

## **Federal White Collar and Related Mandatory Minimums**

This list includes all federal (not state) white collar and related offenses with penalty provisions that require the judge to sentence a defendant to a mandatory minimum prison term. Laws that require the judge to impose only a minimum fine, a period of supervised release, or an undefined term of imprisonment are not included in this list. This list includes only the laws in effect as of June 23, 2010.



<b>Statute &amp; U.S. Sentencing Guidelines Provision</b>	<b>Statute Title</b>	<b>Description of Crime</b>	<b>Year Created</b>	<b>Minimum Prison Sentence</b>
2 U.S.C. § 192; none	The Congress: Refusal of witness to testify or produce papers	Refusing to testify before Congress	1857	1 month
7 U.S.C. § 2024(b)(1); § 2B1.1	Agriculture: Violations and enforcement	2nd and subsequent offense; illegal food stamp activity; value of \$100 to \$4,999	1981	6 months
7 U.S.C. § 2024(c); § 2B1.1	Agriculture: Violations and enforcement	2nd and subsequent offense; presentation of illegal food stamp for redemption; value of \$100 or more	1981	1 year
8 U.S.C. § 1324(a)(2)(B)(ii); § 2L1.1	Aliens and Nationality: Bringing in and harboring certain aliens	1st or 2nd offense, bringing in or harboring certain aliens where the offense was committed for the purpose of commercial advantage or private financial gain	1996	3 years
8 U.S.C. § 1324(a)(2)(B)(ii); § 2L1.1	Aliens and Nationality: Bringing in and harboring certain aliens	3rd or subsequent offense, bringing in or harboring certain aliens where the offense was committed for the purpose of commercial advantage or private financial gain	1996	5 years
12 U.S.C. § 630; none	Banks and Banking: Offenses by officers of corporation; punishment	Embezzlement, fraud, or false entries by banking officer	1913	2 years
15 U.S.C. § 8; none	Commerce and Trade: Trusts in restraint of import trade illegal; penalty	Importation of goods or commodities from any foreign country in a manner that violates the prohibition on restraint of lawful trade	1894	3 months

<b>Statute &amp; U.S. Sentencing Guidelines Provision</b>	<b>Statute Title</b>	<b>Description of Crime</b>	<b>Year Created</b>	<b>Minimum Prison Sentence</b>
18 U.S.C. § 33(b); §§ 2A2.1, 2A2.2, 2B1.1, 2K1.4	Crimes and Criminal Procedure: Destruction of motor vehicles or motor vehicle facilities	Damage to or destruction of a motor vehicle carrying high-level radioactive waste or spent nuclear fuel or any structure/facility etc. used to support operation of such motor vehicle, or disabling/incapacitating the driver of such motor vehicle, with reckless disregard for the safety of human life	1995	30 years
18 U.S.C. § 225(a); §§ 2B1.1, 2B4.1	Crimes and Criminal Procedure: Continuing financial crimes enterprise	Organizes/manages/supervises a continuing financial crime enterprise which receives \$5M or more within any 24-month period	1990	10 years
18 U.S.C. § 1028A; § 2B1.6	Crimes and Criminal Procedure: Aggravated Identity Theft	Aggravated identity theft	2004	2 years
18 U.S.C. § 1028A; § 2B1.6	Crimes and Criminal Procedure: Aggravated Identity Theft	Aggravated identity theft in relation to any offense listed at 18 U.S.C. § 2332b(g)(5)(B)	2004	5 years
18 U.S.C. § 1716; §§ 2K1.3, 2K3.2	Crimes and Criminal Procedure: Injurious articles as nonmailable	Knowing deposit for mail or delivery (or causes to be delivered by mail) anything declared nonmailable by section 1716, unless in accord with Postal Service rules or regulations, and such conduct results in death of any person	1948	Life
18 U.S.C. § 2257(i); § 2G2.5	Crimes and Criminal Procedure: Record keeping requirements	2nd or subsequent offense, failure to keep records of sexually explicit depictions and related book keeping requirements	1990	2 years
18 U.S.C. § 2332g(c)(1); § 2K2.1	Crimes and Criminal Procedure: Missile systems designed to destroy aircraft	Knowing production, construction, direct or indirect acquisition, transfer, receipt, possession, importation, or exportation of certain rockets, missiles, related guidance devices, or parts thereof (no exception for researchers, collectors, museums, etc.)	2004	25 years

<b>Statute &amp; U.S. Sentencing Guidelines Provision</b>	<b>Statute Title</b>	<b>Description of Crime</b>	<b>Year Created</b>	<b>Minimum Prison Sentence</b>
18 U.S.C. § 2332h(c)(1); § 2M6.1	Crimes and Criminal Procedure: Radiological dispersal devices	Knowing production, construction, direct or indirect acquisition, transfer, receipt, possession, importation, or exportation of certain devices capable of and designed or intended to endanger human life through the release of radiation or radioactivity (no exception for researchers, collectors, museums, etc.)	2004	25 years
18 U.S.C. § 3600; § 2J1.3	Crimes and Criminal Procedure: DNA testing	Chapter 79 (i.e. 18 U.S.C. §§ 1621-23) prosecutions for false assertions or other conduct in post-conviction DNA testing of evidence proceedings	2004	3 years
19 U.S.C. § 283; § 2T3.1	Customs Duties: Duty on saloon stores	Failure to report seaboard saloon purchases to customers	1886	3 months
21 U.S.C. § 622; § 2C1.1	Food and Drugs: Bribery of or gifts to inspectors or other officers and acceptance of gifts	Bribery of meat inspectors and acceptance of bribes	1907	1 year
22 U.S.C. § 4221; § 2B1.1	Foreign Relations and Intercourse: Depositions and notarial acts; perjury	Forgery of notary seal	1906	1 year
33 U.S.C. § 447; none	Navigation and Navigable Waters: Bribery of inspector; penalty	Bribery of inspector of New York or Baltimore harbors	1888	6 months

The following offenses appear to require a judge to sentence the defendant to a “term” of imprisonment, but do not specifically define that “term” –

<b>Statute &amp; U.S. Sentencing Guidelines Provision</b>	<b>Short Description of Offense</b>	<b>Relevant Language</b>
10 U.S.C. § 2538	During the time of war or when war is imminent, failure to comply with industrial mobilization orders or manufacturing orders.	“. . . shall be imprisoned for not more than three years and fined under title 18.”
16 U.S.C. § 371	Making a false oath as to financial condition in order to use the free bathhouse at Hot Springs National Park.	“. . . shall be fined not less than \$25 nor more than \$300 and be imprisoned for not more than sixty days.”
18 U.S.C. § 2280	Creates criminal liability for almost any type of physical act against maritime navigation including all maritime ships, structures and property.	“. . . if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.”
22 U.S.C. § 4199	Penalty for a consular officer who fails to give bond or embezzles	“. . . shall be punishable by imprisonment for not more than five years and by a fine . . . .”
22 U.S.C. § 4217	Penalty for a consular officer who embezzles fees or effects of American citizens	“. . . shall be punishable by imprisonment for not more than five years, and by a fine . . . .”
31 U.S.C. § 5331	Bulk cash smuggling into or out of the United States	“. . . shall be imprisoned for not more than 5 years.”