



United States Sentencing Commission  
OVERVIEW OF MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM (2017)  
For the full report, visit <https://go.usa.gov/xNthU>

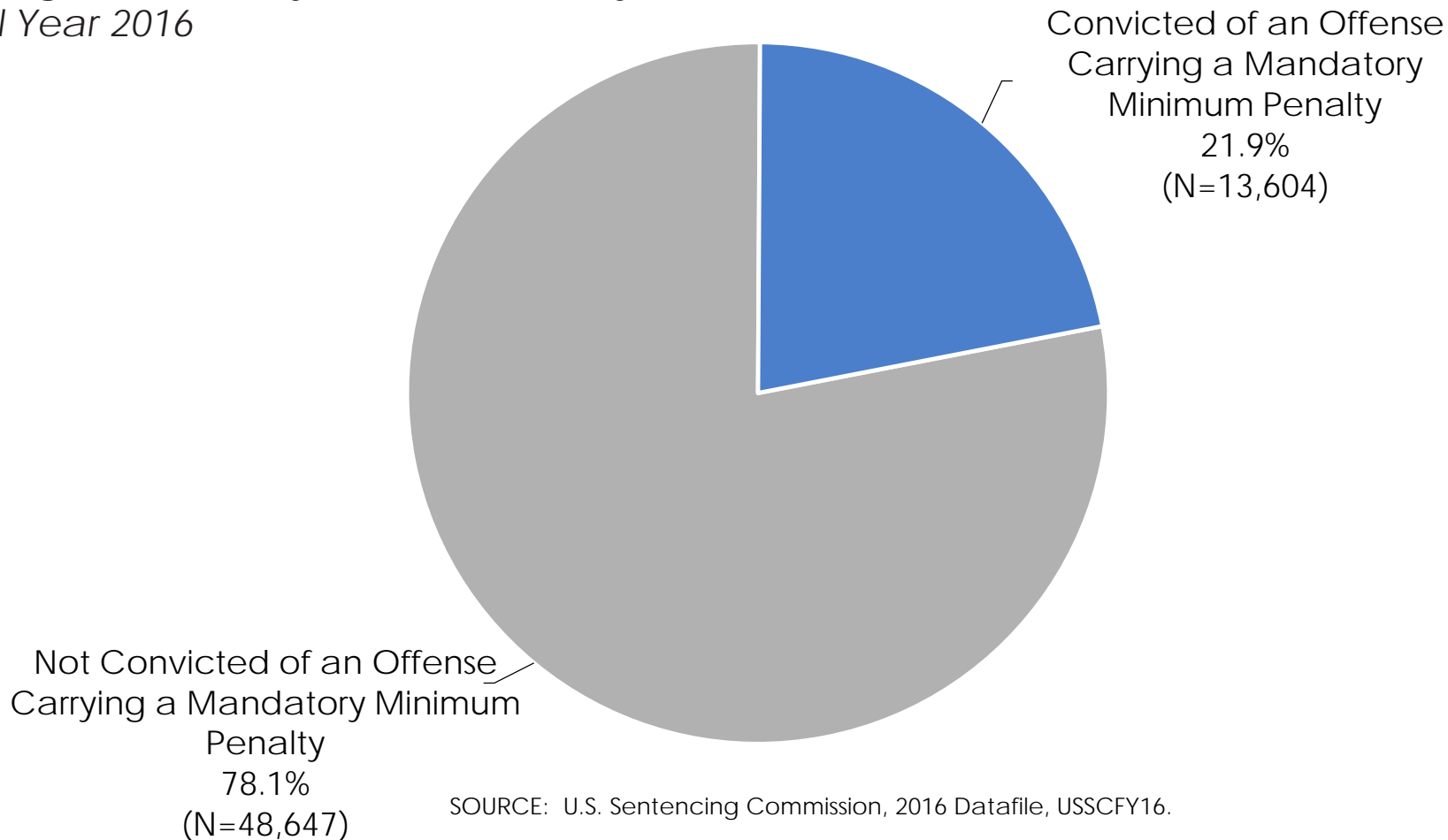
## Triggering Thresholds for Common Controlled Substances

21 U.S.C. § 841	5-year Mandatory Minimum	10-year Mandatory Minimum
Heroin	100 G	1 KG
Powder Cocaine	500 G	5 KG
Cocaine Base (crack)	28 G	280 G
Marijuana	100 KG	1,000 KG
Methamphetamine (pure)	5 G	50 G
Methamphetamine (mixture)	50 G	500 G



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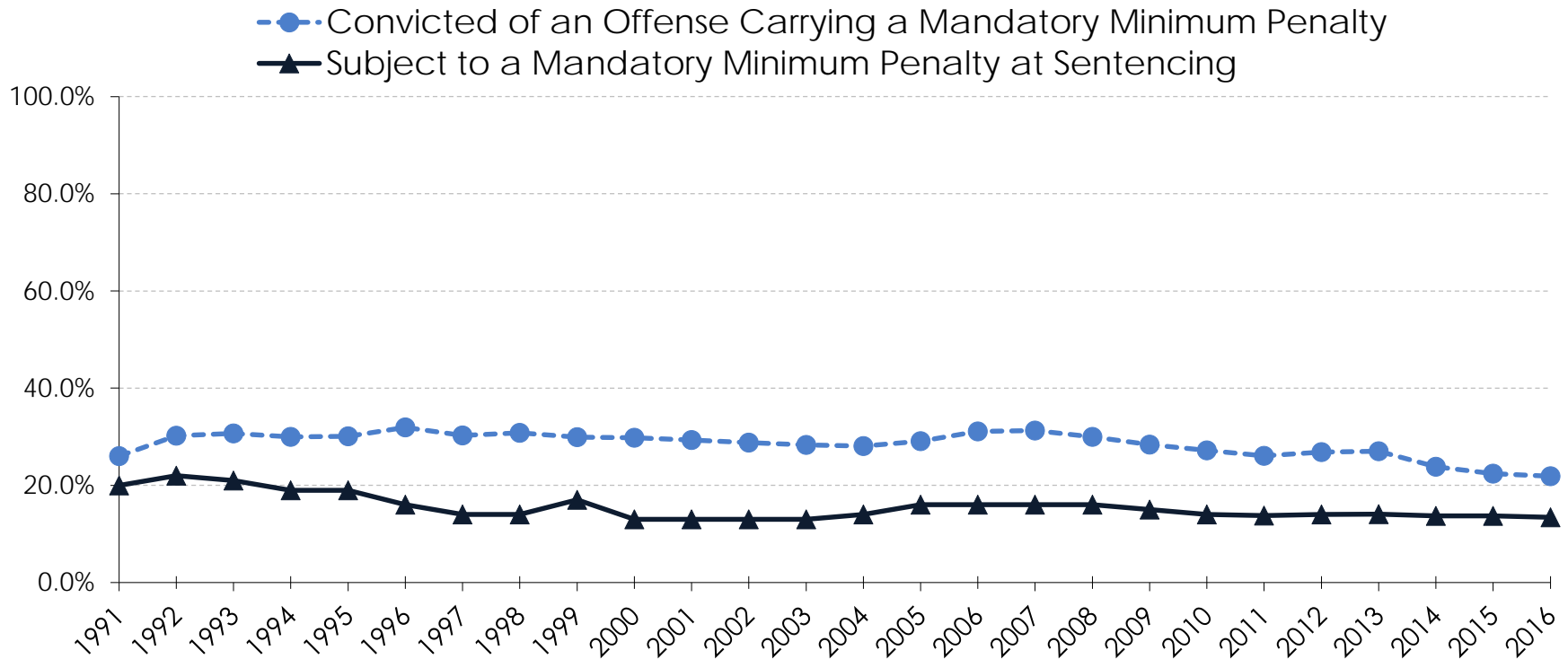
**Figure 1.** Offenders Convicted of an Offense  
Carrying a Mandatory Minimum Penalty  
*Fiscal Year 2016*



SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



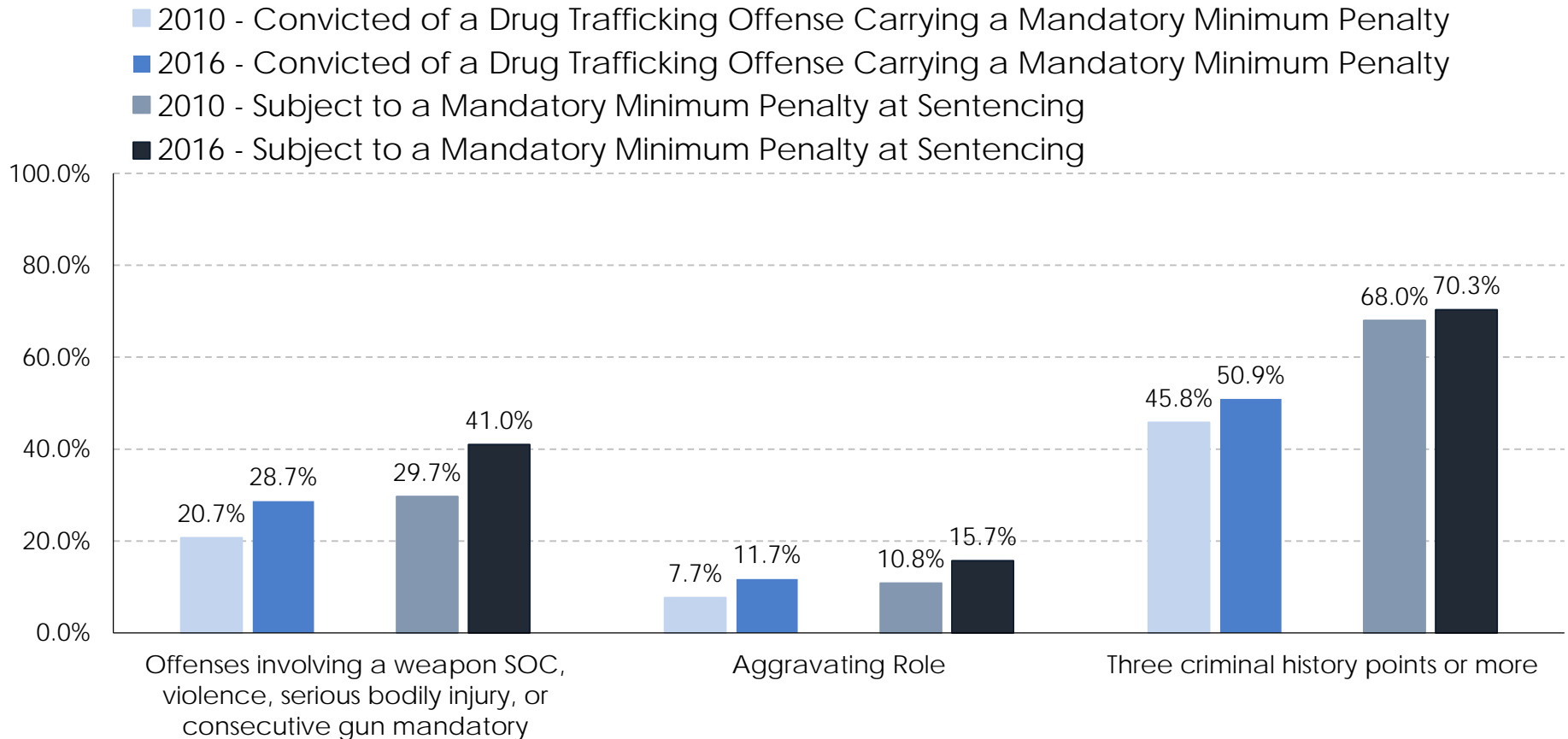
**Figure 2.** Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty and Offenders Subject to a Mandatory Minimum Penalty at Sentencing Fiscal Years 1991 - 2016



SOURCE: U.S. Sentencing Commission 1991 through 2016 Datafiles, USSCFY1991-USSCFY2016.



**Figure 3.** Comparison of Selected Sentencing Data Related to the Smart on Crime Initiative  
*Fiscal Years 2010 and 2016*

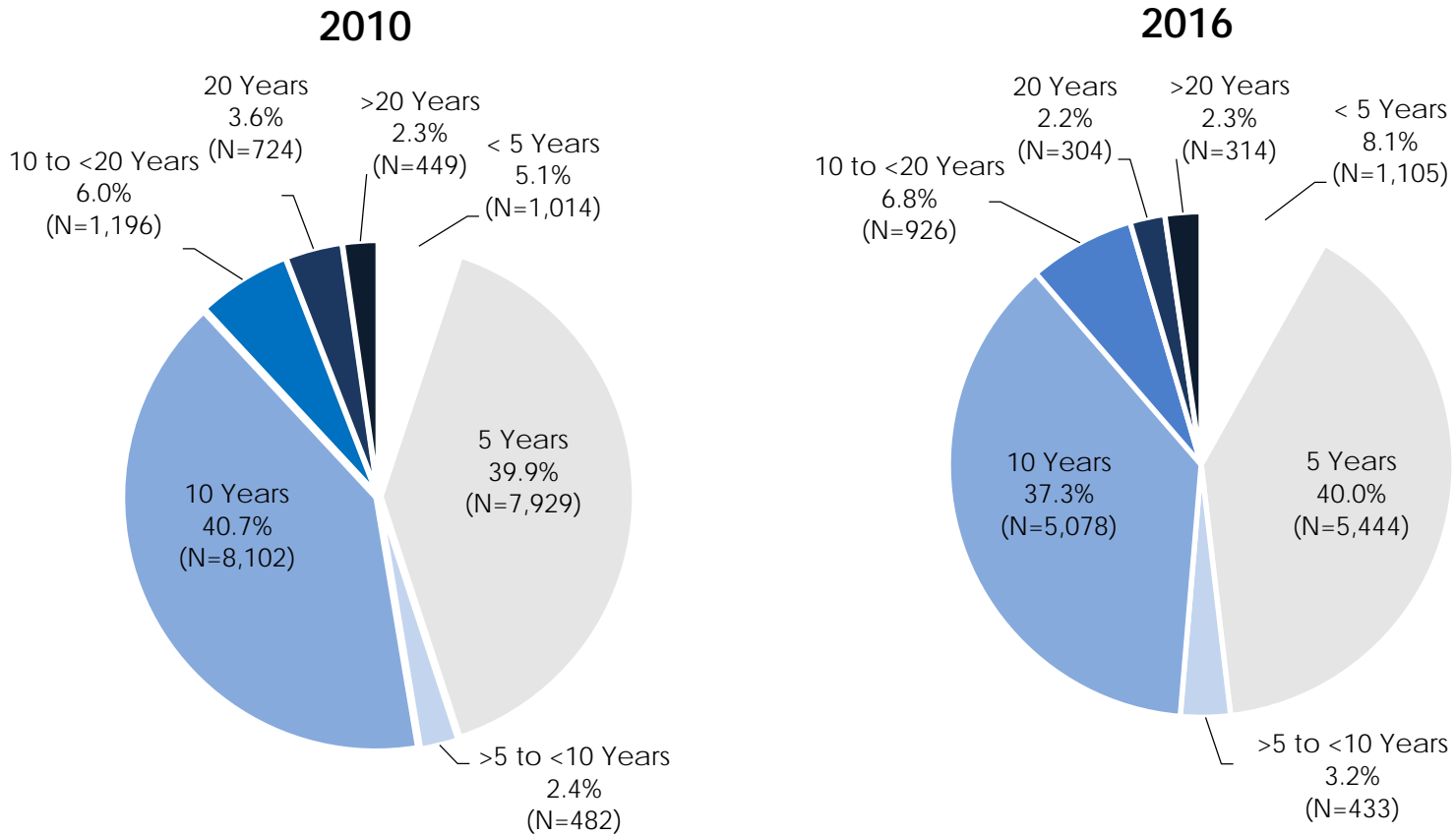


SOURCE: U.S. Sentencing Commission, 2010, and 2016 Datafiles, USSCFY10, and USSCFY16.



