

**U.S. Sentencing Commission
Part A of the 2023 Criminal History Amendment
Retroactivity Data Report**



July 2024

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted from and based on sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.²

The Commission also reports preliminary data for an on-going fiscal year in order to provide real-time analysis of sentencing practices in the federal courts. Since 2005, the Commission has published a series of quarterly reports that are similar in format and methodology to tables and figures produced in the *Sourcebook of Federal Sentencing Statistics*. The quarterly reports contain cumulative data for the on-going fiscal year (i.e., data from the start of the fiscal year through the most current quarter).

On three separate occasions in recent years the Commission has amended the federal sentencing guidelines to lower the punishment for certain drug trafficking crimes, and also voted to apply those reductions retroactively.³ The Commission has also periodically reported on the number of individuals who received a sentence reduction under those retroactive amendments and presented other data regarding those cases.⁴

On April 27, 2023, the United States Sentencing Commission submitted to Congress Amendment 821 to the federal sentencing guidelines revising two criminal history provisions found in Chapter Four of the *Guidelines Manual*. Part A of the amendment made targeted changes to reduce the impact of providing additional criminal history points for individuals under a criminal justice sentence (commonly known as "status points"). Part B provided a two-level downward adjustment for certain sentenced individuals with zero criminal history points under the guidelines.

Amendment 821 went into effect on November 1, 2023. On August 24, 2023, the Commission voted to give retroactive effect to Amendment 821 beginning on February 1, 2024. To effectuate that decision, the Commission promulgated Amendment 825, which added Amendment 821 to the list of amendments in §1B1.10 (Reduction in Term of Imprisonment as a

¹ In each federal felony or Class A misdemeanor case, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the Presentence Report. *See* 28 U.S.C. § 994(w).

² Electronic copies of the 1995-2023 ANNUAL REPORT and SOURCEBOOK OF FEDERAL SENTENCING STATISTICS are available at the Commission's website at www.ussc.gov.

³ *See* Amendment 706, as amended by Amendment 711, and made retroactive by Amendment 713 (the 2007 Crack Cocaine Amendment); Amendment 750, made retroactive by Amendment 759 (the 2010 Fair Sentencing Act Amendment); and Amendment 782 (the 2014 Drug Guidelines Amendment, often referred to as "Drugs Minus Two"), made retroactive by Amendment 788.

⁴ These retroactivity analyses and data reports are available at <https://www.ussc.gov/research/data-reports/retroactivity-analyses-and-data-reports>.

Result of an Amended Guideline Range)(Policy Statement) that apply retroactively and added a new provision at subsection (e)(2) of that policy statement providing, “The court shall not order a reduced term of imprisonment based on Part A or Part B, Subpart 1 of Amendment 821 unless the effective date of the court’s order is February 1, 2024, or later.”.

Under section 3582(c)(2) of title 18, courts are authorized to reduce the sentences of incarcerated persons pursuant to any retroactive guideline amendment. The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Part A of Amendment 821 decided through June 30, 2024 and for which court documentation was received, coded, and edited at the Commission by July 1, 2024.

