

**U.S. Sentencing Commission  
Part B 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.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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

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<sup>1</sup> 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).

<sup>2</sup> 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](http://www.ussc.gov).

<sup>3</sup> *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.

<sup>4</sup> 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 B 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 B  
OF THE 2023 CRIMINAL HISTORY AMENDMENT BY DISTRICT**

District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
<b>TOTAL</b>	<b>7,355</b>		<b>2,954</b>	<b>40.2</b>	<b>4,401</b>	<b>59.8</b>							
Western Texas	966		441	45.7	525	54.3	Colorado	40		16	40.0	24	60.0
Northern Texas	614		190	30.9	424	69.1	Western Washington	37		5	13.5	32	86.5
Southern Texas	608		296	48.7	312	51.3	Western Pennsylvania	35		21	60.0	14	40.0
Southern Florida	552		175	31.7	377	68.3	Minnesota	35		10	28.6	25	71.4
Puerto Rico	445		189	42.5	256	57.5	Montana	35		8	22.9	27	77.1
Eastern Texas	245		171	69.8	74	30.2	Western Kentucky	34		10	29.4	24	70.6
Middle Florida	198		162	81.8	36	18.2	Eastern Louisiana	33		22	66.7	11	33.3
Southern New York	160		24	15.0	136	85.0	Eastern Wisconsin	33		1	3.0	32	97.0
Nebraska	121		54	44.6	67	55.4	Kansas	33		30	90.9	3	9.1
Eastern Kentucky	118		33	28.0	85	72.0	Eastern New York	32		9	28.1	23	71.9
Arizona	109		11	10.1	98	89.9	Middle North Carolina	32		13	40.6	19	59.4
Eastern Michigan	104		30	28.8	74	71.2	Southern West Virginia	32		6	18.8	26	81.3
Southern Iowa	98		12	12.2	86	87.8	Northern Iowa	32		7	21.9	25	78.1
Eastern Virginia	91		31	34.1	60	65.9	Connecticut	31		6	19.4	25	80.6
Western Missouri	89		6	6.7	83	93.3	Eastern Pennsylvania	31		26	83.9	5	16.1
Central California	88		43	48.9	45	51.1	Eastern Washington	31		12	38.7	19	61.3
Eastern Missouri	75		13	17.3	62	82.7	Eastern Oklahoma	28		13	46.4	15	53.6
Massachusetts	71		26	36.6	45	63.4	Middle Alabama	28		8	28.6	20	71.4
Utah	70		31	44.3	39	55.7	Northern California	27		11	40.7	16	59.3
Western Oklahoma	69		12	17.4	57	82.6	New Mexico	27		8	29.6	19	70.4
Eastern California	68		45	66.2	23	33.8	North Dakota	26		8	30.8	18	69.2
Southern Alabama	67		17	25.4	50	74.6	Southern California	26		25	96.2	1	3.8
Northern Oklahoma	65		22	33.8	43	66.2	Middle Louisiana	25		9	36.0	16	64.0
Southern Illinois	64		23	35.9	41	64.1	New Hampshire	22		14	63.6	8	36.4
Western Virginia	62		10	16.1	52	83.9	Northern New York	21		18	85.7	3	14.3
Eastern Arkansas	61		17	27.9	44	72.1	Wyoming	21		7	33.3	14	66.7
Northern Alabama	60		34	56.7	26	43.3	District of Columbia	20		7	35.0	13	65.0
New Jersey	59		40	67.8	19	32.2	Northern West Virginia	19		7	36.8	12	63.2
South Dakota	59		9	15.3	50	84.7	Western Wisconsin	19		3	15.8	16	84.2
Southern Ohio	58		32	55.2	26	44.8	Hawaii	19		15	78.9	4	21.1
Central Illinois	57		6	10.5	51	89.5	Maine	17		2	11.8	15	88.2
Southern Georgia	56		27	48.2	29	51.8	Western Arkansas	16		5	31.3	11	68.8
Western North Carolina	54		22	40.7	32	59.3	Rhode Island	15		2	13.3	13	86.7
Northern Georgia	54		49	90.7	5	9.3	Delaware	15		4	26.7	11	73.3
Eastern North Carolina	53		22	41.5	31	58.5	Northern Florida	13		3	23.1	10	76.9
Northern Ohio	52		23	44.2	29	55.8	Guam	11		11	100.0	0	0.0
Middle Pennsylvania	51		14	27.5	37	72.5	Virgin Islands	10		5	50.0	5	50.0
Western Louisiana	50		12	24.0	38	76.0	Nevada	10		9	90.0	1	10.0
Southern Indiana	50		17	34.0	33	66.0	Western Tennessee	9		6	66.7	3	33.3
Middle Georgia	49		15	30.6	34	69.4	Maryland	8		7	87.5	1	12.5
Northern Indiana	47		14	29.8	33	70.2	Idaho	8		8	100.0	0	0.0
Western Michigan	46		14	30.4	32	69.6	Northern Mississippi	4		3	75.0	1	25.0
South Carolina	45		31	68.9	14	31.1	Alaska	3		2	66.7	1	33.3
Southern Mississippi	44		10	22.7	34	77.3	Vermont	2		1	50.0	1	50.0
Eastern Tennessee	44		22	50.0	22	50.0	Oregon	2		2	100.0	0	0.0
Western New York	41		9	22.0	32	78.0	Northern Mariana Islands	1		0	0.0	1	100.0
Northern Illinois	40		23	57.5	17	42.5	Middle Tennessee	0		0	--	0	--