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**Figure 4.** Length of Mandatory Minimum Penalty for Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty  
*Fiscal Years 2010 and 2016*

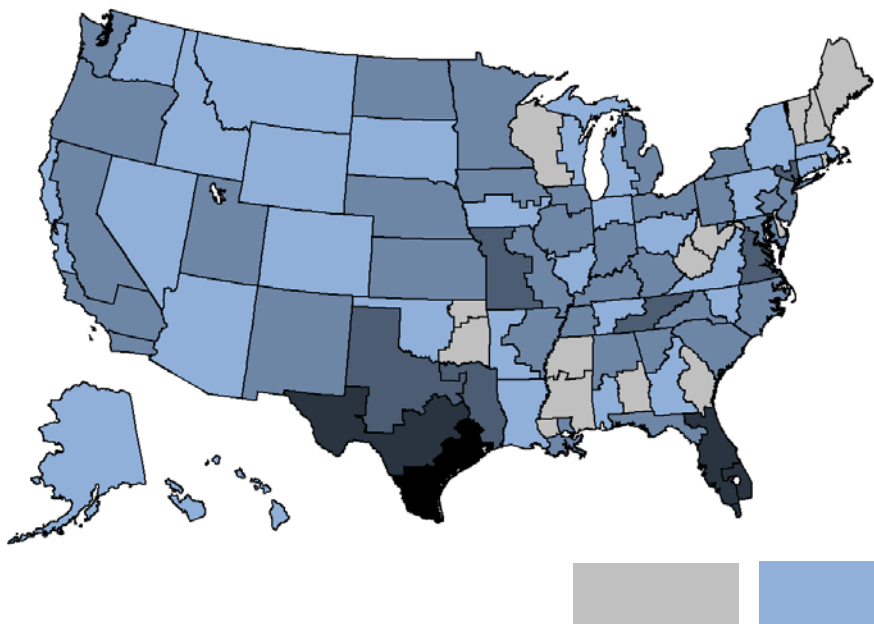


SOURCE: U.S. Sentencing Commission, 2010, and 2016 Datafiles, USSCFY10, and USSCFY16.



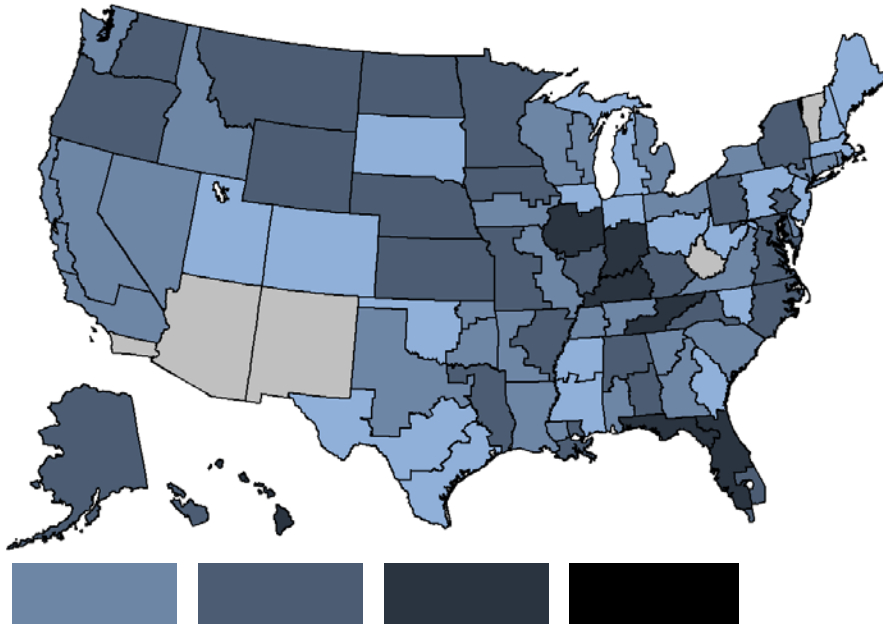
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**Figure 5.** Number of Offenders  
Convicted of an Offense Carrying a  
Mandatory Minimum Penalty  
by District  
*Fiscal Year 2016*



Number of Offenders:	<50	50-99	100-249	250-499	500-750	>750
Percentage of Offenders:	<10%	10-19%	20-29%	30-39%	40-49%	>50%

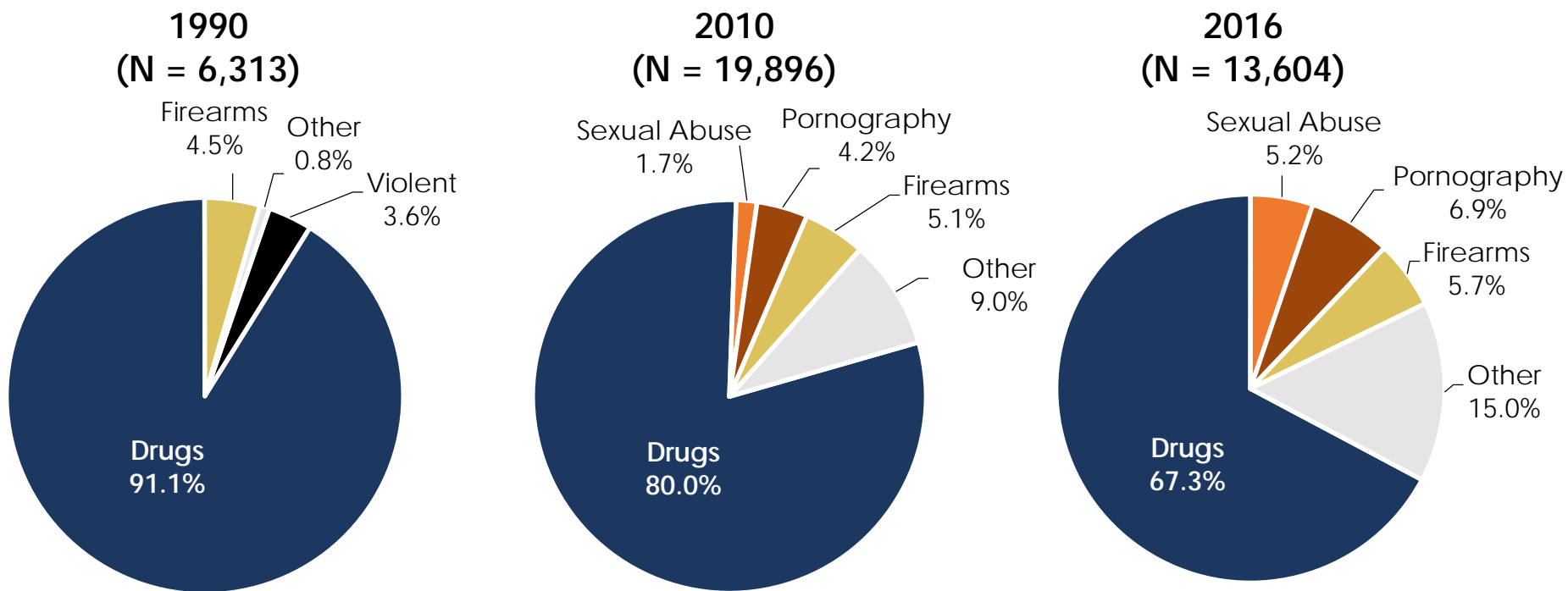
**Figure 6.** Percentage of Offenders  
Convicted of an Offense Carrying a  
Mandatory Minimum Penalty  
by District  
*Fiscal Year 2016*



SOURCE: U.S. Sentencing Commission, 2010, and 2016 Datafiles, USSCFY10, and USSCFY16.



**Figure 7.** Primary Offense of Conviction for Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty  
*Fiscal Years 1990, 2010, and 2016*





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**Table 1.** Number of Convictions for Most Frequently Used Statutes Carrying a Mandatory Minimum Penalty  
*Fiscal Year 2016*

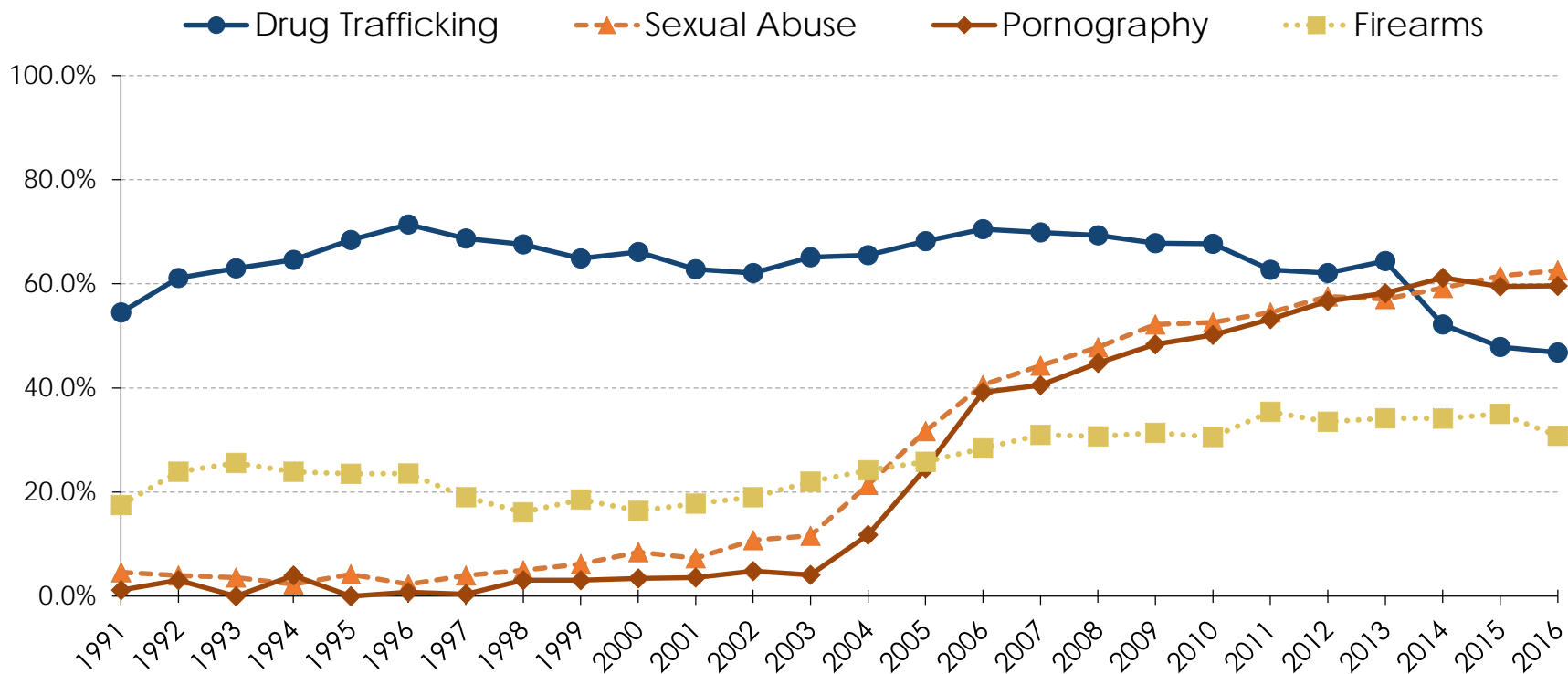
STATUTE	Total Number of Counts of Convictions	Percentage of Counts of Conviction
21 U.S.C. § 846	5,982	24.9%
21 U.S.C. § 841(b)(1)(B)	2,478	10.3%
21 U.S.C. § 841(b)(1)(A)	2,224	9.3%
18 U.S.C. § 924(c)(1)(A)(i)	1,974	8.2%
18 U.S.C. § 924(c)(1)(A)(ii)	1,019	4.2%

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.





**Figure 8.** Offenders in Select Offense Types Convicted of an Offense Carrying a Mandatory Minimum Penalty  
*Fiscal Years 1991 - 2016*



SOURCE: U.S. Sentencing Commission, 1991 through 2016 Datafiles, USSCFY91 – USSCFY16.



