

Mandatory Minimum Sentencing Research Report

PurpleState Research and Analysis Department

Perspectives and Statistics from Research Organizations and Special Interest Groups

U.S. Sentencing Commission – Quick Facts Mandatory Minimum Penalties (2020)

(https://www.uscc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY20.pdf)

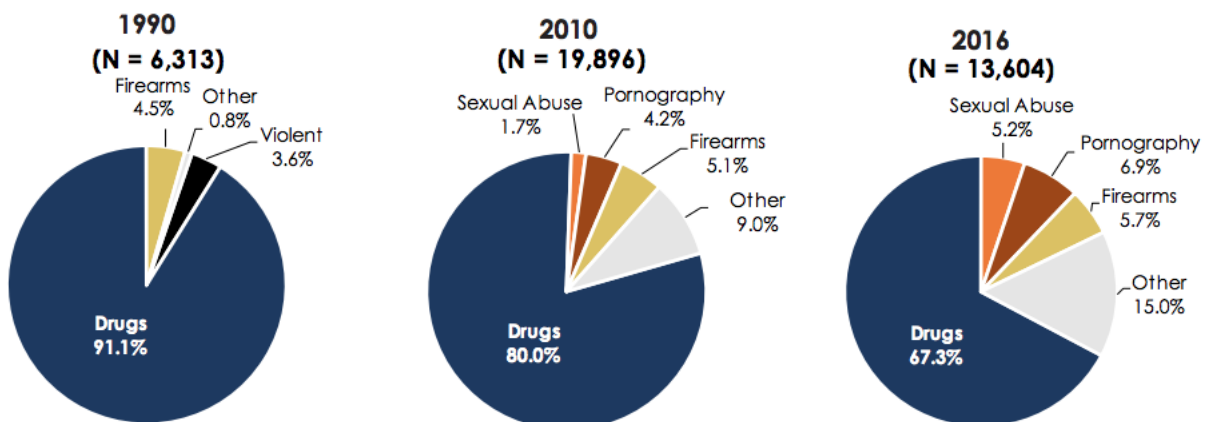
- In 2020, more than 25% of all criminal cases carried a mandatory minimum penalty.
- Over 75% of all cases carrying a mandatory minimum penalty were for drug trafficking.
- The average mandatory minimum sentence length was 11.5 years.
- 41.2% of offenders convicted of a mandatory minimum penalty were Hispanic, 29.5% were White, 26.4% were Black, and 2.9% were of other races.

U.S. Sentencing Commission – Overview of Mandatory Minimum Penalties in the Federal Criminal Justice System (2017)

(https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170711_Mand-Min.pdf)

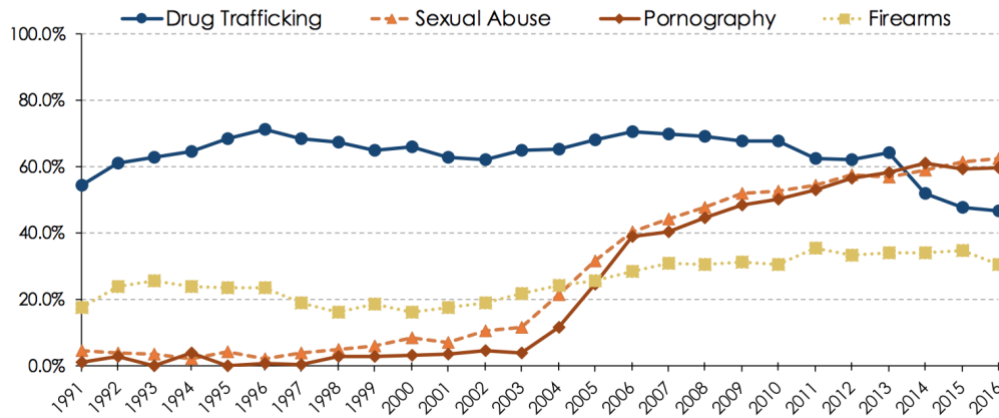
- While the number of drug offenders convicted of an offense carrying a mandatory minimum increased from 5,752 in 1990 to 15,831 in 2010 (a 175.2% increase), it decreased to 9,154 in 2016 (a 42.2% decrease).
- Since the 2003 passage of the PROTECT Act, mandatory minimums have increasingly been used to sentence sexual assault and pornography offenses.

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



- The rate of child pornography offenders convicted with mandatory minimums has increased nearly sixty-fold since the 2003 passage of the PROTECT Act.
- In 2010, 52.6 percent of sexual abuse convictions carried a mandatory minimum penalty. That rate increased to 62.6 percent in 2016.

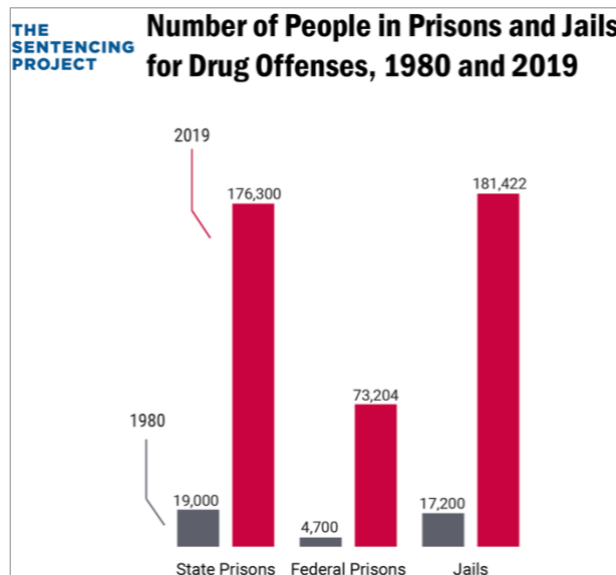
Figure 8. Offenders in Select Offense Types Convicted of an Offense Carrying a Mandatory Minimum Penalty
Fiscal Years 1991 - 2016