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

**Table 2**

**MOTIONS FOR RETROACTIVE APPLICATION OF PART B  
OF THE 2023 CRIMINAL HISTORY AMENDMENT  
BY YEAR OF ORIGINAL SENTENCE<sup>1</sup>**

<b>Fiscal Year</b>	<b>Total</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>7,350</b>	<b>2,953</b>	<b>40.2</b>	<b>4,397</b>	<b>59.8</b>
2024	215	17	7.9	198	92.1
2023	2,319	1,067	46.0	1,252	54.0
2022	1,603	792	49.4	811	50.6
2021	804	365	45.4	439	54.6
2020	499	185	37.1	314	62.9
2019	483	155	32.1	328	67.9
2018	398	127	31.9	271	68.1
2017	291	102	35.1	189	64.9
2016	199	62	31.2	137	68.8
2015	129	25	19.4	104	80.6
2014	79	17	21.5	62	78.5
2013	83	6	7.2	77	92.8
2012	53	6	11.3	47	88.7
2011	39	7	17.9	32	82.1
2010	38	5	13.2	33	86.8
2009	25	3	12.0	22	88.0
2008	11	0	0.0	11	100.0
2007	16	3	18.8	13	81.3
2006	16	3	18.8	13	81.3
2005	10	1	10.0	9	90.0
2004	7	1	14.3	6	85.7
2003	1	0	0.0	1	100.0
2002	4	0	0.0	4	100.0
2001	6	3	50.0	3	50.0
2000	7	0	0.0	7	100.0
1999	3	0	0.0	3	100.0
1998	3	0	0.0	3	100.0
1997	0	0	--	0	--
1996	3	0	0.0	3	100.0
1995	0	0	--	0	--
1994	3	0	0.0	3	100.0
1993	0	0	--	0	--
1992	1	0	0.0	1	100.0
1991	1	1	100.0	0	0.0
1990	0	0	--	0	--
1989	1	0	0.0	1	100.0