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**Table 2.** Demographic Characteristics of Offenders  
*Fiscal Year 2016*

	All Offenders	Convicted of an Offense Carrying a Mandatory Minimum Penalty	Relieved of Mandatory Minimum Penalty	Subject to Mandatory Minimum Penalty at Sentencing
<b>Total (# of offenders)</b>	<b>62,251</b>	<b>13,604</b>	<b>5,262</b>	<b>8,342</b>
<b>RACE</b>				
White	22.7%	27.2%	21.1%	31.1%
Black	20.9%	29.7%	20.6%	35.5%
Hispanic	52.4%	40.4%	55.5%	30.9%
Other	4.0%	2.7%	2.8%	2.5%
<b>CITIZENSHIP</b>				
U.S. Citizen	59.6%	77.9%	64.2%	86.5%
Non-U.S. Citizen	40.4%	22.1%	35.8%	13.5%
<b>GENDER</b>				
Male	86.4%	90.0%	85.3%	93.0%
Female	13.6%	10.0%	14.7%	7.0%

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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**Table 3.** Criminal History of Offenders  
*Fiscal Year 2016*

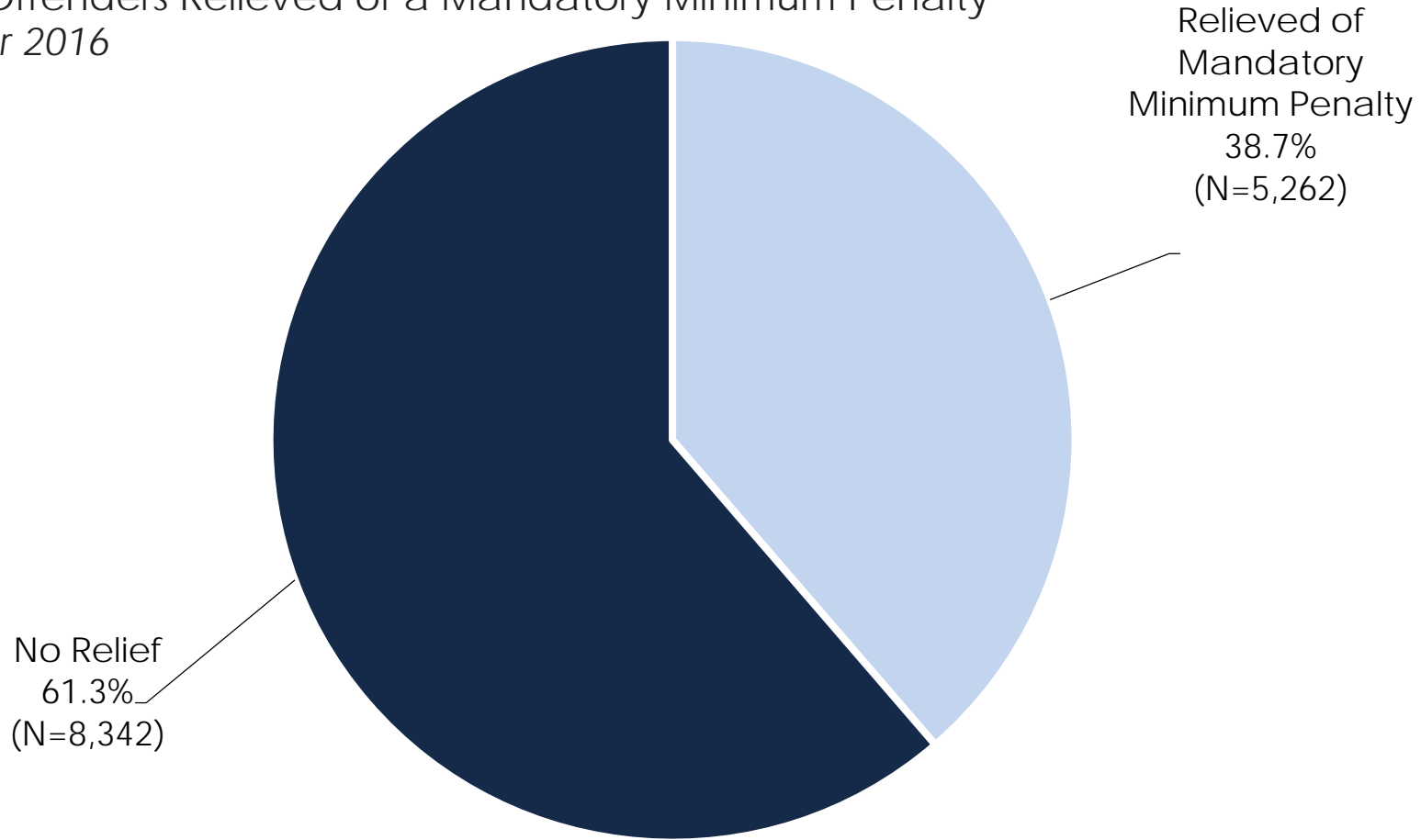
	All Offenders	Convicted of an Offense Carrying a Mandatory Minimum Penalty	Relieved of Mandatory Minimum Penalty	Subject to Mandatory Minimum Penalty at Sentencing
<b>Total (# of offenders)</b>	<b>N=62,251</b>	<b>N=13,604</b>	<b>N=5,262</b>	<b>N=8,342</b>
<b>CRIMINAL HISTORY CATEGORY</b>				
Category I	45.2%	45.7%	63.1%	34.6%
Category II	13.8%	11.7%	8.6%	13.7%
Category III	16.4%	14.7%	10.3%	17.5%
Category IV	9.6%	8.6%	5.5%	10.6%
Category V	5.5%	5.1%	3.2%	6.4%
Category VI	9.5%	14.1%	9.3%	17.2%

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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**Figure 9.** Offenders Relieved of a Mandatory Minimum Penalty  
*Fiscal Year 2016*

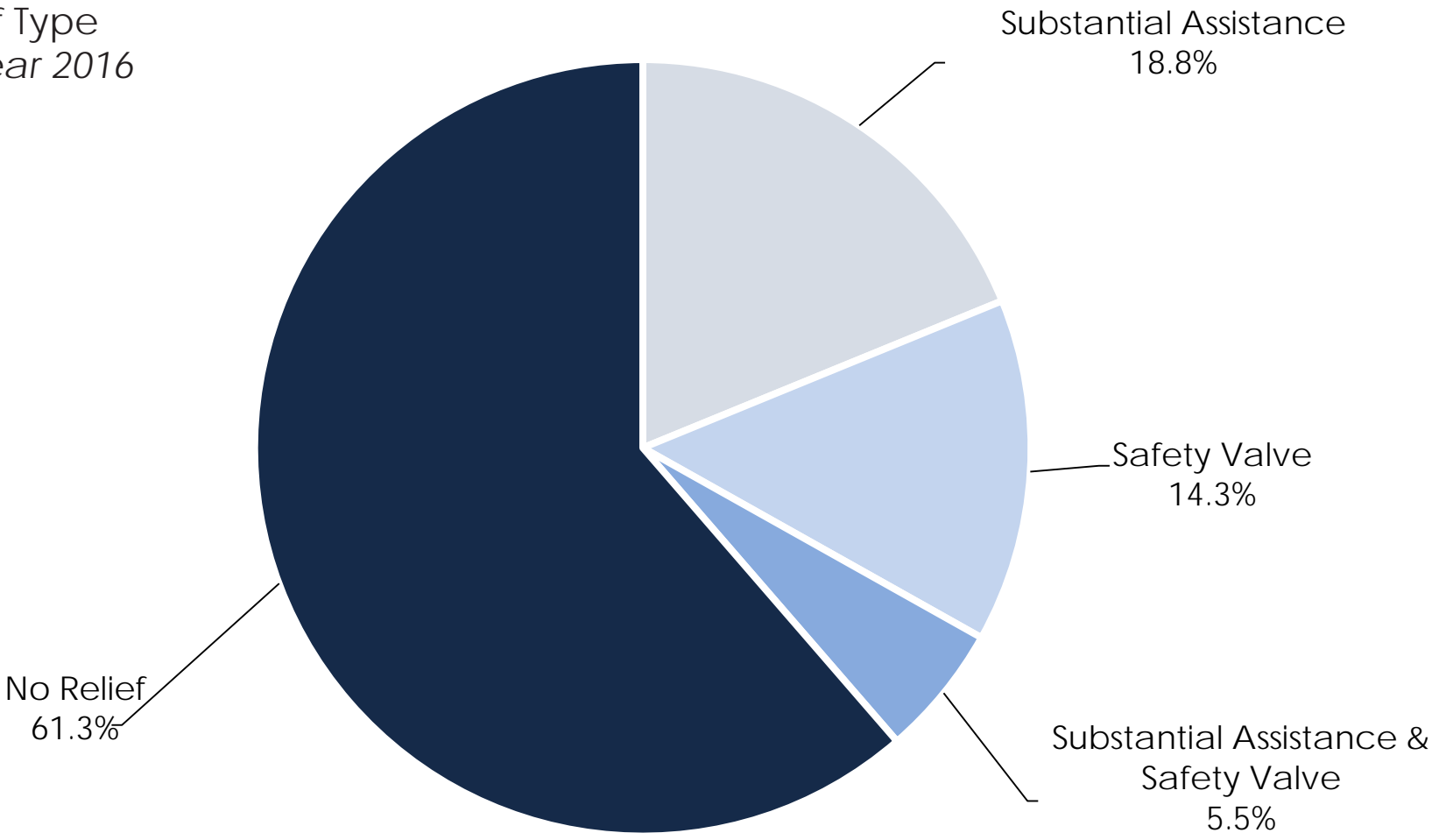


SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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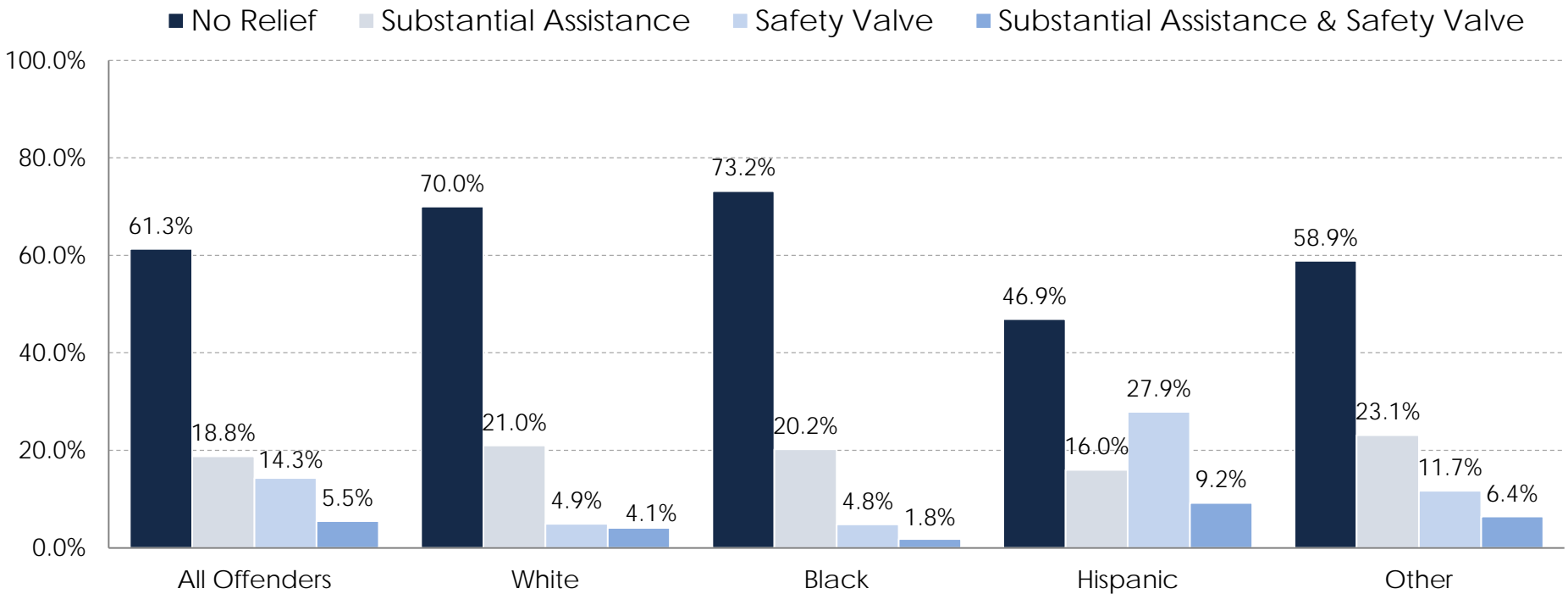
**Figure 10.** Offenders Relieved of a Mandatory Minimum Penalty  
by Relief Type  
*Fiscal Year 2016*



SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



**Figure 11.** Demographics of Offenders Relieved of a Mandatory Minimum Penalty by Race  
*Fiscal Year 2016*

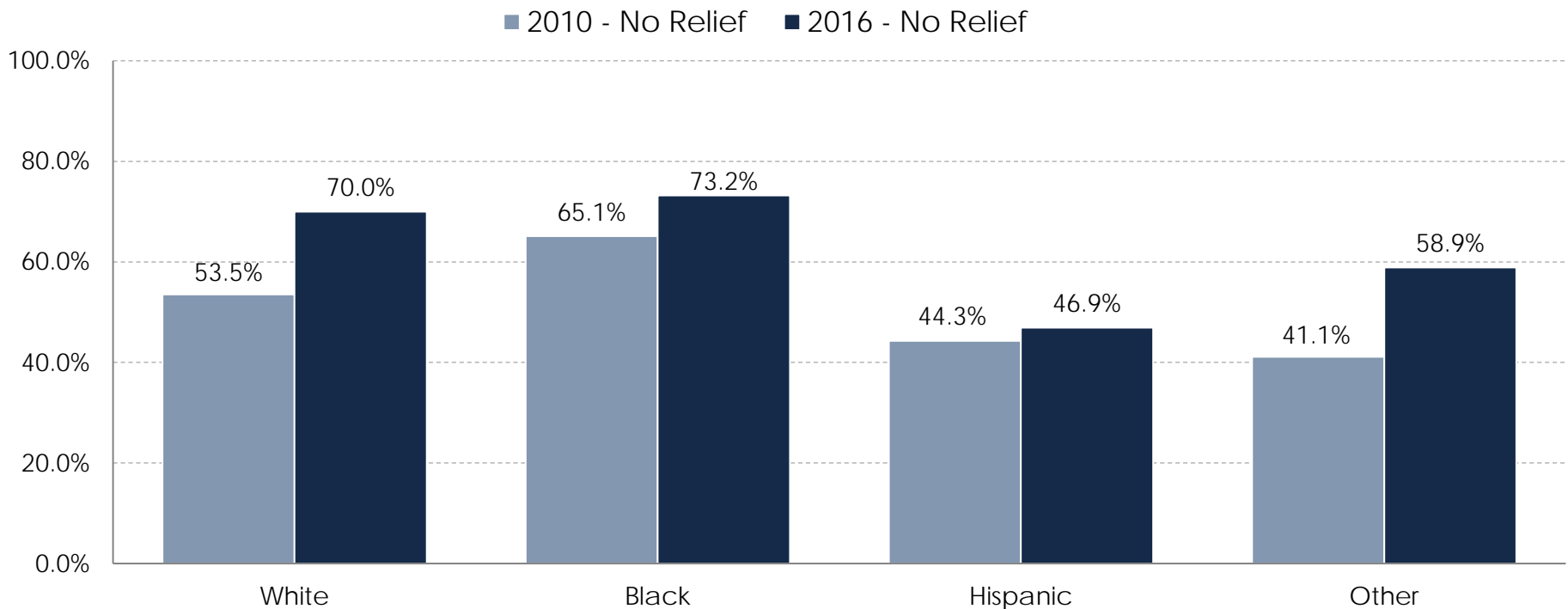


SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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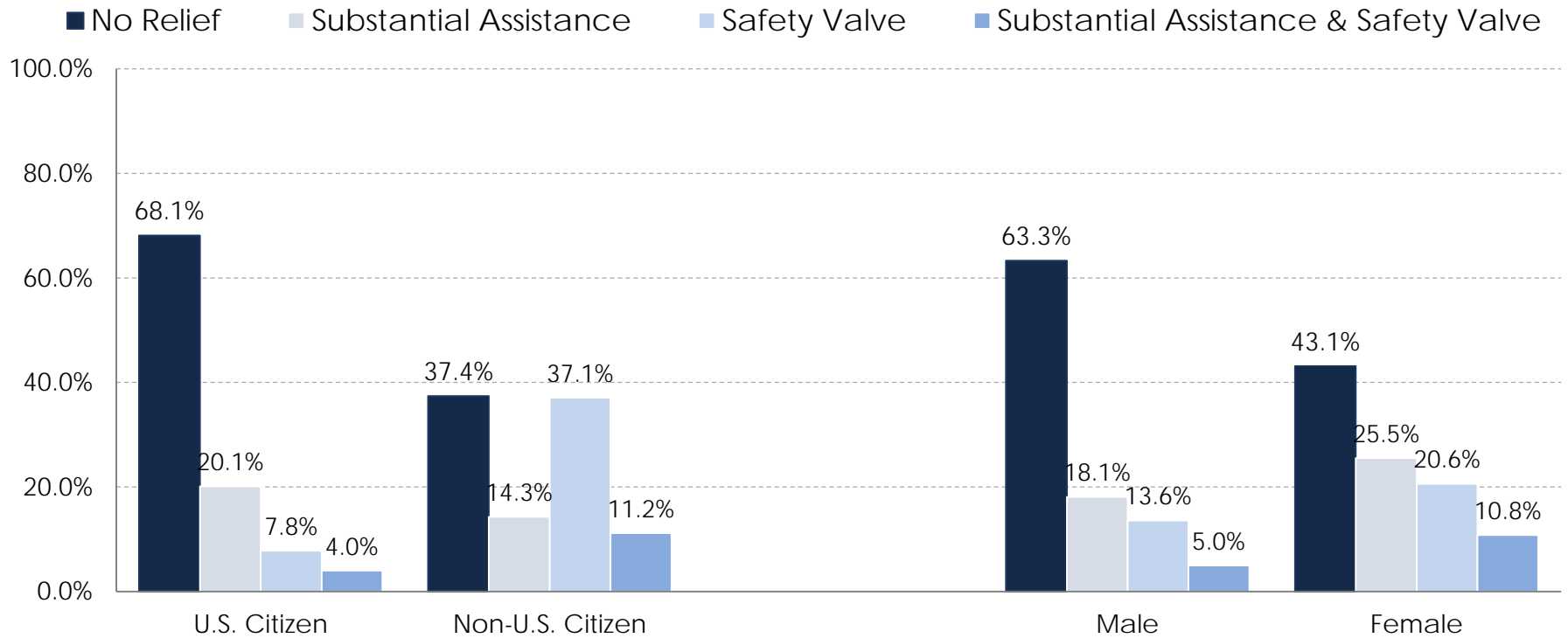
**Figure 12.** Demographics of Offenders Who Remained Subject to a Mandatory Minimum Penalty at Sentencing by Race  
*Fiscal Years 2010 and 2016*



SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



**Figure 13.** Demographics of Offenders Relieved of a Mandatory Minimum Penalty by Citizenship Status and Gender  
*Fiscal Year 2016*



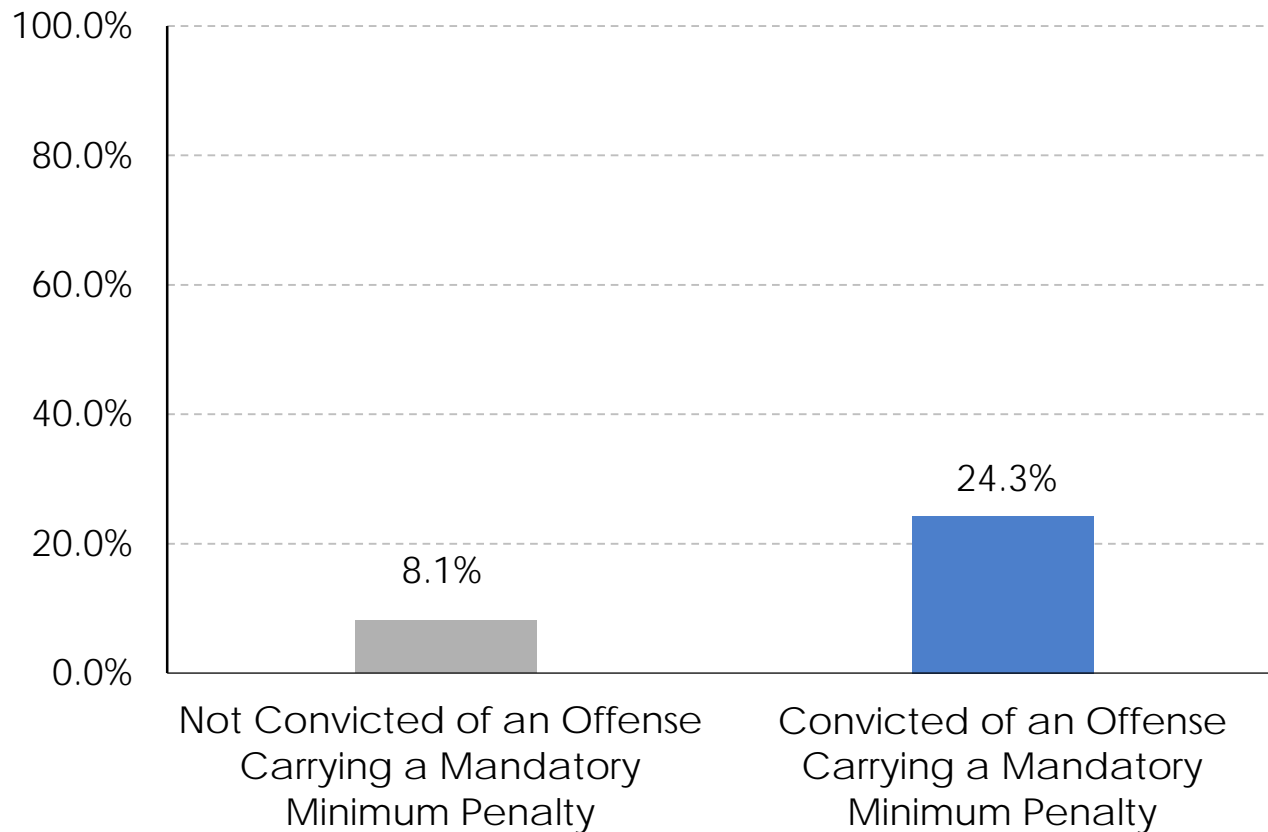
SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.





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**Figure 14.** Percentage of Offenders Receiving Substantial Assistance  
*Fiscal Year 2016*

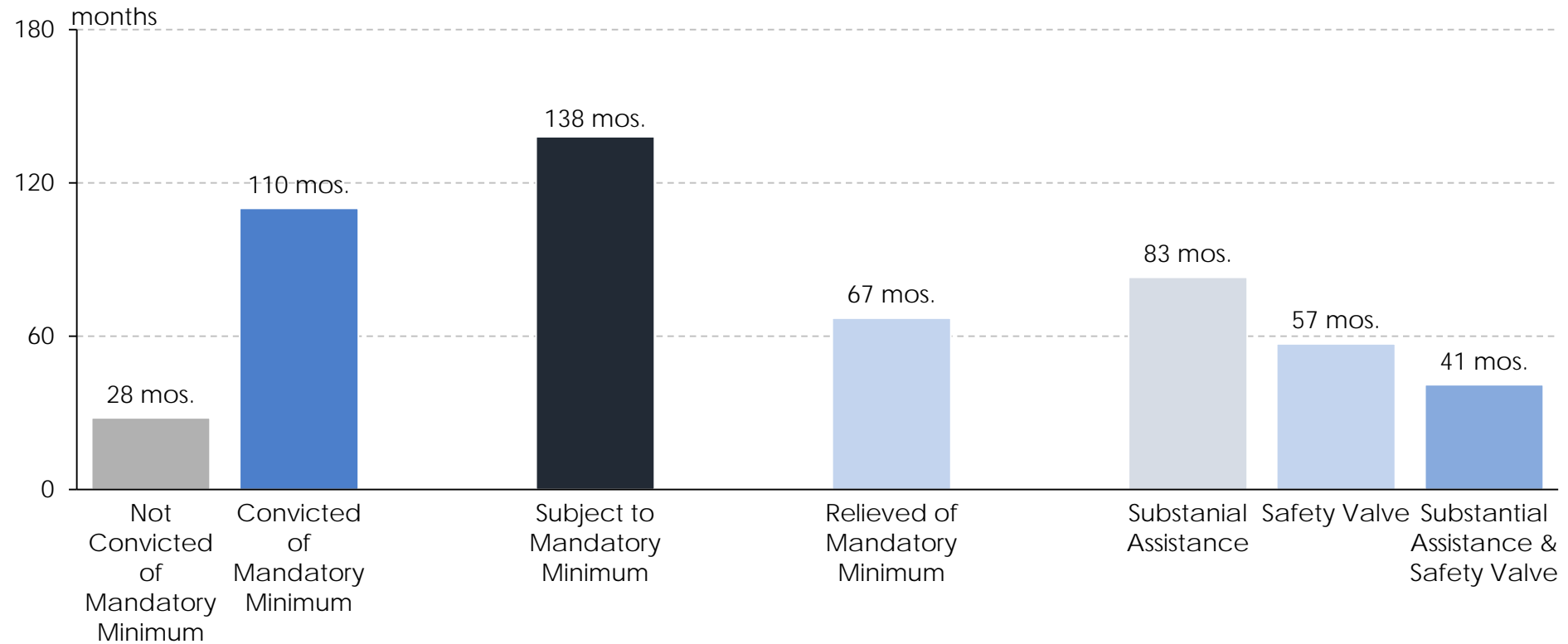


SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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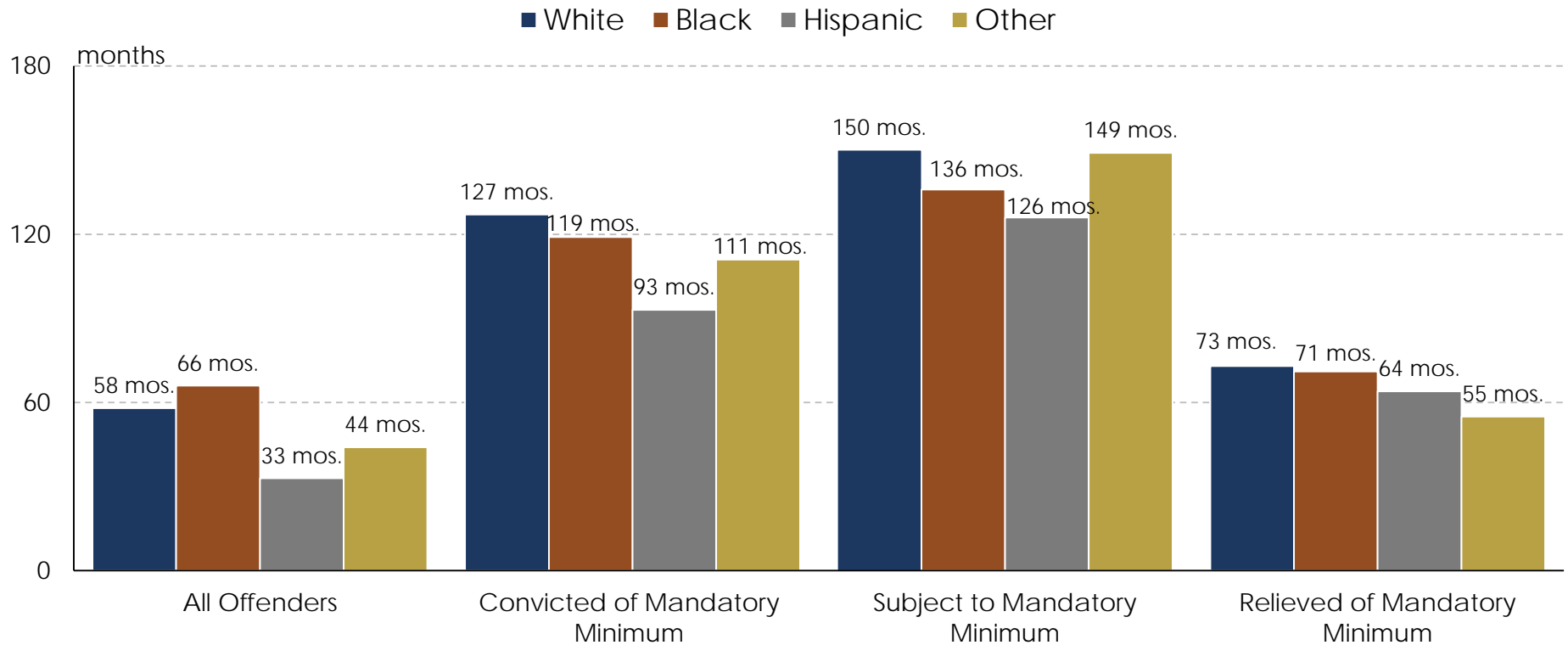
**Figure 15. Average Sentence Length**  
*Fiscal Year 2016*



SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



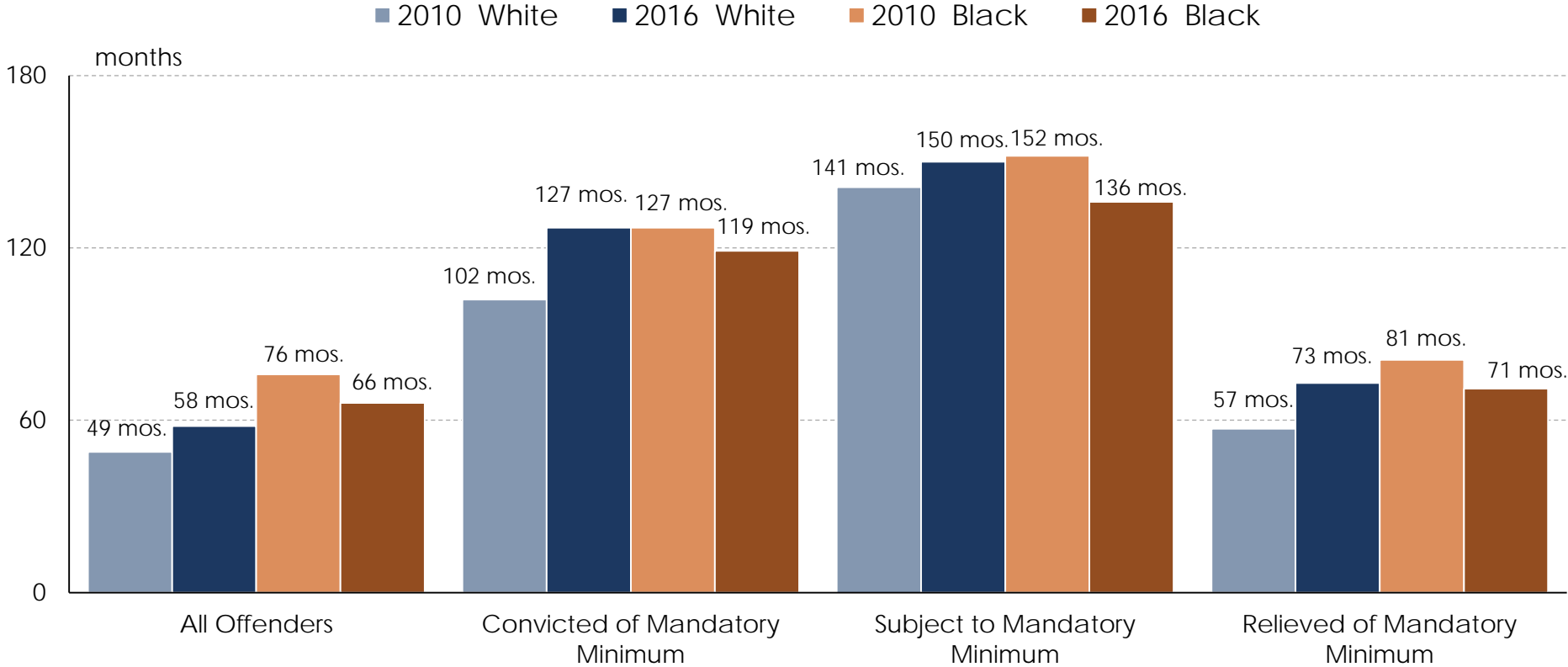
**Figure 16. Average Sentence Length by Race**  
*Fiscal Year 2016*