Table 1

**MOTIONS FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT BY DISTRICT**

District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	9,802		4,324	44.1	5,478	55.9							
Western Texas	952		482	50.6	470	49.4	Western Michigan	81		27	33.3	54	66.7
Northern Texas	698		167	23.9	531	76.1	Southern Ohio	81		47	58.0	34	42.0
Southern Texas	469		220	46.9	249	53.1	Minnesota	73		15	20.5	58	79.5
Eastern Missouri	253		78	30.8	175	69.2	Southern Mississippi	69		25	36.2	44	63.8
Eastern Kentucky	234		97	41.5	137	58.5	Northern Illinois	69		42	60.9	27	39.1
Western Missouri	224		78	34.8	146	65.2	Eastern Wisconsin	65		3	4.6	62	95.4
Southern Georgia	218		139	63.8	79	36.2	North Dakota	64		34	53.1	30	46.9
Eastern Arkansas	213		54	25.4	159	74.6	Eastern Oklahoma	64		35	54.7	29	45.3
Southern Iowa	206		52	25.2	154	74.8	New Mexico	62		20	32.3	42	67.7
Eastern Virginia	203		107	52.7	96	47.3	Montana	61		20	32.8	41	67.2
Western Virginia	186		62	33.3	124	66.7	Idaho	53		52	98.1	1	1.9
Eastern Michigan	183		93	50.8	90	49.2	Eastern Pennsylvania	52		48	92.3	4	7.7
Southern Florida	162		32	19.8	130	80.2	Northern California	50		21	42.0	29	58.0
Northern Ohio	157		72	45.9	85	54.1	Wyoming	48		23	47.9	25	52.1
Middle North Carolina	154		59	38.3	95	61.7	Colorado	47		29	61.7	18	38.3
Southern Illinois	154		78	50.6	76	49.4	Western Wisconsin	46		7	15.2	39	84.8
Northern Iowa	153		89	58.2	64	41.8	Western Arkansas	46		24	52.2	22	47.8
Western Louisiana	149		42	28.2	107	71.8	Eastern Louisiana	45		38	84.4	7	15.6
Arizona	147		57	38.8	90	61.2	Eastern California	44		31	70.5	13	29.5
Puerto Rico	143		63	44.1	80	55.9	Middle Louisiana	43		15	34.9	28	65.1
Eastern Texas	142		83	58.5	59	41.5	Northern New York	42		35	83.3	7	16.7
Eastern North Carolina	137		57	41.6	80	58.4	New Jersey	40		14	35.0	26	65.0
Southern New York	133		26	19.5	107	80.5	Northern Oklahoma	39		6	15.4	33	84.6
Middle Georgia	126		71	56.3	55	43.7	Northern Georgia	39		38	97.4	1	2.6
Central Illinois	123		36	29.3	87	70.7	Eastern Washington	37		18	48.6	19	51.4
Northern Indiana	123		49	39.8	74	60.2	Connecticut	33		5	15.2	28	84.8
Northern West Virginia	122		66	54.1	56	45.9	Massachusetts	31		6	19.4	25	80.6
Southern Indiana	112		69	61.6	43	38.4	Northern Florida	29		9	31.0	20	69.0
Nebraska	112		43	38.4	69	61.6	Maine	28		11	39.3	17	60.7
Eastern Tennessee	111		42	37.8	69	62.2	New Hampshire	27		14	51.9	13	48.1
Northern Alabama	111		79	71.2	32	28.8	Eastern New York	27		7	25.9	20	74.1
South Carolina	107		74	69.2	33	30.8	Middle Florida	23		14	60.9	9	39.1
Western North Carolina	104		43	41.3	61	58.7	Hawaii	21		18	85.7	3	14.3
Western New York	101		45	44.6	56	55.4	Western Washington	20		5	25.0	15	75.0
Middle Pennsylvania	98		46	46.9	52	53.1	Southern California	19		17	89.5	2	10.5
Maryland	96		96	100.0	0	0.0	Middle Tennessee	18		18	100.0	0	0.0
South Dakota	92		25	27.2	67	72.8	Northern Mississippi	16		15	93.8	1	6.3
Middle Alabama	92		41	44.6	51	55.4	Alaska	15		15	100.0	0	0.0
Western Tennessee	91		65	71.4	26	28.6	District of Columbia	14		7	50.0	7	50.0
Kansas	90		84	93.3	6	6.7	Rhode Island	13		3	23.1	10	76.9
Southern Alabama	90		32	35.6	58	64.4	Delaware	12		6	50.0	6	50.0
Western Pennsylvania	87		35	40.2	52	59.8	Oregon	8		8	100.0	0	0.0
Western Oklahoma	87		19	21.8	68	78.2	Nevada	7		7	100.0	0	0.0
Southern West Virginia	83		28	33.7	55	66.3	Vermont	3		0	0.0	3	100.0
Western Kentucky	82		25	30.5	57	69.5	Virgin Islands	2		1	50.0	1	50.0
Central California	82		46	56.1	36	43.9	Guam	1		1	100.0	0	0.0
Utah	82		23	28.0	59	72.0	Northern Mariana Islands	1		1	100.0	0	0.0

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 2

**MOTIONS FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
TOTAL	9,796	4,322	44.1	5,474	55.9
2024	139	12	8.6	127	91.4
2023	2,261	1,124	49.7	1,137	50.3
2022	1,834	876	47.8	958	52.2
2021	1,196	557	46.6	639	53.4
2020	938	412	43.9	526	56.1
2019	832	353	42.4	479	57.6
2018	683	282	41.3	401	58.7
2017	448	200	44.6	248	55.4
2016	317	129	40.7	188	59.3
2015	208	84	40.4	124	59.6
2014	180	66	36.7	114	63.3
2013	145	56	38.6	89	61.4
2012	104	33	31.7	71	68.3
2011	77	22	28.6	55	71.4
2010	80	29	36.3	51	63.8
2009	63	15	23.8	48	76.2
2008	49	12	24.5	37	75.5
2007	43	11	25.6	32	74.4
2006	41	10	24.4	31	75.6
2005	29	6	20.7	23	79.3
2004	27	5	18.5	22	81.5
2003	19	6	31.6	13	68.4
2002	21	5	23.8	16	76.2
2001	12	2	16.7	10	83.3
2000	12	4	33.3	8	66.7
1999	3	1	33.3	2	66.7
1998	9	4	44.4	5	55.6
1997	4	1	25.0	3	75.0
1996	8	2	25.0	6	75.0
1995	2	0	0.0	2	100.0
1994	8	2	25.0	6	75.0
1993	1	0	0.0	1	100.0
1992	2	1	50.0	1	50.0
1991	0	0	--	0	--
1990	1	0	0.0	1	100.0
1989	0	0	--	0	--