<sup>1</sup> Of the 7,355 cases reported to the Commission with motion status information, five 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 B  
OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>	<b>Total</b>	<b>Defendant<sup>2</sup></b>		<b>Director BOP</b>		<b>Courts</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>2,947</b>	<b>2,113</b>	<b>71.7</b>	<b>0</b>	<b>0.0</b>	<b>834</b>	<b>28.3</b>
D.C. CIRCUIT	7	7	100.0	0	0.0	0	0.0
FIRST CIRCUIT	233	217	93.1	0	0.0	16	6.9
SECOND CIRCUIT	67	52	77.6	0	0.0	15	22.4
THIRD CIRCUIT	105	100	95.2	0	0.0	5	4.8
FOURTH CIRCUIT	149	123	82.6	0	0.0	26	17.4
FIFTH CIRCUIT	1,153	603	52.3	0	0.0	550	47.7
SIXTH CIRCUIT	170	111	65.3	0	0.0	59	34.7
SEVENTH CIRCUIT	87	86	98.9	0	0.0	1	1.1
EIGHTH CIRCUIT	141	109	77.3	0	0.0	32	22.7
NINTH CIRCUIT	206	181	87.9	0	0.0	25	12.1
TENTH CIRCUIT	139	124	89.2	0	0.0	15	10.8
ELEVENTH CIRCUIT	490	400	81.6	0	0.0	90	18.4

<sup>1</sup> Of the 2,954 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, seven cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

<sup>2</sup> In 12 cases, documents provided to the Commission indicated that an attorney for the government made a joint motion. Those cases appear to be clerical errors.

**Table 4**

**DEMOGRAPHIC CHARACTERISTICS FOR INDIVIDUALS  
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF  
PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>Demographics</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Race/Ethnicity</b>				
White	429	14.5	828	18.8
Black	317	10.7	873	19.9
Hispanic	2,119	71.8	2,547	58.0
Other	86	2.9	145	3.3
<b>Total</b>	<b>2,951</b>	<b>100.0</b>	<b>4,393</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	1,456	49.4	2,803	63.8
Non-Citizen	1,493	50.6	1,587	36.2
<b>Total</b>	<b>2,949</b>	<b>100.0</b>	<b>4,390</b>	<b>100.0</b>
<b>Gender</b>				
Male	2,406	81.4	3,648	82.9
Female	548	18.6	753	17.1
<b>Total</b>	<b>2,954</b>	<b>100.0</b>	<b>4,401</b>	<b>100.0</b>
<b>Average Age at Original Sentence</b>		<b>38</b>	<b>38</b>	
<b>Average Age at Motion Decision</b>		<b>41</b>	<b>42</b>	

<sup>1</sup> Of the 7,355 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 (11), missing citizenship information (16), 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>Sentencing Factors</b>	<b>Granted</b>	<b>Denied</b>
	<b>%</b>	<b>%</b>
<b>Weapon<sup>2,3</sup></b>	1.4	28.6
Weapon Specific Offense Characteristic	1.4	20.8
Firearms Mandatory Minimum Applied	0.0	8.7
<b>Safety Valve<sup>2</sup></b>	82.0	24.7
<b>Guideline Role Adjustments<sup>2</sup></b>		
Aggravating Role (USSG §3B1.1)	0.7	19.8
Mitigating Role (USSG §3B1.2)	19.3	4.0
Obstruction Adjustment (USSG §3C1.1)	3.0	5.6
<b>Sentence Relative to the Guideline Range</b>		
Within Range	62.4	43.3
Above Range	0.9	4.5
Below Range	36.8	52.1
<b>Criminal History Category</b>		
I	100.0	71.2
II	0.0	9.1
III	0.0	7.1
IV	0.0	3.6
V	0.0	3.1
VI	0.0	5.7
<b>Career Offender (§4B1.1)<sup>2</sup></b>	0.0	2.4

<sup>1</sup> Of the 7,355 cases reported to the Commission with motion status information, five were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

<sup>2</sup> This section was limited to the 7,221 cases with complete guideline application information.

