



**FEDERAL MANDATORY MINIMUM SENTENCES PASSED, EXPANDED, OR INCREASED  
BY CONGRESS, 2002-2012**

<b>YEAR</b>	<b>STATUTE / GUIDELINE PROVISION</b>	<b>CRIME</b>	<b>SENTENCE CREATED OR INCREASED, OR SUBSTANTIVE EXPANSION OF CRIME</b>
<b>2002</b>	18 USC § 1512(a)(2); §§ 2A1.1, 2A1.2, 2A1.3, 2A2.1	Killing another person with the intent to prevent their attendance or testimony in an official proceeding or to prevent their communication with law enforcement	Death or life
	18 USC § 1512(a)(3)(A); §§ 2A1.1, 2A1.2, 2A1.3, 2A2.1	Killing another person with intent to tamper with a witness, victim, or an informant in an official proceeding	Death or life
<b>2003</b>	18 USC § 2251A(a), (c); § 2G2.3	Sale of a child by a parent or legal guardian for the purpose of sexual exploitation	Increased previous MM* of 20 years (1988) to 30 years
	18 USC § 2251A(b), (c); § 2G2.3	Purchasing a child for the purpose of sexual exploitation	Increased previous MM of 20 years (1988) to 30 years
	18 USC § 1466A(a), (b); § 2G2.2	Production/possession/receipt/transport of obscene visual representations of the sexual abuse of children - 1st offense - if offender has a prior child sex/porn offense conviction	5 years 15 years
	18 USC § 2251(a), (e); § 2G2.1	Engaging in explicit conduct with a child for the purpose of producing any visual depiction of such conduct: - 1st offense	Increased previous MM of 10 years (1996) to 15 years



		- if offender has a prior child sex/porn offense conviction - if offender has 2+ prior child sex/porn offense convictions	Increased previous MM of 15 years (1996) to 25 years  Increased previous MM of 30 years (1996) to 35 years
	18 USC § 2251(b), (e); § 2G2.1	Engagement in explicit conduct by a parent or legal guardian with a child for the purpose of producing any visual depiction of such conduct: - 1st offense - if offender has a prior child sex/porn offense conviction - if offender has 2+ prior child sex/porn offense convictions	Increased previous MM of 10 years (1996) to 15 years Increased previous MM of 15 years (1996) to 25 years Increased previous MM of 30 years (1996) to 35 years

\* MM = mandatory minimum sentence

<b>YEAR</b>	<b>STATUTE / GUIDELINE PROVISION</b>	<b>CRIME</b>	<b>SENTENCE CREATED OR INCREASED, OR SUBSTANTIVE EXPANSION OF CRIME</b>
<b>2003</b>	18 USC § 2251(c), (e); §§ 2G2.1, 2G2.2	Enticing a minor to engage in explicit conduct for the purpose of producing any visual depiction of such conduct: - 1st offense - if offender has a prior child sex/porn offense conviction - if offender has 2+ prior child sex/porn offense convictions	15 years 25 years 35 years
	18 USC § 2251(d), (e); § 2G2.2	Producing or publishing a notice or advertisement seeking or offering a visual	



	<p>depiction of a child engaging in an elicit sexual act:</p> <ul style="list-style-type: none"> <li>- 1st offense</li> <li>- if offender has a prior child sex/porn offense conviction</li> <li>- if offender has 2+ prior child sex/porn offense convictions</li> </ul>	<p>Increased previous MM of 10 years (1996) to 15 years</p> <p>Increased previous MM of 15 years (1996) to 25 years</p> <p>Increased previous MM of 30 years (1996) to 35 years</p>
18 USC § 2252(a)(1)-(3), (b)(1); § 2G2.2	<p>Knowing receipt OR distribution of visual depictions of a minor engaging in sexually explicit conduct</p> <ul style="list-style-type: none"> <li>- 1st offense</li> <li>- if offender has a prior child sex/porn offense conviction</li> </ul>	<p>5 years</p> <p>Increased previous MM of 5 years (1996) to 15 years</p>
18 USC § 2252(a)(4); § 2G2.2	<p>2nd or subsequent offense, possession of visual depictions of a minor engaging in sexually explicit conduct</p> <ul style="list-style-type: none"> <li>- if offender has a prior child sex/porn offense conviction</li> </ul>	<p>Increased previous MM of 2 years (1996) to 10 years</p>
18 USC § 2252A(a)(1)-(4), (6), (b)(1)-(2); § 2G2.2	<p>Interstate receipt, transportation, reproduction, solicitation or advertising of, selling, or possessing with intent to sell child pornography</p> <ul style="list-style-type: none"> <li>- 1st offense</li> <li>- if offender has a prior child sex/porn offense conviction</li> </ul>	<p>5 years</p> <p>Increases previous 5-year MM (1996) to 15 years</p> <p>Created § 2252A(a)(6) with 5 and 15-year MMs for first and second offenses; also expanded § 2242A(a)(3) criminal activity to include advertising</p>