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**Figure 17.** Comparison of Average Sentence of White and Black Offenders  
*Fiscal Years 2010 and 2016*



SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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**Table 4.** Average Sentence by Citizenship and Gender  
*Fiscal Year 2016*

	All Offenders	Convicted of an Offense Carrying a Mandatory Minimum Penalty	Relieved of Mandatory Minimum Penalty	Subject to a Mandatory Minimum Penalty at Sentencing
<b>Total (# of offenders)</b>	<b>N=62,251</b>	<b>N=13,604</b>	<b>N=5,262</b>	<b>N=8,342</b>
<b>CITIZENSHIP</b>				
<b>U.S. Citizen</b>	59 months	117 months	68 months	140 months
<b>Non-U.S. Citizen</b>	26 months	87 months	66 months	124 months
<b>GENDER</b>				
<b>Male</b>	49 months	115 months	70 months	141 months
<b>Female</b>	26 months	69 months	50 months	95 months

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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**Table 5.** Position of Sentence Relative to the Guideline Range  
*Fiscal Year 2016*

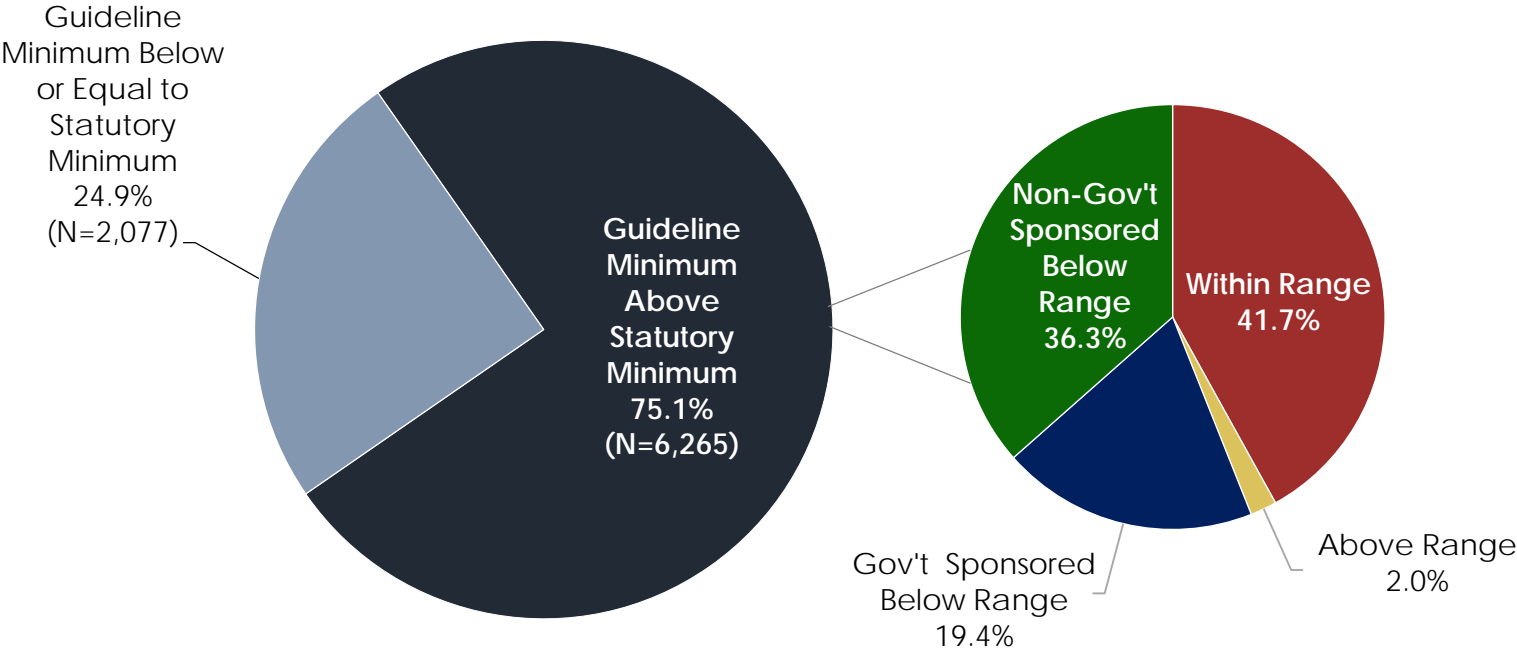
	All Offenders	Convicted of an Offense Carrying a Mandatory Minimum Penalty	Subject to a Mandatory Minimum Penalty at Sentencing
<b>Total (# of offenders)</b>	<b>N=62,251</b>	<b>N=13,604</b>	<b>N=8,342</b>
<b>SENTENCE RELATIVE TO THE GUIDELINE RANGE</b>			
<b>Within Range</b>	46.6%	41.4%	54.7%
<b>Above Range</b>	2.3%	2.0%	3.2%
<b>Substantial Assistance §5K1.1</b>	11.7%	24.4%	0.0%
<b>Other Government Sponsored (no §5K1.1)</b>	17.5%	10.4%	14.9%
<b>Non-Government Sponsored Below Range</b>	21.8%	21.8%	27.4%

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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**Figure 18.** Position of Sentence Relative to the Guideline Range for Offenders Subject to a Mandatory Minimum Penalty at Sentencing  
*Fiscal Year 2016*

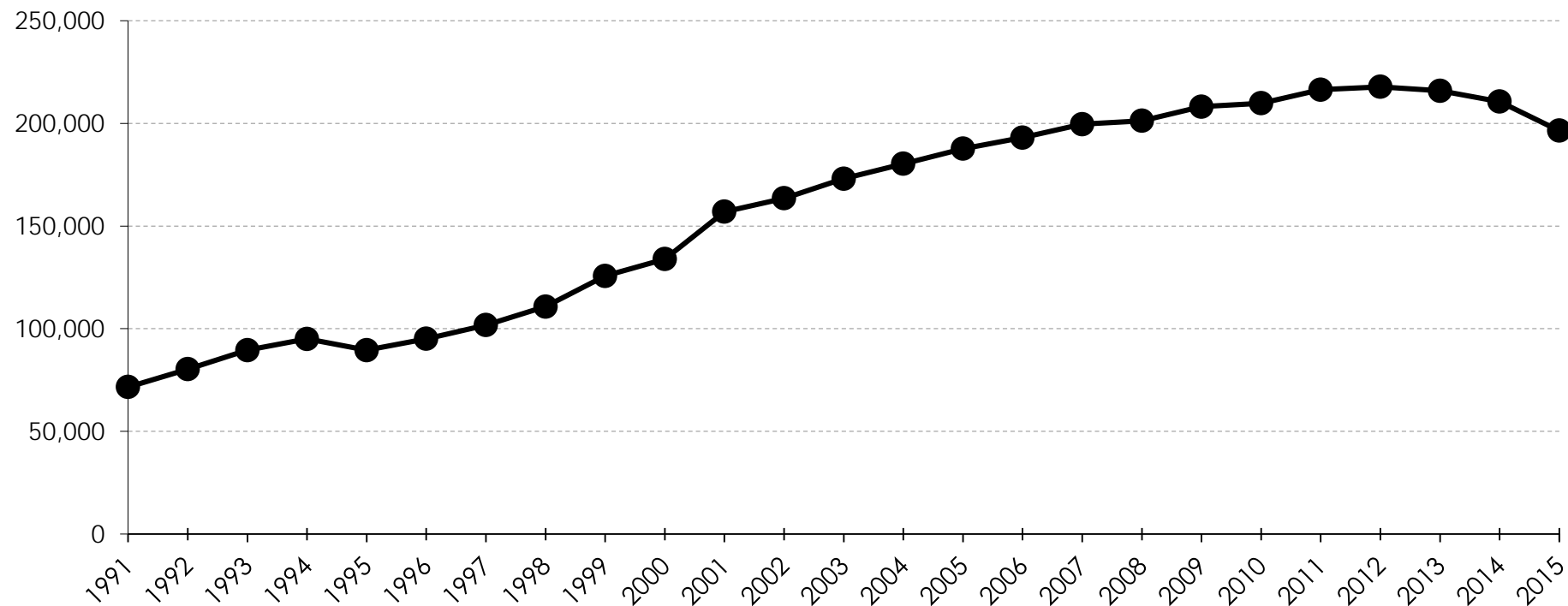


SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



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**Figure 19.** Number of Offenders in Federal Prison as of December 31  
1991 - 2015



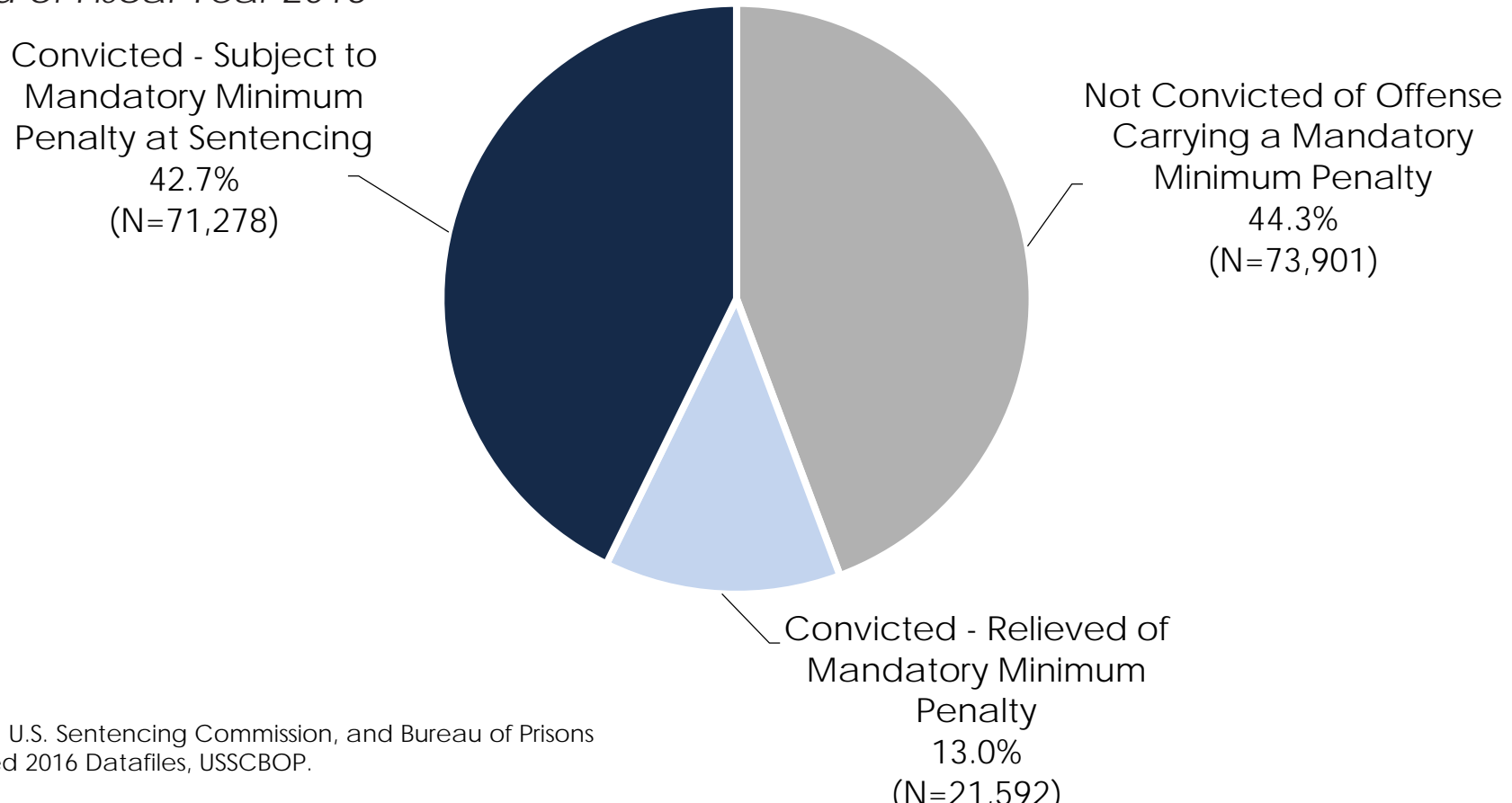
SOURCE: Allen J. Beck and Darrell K. Gilliard, *Prisoners in 1994*, Bureau of Justice Statistics Bulletin, 1 (1995), Allen J. Beck and Paige M. Harrison, *Prisoners in 2000*, Bureau of Justice Statistics Bulletin, 1 (2001), Heather C. West, William J. Sabol, and Sarah J. Greenman, *Prisoners in 2009*, Bureau of Justice Statistics Bulletin, 2 (2010), and E. Ann Carson and Elizabeth Anderson, *Prisoners in 2015*, Bureau of Justice Statistics





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**Figure 20.** Percentage of Offenders in Prison Not Convicted of an Offense Carrying a Mandatory Minimum Penalty, Convicted of an Offense Carrying a Mandatory Minimum Penalty, and Subject to a Mandatory Minimum Penalty at Sentencing  
*By End of Fiscal Year 2016*



