

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



**July 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.<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 Result of an Amended Guideline Range)(Policy Statement) that apply retroactively and added 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 1995-2024 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>.

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, 2025 and for which court documentation was received, coded, and edited at the Commission by July 18, 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	%
<b>TOTAL</b>	<b>12,431</b>	<b>3,910</b>	<b>31.5</b>	<b>8,521</b>	<b>68.5</b>	Northern New York	63	19	30.2	44	69.8
Western Texas	1,319	460	34.9	859	65.1	Eastern Louisiana	63	23	36.5	40	63.5
Southern Florida	933	286	30.7	647	69.3	Western Washington	63	6	9.5	57	90.5
Northern Texas	913	245	26.8	668	73.2	Western Pennsylvania	61	25	41.0	36	59.0
Puerto Rico	867	254	29.3	613	70.7	Western New York	60	10	16.7	50	83.3
Southern Texas	839	330	39.3	509	60.7	New Mexico	59	11	18.6	48	81.4
Middle Florida	773	414	53.6	359	46.4	Western North Carolina	58	25	43.1	33	56.9
Eastern Texas	427	266	62.3	161	37.7	Northern Indiana	56	14	25.0	42	75.0
Northern Georgia	283	71	25.1	212	74.9	South Carolina	55	33	60.0	22	40.0
Southern New York	236	31	13.1	205	86.9	Connecticut	52	9	17.3	43	82.7
Western Missouri	196	30	15.3	166	84.7	Southern West Virginia	52	8	15.4	44	84.6
Southern Iowa	177	17	9.6	160	90.4	Eastern New York	51	13	25.5	38	74.5
Nebraska	176	62	35.2	114	64.8	Northern California	51	14	27.5	37	72.5
Arizona	176	15	8.5	161	91.5	Middle Alabama	50	8	16.0	42	84.0
Eastern Kentucky	171	42	24.6	129	75.4	Western Kentucky	48	11	22.9	37	77.1
Central California	159	50	31.4	109	68.6	Eastern Wisconsin	48	1	2.1	47	97.9
Eastern Virginia	146	36	24.7	110	75.3	Montana	48	10	20.8	38	79.2
Western Oklahoma	133	16	12.0	117	88.0	North Dakota	46	10	21.7	36	78.3
Eastern Missouri	130	18	13.8	112	86.2	Western Tennessee	45	11	24.4	34	75.6
Eastern Michigan	116	32	27.6	84	72.4	Eastern Washington	45	15	33.3	30	66.7
New Jersey	115	53	46.1	62	53.9	Northern Iowa	42	7	16.7	35	83.3
Eastern Tennessee	111	25	22.5	86	77.5	Idaho	42	10	23.8	32	76.2
Middle North Carolina	107	14	13.1	93	86.9	District of Columbia	38	10	26.3	28	73.7
Minnesota	107	18	16.8	89	83.2	Southern California	37	34	91.9	3	8.1
South Dakota	107	12	11.2	95	88.8	Eastern Pennsylvania	35	29	82.9	6	17.1
Eastern California	107	55	51.4	52	48.6	Eastern Oklahoma	35	13	37.1	22	62.9
Western Virginia	104	11	10.6	93	89.4	Middle Louisiana	33	10	30.3	23	69.7
Southern Georgia	103	29	28.2	74	71.8	Hawaii	28	18	64.3	10	35.7
Massachusetts	102	32	31.4	70	68.6	Western Arkansas	27	14	51.9	13	48.1
Utah	99	32	32.3	67	67.7	Northern West Virginia	26	7	26.9	19	73.1
Southern Indiana	98	22	22.4	76	77.6	New Hampshire	24	14	58.3	10	41.7
Eastern North Carolina	97	28	28.9	69	71.1	Oregon	24	8	33.3	16	66.7
Northern Ohio	96	27	28.1	69	71.9	Wyoming	23	8	34.8	15	65.2
Kansas	96	34	35.4	62	64.6	Maine	22	2	9.1	20	90.9
Southern Alabama	92	22	23.9	70	76.1	Virgin Islands	22	12	54.5	10	45.5
Middle Pennsylvania	91	17	18.7	74	81.3	Western Wisconsin	21	4	19.0	17	81.0
Southern Mississippi	85	27	31.8	58	68.2	Northern Mississippi	19	4	21.1	15	78.9
Eastern Arkansas	84	18	21.4	66	78.6	Maryland	18	12	66.7	6	33.3
Northern Oklahoma	83	23	27.7	60	72.3	Delaware	17	4	23.5	13	76.5
Middle Georgia	82	18	22.0	64	78.0	Rhode Island	16	2	12.5	14	87.5
Colorado	81	20	24.7	61	75.3	Alaska	15	3	20.0	12	80.0
Southern Illinois	79	23	29.1	56	70.9	Northern Florida	15	4	26.7	11	73.3
Northern Illinois	78	30	38.5	48	61.5	Guam	12	12	100.0	0	0.0
Western Louisiana	76	14	18.4	62	81.6	Nevada	10	9	90.0	1	10.0
Southern Ohio	74	33	44.6	41	55.4	Northern Mariana Islands	8	4	50.0	4	50.0
Central Illinois	73	7	9.6	66	90.4	Vermont	5	2	40.0	3	60.0
Northern Alabama	73	39	53.4	34	46.6	Middle Tennessee	1	1	100.0	0	0.0
Western Michigan	72	19	26.4	53	73.6						

