

EXCEPTION #2 TO MANDATORY MINIMUM SENTENCES:

SUBSTANTIAL ASSISTANCE: 18 U.S.C. § 3553(e)

Limited Authority To Impose a Sentence Below a Statutory Minimum.— Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant’s substantial assistance in the investigation or prosecution of another person who has committed an offense. Such sentence shall be imposed in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code.

MORE ABOUT SUBSTANTIAL ASSISTANCE:

- Applies to all federal crimes that carry mandatory minimum sentences (i.e., drugs, guns, child pornography, sexual assault crimes)
- Allows federal offenders to be sentenced below the mandatory minimum if they cooperate with prosecutors and provide information that leads to the investigation or prosecution of others
- The exception only applies if the prosecutor requests a sentence reduction in a motion to the court (i.e., the defendant and the court cannot make the request themselves)
- In 2010, 25.7% (5,131) of all offenders facing mandatory minimum sentences received sentences below the mandatory minimum because of the substantial assistance exception.