<sup>3</sup> In 40 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>2,953</b>	<b>100.0</b>
<b>Administration of Justice</b>	8	0.3
<b>Antitrust</b>	0	0.0
<b>Arson</b>	0	0.0
<b>Assault</b>	0	0.0
<b>Bribery/Corruption</b>	32	1.1
<b>Burglary/Trespass</b>	0	0.0
<b>Child Pornography</b>	0	0.0
<b>Commercialized Vice</b>	5	0.2
<b>Drug Possession</b>	0	0.0
<b>Drug Trafficking</b>	2,310	78.2
<b>Environmental</b>	0	0.0
<b>Extortion/Racketeering</b>	1	0.0
<b>Firearms</b>	1	0.0
<b>Food and Drug</b>	0	0.0
<b>Forgery/Counter/Copyright</b>	2	0.1
<b>Fraud/Theft/Embezzlement</b>	311	10.5
<b>Immigration</b>	75	2.5
<b>Individual Rights</b>	0	0.0
<b>Kidnapping</b>	2	0.1
<b>Manslaughter</b>	0	0.0
<b>Money Laundering</b>	162	5.5
<b>Murder</b>	1	0.0
<b>National Defense</b>	2	0.1
<b>Obscenity/Other Sex Offenses</b>	8	0.3
<b>Prison Offenses</b>	1	0.0
<b>Robbery</b>	1	0.0
<b>Sexual Abuse</b>	0	0.0
<b>Stalking/Harassing</b>	0	0.0
<b>Tax</b>	31	1.0
<b>Other</b>	0	0.0

<sup>1</sup> Of the 2,954 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, one was excluded from this analysis because the case could not be matched with an original case in the Commission's records.

**Table 7****TYPE OF CRIME FOR INDIVIDUALS DENIED RETROACTIVE APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>4,394</b>	<b>100.0</b>
<b>Administration of Justice</b>	18	0.4
<b>Antitrust</b>	0	0.0
<b>Arson</b>	4	0.1
<b>Assault</b>	26	0.6
<b>Bribery/Corruption</b>	35	0.8
<b>Burglary/Trespass</b>	2	0.0
<b>Child Pornography</b>	64	1.5
<b>Commercialized Vice</b>	3	0.1
<b>Drug Possession</b>	0	0.0
<b>Drug Trafficking</b>	2,749	62.6
<b>Environmental</b>	0	0.0
<b>Extortion/Racketeering</b>	8	0.2
<b>Firearms</b>	220	5.0
<b>Food and Drug</b>	1	0.0
<b>Forgery/Counter/Copyright</b>	3	0.1
<b>Fraud/Theft/Embezzlement</b>	406	9.2
<b>Immigration</b>	200	4.6
<b>Individual Rights</b>	6	0.1
<b>Kidnapping</b>	28	0.6
<b>Manslaughter</b>	4	0.1
<b>Money Laundering</b>	202	4.6
<b>Murder</b>	73	1.7
<b>National Defense</b>	19	0.4
<b>Obscenity/Other Sex Offenses</b>	9	0.2
<b>Prison Offenses</b>	3	0.1
<b>Robbery</b>	133	3.0
<b>Sexual Abuse</b>	136	3.1
<b>Stalking/Harassing</b>	11	0.3
<b>Tax</b>	27	0.6
<b>Other</b>	4	0.1

<sup>1</sup> Of the 4,401 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part B 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, three were excluded due to missing information on the type of crime.

**Table 8**

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE  
APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