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>12,421</b>	<b>3,906</b>	<b>31.4</b>	<b>8,515</b>	<b>68.6</b>
2025	41	0	0.0	41	100.0
2024	822	27	3.3	795	96.7
2023	3,598	1,379	38.3	2,219	61.7
2022	2,429	970	39.9	1,459	60.1
2021	1,283	469	36.6	814	63.4
2020	864	268	31.0	596	69.0
2019	856	234	27.3	622	72.7
2018	697	197	28.3	500	71.7
2017	505	160	31.7	345	68.3
2016	331	87	26.3	244	73.7
2015	221	33	14.9	188	85.1
2014	150	25	16.7	125	83.3
2013	148	8	5.4	140	94.6
2012	105	10	9.5	95	90.5
2011	75	11	14.7	64	85.3
2010	67	7	10.4	60	89.6
2009	51	5	9.8	46	90.2
2008	26	1	3.8	25	96.2
2007	29	3	10.3	26	89.7
2006	24	5	20.8	19	79.2
2005	21	1	4.8	20	95.2
2004	13	1	7.7	12	92.3
2003	7	0	0.0	7	100.0
2002	9	0	0.0	9	100.0
2001	12	4	33.3	8	66.7
2000	12	0	0.0	12	100.0
1999	6	0	0.0	6	100.0
1998	4	0	0.0	4	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

<sup>1</sup> Of the 12,431 cases reported to the Commission with motion status information, 10 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 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>3,902</b>	<b>3,002</b>	<b>76.9</b>	<b>0</b>	<b>0.0</b>	<b>900</b>	<b>23.1</b>
D.C. CIRCUIT	10	10	100.0	0	0.0	0	0.0
FIRST CIRCUIT	304	288	94.7	0	0.0	16	5.3
SECOND CIRCUIT	84	69	82.1	0	0.0	15	17.9
THIRD CIRCUIT	135	130	96.3	0	0.0	5	3.7
FOURTH CIRCUIT	174	147	84.5	0	0.0	27	15.5
FIFTH CIRCUIT	1,378	790	57.3	0	0.0	588	42.7
SIXTH CIRCUIT	201	139	69.2	0	0.0	62	30.8
SEVENTH CIRCUIT	101	100	99.0	0	0.0	1	1.0
EIGHTH CIRCUIT	206	164	79.6	0	0.0	42	20.4
NINTH CIRCUIT	262	229	87.4	0	0.0	33	12.6
TENTH CIRCUIT	157	142	90.4	0	0.0	15	9.6
ELEVENTH CIRCUIT	890	794	89.2	0	0.0	96	10.8

<sup>1</sup> Of the 3,910 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.

<sup>2</sup> In 13 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 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	554	14.2	1,483	17.4
Black	396	10.2	1,636	19.2
Hispanic	2,841	72.8	5,113	60.1
Other	110	2.8	276	3.2
<b>Total</b>	<b>3,901</b>	<b>100.0</b>	<b>8,508</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	1,765	45.3	5,103	60.0
Non-Citizen	2,135	54.7	3,403	40.0
<b>Total</b>	<b>3,900</b>	<b>100.0</b>	<b>8,506</b>	<b>100.0</b>
<b>Gender</b>				
Male	3,273	83.7	7,211	84.6
Female	637	16.3	1,310	15.4
<b>Total</b>	<b>3,910</b>	<b>100.0</b>	<b>8,521</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 12,431 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 (22), missing citizenship information (25), and missing age information (13).

