

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



February 2025

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 Result of an Amended Guideline Range)(Policy Statement) that apply retroactively and added 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>.

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 December 31, 2024 and for which court documentation was received, coded, and edited at the Commission by January 28, 2025.

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	%
TOTAL	10,984	3,654	33.3	7,330	66.7	Eastern Louisiana	59	23	39.0	36	61.0
Western Texas	1,253	458	36.6	795	63.4	Western North Carolina	58	25	43.1	33	56.9
Southern Florida	860	258	30.0	602	70.0	Western Pennsylvania	57	25	43.9	32	56.1
Northern Texas	841	228	27.1	613	72.9	Northern Indiana	56	14	25.0	42	75.0
Puerto Rico	791	234	29.6	557	70.4	Western Washington	56	6	10.7	50	89.3
Southern Texas	784	328	41.8	456	58.2	South Carolina	52	33	63.5	19	36.5
Middle Florida	473	318	67.2	155	32.8	Connecticut	49	9	18.4	40	81.6
Eastern Texas	365	238	65.2	127	34.8	Western New York	49	10	20.4	39	79.6
Northern Georgia	226	64	28.3	162	71.7	Montana	48	10	20.8	38	79.2
Southern New York	223	31	13.9	192	86.1	New Mexico	48	11	22.9	37	77.1
Western Missouri	178	28	15.7	150	84.3	Eastern New York	47	11	23.4	36	76.6
Eastern Kentucky	166	40	24.1	126	75.9	Southern West Virginia	46	7	15.2	39	84.8
Nebraska	163	61	37.4	102	62.6	Northern California	45	13	28.9	32	71.1
Arizona	157	14	8.9	143	91.1	Middle Alabama	44	8	18.2	36	81.8
Central California	146	49	33.6	97	66.4	Eastern Wisconsin	43	1	2.3	42	97.7
Eastern Virginia	129	33	25.6	96	74.4	Eastern Washington	43	15	34.9	28	65.1
Southern Iowa	129	16	12.4	113	87.6	North Dakota	42	10	23.8	32	76.2
Western Oklahoma	116	16	13.8	100	86.2	Western Kentucky	41	10	24.4	31	75.6
Eastern Michigan	114	31	27.2	83	72.8	Idaho	40	10	25.0	30	75.0
Eastern Missouri	112	18	16.1	94	83.9	Northern Iowa	38	7	18.4	31	81.6
Massachusetts	101	32	31.7	69	68.3	Eastern Pennsylvania	35	29	82.9	6	17.1
Eastern North Carolina	96	28	29.2	68	70.8	Southern California	35	34	97.1	1	2.9
South Dakota	96	12	12.5	84	87.5	Eastern Oklahoma	33	13	39.4	20	60.6
Eastern California	94	53	56.4	41	43.6	Middle Louisiana	32	10	31.3	22	68.8
Minnesota	92	16	17.4	76	82.6	District of Columbia	31	10	32.3	21	67.7
Eastern Tennessee	91	24	26.4	67	73.6	Western Tennessee	27	10	37.0	17	63.0
Utah	90	32	35.6	58	64.4	Western Arkansas	26	14	53.8	12	46.2
Southern Indiana	89	21	23.6	68	76.4	Northern West Virginia	25	7	28.0	18	72.0
Western Virginia	88	11	12.5	77	87.5	Hawaii	24	18	75.0	6	25.0
New Jersey	87	47	54.0	40	46.0	New Hampshire	23	14	60.9	9	39.1
Southern Alabama	87	20	23.0	67	77.0	Northern New York	23	19	82.6	4	17.4
Southern Mississippi	85	27	31.8	58	68.2	Oregon	22	8	36.4	14	63.6
Northern Ohio	84	25	29.8	59	70.2	Wyoming	22	7	31.8	15	68.2
Eastern Arkansas	79	18	22.8	61	77.2	Maine	21	2	9.5	19	90.5
Kansas	78	31	39.7	47	60.3	Virgin Islands	21	11	52.4	10	47.6
Southern Georgia	78	28	35.9	50	64.1	Western Wisconsin	20	4	20.0	16	80.0
Middle Pennsylvania	77	15	19.5	62	80.5	Rhode Island	16	2	12.5	14	87.5
Northern Oklahoma	74	22	29.7	52	70.3	Delaware	16	4	25.0	12	75.0
Western Louisiana	73	14	19.2	59	80.8	Northern Mississippi	16	4	25.0	12	75.0
Northern Illinois	73	29	39.7	44	60.3	Northern Florida	14	3	21.4	11	78.6
Southern Illinois	73	23	31.5	50	68.5	Maryland	12	9	75.0	3	25.0
Middle Georgia	73	18	24.7	55	75.3	Guam	12	12	100.0	0	0.0
Southern Ohio	70	33	47.1	37	52.9	Nevada	10	9	90.0	1	10.0
Central Illinois	69	6	8.7	63	91.3	Northern Mariana Islands	8	4	50.0	4	50.0
Colorado	69	19	27.5	50	72.5	Alaska	6	3	50.0	3	50.0
Northern Alabama	67	35	52.2	32	47.8	Vermont	4	2	50.0	2	50.0
Middle North Carolina	66	13	19.7	53	80.3	Middle Tennessee	0	0	--	0	--
Western Michigan	64	19	29.7	45	70.3						

