

## At-a-Glance Issue Overview: Mandatory Minimum Sentencing PurpleState Research and Analysis Department

### What is Mandatory Minimum Sentencing?

- Mandatory minimum sentencing sets automatic minimum prison terms for certain crimes.
- While the federal government imposes mandatory minimums on certain crimes, individual states also create mandatory minimums on additional offenses.
- Judges are bound by law to uphold mandatory minimums, which are decided by the legislature, not the judiciary.
- In the U.S., mandatory minimum sentences are most commonly associated with violent crimes and drug offenses.

### Mandatory Minimum Sentencing Legislation & Precedents

- The 1976 US Supreme Court decision in *Woodson v. North Carolina* determined mandatory death sentences to be unconstitutional.
- The Sentencing Reform Act of 1984 established the US Sentencing Commission, which was tasked with creating and regulating sentencing guidelines.
- The Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986 significantly expanded the number of drug offenses that carried mandatory minimum sentences.
- The Federal Safety Valve for Drug Offenses in 1994 reduced mandatory sentencing for nonviolent and first-time drug offenders.
- The PROTECT Act of 2003 expanded mandatory minimum penalties to child pornography offenses.
- In 2010, Congress passed the Fair Sentencing Act, which altered the mandatory minimum penalties established in 1986 and 1988 by widely repealing or amending mandatory minimum penalties associated with drug possession.

## Why is mandatory minimum sentencing controversial?

### Arguments that support removing mandatory minimum sentences:

- There are many circumstances in which the crime does not match the punishment and individuals serve extremely long sentences for minimal offenses.
- Mandatory minimums are associated with increased prison populations. Larger prison populations are costly for state and federal taxpayers.
- Mandatory minimum sentencing ignores alternatives to incarceration like rehabilitation and other social programs.
- Mandatory minimums can pressure innocent defendants to plead guilty for crimes they did not commit rather than risk trial and long prison sentences.
- Black and Latino individuals are more likely to trigger sentences with mandatory minimums than white individuals who commit similar crimes.

### Arguments that oppose removing mandatory minimum sentences:

- Mandatory minimum sentences create a uniform way to sentence people who commit the same crimes by judging the crime not the person.
- Mandatory minimum sentencing prevents judges from allowing bias to influence their sentencing decisions.
- Criminals will be less likely to want to commit crimes because mandatory minimums guarantee punishment if found guilty.
- By placing criminals in prison for longer sentences, mandatory minimums remove them from society for longer, which in turn makes society a safer place.