¹ Of the 9,802 cases reported to the Commission with motion status information, six were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

Table 3**ORIGIN OF GRANTED MOTIONS FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	Total	Defendant²		Director BOP³		Courts	
	N	N	%	N	%	N	%
TOTAL	4,311	2,953	68.5	0	0.0	1,358	31.5
D.C. CIRCUIT	7	7	100.0	0	0.0	0	0.0
FIRST CIRCUIT	97	77	79.4	0	0.0	20	20.6
SECOND CIRCUIT	118	85	72.0	0	0.0	33	28.0
THIRD CIRCUIT	141	129	91.5	0	0.0	12	8.5
FOURTH CIRCUIT	592	485	81.9	0	0.0	107	18.1
FIFTH CIRCUIT	1,086	606	55.8	0	0.0	480	44.2
SIXTH CIRCUIT	484	309	63.8	0	0.0	175	36.2
SEVENTH CIRCUIT	284	281	98.9	0	0.0	3	1.1
EIGHTH CIRCUIT	491	310	63.1	0	0.0	181	36.9
NINTH CIRCUIT	317	266	83.9	0	0.0	51	16.1
TENTH CIRCUIT	239	233	97.5	0	0.0	6	2.5
ELEVENTH CIRCUIT	455	165	36.3	0	0.0	290	63.7

¹ Of the 4,324 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, 13 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 36 cases, documents provided to the Commission indicated that an attorney for the government made a joint motion. Those cases appear to be clerical errors.

³ In one case, documents provided to the Commission indicated that the Director of the Bureau of Prisons made the motion. This case appears to be a clerical error.

Table 4

**DEMOGRAPHIC CHARACTERISTICS FOR INDIVIDUALS
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF
PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Demographics	Granted		Denied	
	N	%	N	%
Race/Ethnicity				
White	1,083	25.1	1,276	23.4
Black	1,872	43.4	2,371	43.4
Hispanic	1,237	28.7	1,669	30.6
Other	123	2.9	144	2.6
Total	4,315	100.0	5,460	100.0
Citizenship				
U.S. Citizen	3,762	87.1	4,693	85.9
Non-Citizen	559	12.9	772	14.1
Total	4,321	100.0	5,465	100.0
Gender				
Male	3,990	92.3	4,826	88.1
Female	334	7.7	651	11.9
Total	4,324	100.0	5,477	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 9,802 cases reported to the Commission with motion status information, cases were excluded from each section of this table due to the following reasons: missing race information (27), missing citizenship information (16), missing gender information (1), and missing age information (7).

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 5

**SELECTED SENTENCING FACTORS FOR INDIVIDUALS
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF
PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Sentencing Factors	Granted	Denied
	%	%
Weapon^{2,3}		
Weapon Specific Offense Characteristic	27.7	33.5
Firearms Mandatory Minimum Applied	18.4	21.0
	10.8	14.5
Safety Valve²	5.0	6.5
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	7.7	11.0
Mitigating Role (USSG §3B1.2)	1.8	2.4
Obstruction Adjustment (USSG §3C1.1)	3.0	5.2
Sentence Relative to the Guideline Range		
Within Range	71.7	49.7
Above Range	3.6	6.8
Below Range	24.8	43.5
Criminal History Category		
I	8.0	7.3
II	29.7	9.9
III	37.9	22.1
IV	14.6	17.6
V	9.7	14.4
VI	0.2	28.7
Career Offender (§4B1.1)²	0.1	11.4

¹ Of the 9,802 cases reported to the Commission with motion status information, six were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

² This section was limited to the 9,620 cases with complete guideline application information.