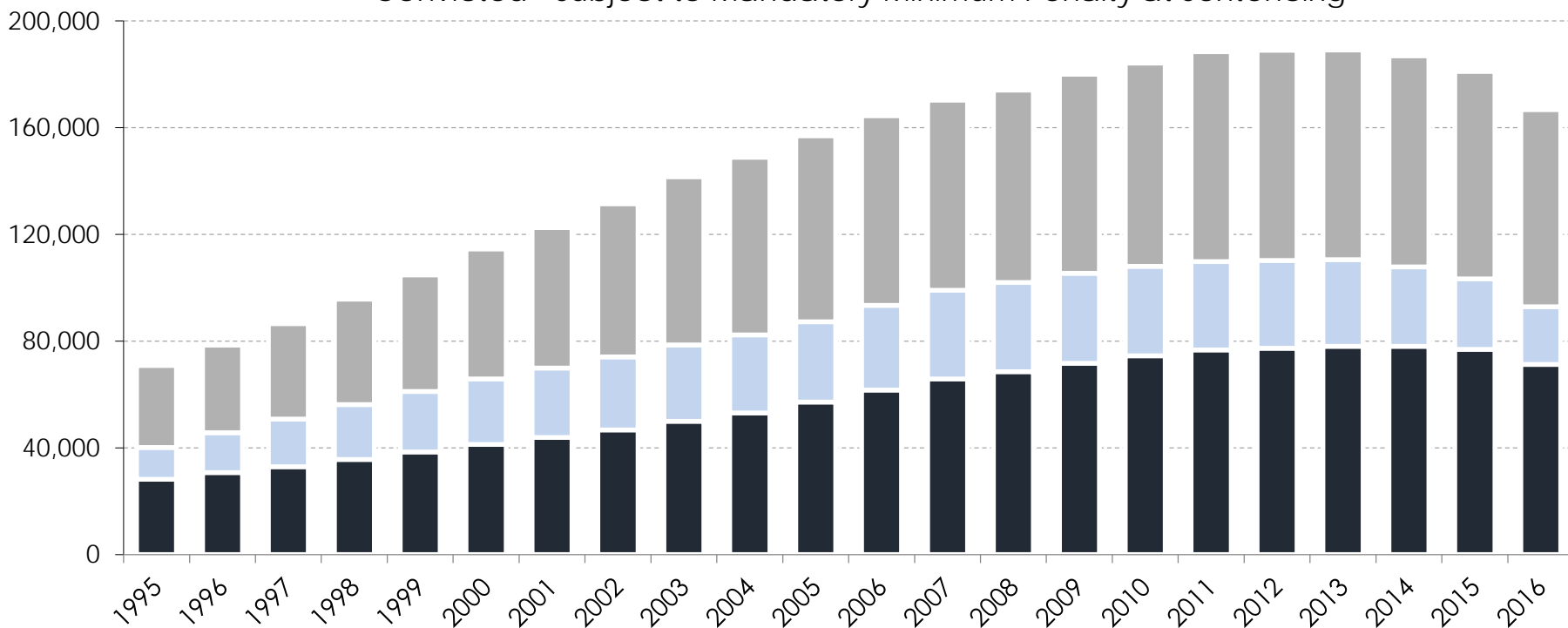
SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



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**Figure 21.** Number of Offenders in Prison Not Convicted of an Offense Carrying a Mandatory Minimum Penalty, Convicted of an Offense Carrying a Mandatory Minimum Penalty, and Subject to a Mandatory Minimum Penalty at Sentencing  
*By End of Fiscal Years 1995 - 2016*

- Not Convicted of an Offense Carrying a Mandatory Minimum Penalty
- Convicted - Relieved of Mandatory Minimum Penalty
- Convicted - Subject to Mandatory Minimum Penalty at Sentencing

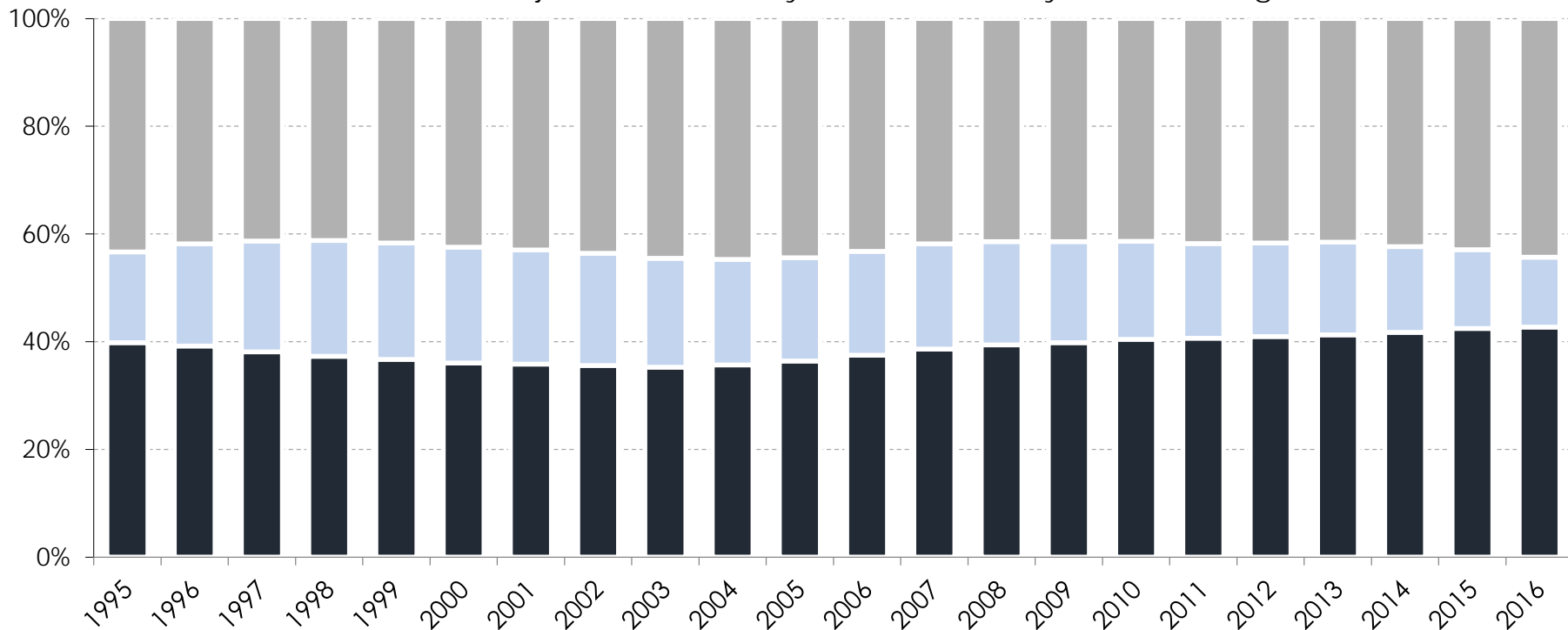


SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 1995 through 2016 Datafiles, USSCBOP.



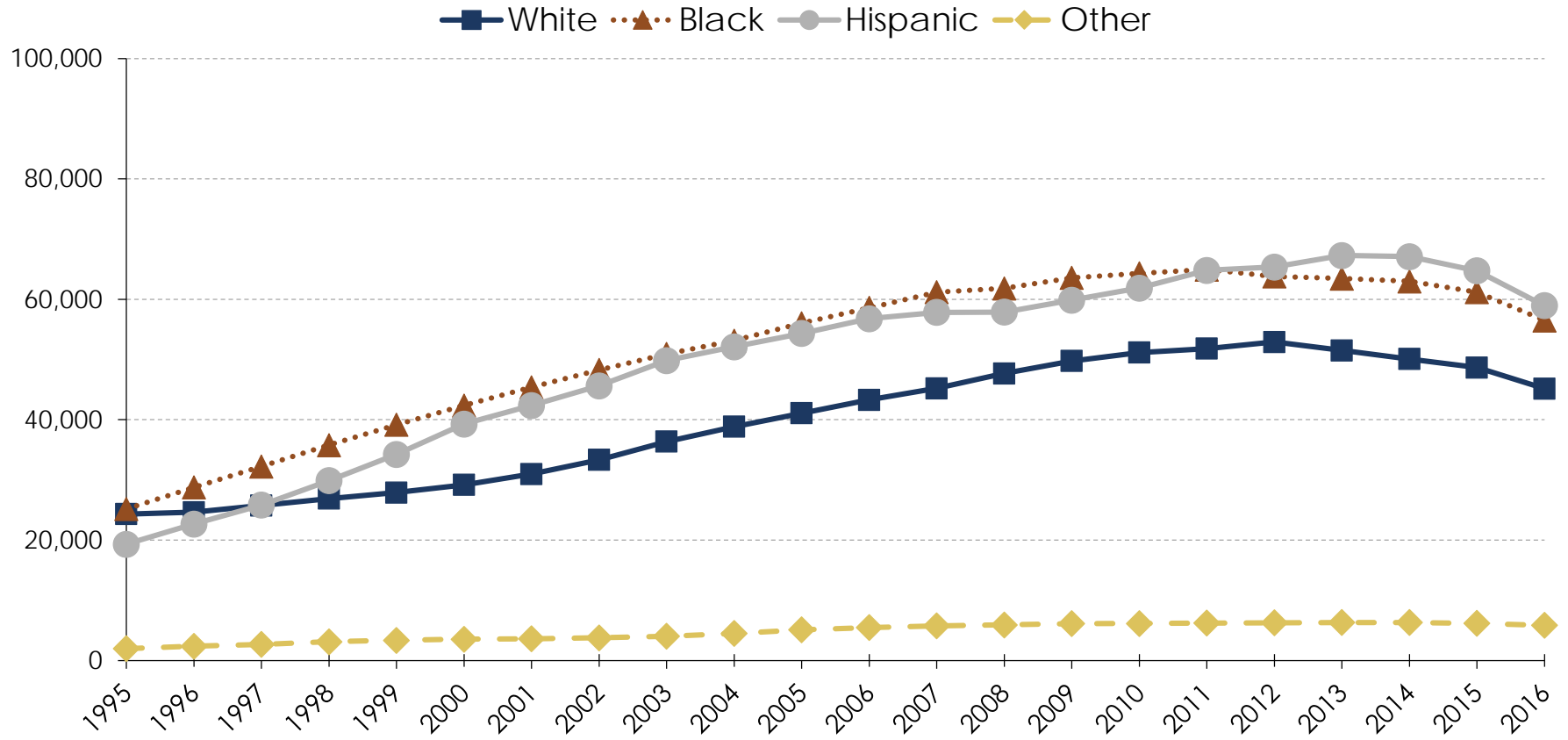
**Figure 22.** Percentage Offenders in Prison Not Convicted of an Offense Carrying a Mandatory Minimum Penalty, Convicted of an Offense Carrying a Mandatory Minimum Penalty, and Subject to a Mandatory Minimum Penalty at Sentencing  
*By End of Fiscal Years 1995 - 2016*

- Not Convicted of an Offense Carrying a Mandatory Minimum Penalty
- Convicted - Relieved of Mandatory Minimum Penalty
- Convicted - Subject to Mandatory Minimum Penalty at Sentencing





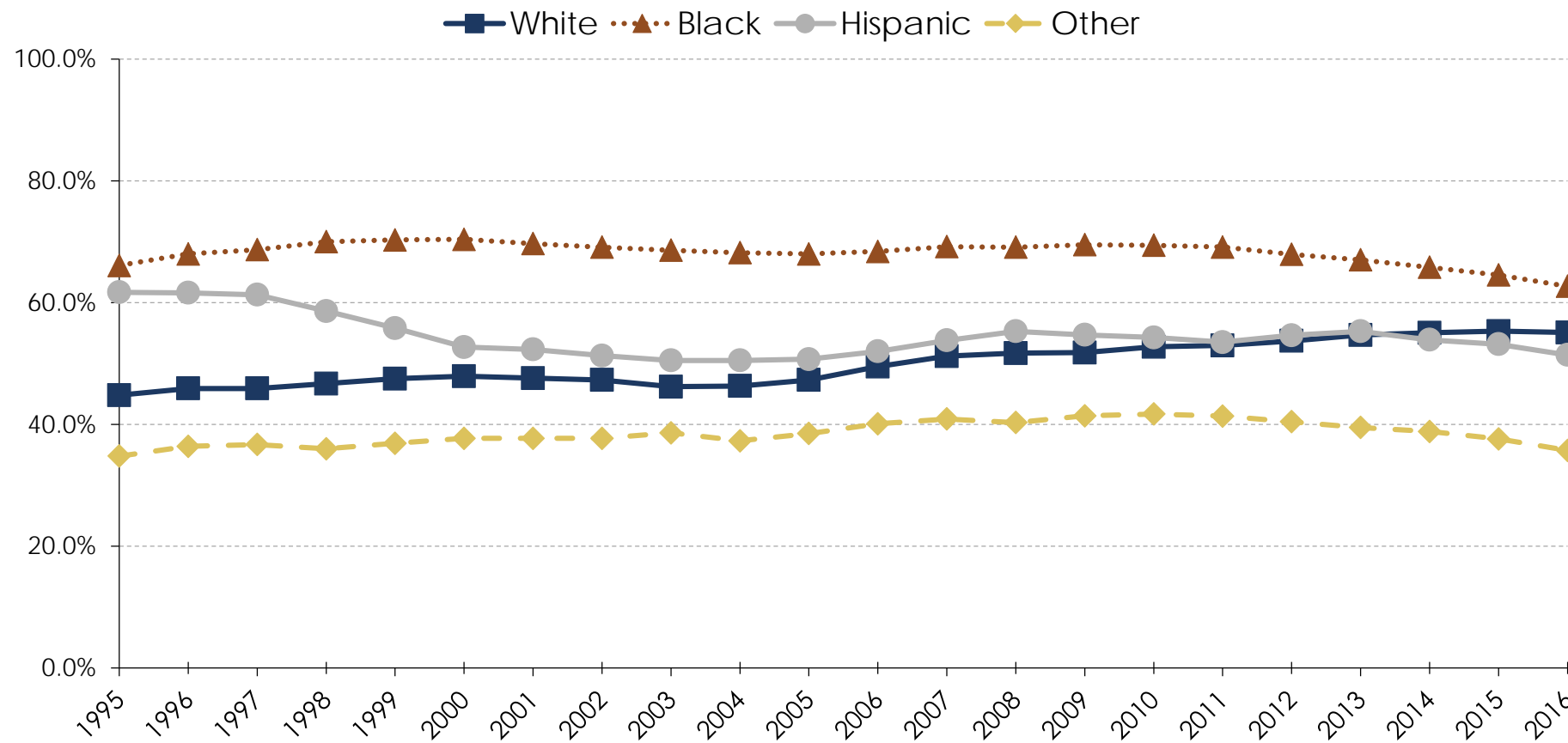
**Figure 23.** Number of Offenders in Federal Prison by Race  
By End of Fiscal Years 1995 - 2016



SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



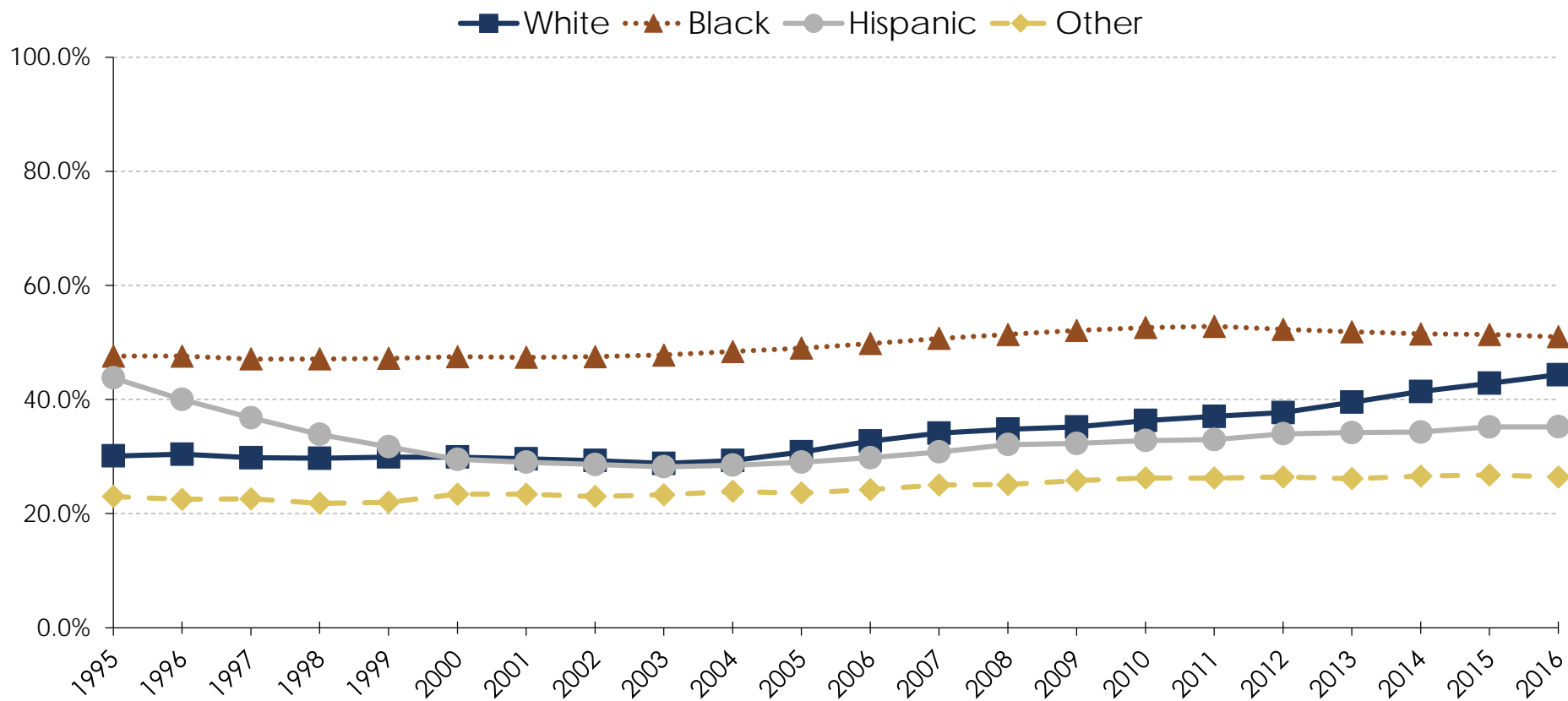
**Figure 24.** Percentage of Offenders in Federal Prison Convicted of an Offense Carrying a Mandatory Minimum Penalty by Race  
*By End of Fiscal Years 1995 - 2016*



SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



**Figure 25.** Percentage of Offenders in Federal Prison Subject to a Mandatory Minimum Penalty at Sentencing by Race  
*By End of Fiscal Years 1995 - 2016*

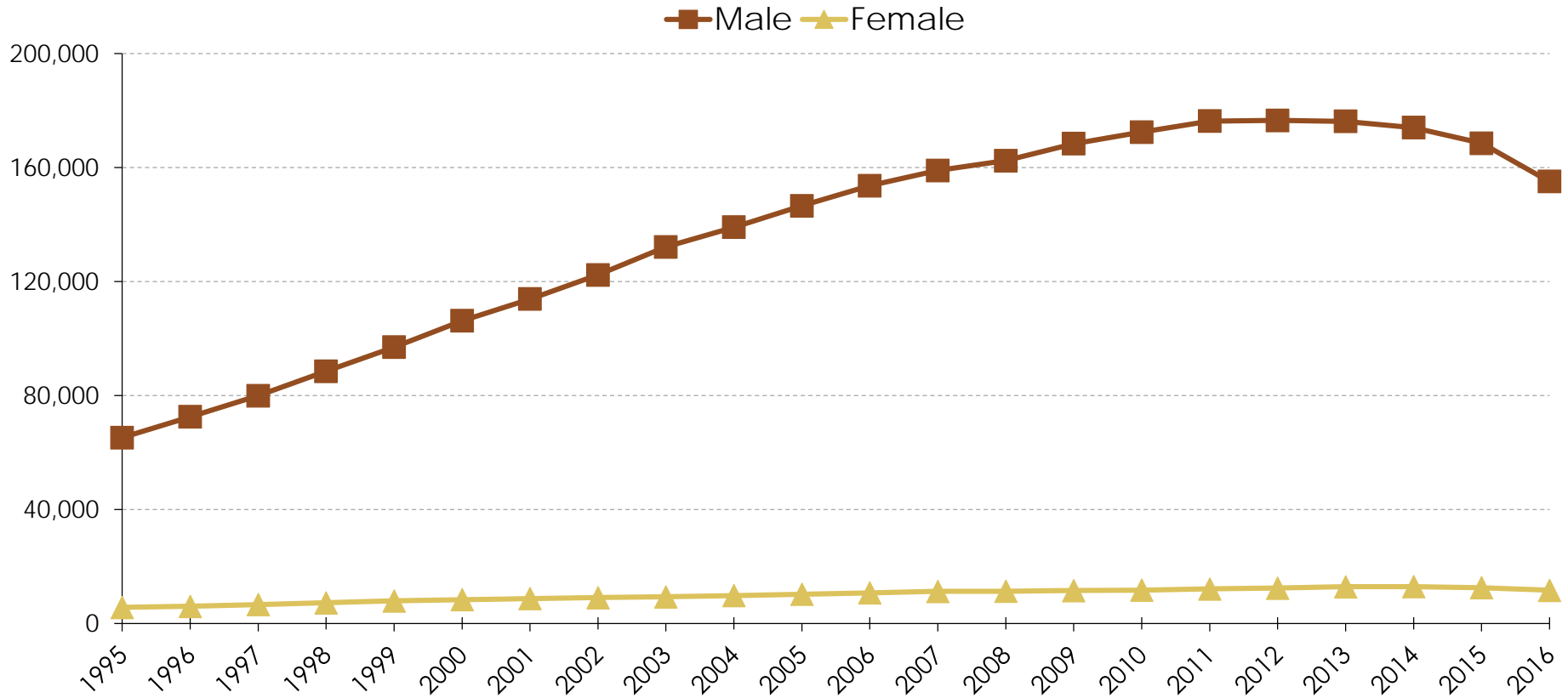


SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



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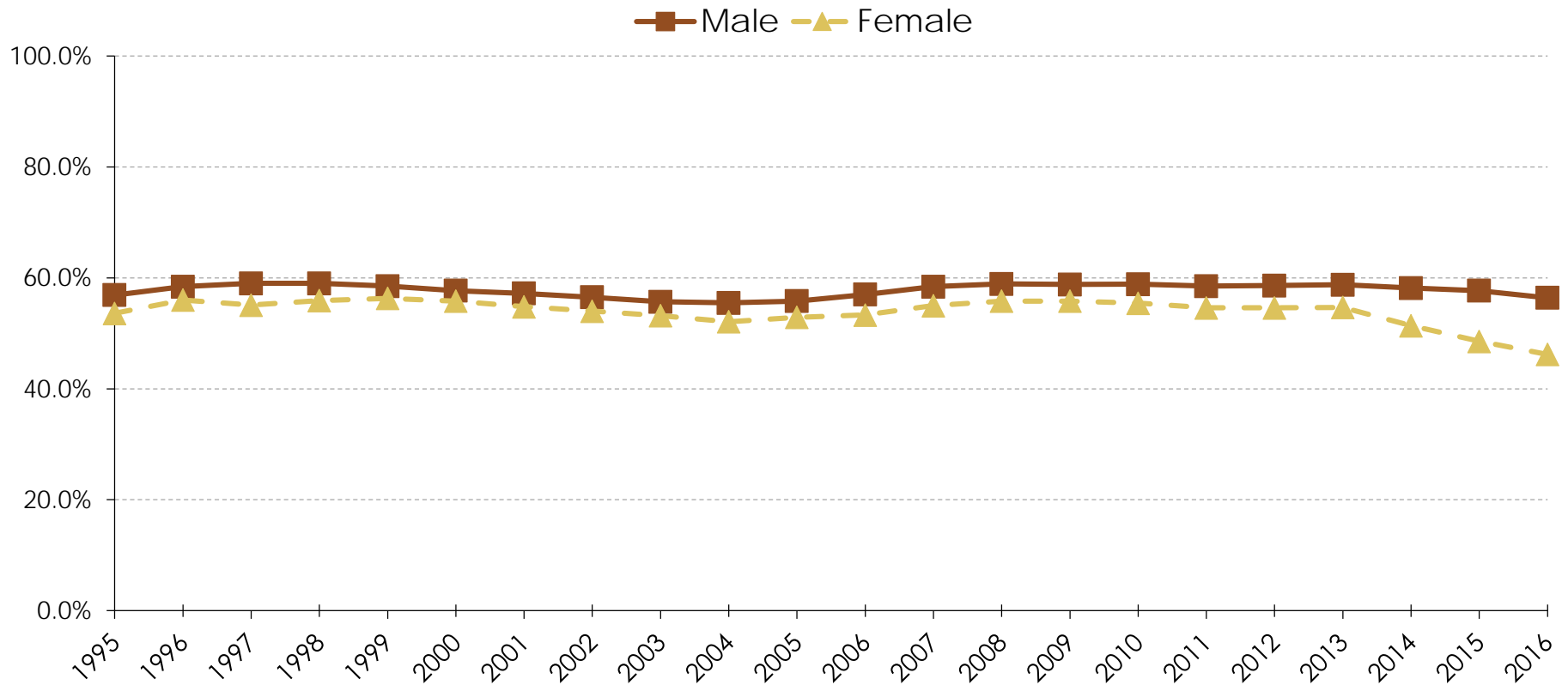
**Figure 26.** Number of Offenders in Federal Prison by Gender  
By End of Fiscal Years 1995 - 2016



SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



**Figure 27.** Percentage of Offenders in Federal Prison Convicted of an Offense Carrying a Mandatory Minimum Penalty by Gender  
*By End of Fiscal Years 1995 - 2016*

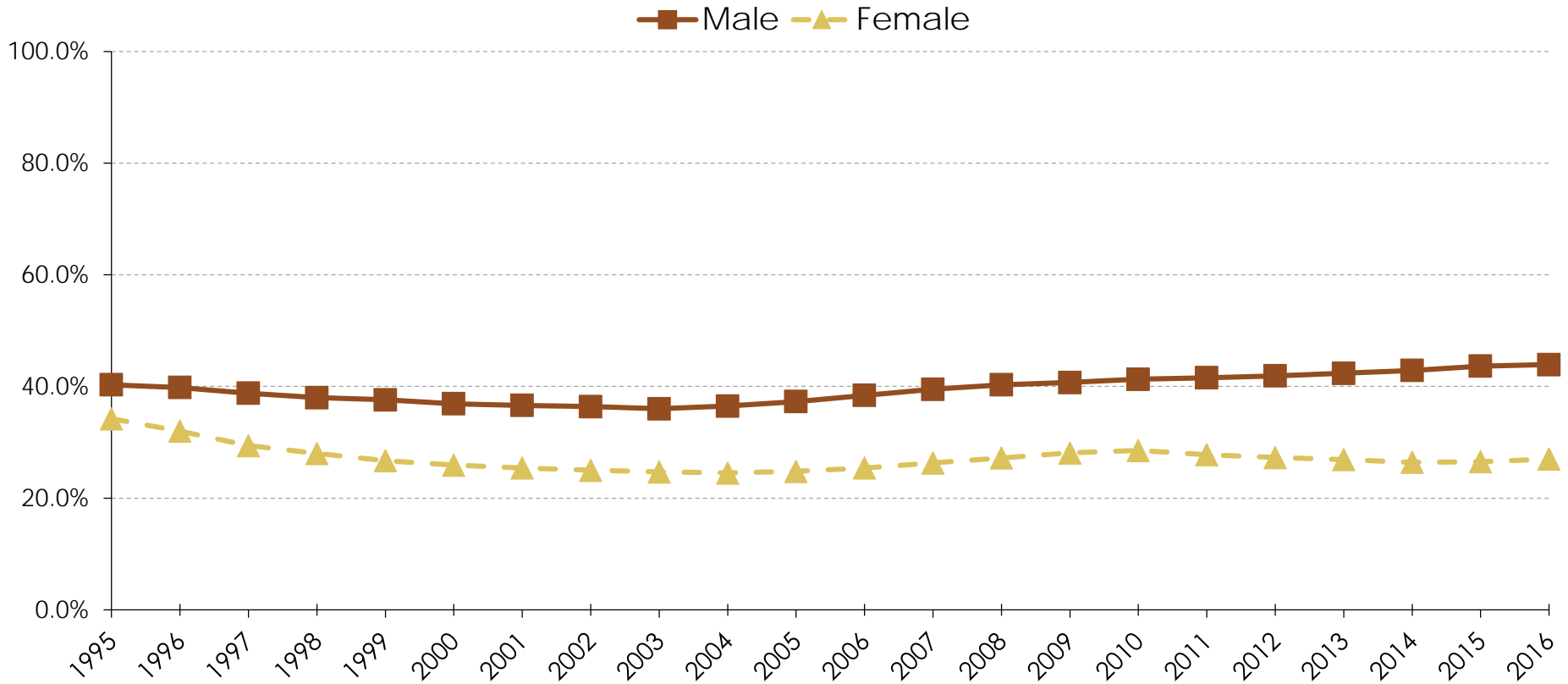






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**Figure 28.** Percentage of Offenders in Federal Prison Subject to a Mandatory Minimum Penalty at Sentencing by Gender  
*By End of Fiscal Years 1995 - 2016*

