

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



**December 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 September 30, 2025 and for which court documentation was received, coded, and edited at the Commission by December 3, 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>12,903</b>	<b>3,995</b>	<b>31.0</b>	<b>8,908</b>	<b>69.0</b>	Western New York	64	10	15.6	54	84.4
Western Texas	1,341	461	34.4	880	65.6	Western Pennsylvania	64	26	40.6	38	59.4
Southern Florida	950	292	30.7	658	69.3	Eastern Louisiana	64	23	35.9	41	64.1
Northern Texas	923	246	26.7	677	73.3	Western Washington	64	6	9.4	58	90.6
Middle Florida	890	461	51.8	429	48.2	Northern New York	63	19	30.2	44	69.8
Puerto Rico	880	260	29.5	620	70.5	New Mexico	61	11	18.0	50	82.0
Southern Texas	866	332	38.3	534	61.7	Western North Carolina	60	25	41.7	35	58.3
Eastern Texas	459	269	58.6	190	41.4	South Carolina	60	33	55.0	27	45.0
Northern Georgia	288	71	24.7	217	75.3	Northern Indiana	56	14	25.0	42	75.0
Southern New York	244	33	13.5	211	86.5	Connecticut	55	9	16.4	46	83.6
Western Missouri	198	30	15.2	168	84.8	Northern California	53	14	26.4	39	73.6
Arizona	185	15	8.1	170	91.9	Eastern New York	52	13	25.0	39	75.0
Southern Iowa	179	17	9.5	162	90.5	Southern West Virginia	52	8	15.4	44	84.6
Nebraska	178	62	34.8	116	65.2	Western Tennessee	50	11	22.0	39	78.0
Eastern Kentucky	171	42	24.6	129	75.4	Middle Alabama	50	8	16.0	42	84.0
Central California	166	50	30.1	116	69.9	Western Kentucky	49	11	22.4	38	77.6
Eastern Virginia	155	37	23.9	118	76.1	Eastern Wisconsin	49	1	2.0	48	98.0
Eastern Missouri	148	18	12.2	130	87.8	North Dakota	49	10	20.4	39	79.6
Western Oklahoma	134	16	11.9	118	88.1	Northern Iowa	48	7	14.6	41	85.4
Eastern Tennessee	130	29	22.3	101	77.7	Montana	48	10	20.8	38	79.2
Middle North Carolina	126	14	11.1	112	88.9	Eastern Washington	45	15	33.3	30	66.7
Eastern Michigan	122	32	26.2	90	73.8	Idaho	43	10	23.3	33	76.7
New Jersey	120	54	45.0	66	55.0	District of Columbia	39	10	25.6	29	74.4
Minnesota	112	19	17.0	93	83.0	Eastern Pennsylvania	37	31	83.8	6	16.2
Eastern California	111	56	50.5	55	49.5	Southern California	37	34	91.9	3	8.1
South Dakota	110	14	12.7	96	87.3	Middle Louisiana	35	10	28.6	25	71.4
Eastern North Carolina	109	28	25.7	81	74.3	Eastern Oklahoma	35	13	37.1	22	62.9
Southern Georgia	106	29	27.4	77	72.6	Hawaii	30	19	63.3	11	36.7
Western Virginia	105	11	10.5	94	89.5	Western Arkansas	27	14	51.9	13	48.1
Massachusetts	102	32	31.4	70	68.6	Northern West Virginia	26	7	26.9	19	73.1
Utah	101	32	31.7	69	68.3	New Hampshire	25	14	56.0	11	44.0
Northern Ohio	100	27	27.0	73	73.0	Oregon	25	8	32.0	17	68.0
Southern Indiana	100	22	22.0	78	78.0	Wyoming	23	8	34.8	15	65.2
Kansas	98	34	34.7	64	65.3	Maine	22	2	9.1	20	90.9
Southern Alabama	95	22	23.2	73	76.8	Virgin Islands	22	12	54.5	10	45.5
Middle Pennsylvania	92	17	18.5	75	81.5	Western Wisconsin	21	4	19.0	17	81.0
Middle Georgia	89	18	20.2	71	79.8	Northern Mississippi	19	4	21.1	15	78.9
Northern Oklahoma	87	23	26.4	64	73.6	Delaware	18	5	27.8	13	72.2
Southern Mississippi	86	27	31.4	59	68.6	Maryland	18	12	66.7	6	33.3
Northern Illinois	85	32	37.6	53	62.4	Rhode Island	16	2	12.5	14	87.5
Eastern Arkansas	85	18	21.2	67	78.8	Alaska	15	3	20.0	12	80.0
Colorado	83	20	24.1	63	75.9	Northern Florida	15	4	26.7	11	73.3
Southern Illinois	80	23	28.8	57	71.3	Guam	12	12	100.0	0	0.0
Western Louisiana	77	14	18.2	63	81.8	Nevada	10	9	90.0	1	10.0
Southern Ohio	76	33	43.4	43	56.6	Northern Mariana Islands	8	4	50.0	4	50.0
Western Michigan	74	19	25.7	55	74.3	Vermont	5	2	40.0	3	60.0
Central Illinois	74	7	9.5	67	90.5	Middle Tennessee	1	1	100.0	0	0.0
Northern Alabama	73	39	53.4	34	46.6						

