

At-a-Glance Issue Overview: Mandatory Minimum Sentencing

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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.