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 SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
TOTAL	10,976	3,652	33.3	7,324	66.7
2024	611	25	4.1	586	95.9
2023	3,279	1,305	39.8	1,974	60.2
2022	2,209	925	41.9	1,284	58.1
2021	1,140	442	38.8	698	61.2
2020	754	242	32.1	512	67.9
2019	760	213	28.0	547	72.0
2018	603	174	28.9	429	71.1
2017	444	142	32.0	302	68.0
2016	300	79	26.3	221	73.7
2015	199	31	15.6	168	84.4
2014	128	24	18.8	104	81.3
2013	125	7	5.6	118	94.4
2012	94	10	10.6	84	89.4
2011	61	8	13.1	53	86.9
2010	58	5	8.6	53	91.4
2009	48	4	8.3	44	91.7
2008	24	1	4.2	23	95.8
2007	26	3	11.5	23	88.5
2006	22	5	22.7	17	77.3
2005	21	1	4.8	20	95.2
2004	11	1	9.1	10	90.9
2003	5	0	0.0	5	100.0
2002	7	0	0.0	7	100.0
2001	11	4	36.4	7	63.6
2000	12	0	0.0	12	100.0
1999	6	0	0.0	6	100.0
1998	3	0	0.0	3	100.0
1997	2	0	0.0	2	100.0
1996	4	0	0.0	4	100.0
1995	1	0	0.0	1	100.0
1994	3	0	0.0	3	100.0
1993	0	0	--	0	--
1992	2	0	0.0	2	100.0
1991	1	1	100.0	0	0.0
1990	1	0	0.0	1	100.0
1989	1	0	0.0	1	100.0

¹ Of the 10,984 cases reported to the Commission with motion status information, eight were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

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

Table 3

**ORIGIN OF GRANTED MOTIONS FOR RETROACTIVE APPLICATION OF PART B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	Total	Defendant²		Director BOP		Courts	
	N	N	%	N	%	N	%
TOTAL	3,646	2,751	75.5	0	0.0	895	24.5
D.C. CIRCUIT	10	10	100.0	0	0.0	0	0.0
FIRST CIRCUIT	284	268	94.4	0	0.0	16	5.6
SECOND CIRCUIT	82	67	81.7	0	0.0	15	18.3
THIRD CIRCUIT	126	121	96.0	0	0.0	5	4.0
FOURTH CIRCUIT	166	139	83.7	0	0.0	27	16.3
FIFTH CIRCUIT	1,329	742	55.8	0	0.0	587	44.2
SIXTH CIRCUIT	192	130	67.7	0	0.0	62	32.3
SEVENTH CIRCUIT	98	97	99.0	0	0.0	1	1.0
EIGHTH CIRCUIT	200	159	79.5	0	0.0	41	20.5
NINTH CIRCUIT	257	226	87.9	0	0.0	31	12.1
TENTH CIRCUIT	151	136	90.1	0	0.0	15	9.9
ELEVENTH CIRCUIT	751	656	87.4	0	0.0	95	12.6