³ In 176 cases the court applied the weapon specific offense characteristic and the sentenced individual was also convicted of a firearms offense carrying a mandatory minimum penalty.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 6**TYPE OF CRIME FOR INDIVIDUALS GRANTED RETROACTIVE APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	4,322	100.0
Administration of Justice	14	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	61	1.4
Bribery/Corruption	3	0.1
Burglary/Trespass	2	0.0
Child Pornography	88	2.0
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	1,904	44.1
Environmental	0	0.0
Extortion/Racketeering	8	0.2
Firearms	1,105	25.6
Food and Drug	1	0.0
Forgery/Counter/Copyright	2	0.0
Fraud/Theft/Embezzlement	141	3.3
Immigration	400	9.3
Individual Rights	0	0.0
Kidnapping	10	0.2
Manslaughter	6	0.1
Money Laundering	58	1.3
Murder	28	0.6
National Defense	6	0.1
Obscenity/Other Sex Offenses	16	0.4
Prison Offenses	69	1.6
Robbery	334	7.7
Sexual Abuse	48	1.1
Stalking/Harassing	5	0.1
Tax	1	0.0
Other	3	0.1

¹ Of the 4,324 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, two were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

Table 7**TYPE OF CRIME FOR INDIVIDUALS DENIED RETROACTIVE APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	5,472	100.0
Administration of Justice	15	0.3
Antitrust	0	0.0
Arson	7	0.1
Assault	83	1.5
Bribery/Corruption	3	0.1
Burglary/Trespass	3	0.1
Child Pornography	62	1.1
Commercialized Vice	1	0.0
Drug Possession	0	0.0
Drug Trafficking	2,984	54.5
Environmental	0	0.0
Extortion/Racketeering	10	0.2
Firearms	1,036	18.9
Food and Drug	0	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	154	2.8
Immigration	323	5.9
Individual Rights	2	0.0
Kidnapping	28	0.5
Manslaughter	8	0.1
Money Laundering	83	1.5
Murder	81	1.5
National Defense	6	0.1
Obscenity/Other Sex Offenses	7	0.1
Prison Offenses	29	0.5
Robbery	415	7.6
Sexual Abuse	104	1.9
Stalking/Harassing	12	0.2
Tax	6	0.1
Other	2	0.0

¹ Of the 5,478 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, four were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of the remaining cases, two were excluded due to missing information on the type of crime.

Table 8

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE
APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT District	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
TOTAL	3,975	104	93	11	12.0
D.C. CIRCUIT	3	69	65	4	5.7
District of Columbia	3	69	65	4	5.7
FIRST CIRCUIT	95	115	103	12	11.2
Maine	11	140	125	15	9.8
Massachusetts	6	122	107	16	14.6
New Hampshire	13	119	108	11	9.2
Puerto Rico	62	106	96	10	11.1
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	112	94	85	9	11.1
Connecticut	4	60	54	6	10.3
New York					
Eastern	7	97	92	5	6.0
Northern	35	76	67	9	14.3
Southern	25	89	82	8	10.2
Western	41	116	105	10	9.9
Vermont	0	--	--	--	--
THIRD CIRCUIT	125	103	93	11	11.3
Delaware	6	112	99	13	12.5
New Jersey	14	85	75	10	11.1
Pennsylvania					
Eastern	39	123	111	12	10.3
Middle	39	107	96	11	11.7
Western	26	80	72	8	11.8
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	551	105	95	10	11.0
Maryland	78	115	105	11	10.2
North Carolina					
Eastern	57	81	74	7	10.3
Middle	59	93	85	8	9.8
Western	40	100	91	10	10.9
South Carolina	63	109	99	10	10.9
Virginia					
Eastern	98	115	104	12	11.0
Western	62	134	123	12	9.4
West Virginia					
Northern	66	91	80	11	13.7
Southern	28	86	74	12	15.9