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>12,893</b>	<b>3,991</b>	<b>31.0</b>	<b>8,902</b>	<b>69.0</b>
2025	82	0	0.0	82	100.0
2024	891	27	3.0	864	97.0
2023	3,693	1,408	38.1	2,285	61.9
2022	2,506	982	39.2	1,524	60.8
2021	1,316	475	36.1	841	63.9
2020	890	272	30.6	618	69.4
2019	901	249	27.6	652	72.4
2018	725	204	28.1	521	71.9
2017	523	167	31.9	356	68.1
2016	340	90	26.5	250	73.5
2015	225	34	15.1	191	84.9
2014	153	25	16.3	128	83.7
2013	151	8	5.3	143	94.7
2012	111	10	9.0	101	91.0
2011	77	12	15.6	65	84.4
2010	69	7	10.1	62	89.9
2009	54	5	9.3	49	90.7
2008	26	1	3.8	25	96.2
2007	32	3	9.4	29	90.6
2006	24	5	20.8	19	79.2
2005	22	1	4.5	21	95.5
2004	13	1	7.7	12	92.3
2003	8	0	0.0	8	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	3	0	0.0	3	100.0
1996	4	0	0.0	4	100.0
1995	2	0	0.0	2	100.0
1994	4	0	0.0	4	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 12,903 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>3,988</b>	<b>3,087</b>	<b>77.4</b>	<b>0</b>	<b>0.0</b>	<b>901</b>	<b>22.6</b>
D.C. CIRCUIT	10	10	100.0	0	0.0	0	0.0
FIRST CIRCUIT	310	294	94.8	0	0.0	16	5.2
SECOND CIRCUIT	86	71	82.6	0	0.0	15	17.4
THIRD CIRCUIT	140	135	96.4	0	0.0	5	3.6
FOURTH CIRCUIT	175	148	84.6	0	0.0	27	15.4
FIFTH CIRCUIT	1,385	797	57.5	0	0.0	588	42.5
SIXTH CIRCUIT	205	143	69.8	0	0.0	62	30.2
SEVENTH CIRCUIT	103	102	99.0	0	0.0	1	1.0
EIGHTH CIRCUIT	209	167	79.9	0	0.0	42	20.1
NINTH CIRCUIT	264	231	87.5	0	0.0	33	12.5
TENTH CIRCUIT	157	142	90.4	0	0.0	15	9.6
ELEVENTH CIRCUIT	944	847	89.7	0	0.0	97	10.3

<sup>1</sup> Of the 3,995 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 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	559	14.0	1,534	17.2
Black	401	10.1	1,716	19.3
Hispanic	2,914	73.1	5,360	60.3
Other	112	2.8	284	3.2
<b>Total</b>	<b>3,986</b>	<b>100.0</b>	<b>8,894</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	1,782	44.7	5,284	59.4
Non-Citizen	2,203	55.3	3,608	40.6
<b>Total</b>	<b>3,985</b>	<b>100.0</b>	<b>8,892</b>	<b>100.0</b>
<b>Gender</b>				
Male	3,351	83.9	7,552	84.8
Female	644	16.1	1,356	15.2
<b>Total</b>	<b>3,995</b>	<b>100.0</b>	<b>8,908</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 12,903 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 (23), missing citizenship information (26), 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	1.7	29.3
Firearms Mandatory Minimum Applied	1.6	21.2
	0.1	9.1
<b>Safety Valve<sup>2</sup></b>	80.4	27.3
<b>Guideline Role Adjustments<sup>2</sup></b>		
Aggravating Role (USSG §3B1.1)	0.7	20.1
Mitigating Role (USSG §3B1.2)	16.1	4.5
Obstruction Adjustment (USSG §3C1.1)	3.2	5.4
<b>Sentence Relative to the Guideline Range</b>		
Within Range	62.3	42.0
Above Range	0.9	4.1
Below Range	36.8	53.9
<b>Criminal History Category</b>		
I	100.0	72.5
II	0.0	9.1
III	0.0	6.8
IV	0.0	3.5
V	0.0	2.6
VI	0.0	5.6
<b>Career Offender (§4B1.1)<sup>2</sup></b>	0.0	2.3

<sup>1</sup> Of the 12,903 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 12,660 cases with complete guideline application information.