CIRCUIT District	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
<b>TOTAL</b>	<b>2,754</b>	<b>83</b>	<b>69</b>	<b>14</b>	<b>17.2</b>
<b>D.C. CIRCUIT</b>	<b>4</b>	<b>79</b>	<b>68</b>	<b>11</b>	<b>12.3</b>
District of Columbia	4	79	68	11	12.3
<b>FIRST CIRCUIT</b>	<b>224</b>	<b>90</b>	<b>74</b>	<b>16</b>	<b>18.0</b>
Maine	2	--	--	--	--
Massachusetts	23	61	51	9	14.8
New Hampshire	9	84	72	12	16.7
Puerto Rico	188	94	77	17	18.7
Rhode Island	2	--	--	--	--
<b>SECOND CIRCUIT</b>	<b>63</b>	<b>66</b>	<b>57</b>	<b>10</b>	<b>15.7</b>
Connecticut	6	68	57	11	15.7
New York					
Eastern	8	52	46	6	13.7
Northern	18	53	43	10	21.1
Southern	24	75	65	10	13.6
Western	6	87	75	12	12.1
Vermont	1	--	--	--	--
<b>THIRD CIRCUIT</b>	<b>91</b>	<b>57</b>	<b>48</b>	<b>10</b>	<b>17.3</b>
Delaware	4	78	67	11	14.3
New Jersey	40	47	39	8	18.3
Pennsylvania					
Eastern	16	63	51	12	19.0
Middle	11	63	53	10	15.6
Western	15	62	53	9	14.6
Virgin Islands	5	73	62	12	17.5
<b>FOURTH CIRCUIT</b>	<b>139</b>	<b>70</b>	<b>59</b>	<b>11</b>	<b>16.7</b>
Maryland	7	74	70	4	11.4
North Carolina					
Eastern	22	59	50	9	15.9
Middle	13	91	82	9	10.8
Western	19	71	58	13	19.0
South Carolina	28	76	63	13	18.5
Virginia					
Eastern	28	62	51	10	17.4
Western	9	91	80	11	12.4
West Virginia					
Northern	7	33	25	8	24.2
Southern	6	67	55	12	17.1

**Table 8 (cont.)**

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
<b>FIFTH CIRCUIT</b>		<b>1,139</b>	<b>86</b>	<b>71</b>	<b>15</b>	<b>17.7</b>
Louisiana						
Eastern		19	44	36	8	20.7
Middle		8	64	57	7	12.3
Western		9	87	76	12	13.2
Mississippi						
Northern		3	54	44	11	19.8
Southern		10	59	49	10	20.3
Texas						
Eastern		170	118	97	21	18.0
Northern		188	127	104	23	17.5
Southern		291	81	68	13	15.5
Western		441	63	52	11	19.1
<b>SIXTH CIRCUIT</b>		<b>131</b>	<b>74</b>	<b>62</b>	<b>12</b>	<b>17.2</b>
Kentucky						
Eastern		32	82	69	13	16.3
Western		10	67	54	13	19.2
Michigan						
Eastern		23	85	71	14	16.0
Western		14	58	48	10	18.1
Ohio						
Northern		19	56	47	9	15.8
Southern		18	83	68	15	19.1
Tennessee						
Eastern		10	69	57	12	18.7
Middle		0	--	--	--	--
Western		5	80	65	16	18.1
<b>SEVENTH CIRCUIT</b>		<b>73</b>	<b>83</b>	<b>70</b>	<b>12</b>	<b>14.9</b>
Illinois						
Central		6	104	90	13	15.7
Northern		16	94	79	14	13.8
Southern		23	78	65	13	18.0
Indiana						
Northern		13	73	61	12	16.0
Southern		12	85	75	10	11.1
Wisconsin						
Eastern		1	--	--	--	--
Western		2	--	--	--	--
<b>EIGHTH CIRCUIT</b>		<b>123</b>	<b>85</b>	<b>71</b>	<b>14</b>	<b>17.1</b>
Arkansas						
Eastern		17	91	77	15	16.4
Western		5	51	40	10	22.9
Iowa						
Northern		7	108	92	16	15.2
Southern		11	104	88	16	16.5
Minnesota		4	53	43	10	20.5
Missouri						
Eastern		10	63	53	10	16.7
Western		3	90	72	18	19.8
Nebraska		54	95	79	16	16.3
North Dakota		8	40	32	8	23.1
South Dakota		4	55	48	7	12.9