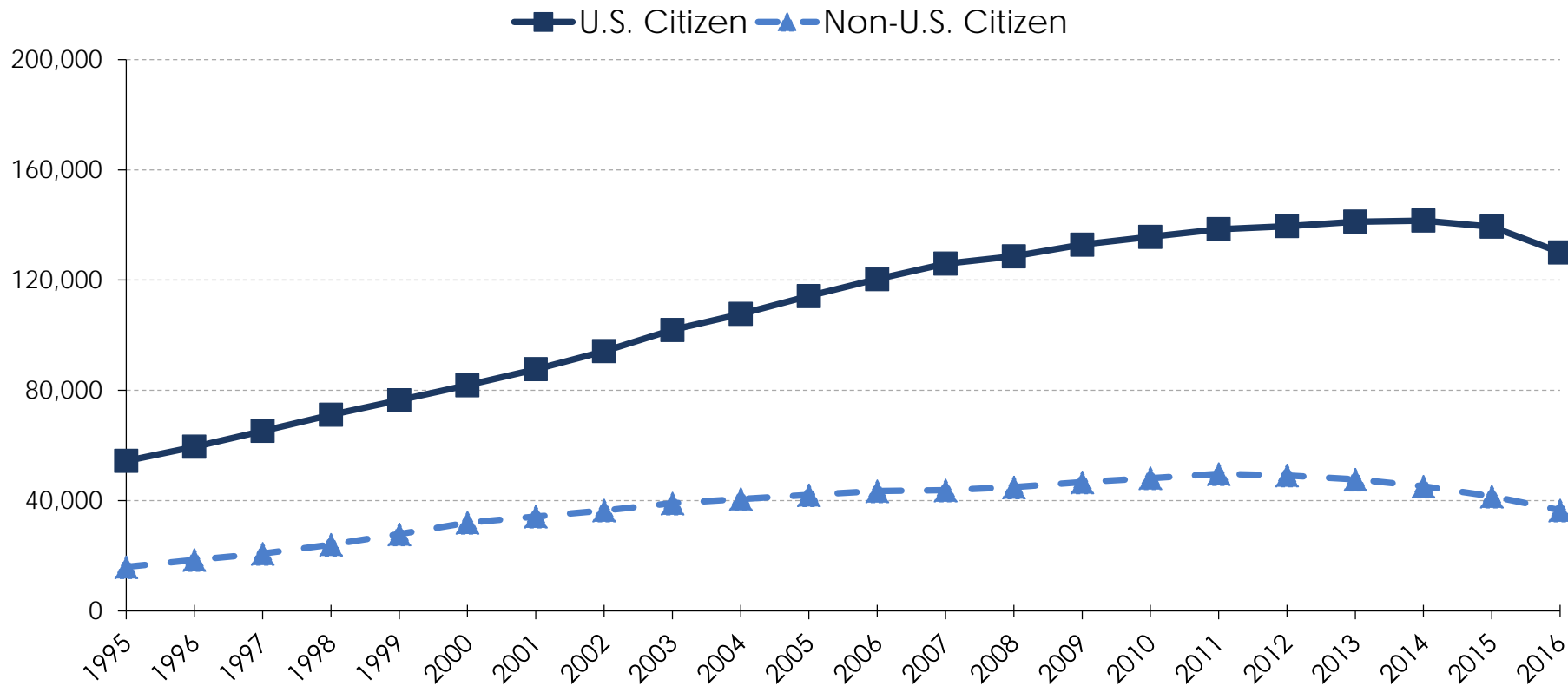


SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



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**Figure 29.** Number of Offenders in Federal Prison by Citizenship  
By End of Fiscal Years 1995 - 2016

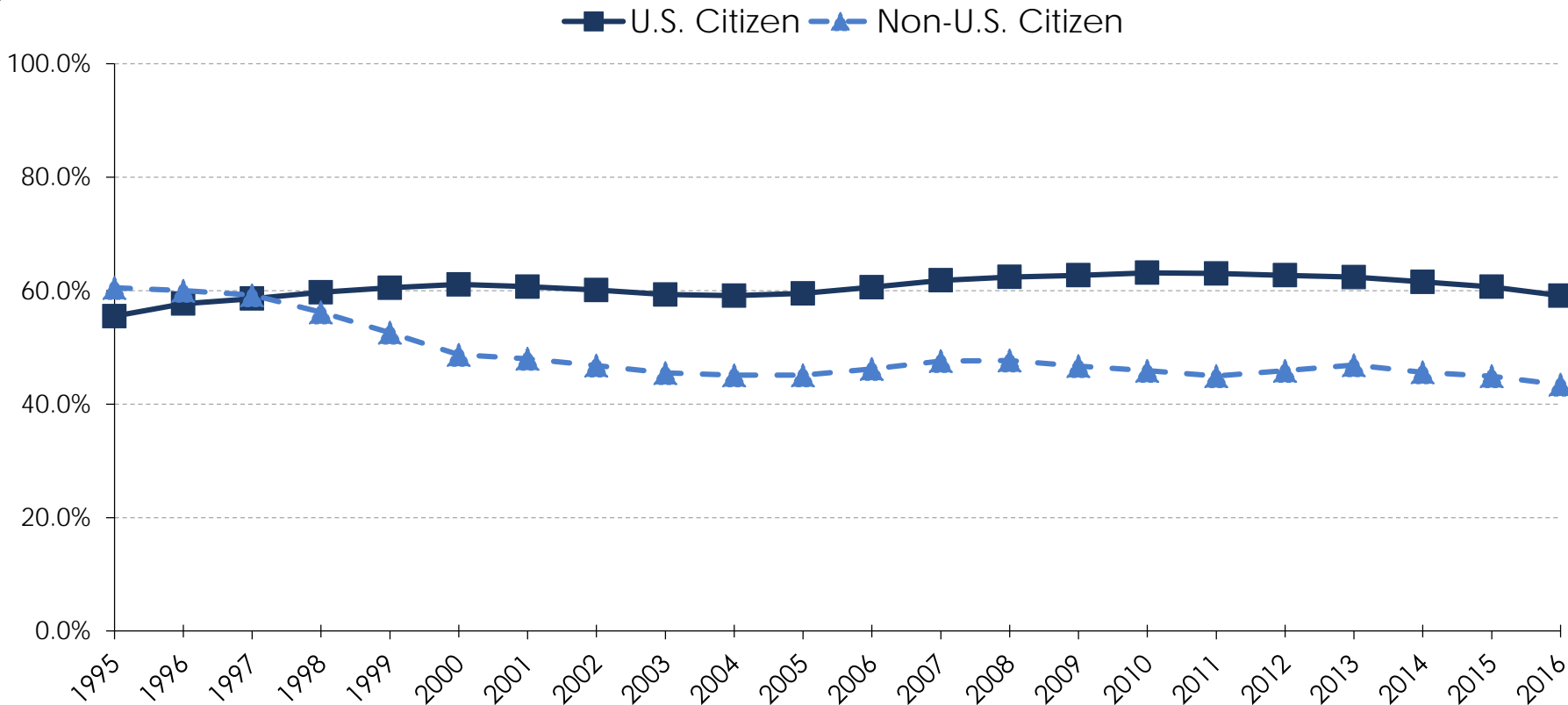


SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



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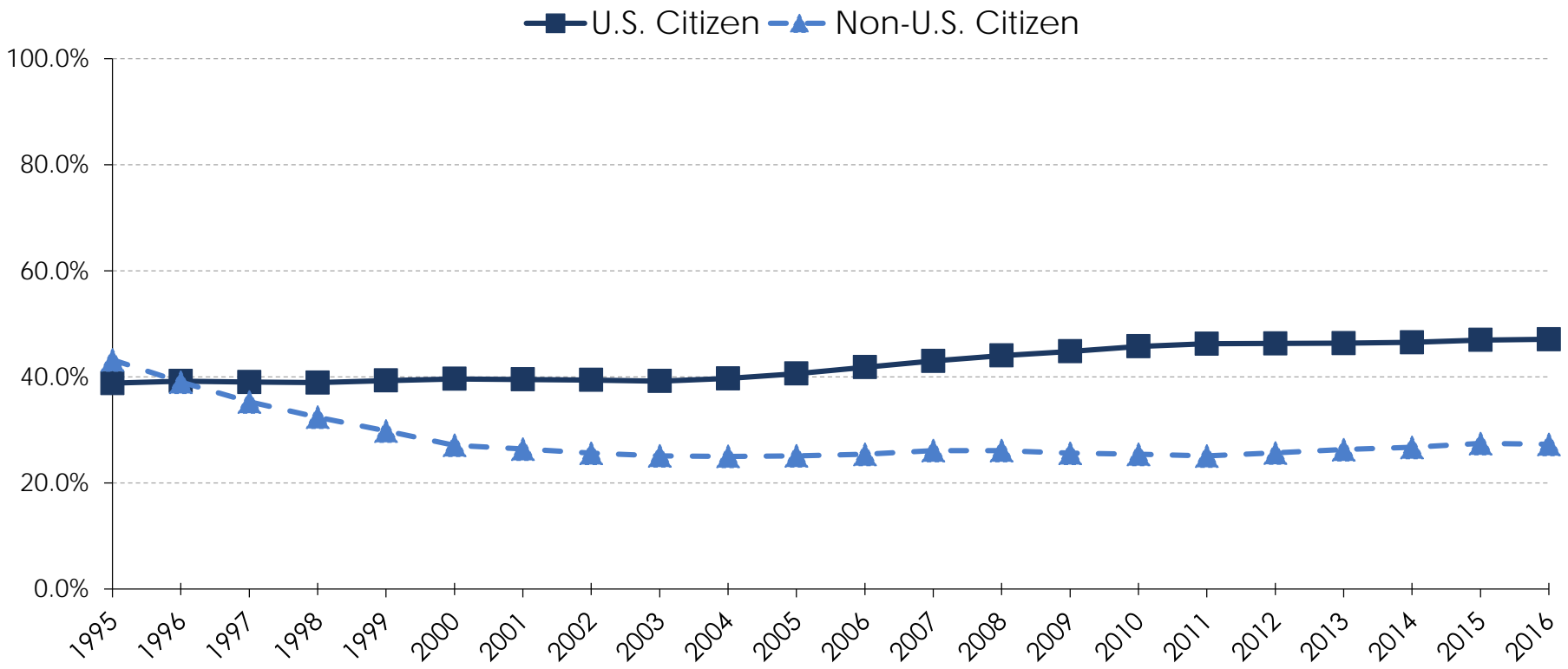
**Figure 30.** Percentage of Offenders in Federal Prison Convicted of an Offense Carrying a Mandatory Minimum Penalty by Citizenship  
*By End of Fiscal Years 1995 - 2016*



SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



**Figure 31.** Percentage of Offenders in Federal Prison Subject to a Mandatory Minimum Penalty at Sentencing by Citizenship  
*By End of Fiscal Years 1995 - 2016*

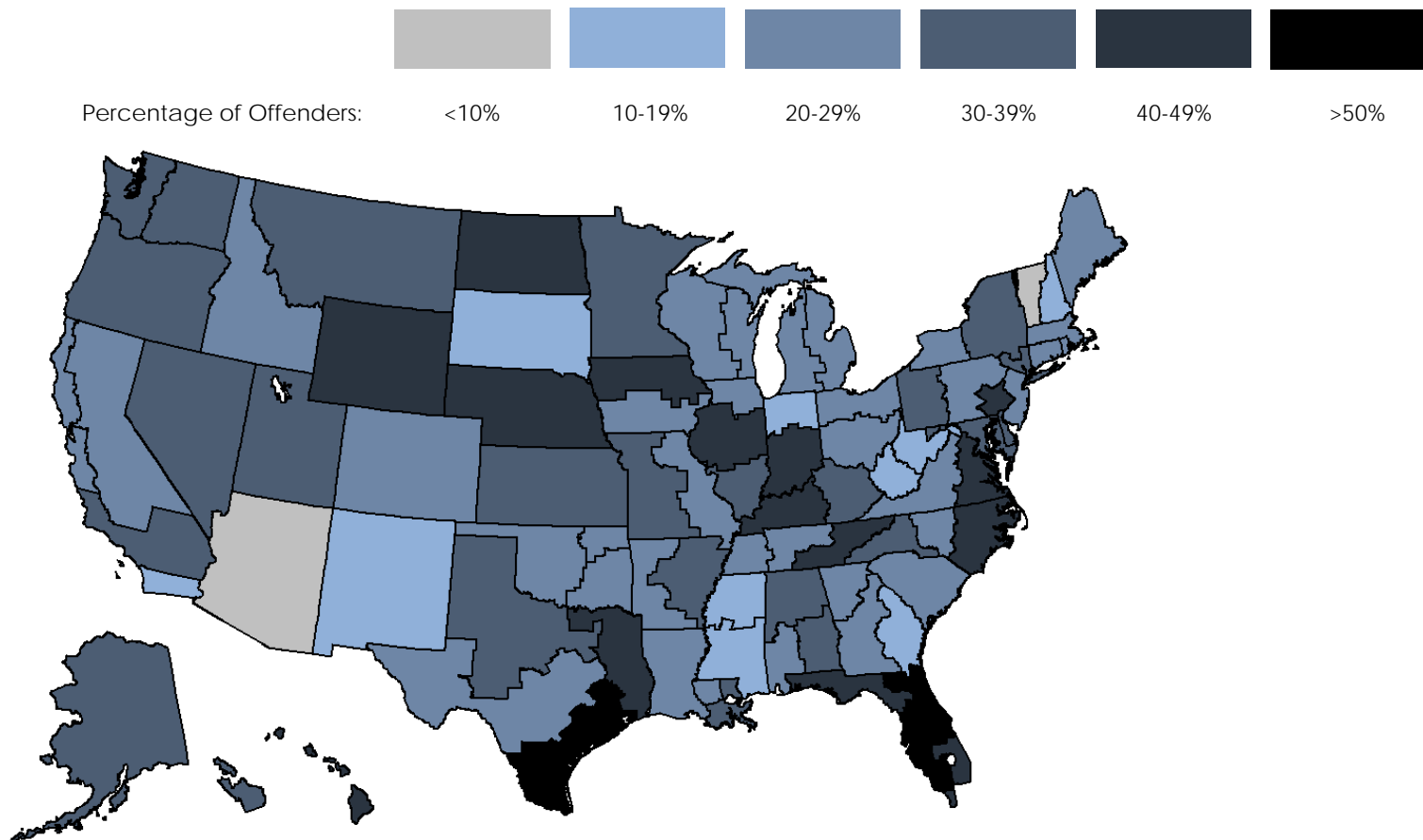


SOURCE: U.S. Sentencing Commission, and Bureau of Prisons Combined 2016 Datafiles, USSCBOP.



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**Figure B-1.** Percentage of Offenders Convicted of an Offense Carrying a Mandatory Minimum Penalty By District: Immigration Offenders Excluded  
*Fiscal Year 2016*



SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.