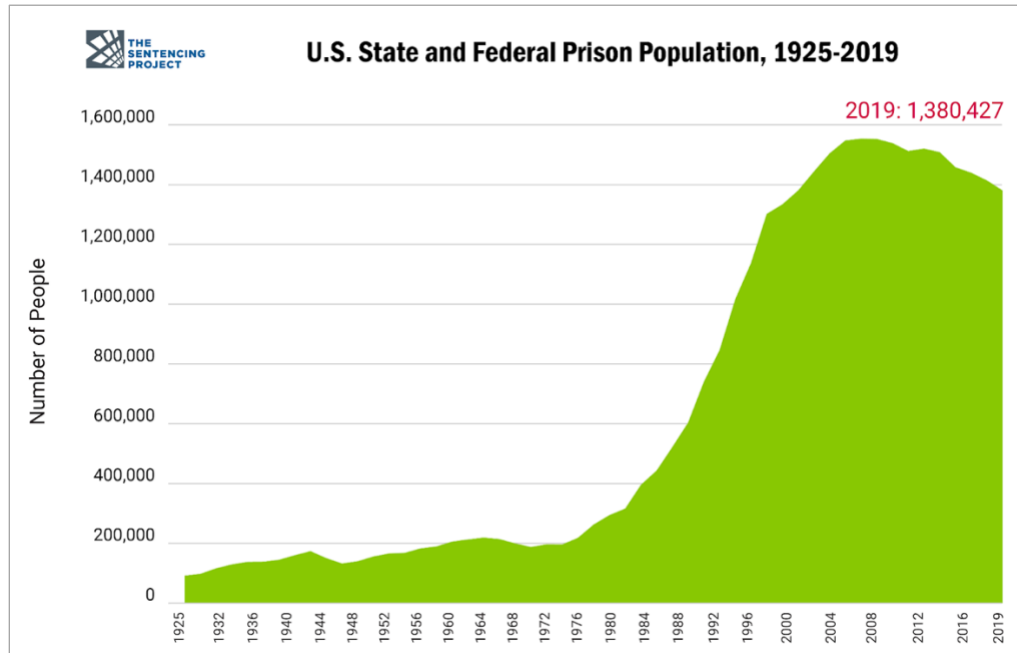
SOURCE: U.S. Sentencing Commission, 1991 through 2016 Datafiles, USSCFY91 – USSCFY16.

The Sentencing Project – Criminal Justice Facts (2021)
<https://www.sentencingproject.org/criminal-justice-facts/>

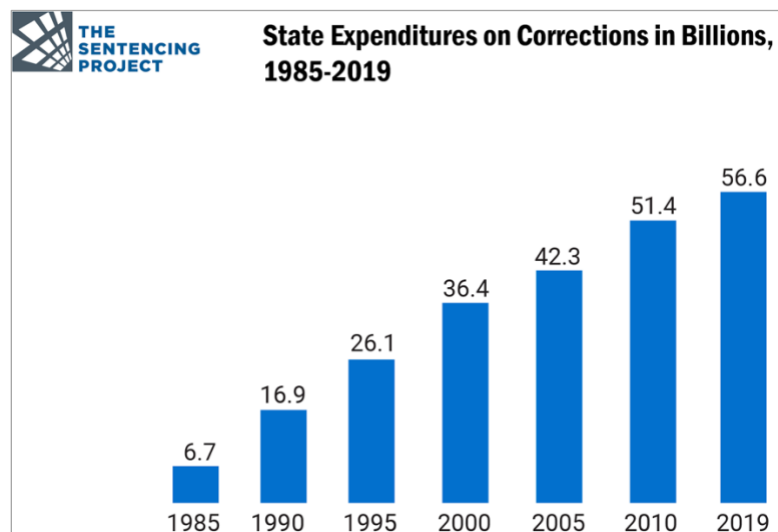
- In 30 years, the number of Americans incarcerated for drug offenses grew more than 10-fold, from 40,900 in 1980 to 430,926 in 2019.
- In 1986, people released after serving time for a federal drug offense spent an average of 22 months in prison. By 2004, people convicted of federal drug offenses were expected to serve 62 months in prison.



- The total populations in US State and Federal Prisons saw a quick increase after the 1980's to a steady decline since the early 2000s.



- Since the Sentencing Reform Act of 1984, state expenditures on corrections facilities have increased by over 800%.



Bureau of Justice Statistics – Prisoners in 2020 – Statistical Tables (2021)

<https://bjs.ojp.gov/content/pub/pdf/p20st.pdf>

- In 2020, Black males were 5.7 times as likely to be imprisoned as White males, and Black males ages 18 to 19 were 12.5 times as likely to be imprisoned as White males of the same age.
- By the end of 2020, the number of prisoners under state or federal jurisdiction had decreased by 214,300 (down 15%) from 2019 and by 399,700 (down 25%) from 2009.
- From 2010 to 2020, US imprisonment rates decreased about 30% for males. The percentage was even larger for Black and Hispanic males.
- Over 40% of Black and Hispanic males imprisoned in 2020 were between the ages of 18-34.

FIGURES 4A AND 4B
Imprisonment rates of U.S. residents, based on sentenced prisoners under the jurisdictions of state and federal correctional authorities, by demographic characteristics, December 31, 2020