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
FIFTH CIRCUIT		1,068	98	87	11	12.9
Louisiana						
Eastern		31	122	110	12	13.2
Middle		13	138	122	16	12.4
Western		42	124	113	12	10.6
Mississippi						
Northern		15	64	56	8	13.1
Southern		24	82	72	9	13.6
Texas						
Eastern		83	103	93	11	12.3
Northern		163	141	125	16	12.1
Southern		216	84	75	9	12.5
Western		481	85	75	10	13.7
SIXTH CIRCUIT		437	112	102	10	11.0
Kentucky						
Eastern		96	123	112	11	9.8
Western		25	107	99	8	10.6
Michigan						
Eastern		78	134	122	11	10.4
Western		27	96	87	9	10.1
Ohio						
Northern		68	88	78	10	13.2
Southern		38	122	112	10	10.8
Tennessee						
Eastern		25	90	80	10	11.4
Middle		18	92	83	10	11.6
Western		62	111	100	11	11.6
SEVENTH CIRCUIT		243	112	101	12	11.8
Illinois						
Central		36	115	101	13	11.6
Northern		33	103	92	11	13.2
Southern		76	125	112	13	11.1
Indiana						
Northern		46	105	95	10	11.6
Southern		42	108	96	12	12.9
Wisconsin						
Eastern		3	83	73	10	11.9
Western		7	102	92	10	9.6
EIGHTH CIRCUIT		458	97	87	10	12.7
Arkansas						
Eastern		54	47	41	6	21.6
Western		24	85	76	10	11.8
Iowa						
Northern		89	112	100	12	12.4
Southern		50	125	113	12	11.8
Minnesota		6	124	111	13	10.9
Missouri						
Eastern		76	80	71	8	11.9
Western		63	95	86	9	10.4
Nebraska		43	149	136	13	10.1
North Dakota		33	69	60	9	12.8
South Dakota		20	99	89	10	9.4

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
NINTH CIRCUIT		270	95	85	10	12.1
	Alaska	9	97	88	9	9.8
	Arizona	32	55	48	7	14.1
	California					
	Central	46	100	91	9	10.0
	Eastern	31	104	92	12	12.8
	Northern	16	107	93	14	14.6
	Southern	17	79	71	8	13.2
	Guam	1	--	--	--	--
	Hawaii	18	106	94	11	11.8
	Idaho	52	117	105	12	12.0
	Montana	15	74	67	7	11.2
	Nevada	5	133	118	15	12.1
	Northern Mariana Islands	1	--	--	--	--
	Oregon	7	99	88	10	11.2
	Washington					
	Eastern	15	82	72	10	12.0
	Western	5	78	68	10	13.1
TENTH CIRCUIT		206	109	98	11	11.7
	Colorado	17	71	62	9	14.5
	Kansas	67	153	138	15	10.7
	New Mexico	20	54	48	6	12.3
	Oklahoma					
	Eastern	34	106	95	12	12.1
	Northern	6	71	60	11	15.2
	Western	19	71	63	9	13.1
	Utah	23	87	78	9	10.7
	Wyoming	20	133	122	11	10.2
ELEVENTH CIRCUIT		407	117	105	12	11.8
	Alabama					
	Middle	41	129	116	14	11.9
	Northern	79	103	93	10	11.0
	Southern	28	124	112	11	10.5
	Florida					
	Middle	13	89	76	13	13.9
	Northern	9	145	129	16	14.5
	Southern	32	130	118	12	10.9
	Georgia					
	Middle	55	133	118	15	13.1
	Northern	34	104	93	11	11.3
	Southern	116	114	102	12	11.9

¹ Of the 4,324 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, one case was excluded from this analysis because the resulting term of imprisonment could not be determined from the records received by the Commission. Another 348 cases were excluded because the court document provided that the new sentence was a “time served” sentence without specifying the length of time that had been served.

² The average sentence lengths and the average decrease in months from the current sentence are rounded to the nearest whole number. Consequently, the average decrease in months from the current sentence may not equal the difference between the rounded average current sentence and the rounded average new sentence.

Table 9

**REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF
MOTION FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

REASONS	N	%
Not eligible under the amendment	1,593	25.8
Did not receive status points	1,593	25.8
Not eligible under §1B1.10	2,649	42.9
CHC does not change	1,367	22.1
Current sentence below new guideline range and no §5K1.1	387	6.3
Career Offender or Armed Career Criminal provisions control sentence	361	5.8
Statutory mandatory minimum penalty controls sentence	234	3.8
Guideline range does not change	191	3.1
Individual received Amendment 821 reduction at original sentencing	42	0.7
Original sentence has been served	36	0.6
Sentenced to trumping statutory maximum penalty	26	0.4
Defendant will be released before effective date of amendment	5	0.1
CHC determined by Repeat and Dangerous Sex Offender (USSG §4B1.5)	0	0.0
Denied on the merits	873	14.1
18 U.S.C. § 3553(a) factors	625	10.1
Post-sentencing or post-conviction conduct	105	1.7
Sentenced individual has already benefitted from departure or variance	87	1.4
Binding plea agreement determined sentence	56	0.9
No reason provided/Other reason	1,070	17.3
No reason provided	874	14.1
Other	196	3.2

¹ Courts may cite multiple reasons for denying a motion; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 6,185 reasons were cited in the 5,478 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.