



## 2025 AMENDMENTS IN BRIEF

In April 2025, the U.S. Sentencing Commission approved amendments to the federal sentencing guidelines. For a more detailed discussion of the policy determinations made by the Commission, please refer to the *Reason for Amendment* in the “Reader-Friendly” and Official Text (link in QR code).

### 2025 Amendment Simplification

This amendment simplifies the guidelines by **removing step two of the current three-step sentencing process**, which **requires courts to consider departures** provided for within the *Guidelines Manual*.

While retaining some provisions (e.g., Substantial Assistance) in another form, the amendment deletes most departures from the *Guidelines Manual* and moves them to an appendix for future reference and makes several other conforming changes throughout the manual.

### THE ISSUE

## Alignment with Current Sentencing Law

In the wake of *United States v. Booker* and subsequent cases, the *Guidelines Manual* provided a three-step process for determining the sentence to be imposed. In step two, the sentencing court considered policy statements and guideline commentary relating to departures and specific personal characteristics that might warrant consideration in imposing the sentence.

In the years since *Booker*, courts have increasingly focused on step three, relying on the factors set forth by Congress in 18 U.S.C. § 3553(a) that encompass a wider range of information about a defendant (see *Pepper v. United States*).

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Amendment.



## FACTS & FIGURES

The frequency of departures has steadily declined over the past two decades with courts relying to a greater extent on variances in a manner consistent with the statutory requirements in section 3553(a). The shift away from departures deepened as a direct result of the holding in *Irizarry* (timeline below).

## NUMBER OF SENTENCES OUTSIDE OF THE RANGE

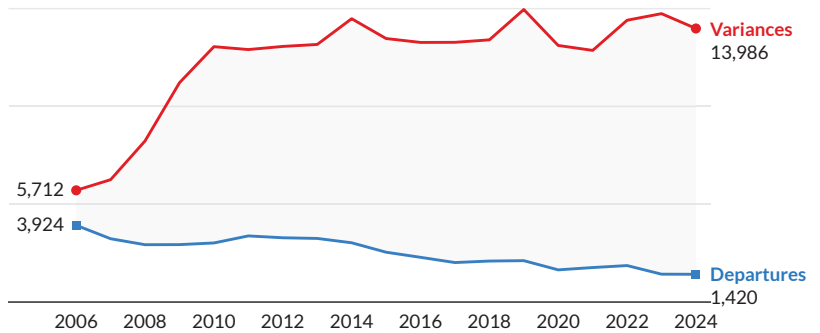


Figure excludes §5K1.1 (Substantial Assistance), §5K3.1 (Early Disposition Program), and other government-sponsored reasons.

## TIMELINE

### Supreme Court Cases



#### ***United States v. Booker***

The Supreme Court holds that the portion of 18 U.S.C. § 3553 making the guidelines mandatory was unconstitutional. 543 U.S. 220



#### ***Rita v. United States***

The Supreme Court holds that after determining the kinds of sentence and guideline range provided for by the guidelines, the court must also fully consider the factors in 18 U.S.C. § 3553(a), including “the nature and circumstances of the offense and the history and characteristics of the defendant,” to determine a sentence that is sufficient but not greater than necessary. 551 U.S. 338



#### ***Gall v. United States***

The Supreme Court explains that the guideline range, which reflects the defendant’s criminal conduct and the defendant’s criminal history, should continue to be “the starting point and the initial benchmark” in sentencing proceedings. 552 U.S. 38



#### ***Irizarry v. United States***

The Supreme Court holds that the “reasonable notice” requirement in Rule 32(h) of the Federal Rules of Criminal Procedure does not apply to variances. 553 U.S. 708



#### ***Pepper v. United States***

The Supreme Court explains the limitations imposed on the Commission in 28 U.S.C. § 994 do not apply to sentencing courts. Instead, 18 U.S.C. § 3553(a) permits sentencing courts to consider the ‘widest possible breadth of information’ about a defendant ensuring the court is in “possession of the fullest information possible concerning the defendant’s life and characteristics.” 562 U.S. 476, 488



#### ***Peugh v. United States***

The Supreme Court notes that “the post-*Booker* federal sentencing system adopted procedural measures that make the guidelines the ‘lodestone’ of sentencing.” 569 U.S. 530