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<b>2003</b>	18 USC § 2252A(a)(5); § 2G2.2	2nd or subsequent offense, possession of child pornography - if offender has a prior child sex/porn offense conviction	Increases previous 2-year MM (1996) to 10 years
	18 USC § 2422(b); §§ 2G1.1, 2G1.3	Coercion or attempted coercion, using mail or any facility of interstate commerce, of a minor for illegal sexual activity	5 years
	18 USC § 2423(a); § 2G1.3	Transporting a minor across state lines for the purpose of prostitution or another sexual activity which can be charged as a criminal offense	5 years
	18 USC § 3559(e)(1); none	If a federal sex offense is committed against a minor, and the offender has a prior sex conviction in which a minor was the victim	Life
	18 USC § 1201(g)(1); none	Kidnapping of a minor (under the age of eighteen)	20 years
<b>2004</b>	18 USC § 1028A(a)(1); § 2B1.6	Aggravated identity theft	2 years
	18 USC § 1028A(a)(2); § 2B1.6	Aggravated identity theft in relation to any offense listed at 18 USC 2332b(g)(5)(B) (Federal Crime of Terrorism)	5 years
	42 USC § 2272(b); § 2M6.1	Violation of prohibitions governing atomic weapons; no death resulting	25 years
	42 USC § 2272(b); § 2M6.1	Using, attempting to use, or threatening while possessing, an atomic weapon	30 years
	42 USC § 2272(b); § 2M6.1	Violation of prohibitions governing atomic weapons; death of another resulting	Life



<b>2005</b>	18 USC § 924(c)(5)(A); § 2K2.4	Possession or use of armor piercing ammunition during a crime of violence or drug trafficking crime	15 years, added to sentence for underlying crime
<b>2006</b>	18 USC § 1591(a), (b)(1); §§ 2G1.1, 2D2.1, 2G1.3	Sex trafficking of children under the age of 14 by force, fraud or coercion	15 years
	18 USC § 1591(a), (b)(2); §§ 2G1.1, 2D2.1, 2G1.3	Sex trafficking of children, over the age of 14 but below the age of 18, by force, fraud or coercion	10 years

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<b>2006</b>	18 USC § 2241(c); § 2A3.1	Engaging in a sexual act with a child under the age of 12, or engaging in a sexual act by force with a child who is above the age of 12, but under the age of 16 - 1st offense	30 years or life
	18 USC § 2250(c); § 2A3.6	Fails to register as a sex offender and commits a crime of violence	5 years, added to the sentence for the crime of violence
	18 USC § 2251(a), (e); § 2G2.1	Engaging in explicit conduct with a child for the purpose of producing any visual depiction of such conduct: - If death results	30 years
	18 USC § 2251(b), (e); § 2G2.1	Engagement in explicit conduct by a parent or legal guardian with a child for the purpose of producing any visual depiction of such conduct: - If death results	30 years



18 USC § 2251(c), (e); §§ 2G2.1, 2G2.2	Enticing a minor to engage in explicit conduct for the purpose of producing any visual depiction of such conduct: - If death results	30 years
18 USC § 2251(d), (e); § 2G2.2	Producing or publishing a notice or advertisement seeking or offering a visual depiction of a child engaging in an elicit sexual act: - If death results	30 years
18 USC § 2252A(g); § 2G2.2	Child exploitation enterprise	20 years
18 USC § 2260(a), (c)(1); § 2G2.1	Use of a minor in the production of sexually explicit depictions of a minor for importation into the United States - 1st offense - if offender has a prior child sex/porn offense conviction - if offender has 2+ prior child sex/porn offense convictions - if death results	15 years 25 years 35 years 30 years

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<b>2006</b>	18 USC § 2260(b), (c)(2); § 2G2.2	Use of a visual depiction of a minor engaging in sexually explicit conduct with the intent of importing the visual depiction into the United States - 1st offense	5 years 15 years



		- if offender has a prior child sex/porn offense conviction	
	18 USC § 2260A; § 2A3.6	Registered sex offenders who commit certain felony offenses involving a minor	10 years, added to the sentence for the underlying crime
	18 USC § 2422(b); §§ 2G1.1, 2G1.3	Coercion or attempted coercion, using mail or any facility of interstate commerce, of a minor for illegal sexual activity	Increased previous MM of 5 years (2003) to 10 years
	18 USC § 2423(a); § 2G1.3	Transporting a minor across state lines for the purpose of prostitution or another sexual activity which can be charged as a criminal offense	Increased previous MM of 5 years (2003) to 10 years
	18 USC § 2423(e); § 2G1.3	Attempt or conspiracy to transport a minor across state lines for the purpose of prostitution or another sexual activity which can be charged as a criminal offense	10 years
	18 USC § 3559(f)(3); none	Committing a crime of violence against a child under age 18, resulting in serious bodily injury OR if a dangerous weapon is used during and in relation to the crime of violence	10 years, unless a longer mandatory minimum applies
	18 USC § 3559(f)(1)	Murder of a child less than 18 years of age	30 years; death or life if the death meets any of the criteria in 18 USC § 3591(a)(2)(A)-(D)
	18 USC § 3559(f)(2); none	Kidnapping or maiming a child under 18 years of age	25 years, unless a longer mandatory minimum applies
	18 USC § 2261(b)(6); § 2A6.2	Stalking in violation of a restraining order, or other order described in 18 USC § 2266	1 year
<b>2007</b>	N/A	N/A	N/A



