



## 2026 PROPOSED AMENDMENTS ON SENTENCING OPTIONS

My name is Amy Dezember, and I am a Senior Research Associate in the Office of Research and Data at the United States Sentencing Commission. On January 30, 2026, the Commission voted to publish proposed amendments to the United States Sentencing Guidelines, including a proposed amendment on Sentencing Options. The Commission is seeking public comment on the proposed amendments.

The proposed amendment on sentencing options contains two parts (Parts A and B). The Commission is considering whether to promulgate either or both of these parts, as they are not mutually exclusive. The proposed amendment would retain the *Guideline Manual*'s zone-based structure, which provides for flexibility in the sentencing options available for defendants whose guideline ranges fall within Zones A through C of the Sentencing Table. Part A of the proposed amendment would provide further guidance on determining the appropriate sentence type from among those authorized by the guidelines and emphasize the importance of this threshold determination. Part B of the proposed amendment would expand Zones B and C to increase the availability of sentencing options for certain defendants. This presentation provides data analyses to inform the public's comment on Part B of the proposed amendment.

The zones of the Sentencing Table generally provide the sentencing options that the courts consider in determining the appropriate sentence. Zone A authorizes any of four types of sentences: a sentence that is probation-only, probation with conditions of confinement, a term of imprisonment followed by a term of supervised release (also called a "split sentence"), or imprisonment only. Zone A is the only zone that authorizes probation without any conditions of confinement. Zone B authorizes three types of sentences, including a probation term that includes conditions of confinement (such as a period of intermittent confinement, community confinement, or home detention) which together satisfy the minimum term of the guideline range. Zone B also authorizes a "split sentence" (a term of imprisonment of at least one month followed by a term of supervised release), or a term of imprisonment only. Zone C authorizes two types of sentences: a "split sentence," that includes a term of imprisonment equivalent to at least half of the minimum of the applicable guideline range with the remainder satisfied through a term of supervised release with conditions of confinement, or a term of imprisonment only. Zone D authorizes an imprisonment only sentence.



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(February 2026)

Under Part B of the proposed amendment, Zones B and C would be expanded to increase the number of defendants who would be eligible for the sentencing options in these zones. Under the proposed amendment, Zone B would be expanded to include sentencing ranges from: (a) Four to 57 months for Criminal History Category I; and (b) One to 18 months for the other criminal history categories. The sentencing options for those defendants whose sentencing range falls into the expanded Zone B, shaded in orange, would include term of probation with conditions of confinement, a “split sentence,” or a term of imprisonment only.

The proposed amendment would expand Zone C to include sentencing ranges from: (a) 51 to 108 months for Criminal History Category I; (b) 15 to 24 months for Criminal History Categories II through IV; and (c) 15 to 21 months for Criminal History Categories V and VI. The sentencing options for those defendants who sentencing range falls into in the expanded Zone C, shaded in green, would include a “split sentence” or a term of imprisonment only. The remaining guideline ranges would fall in Zone D, shaded in purple, which authorizes imprisonment only.

First, we’ll provide background data on the types of sentences imposed for individuals who are statutorily eligible for probation. In fiscal year 2024, there were 27,656 United States citizens who were statutorily eligible for probation. This analysis focuses only on US citizens since these are the individuals who are most likely to be impacted by the amendment. Of these individuals, 16% received non-incarceration sentences, shown in shades of blue. Specifically, 1% received a fine only, 12% received probation only, and 3% received probation with alternative confinement conditions. An additional 4% received a “split-sentence,” or a term of imprisonment followed by supervised release with conditions of confinement. The remaining 81% received a prison only sentence.

When looking only at the individuals who received non-incarceration sentences, over three quarters were sentenced to probation only.

In considering whether and how to amend the zones, the Commission examined the most recent recidivism data available to the Commission for United States citizens who were statutorily eligible for probation. In this analysis, recidivism is defined as rearrest for either a new crime or a supervision violation (but excludes arrests for minor traffic offenses) after release from federal imprisonment in 2015 or who entered onto probation in that year. Of the individuals in the study who had been sentenced to a non-imprisonment



United States Sentencing Commission  
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(February 2026)

sentence, 19% were rearrested within five years, compared to 42% of those individuals who had been sentenced to prison but were statutorily eligible for probation.

The Commission also examined the rearrest rates for United States citizens who were statutorily eligible for probation and received a non-imprisonment sentence by the cell of the sentencing table in which their guideline range was located. Rates are not reported for cells with fewer than ten sentenced individuals. The Sentencing Table is shown through offense level 29 because fewer than ten individuals received non-imprisonment sentences in all cells at offense levels 30 through 43. Rearrest rates for individuals receiving non-imprisonment sentences were generally lowest in Criminal History Category I. Specifically, rearrest rates in Criminal History Category I were less than 25% and generally less than 20%, regardless of zone. As the criminal history category increased, rearrest rates generally increased, regardless of zone.

As a reminder, here are the current boundaries for the zones on the Sentencing Table.

Under Part B of the proposed amendment, Zone A, shaded in blue, would not change. Zone B would be expanded to the area shaded in orange. Zone C would be expanded to the area shaded in green. The remaining guideline ranges would fall in Zone D, shaded in purple. The orange dashed outline shows the current boundaries for Zone B and the green dashed outline shows the current boundaries for Zone C. Using data from fiscal year 2024, the Commission examined the number of individuals impacted by the zone expansion and benefit from increased availability of sentencing options. Proposed Zone B includes 6,864 additional individuals who are statutorily eligible for probation. They have a guideline range that currently fall in Zones C, which authorizes a split sentence or a sentence of imprisonment only, and D, which authorizes a sentence of imprisonment only. Proposed Zone C includes 4,061 individuals who are not subject to a mandatory minimum. All of these individuals have a guideline range that currently falls in Zone D, which authorizes a sentence of imprisonment only.