¹ Of the 3,654 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, eight cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 11 cases, documents provided to the Commission indicated that an attorney for the government made a joint motion. Those cases appear to be clerical errors.

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

Table 4

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

Demographics	Granted		Denied	
	N	%	N	%
Race/Ethnicity				
White	533	14.6	1,303	17.8
Black	374	10.3	1,417	19.4
Hispanic	2,633	72.2	4,348	59.4
Other	108	3.0	249	3.4
Total	3,648	100.0	7,317	100.0
Citizenship				
U.S. Citizen	1,697	46.5	4,508	61.6
Non-Citizen	1,950	53.5	2,807	38.4
Total	3,647	100.0	7,315	100.0
Gender				
Male	3,029	82.9	6,161	84.1
Female	625	17.1	1,169	15.9
Total	3,654	100.0	7,330	100.0
Average Age at Original Sentence		38	38	
Average Age at Motion Decision		41	42	

¹ Of the 10,984 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 (19), missing citizenship information (22), and missing age information (11).

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 AMENDMENT¹**

Sentencing Factors	Granted	Denied
	%	%
Weapon^{2,3}		
Weapon Specific Offense Characteristic	1.7	29.4
Firearms Mandatory Minimum Applied	1.7	20.9
	0.0	9.5
Safety Valve²	80.7	26.1
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.7	20.2
Mitigating Role (USSG §3B1.2)	17.3	4.7
Obstruction Adjustment (USSG §3C1.1)	3.1	5.2
Sentence Relative to the Guideline Range		
Within Range	62.5	42.7
Above Range	0.8	4.3
Below Range	36.7	53.0
Criminal History Category		
I	100.0	72.1
II	0.0	9.1
III	0.0	6.9
IV	0.0	3.6
V	0.0	2.7
VI	0.0	5.6
Career Offender (§4B1.1)²	0.0	2.4

¹ Of the 10,984 cases reported to the Commission with motion status information, eight 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 10,771 cases with complete guideline application information.

³ In 72 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 AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	3,652	100.0
Administration of Justice	13	0.4
Antitrust	0	0.0
Arson	1	0.0
Assault	0	0.0
Bribery/Corruption	36	1.0
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	2,882	78.9
Environmental	0	0.0
Extortion/Racketeering	1	0.0
Firearms	1	0.0
Food and Drug	0	0.0
Forgery/Counter/Copyright	4	0.1
Fraud/Theft/Embezzlement	366	10.0
Immigration	90	2.5
Individual Rights	0	0.0
Kidnapping	2	0.1
Manslaughter	0	0.0
Money Laundering	198	5.4
Murder	1	0.0
National Defense	3	0.1
Obscenity/Other Sex Offenses	8	0.2
Prison Offenses	1	0.0
Robbery	2	0.1
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	38	1.0
Other	0	0.0

¹ Of the 3,654 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, two were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