<b>2008</b>	18 USC § 1591(a), (b)(1); §§ 2G1.1, 2D2.1, 2G1.3	Sex trafficking of children under the age of 14 by force, fraud or coercion	15-year MM applied to expanded definition of criminal conduct under § 1591(a) – conduct expanded to include “maintain[ing]” a victim, and to include doing so with “reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means” was used in relation to the victim
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<b>2008</b>	18 USC § 1591(a), (b)(2); §§ 2G1.1, 2D2.1, 2G1.3	Sex trafficking of children, over the age of 14 but below the age of 18, by force, fraud or coercion	10 year MM applied to expanded definition of criminal conduct under § 1591(a) – conduct expanded to include “maintain[ing]” a victim, and to include doing so with “reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means” was used in relation to the victim
	18 USC § 2251(a), (e); § 2G2.1	Engaging in explicit conduct with a child for the purpose of producing any visual depiction of such conduct: - 1st offense - if offender has a prior child sex/porn offense conviction - if offender has 2+ prior child sex/porn offense convictions	Expanded crime to include engaging in explicit conduct “for the purpose of transmitting a live visual depiction of such conduct” and doing so “using any means or facility of interstate or foreign commerce” (not just computers).
	18 USC § 2251(b), (e); § 2G2.1	Engagement in explicit conduct by a parent or legal guardian with a child for the purpose of	Expanded crime to include engaging in explicit conduct “for the purpose of transmitting a live visual depiction of such conduct” and doing so



		<p>producing any visual depiction of such conduct:</p> <ul style="list-style-type: none"> <li>- 1st offense</li> <li>- if offender has a prior child sex/porn offense conviction</li> <li>- if offender has 2+ prior child sex/porn offense convictions</li> </ul>	<p>“using any means or facility of interstate or foreign commerce” (not just computers).</p>
	<p>18 USC § 2251(c), (e); §§ 2G2.1, 2G2.2</p>	<p>Enticing a minor to engage in explicit conduct for the purpose of producing any visual depiction of such conduct:</p> <ul style="list-style-type: none"> <li>- 1st offense</li> <li>- if offender has a prior child sex/porn offense conviction</li> <li>- if offender has 2+ prior child sex/porn offense convictions</li> </ul>	<p>Expanded crime to include enticing a minor “using any means or facility of interstate or foreign commerce” (not just computers).</p>
	<p>18 USC § 2252(a)(4); § 2G2.2</p>	<p>2nd or subsequent offense, possession of visual depictions of a minor engaging in sexually explicit conduct</p> <ul style="list-style-type: none"> <li>- if offender has a prior child sex/porn offense conviction</li> </ul>	<p>Expanded crime to include “knowingly accesses with intent to view.”</p>

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<b>2008</b>	<p>18 USC § 2252A(a)(1)-(4), (6), (b)(1)-(2); § 2G2.2</p>	<p>Interstate receipt, transportation, reproduction, solicitation or advertising of, selling, or possessing with intent to sell child pornography</p> <ul style="list-style-type: none"> <li>- 1st offense</li> <li>- if offender has a prior child sex/porn offense conviction</li> </ul>	<p>Expanded § 2242A(a)(5) to include “knowingly accesses with intent to view”</p>



	18 USC § 2260(a), (c)(1); § 2G2.1	Use of a minor in the production of sexually explicit depictions of a minor for importation into the United States - 1st offense - if offender has a prior child sex/porn offense conviction - if offender has 2+ prior child sex/porn offense convictions - if death results	Expanded crime to include using a minor “for the purpose of transmitting a live visual depiction of such conduct” and doing so with intent to transmit a depiction.
<b>2009</b>	18 USC § 1389	Assault or battery of a current member of the armed services, his immediate family member, or a former member of the armed services who has been discharged from the services for less than 5 years, on account of that person’s service or status as a service member, with bodily injury resulting	6 months
<b>2010</b>	N/A	N/A	N/A
<b>2011</b>	N/A	N/A	N/A
<b>2012</b>	21 USC § 841(b)(1)(C); § 2D1.1	1st offense; manufacturing, distributing, or possessing with intent to distribute certain synthetic drugs, and death or serious bodily injury results from the use  2nd and any subsequent offense; manufacturing, distributing, or possessing with intent to distribute certain synthetic drugs, and death or serious bodily injury results from the use	20 years  Life

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