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# Mandatory Minimum Sentencing Laws

**Disclaimer:**

The tips in this presentation are general in nature. Please use your discretion while following them. The author does not guarantee legal validity of the tips contained herein.

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## What are mandatory minimum sentencing laws?

- Mandatory minimum sentences are the punishments for certain crimes like drug possession where the judicial discretion is limited by the law and judges cannot extenuate them.



## What is general sentencing?

- In general sentencing the judge can use his discretion to decide the punishment for a crime. But, it is not mandatory that he has to strictly adhere to the sentencing guidelines.
- If the judge finds that the convicted has no prior criminal record and is a well behaved, he can reduce the punishment. Sometime the sentencing given by the judge can be longer than mandatory minimum sentencing.



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## Do mandatory minimum sentencing laws affect your sentence?

- Mandatory minimum sentencing laws do affect your final sentencing. This is because, even if the evidence shows that you are eligible for a shorter sentence, the judge is not permitted to do so.



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- For example, if you are convicted for possession of illegal drugs like heroin of about 100 grams or more, you have to face minimum 5 years jail time.
- You have to face this punishment without any other options.



## A look into the history of mandatory minimum sentencing

- The judges in the USA had unlimited sentencing discretion until the Anti-Drug Abuse Act was passed in 1986. This act set mandatory minimum sentencing for all types of drug crime convictions in the USA.
- Several other types of offenses like child pornography, serious white collar crimes etc. are also subjected to mandatory minimums.



## Are mandatory minimums necessary?

- Most of people argue that mandatory minimum sentencing laws impose harsh penalties and are completely irrational.
- But some defend this way of sentencing. They argue that this is a transparent way of sentencing and there is a significant reduction in crime rate in the USA after its implementation.



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## Charged with crime in NY?

- If you are charged with crime in NY and looking for an expert New York criminal defense attorney, then contact Paul D. Petrus Jr. immediately.
- Mr. Petrus works in federal and state courts and can help you with his extensive experience in a variety of criminal areas.





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