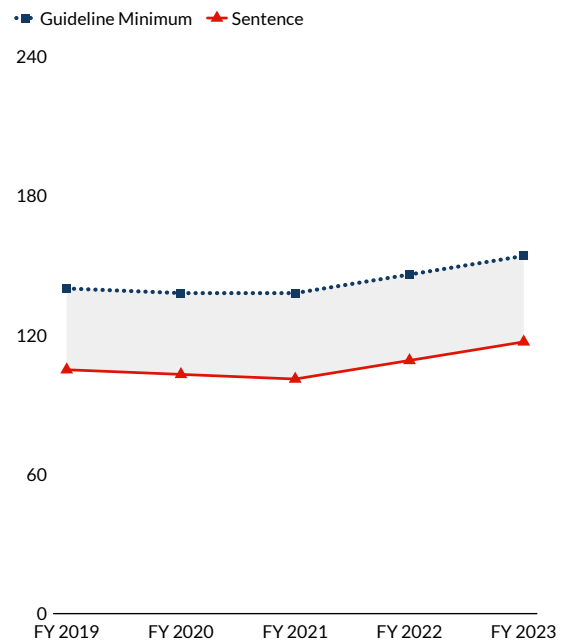
#### Sex Offenses

- 70.9% of the 2,776 individuals sentenced for **sex offenses**—sexual abuse or child pornography—were convicted of an offense carrying a mandatory minimum penalty.
- 74.3% of the 1,379 individuals sentenced for **sexual abuse** were convicted of an offense carrying a mandatory minimum penalty;
  - 94.8% remained subject to the mandatory minimum penalty at sentencing.
  - Their average sentence was 259 months; 157 months with relief.
- 67.6% of the 1,397 individuals sentenced for **child pornography** were convicted of an offense carrying a mandatory minimum penalty;
  - 96.9% remained subject to the mandatory minimum penalty at sentencing.
  - Their average sentence was 143 months; 111 months with relief.

### FY23 Average Sentence by Drug Type (in months)



### Average Guideline Minimum and Average Sentence (in months)



<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.

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

SOURCE: United States Sentencing Commission, FY 2019 through FY 2023 Datafiles, USSCFY19-USSCFY23.