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

Table 7

**TYPE OF CRIME FOR INDIVIDUALS DENIED RETROACTIVE
APPLICATION OF PART B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	7,319	100.0
Administration of Justice	20	0.3
Antitrust	1	0.0
Arson	12	0.2
Assault	42	0.6
Bribery/Corruption	52	0.7
Burglary/Trespass	2	0.0
Child Pornography	108	1.5
Commercialized Vice	6	0.1
Drug Possession	0	0.0
Drug Trafficking	4,676	63.9
Environmental	0	0.0
Extortion/Racketeering	14	0.2
Firearms	356	4.9
Food and Drug	3	0.0
Forgery/Counter/Copyright	4	0.1
Fraud/Theft/Embezzlement	639	8.7
Immigration	294	4.0
Individual Rights	15	0.2
Kidnapping	43	0.6
Manslaughter	6	0.1
Money Laundering	376	5.1
Murder	137	1.9
National Defense	27	0.4
Obscenity/Other Sex Offenses	10	0.1
Prison Offenses	3	0.0
Robbery	218	3.0
Sexual Abuse	202	2.8
Stalking/Harassing	12	0.2
Tax	36	0.5
Other	5	0.1

¹ Of the 7,330 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, six were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of the remaining cases, five were excluded due to missing information on the type of crime.

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

Table 8

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE
APPLICATION OF PART B 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	3,440	88	73	15	17.0
D.C. CIRCUIT	7	59	50	9	14.1
District of Columbia	7	59	50	9	14.1
FIRST CIRCUIT	274	91	75	16	17.7
Maine	2	--	--	--	--
Massachusetts	28	69	59	10	14.2
New Hampshire	9	84	72	12	16.7
Puerto Rico	233	94	77	17	18.3
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	77	69	59	10	15.3
Connecticut	9	76	64	12	15.1
New York					
Eastern	10	55	47	8	15.2
Northern	19	52	43	10	21.0
Southern	31	79	69	11	13.2
Western	7	80	69	11	11.5
Vermont	1	--	--	--	--
THIRD CIRCUIT	112	63	52	10	17.1
Delaware	4	78	67	11	14.3
New Jersey	47	48	40	8	18.3
Pennsylvania					
Eastern	19	67	54	12	18.6
Middle	12	68	59	9	14.4
Western	19	62	53	9	14.4
Virgin Islands	11	110	90	19	17.8
FOURTH CIRCUIT	156	71	60	11	16.7
Maryland	9	75	69	6	12.5
North Carolina					
Eastern	28	64	54	10	15.8
Middle	13	91	82	9	10.8
Western	22	80	66	14	18.3
South Carolina	30	73	61	13	18.7
Virginia					
Eastern	30	61	50	10	17.5
Western	10	97	84	13	13.2
West Virginia					
Northern	7	33	25	8	24.2
Southern	7	63	52	11	17.5

Table 8 (cont.)

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
District	N				
FIFTH CIRCUIT	1,314	91	75	16	17.9
Louisiana					
Eastern	20	43	35	8	20.7
Middle	9	77	65	12	15.5
Western	11	85	74	11	13.0
Mississippi					
Northern	4	56	45	11	19.7
Southern	26	92	79	14	18.8
Texas					
Eastern	237	129	105	24	18.3
Northern	226	129	106	23	17.5
Southern	323	81	68	13	15.8
Western	458	62	51	11	19.3
SIXTH CIRCUIT	153	74	62	12	17.2
Kentucky					
Eastern	39	82	70	12	16.0
Western	10	67	54	13	19.2
Michigan					
Eastern	24	83	69	13	16.3
Western	19	57	47	10	18.3
Ohio					
Northern	21	56	48	8	15.4
Southern	19	81	67	15	19.2
Tennessee					
Eastern	12	65	54	11	18.3
Middle	0	--	--	--	--
Western	9	94	76	18	18.5
SEVENTH CIRCUIT	82	84	72	12	14.7
Illinois					
Central	6	104	90	13	15.7
Northern	21	90	77	13	14.0
Southern	23	78	65	13	18.0
Indiana					
Northern	13	73	61	12	16.0
Southern	15	96	84	12	11.6
Wisconsin					
Eastern	1	--	--	--	--
Western	3	41	39	2	5.6
EIGHTH CIRCUIT	180	89	75	14	16.3
Arkansas					
Eastern	18	96	81	15	16.1
Western	14	52	43	9	18.4
Iowa					
Northern	7	108	92	16	15.2
Southern	15	109	92	17	16.4
Minnesota	8	67	59	8	14.7
Missouri					
Eastern	15	64	54	10	15.9
Western	25	102	88	15	14.7
Nebraska	61	103	86	17	16.2
North Dakota	10	44	36	8	21.0
South Dakota	7	59	50	9	15.4

Table 8 (cont.)