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>		
Weapon Specific Offense Characteristic	1.8	29.3
Firearms Mandatory Minimum Applied	1.7	21.1
	0.1	9.2
<b>Safety Valve<sup>2</sup></b>	80.4	27.1
<b>Guideline Role Adjustments<sup>2</sup></b>		
Aggravating Role (USSG §3B1.1)	0.7	20.1
Mitigating Role (USSG §3B1.2)	16.4	4.6
Obstruction Adjustment (USSG §3C1.1)	3.2	5.4
<b>Sentence Relative to the Guideline Range</b>		
Within Range	62.3	42.2
Above Range	0.9	4.1
Below Range	36.8	53.7
<b>Criminal History Category</b>		
I	100.0	72.6
II	0.0	9.0
III	0.0	6.7
IV	0.0	3.5
V	0.0	2.7
VI	0.0	5.6
<b>Career Offender (§4B1.1)<sup>2</sup></b>	0.0	2.3

<sup>1</sup> Of the 12,431 cases reported to the Commission with motion status information, 10 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 12,194 cases with complete guideline application information.

<sup>3</sup> In 82 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>3,906</b>	<b>100.0</b>
Administration of Justice	14	0.4
Antitrust	0	0.0
Arson	1	0.0
Assault	0	0.0
Bribery/Corruption	37	0.9
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	3,099	79.3
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	377	9.7
Immigration	91	2.3
Individual Rights	0	0.0
Kidnapping	2	0.1
Manslaughter	0	0.0
Money Laundering	215	5.5
Murder	2	0.1
National Defense	4	0.1
Obscenity/Other Sex Offenses	8	0.2
Prison Offenses	1	0.0
Robbery	3	0.1
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	41	1.0
Other	0	0.0

<sup>1</sup> Of the 3,910 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, four 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 AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>8,510</b>	<b>100.0</b>
Administration of Justice	21	0.2
Antitrust	1	0.0
Arson	14	0.2
Assault	45	0.5
Bribery/Corruption	63	0.7
Burglary/Trespass	2	0.0
Child Pornography	123	1.4
Commercialized Vice	7	0.1
Drug Possession	0	0.0
Drug Trafficking	5,486	64.5
Environmental	0	0.0
Extortion/Racketeering	14	0.2
Firearms	419	4.9
Food and Drug	4	0.0
Forgery/Counter/Copyright	4	0.0
Fraud/Theft/Embezzlement	703	8.3
Immigration	331	3.9
Individual Rights	18	0.2
Kidnapping	52	0.6
Manslaughter	7	0.1
Money Laundering	440	5.2
Murder	156	1.8
National Defense	34	0.4
Obscenity/Other Sex Offenses	12	0.1
Prison Offenses	3	0.0
Robbery	257	3.0
Sexual Abuse	230	2.7
Stalking/Harassing	13	0.2
Tax	46	0.5
Other	5	0.1

<sup>1</sup> Of the 8,521 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 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>3,688</b>	<b>90</b>	<b>75</b>	<b>15</b>	<b>17.0</b>
<b>D.C. CIRCUIT</b>	<b>7</b>	<b>59</b>	<b>50</b>	<b>9</b>	<b>14.1</b>
District of Columbia	7	59	50	9	14.1
<b>FIRST CIRCUIT</b>	<b>294</b>	<b>90</b>	<b>74</b>	<b>16</b>	<b>17.6</b>
Maine	2	--	--	--	--
Massachusetts	28	69	59	10	14.2
New Hampshire	9	84	72	12	16.7
Puerto Rico	253	93	76	17	18.2
Rhode Island	2	--	--	--	--
<b>SECOND CIRCUIT</b>	<b>79</b>	<b>72</b>	<b>60</b>	<b>11</b>	<b>15.6</b>
Connecticut	9	76	64	12	15.1
New York					
Eastern	12	75	59	16	16.9
Northern	19	52	43	10	21.0
Southern	31	79	69	11	13.2
Western	7	80	69	11	11.5
Vermont	1	--	--	--	--
<b>THIRD CIRCUIT</b>	<b>121</b>	<b>63</b>	<b>52</b>	<b>10</b>	<b>17.2</b>
Delaware	4	78	67	11	14.3
New Jersey	53	49	40	9	18.4
Pennsylvania					
Eastern	19	67	54	12	18.6
Middle	14	67	58	9	14.1
Western	19	62	53	9	14.4
Virgin Islands	12	109	89	20	18.6
<b>FOURTH CIRCUIT</b>	<b>164</b>	<b>74</b>	<b>63</b>	<b>11</b>	<b>16.6</b>
Maryland	12	89	82	7	12.0
North Carolina					
Eastern	28	64	54	10	15.8
Middle	14	95	86	9	10.5
Western	22	80	66	14	18.3
South Carolina	30	73	61	13	18.7
Virginia					
Eastern	33	66	55	12	17.8
Western	10	97	84	13	13.2
West Virginia					
Northern	7	33	25	8	24.2
Southern	8	77	63	14	17.7

Table 8 (cont.)