**Table 8 (cont.)**

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
<b>NINTH CIRCUIT</b>		<b>192</b>	<b>65</b>	<b>54</b>	<b>11</b>	<b>17.1</b>
	Alaska	2	--	--	--	--
	Arizona	7	62	53	9	13.7
	California					
	Central	43	55	47	8	17.1
	Eastern	44	65	54	10	16.6
	Northern	9	86	74	11	12.7
	Southern	23	46	39	6	16.7
	Guam	11	81	65	16	19.5
	Hawaii	15	57	46	11	20.2
	Idaho	8	51	42	10	19.2
	Montana	5	96	79	17	18.1
	Nevada	8	79	64	15	18.2
	Northern Mariana Islands	0	--	--	--	--
	Oregon	0	--	--	--	--
	Washington					
	Eastern	12	91	76	15	17.2
	Western	5	106	87	19	16.3
<b>TENTH CIRCUIT</b>		<b>113</b>	<b>80</b>	<b>67</b>	<b>14</b>	<b>16.6</b>
	Colorado	8	76	62	14	17.3
	Kansas	14	116	96	20	16.6
	New Mexico	8	50	43	8	15.4
	Oklahoma					
	Eastern	13	101	81	20	19.5
	Northern	22	76	61	15	19.2
	Western	11	100	83	17	16.9
	Utah	30	62	52	9	14.2
	Wyoming	7	76	65	11	13.6
<b>ELEVENTH CIRCUIT</b>		<b>462</b>	<b>93</b>	<b>78</b>	<b>15</b>	<b>16.2</b>
	Alabama					
	Middle	8	100	87	13	15.8
	Northern	34	76	61	14	19.1
	Southern	15	131	108	23	17.7
	Florida					
	Middle	155	113	95	18	16.1
	Northern	3	78	70	7	10.8
	Southern	170	85	73	13	15.6
	Georgia					
	Middle	10	68	56	11	17.2
	Northern	44	75	65	10	15.1
	Southern	23	55	45	10	18.5

<sup>1</sup> Of the 2,954 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, 200 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.

<sup>2</sup> 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 B  
OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>REASONS</b>	<b>N</b>	<b>%</b>
<b>Not eligible under §4C1.1(b)</b>	<b>3,077</b>	<b>59.1</b>
Assigned more than zero criminal history points at sentencing	1,369	26.3
Firearm possessed, etc. in connection with offense	745	14.3
Aggravating Role adjustment applied (USSG §3B1.1)	476	9.1
Conviction was a sex offense	142	2.7
Violence or threat of violence used in connection with offense	110	2.1
Offense resulted in death or serious bodily injury	80	1.5
Defendant caused substantial financial hardship	77	1.5
21 U.S.C. § 848 conviction	46	0.9
Hate crime adjustment applied (USSG §3A1.1)	29	0.6
Terrorism adjustment applied at sentencing (USSG §3A1.4)	3	0.1
Civil rights guideline applied (USSG §2H1.1)	0	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
<b>Not eligible under §1B1.10</b>	<b>892</b>	<b>17.1</b>
Current sentence below new guideline range and no §5K1.1	497	9.5
Statutory mandatory minimum penalty controls sentence	246	4.7
Individual received Amendment 821 reduction at original sentencing	62	1.2
Guideline range does not change	31	0.6
Original sentence has been served	26	0.5
Career Offender or Armed Career Criminal provisions control sentence	14	0.3
Defendant will be released before effective date of amendment	9	0.2
Sentenced to trumping statutory maximum penalty	7	0.1
<b>Denied on the merits</b>	<b>467</b>	<b>8.9</b>
18 U.S.C. § 3553(a) factors	323	6.2
Sentenced individual has already benefitted from departure or variance	106	2.0
Binding plea agreement determined sentence	22	0.4
Post-sentencing or post-conviction conduct	16	0.3
<b>No reason provided/Other reason</b>	<b>770</b>	<b>14.8</b>
No reason provided	600	11.5
Other	170	3.3

<sup>1</sup> 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, 5,206 reasons were cited in the 4,401 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment.

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