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	238	69	58	11	17.0
Alaska	3	54	45	9	18.4
Arizona	9	77	64	13	15.0
California					
Central	49	60	51	9	16.9
Eastern	52	71	60	11	16.5
Northern	11	83	72	11	13.0
Southern	32	52	44	8	17.1
Guam	12	82	66	16	19.5
Hawaii	18	56	46	10	19.7
Idaho	10	66	53	13	19.3
Montana	6	100	82	18	18.4
Nevada	8	79	64	15	18.2
Northern Mariana Islands	4	61	53	8	12.3
Oregon	3	36	29	7	20.4
Washington					
Eastern	15	93	78	15	16.8
Western	6	110	92	18	15.1
TENTH CIRCUIT	125	81	68	14	16.4
Colorado	11	87	72	15	16.6
Kansas	15	112	94	18	15.8
New Mexico	11	55	46	9	16.5
Oklahoma					
Eastern	13	101	81	20	19.5
Northern	22	76	61	15	19.2
Western	15	96	79	16	16.6
Utah	31	64	55	9	13.8
Wyoming	7	76	65	11	13.6
ELEVENTH CIRCUIT	722	100	85	16	15.9
Alabama					
Middle	8	100	87	13	15.8
Northern	35	77	62	15	19.1
Southern	18	127	104	23	18.1
Florida					
Middle	309	115	98	17	15.1
Northern	3	78	70	7	10.8
Southern	253	94	79	15	16.3
Georgia					
Middle	13	74	64	10	14.9
Northern	59	79	68	11	15.0
Southern	24	54	45	10	18.6

¹ Of the 3,654 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, 214 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 B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

REASONS	N	%
Not eligible under §4C1.1(b)	5,173	59.8
Assigned more than zero criminal history points at sentencing	2,268	26.2
Firearm possessed, etc. in connection with offense	1,309	15.1
Aggravating Role adjustment applied (USSG §3B1.1)	838	9.7
Conviction was a sex offense	220	2.5
Violence or threat of violence used in connection with offense	198	2.3
Offense resulted in death or serious bodily injury	148	1.7
Defendant caused substantial financial hardship	126	1.5
Hate crime adjustment applied (USSG §3A1.1)	51	0.6
Civil rights guideline applied (USSG §2H1.1)	6	0.1
21 U.S.C. § 848 conviction	6	0.1
Terrorism adjustment applied at sentencing (USSG §3A1.4)	3	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
Not eligible under §1B1.10	1,623	18.7
Current sentence below new guideline range and no §5K1.1	774	8.9
Statutory mandatory minimum penalty controls sentence	485	5.6
Individual received Amendment 821 reduction at original sentencing	180	2.1
Original sentence has been served	70	0.8
Guideline range does not change	63	0.7
Career Offender or Armed Career Criminal provisions control sentence	27	0.3
Sentenced to trumping statutory maximum penalty	14	0.2
Defendant will be released before effective date of amendment	10	0.1
Denied on the merits	696	8.0
18 U.S.C. § 3553(a) factors	545	6.3
Individual has already benefitted from departure or variance	95	1.1
Binding plea agreement determined sentence	30	0.3
Post-sentencing or post-conviction conduct	26	0.3
No reason provided/Other reason	1,172	13.5
No reason provided	905	10.4
Other	267	3.1

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, 8,664 reasons were cited in the 7,330 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.