CIRCUIT	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
District					
<b>FIFTH CIRCUIT</b>	<b>1,362</b>	<b>93</b>	<b>77</b>	<b>16</b>	<b>17.9</b>
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	265	132	108	24	18.4
Northern	243	131	108	23	17.5
Southern	325	81	68	13	15.7
Western	459	62	51	11	19.3
<b>SIXTH CIRCUIT</b>	<b>162</b>	<b>75</b>	<b>62</b>	<b>12</b>	<b>17.1</b>
Kentucky					
Eastern	41	83	70	12	15.9
Western	11	71	57	14	19.3
Michigan					
Eastern	25	82	69	13	16.4
Western	19	57	47	10	18.3
Ohio					
Northern	23	57	49	9	15.9
Southern	19	81	67	15	19.2
Tennessee					
Eastern	13	73	61	12	18.3
Middle	1	--	--	--	--
Western	10	91	74	17	17.9
<b>SEVENTH CIRCUIT</b>	<b>83</b>	<b>84</b>	<b>72</b>	<b>12</b>	<b>14.8</b>
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	16	96	83	13	12.1
Wisconsin					
Eastern	1	--	--	--	--
Western	3	41	39	2	5.6
<b>EIGHTH CIRCUIT</b>	<b>186</b>	<b>90</b>	<b>76</b>	<b>14</b>	<b>16.2</b>
Arkansas					
Eastern	18	96	81	15	16.1
Western	14	52	43	9	18.4
Iowa					
Northern	7	108	92	16	15.2
Southern	16	113	96	17	15.9
Minnesota	10	80	71	9	13.7
Missouri					
Eastern	15	64	54	10	15.9
Western	27	101	86	15	15.0
Nebraska	62	102	85	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 <sup>2</sup>	Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	243	69	58	11	17.0
Alaska	3	54	45	9	18.4
Arizona	10	83	71	12	14.2
California					
Central	50	61	52	10	17.1
Eastern	54	71	60	11	16.3
Northern	12	87	75	12	13.6
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	131	84	70	14	16.3
Colorado	12	90	75	15	16.4
Kansas	18	113	96	17	14.9
New Mexico	11	55	46	9	16.5
Oklahoma					
Eastern	13	101	81	20	19.5
Northern	23	78	63	15	19.2
Western	15	96	79	16	16.6
Utah	31	64	55	9	13.8
Wyoming	8	90	76	14	14.4
ELEVENTH CIRCUIT	856	105	88	16	16.0
Alabama					
Middle	8	100	87	13	15.8
Northern	39	82	66	15	18.8
Southern	20	131	107	24	18.2
Florida					
Middle	402	119	101	18	15.3
Northern	4	68	62	6	9.9
Southern	281	97	81	16	16.5
Georgia					
Middle	13	74	64	10	14.9
Northern	64	82	71	11	15.0
Southern	25	54	44	10	18.3

<sup>1</sup> Of the 3,910 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, 222 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>5,900</b>	<b>58.7</b>
Assigned more than zero criminal history points at sentencing	2,571	25.6
Firearm possessed, etc. in connection with offense	1,494	14.9
Aggravating Role adjustment applied (USSG §3B1.1)	978	9.7
Conviction was a sex offense	249	2.5
Violence or threat of violence used in connection with offense	225	2.2
Offense resulted in death or serious bodily injury	165	1.6
Defendant caused substantial financial hardship	139	1.4
Hate crime adjustment applied (USSG §3A1.1)	58	0.6
21 U.S.C. § 848 conviction	10	0.1
Civil rights guideline applied (USSG §2H1.1)	7	0.1
Terrorism adjustment applied at sentencing (USSG §3A1.4)	4	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
<b>Not eligible under §1B1.10</b>	<b>1,953</b>	<b>19.5</b>
Current sentence below new guideline range and no §5K1.1	882	8.8
Statutory mandatory minimum penalty controls sentence	571	5.7
Individual received Amendment 821 reduction at original sentencing	276	2.7
Original sentence has been served	93	0.9
Guideline range does not change	77	0.8
Career Offender or Armed Career Criminal provisions control sentence	27	0.3
Sentenced to trumping statutory maximum penalty	17	0.2
Defendant will be released before effective date of amendment	10	0.1
<b>Denied on the merits</b>	<b>806</b>	<b>8.0</b>
18 U.S.C. § 3553(a) factors	628	6.3
Individual has already benefitted from departure or variance	115	1.1
Binding plea agreement determined sentence	34	0.3
Post-sentencing or post-conviction conduct	29	0.3
<b>No reason provided/Other reason</b>	<b>1,389</b>	<b>13.8</b>
No reason provided	1,077	10.7
Other	312	3.1

<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, 10,048 reasons were cited in the 8,521 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.