First, we'll present information about the individuals affected by the proposed expansion to Zone B and who would benefit from the increased availability of sentencing options. This section of the presentation provides information on those individuals currently in Zone B, individuals who would move into Zone B, and, finally, individuals in the proposed Zone B, which combines the first two categories.



United States Sentencing Commission  
*Supplemental Public Data Briefing Video Transcript*  
(February 2026)

Of the individuals who would move into the proposed expanded Zone B, 29% are currently in Zone C and 71% are currently in Zone D. 70% of the individuals moving from Zone C are in Criminal History Category I and all of the individuals moving from Zone D into the proposed Zone B are in CHC I.

Individuals who would move into Zone B generally look similar to those individuals currently in Zone B in terms of race, gender, and age.

Individuals who would move into Zone B also look similar to individuals currently in Zone B in terms of education. As mentioned, most of the individuals who would move into Zone B are in Criminal History Category I. About half received the Zero-Point Offender adjustment. 85% had no prior violent convictions.

Compared to individuals currently in Zone B, a larger proportion of the individuals who would move into Zone B were convicted of drug trafficking and firearms offenses. A smaller proportion were convicted of immigration and fraud offenses.

Individuals who would move into Zone B generally received a mitigating role reduction at the same rate as individuals currently in Zone B but received an aggravating role increase at a higher rate than those currently in Zone B. Those who would move into Zone B received a weapons enhancement and were convicted of a violent offense at higher rates than the individuals currently in Zone B. Individuals who would move into Zone B received acceptance of responsibility reductions at generally the same rate but received substantial assistance departures at a higher rate than individuals currently in Zone B.

16% of individuals who would move into Zone B were sentenced to probation only and another 4% were sentenced to probation with alternative confinement conditions. The remaining 80% of those individuals who would move into Zone B were sentenced to prison only or prison with alternative confinement conditions.

On this slide we examine the average guidelines minimum and the average length of imprisonment for those individuals who would fall into expanded Zone B. Among those who were sentenced to a term of imprisonment, the average length of imprisonment for those who would move into Zone B was 16 months, which is more than twice the average sentence for individuals currently in Zone B. The longer average sentence length is consistent with the rules for the zones from which these individuals are moving. Individuals who would move into Zone B are currently in Zones C and D, which have longer



United States Sentencing Commission  
*Supplemental Public Data Briefing Video Transcript*  
(February 2026)

guideline ranges that require that either at least one-half or all of the term be satisfied by a sentence of imprisonment.

A higher proportion of individuals who would move into Zone B received a sentence below the guideline range than those currently in Zone B. Of individuals who would move into Zone B, 54% were sentenced below the guideline range, 13% received a substantial assistance departure, and 30% were sentenced within the guideline range. By comparison, 47% of individuals currently in Zone B were sentenced below the guideline range, 6% received a substantial assistance departure, and 43% were sentenced within the guideline range. Individuals who would move into Zone B received a sentence above the guideline range at similar rates to those who are currently in Zone B.

Next, we'll present this same information about those individuals affected by the proposed expansion to Zone C and would benefit from the increased availability of sentencing options. Because all individuals in current Zone C would move into the expanded Zone B, new Zone C would be composed entirely of individuals who move from Zone D. As a result, this section of the presentation includes only two comparison groups, individuals currently in Zone C and individuals in the proposed Zone C.

Individuals in the proposed Zone C generally look similar to individuals currently in Zone C in terms of race, gender, and age.

Individuals in the proposed Zone C also look similar to individuals currently in Zone C in terms of education and Criminal History Category. One-third of individuals in the proposed Zone C received the Zero-Point Offender adjustment and three-quarters had no prior violent convictions.

Compared to individuals currently in Zone C, a larger proportion of individuals in the proposed Zone C were convicted of drug trafficking instant offenses, while smaller proportions were convicted of firearms, fraud, and immigration offenses. Seven percent of individuals into the proposed Zone C were convicted of a child pornography instant offense. These individuals were all in Criminal History Category I.

Individuals in the proposed Zone C received a mitigating role reduction and an aggravating role increase at higher rates than individuals currently in Zone C. Those in proposed Zone C received a weapons enhancement and were convicted of a violent offense at higher rates than the individuals currently in Zone C. Individuals in the proposed



United States Sentencing Commission  
*Supplemental Public Data Briefing Video Transcript*  
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Zone C received acceptance of responsibility at generally the same rate but received substantial assistance departures at a higher rate than individuals currently in Zone C.

About five percent of individuals in the proposed Zone C were sentenced to probation only or probation with alternative confinements, while 94% were sentenced to prison only or prison with alternative confinement conditions. This is largely because all individuals in the proposed Zone C are currently in Zone D, which requires that the minimum term be satisfied by a sentence of imprisonment.

For individuals who were sentenced to a term of imprisonment, the average length of imprisonment for individuals in the proposed Zone C was 38 months, more than four times longer than the average sentence of individuals currently in Zone C.

51% of individuals in the proposed Zone C were sentenced below the guideline range, 16% received a substantial assistance departure, and 30% received a sentence within the guideline range. By comparison, 52% of individuals currently in Zone C received a sentence below the guideline range, 8% received a substantial assistance departure, and 36% received a sentence within the guideline range. Individuals in the proposed Zone C receive a sentence above the guideline range at similar rates to those who are currently in Zone C.

This concludes the data presentation. Comments may be submitted to the Commission at the addresses shown. The public comment period concludes on March 18, 2026.