<sup>3</sup> In 85 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>3,991</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	39	1.0
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	3,171	79.5
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	381	9.5
Immigration	91	2.3
Individual Rights	0	0.0
Kidnapping	2	0.1
Manslaughter	0	0.0
Money Laundering	221	5.5
Murder	2	0.1
National Defense	5	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 3,995 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>8,897</b>	<b>100.0</b>
Administration of Justice	21	0.2
Antitrust	1	0.0
Arson	15	0.2
Assault	47	0.5
Bribery/Corruption	65	0.7
Burglary/Trespass	2	0.0
Child Pornography	131	1.5
Commercialized Vice	7	0.1
Drug Possession	0	0.0
Drug Trafficking	5,765	64.8
Environmental	0	0.0
Extortion/Racketeering	14	0.2
Firearms	432	4.9
Food and Drug	4	0.0
Forgery/Counter/Copyright	4	0.0
Fraud/Theft/Embezzlement	725	8.1
Immigration	343	3.9
Individual Rights	19	0.2
Kidnapping	55	0.6
Manslaughter	7	0.1
Money Laundering	450	5.1
Murder	164	1.8
National Defense	35	0.4
Obscenity/Other Sex Offenses	12	0.1
Prison Offenses	3	0.0
Robbery	268	3.0
Sexual Abuse	242	2.7
Stalking/Harassing	14	0.2
Tax	47	0.5
Other	5	0.1

<sup>1</sup> Of the 8,908 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.

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>3,771</b>	<b>91</b>	<b>76</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>300</b>	<b>90</b>	<b>74</b>	<b>16</b>	<b>17.7</b>
Maine	2	--	--	--	--
Massachusetts	28	69	59	10	14.2
New Hampshire	9	84	72	12	16.7
Puerto Rico	259	93	76	17	18.2
Rhode Island	2	--	--	--	--
<b>SECOND CIRCUIT</b>	<b>81</b>	<b>74</b>	<b>63</b>	<b>12</b>	<b>15.5</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	33	85	73	12	13.0
Western	7	80	69	11	11.5
Vermont	1	--	--	--	--
<b>THIRD CIRCUIT</b>	<b>126</b>	<b>64</b>	<b>53</b>	<b>10</b>	<b>16.9</b>
Delaware	5	84	71	13	15.3
New Jersey	54	49	41	8	18.1
Pennsylvania					
Eastern	21	67	55	12	17.8
Middle	14	67	58	9	14.1
Western	20	64	55	9	14.1
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>1,369</b>	<b>94</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	268	132	108	24	18.4
Northern	244	132	108	23	17.5
Southern	327	81	68	13	15.7
Western	460	63	52	11	19.3
<b>SIXTH CIRCUIT</b>	<b>165</b>	<b>75</b>	<b>63</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	16	79	66	13	17.6
Middle	1	--	--	--	--
Western	10	91	74	17	17.9
<b>SEVENTH CIRCUIT</b>	<b>85</b>	<b>84</b>	<b>71</b>	<b>12</b>	<b>14.8</b>
Illinois					
Central	6	104	90	13	15.7
Northern	23	89	76	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>189</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	11	90	80	10	13.4
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	9	66	55	11	16.5

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	245	71	59	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	55	71	59	11	16.1
Northern	12	87	75	12	13.6
Southern	32	52	44	8	17.1
Guam	12	82	66	16	19.5
Hawaii	19	73	60	13	19.4
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	909	106	90	17	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	449	121	103	19	15.4
Northern	4	68	62	6	9.9
Southern	287	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 3,995 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, 224 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>6,119</b>	<b>58.3</b>
Assigned more than zero criminal history points at sentencing	2,660	25.3
Firearm possessed, etc. in connection with offense	1,551	14.8
Aggravating Role adjustment applied (USSG §3B1.1)	1,017	9.7
Conviction was a sex offense	264	2.5
Violence or threat of violence used in connection with offense	230	2.2
Offense resulted in death or serious bodily injury	172	1.6
Defendant caused substantial financial hardship	142	1.4
Hate crime adjustment applied (USSG §3A1.1)	60	0.6
21 U.S.C. § 848 conviction	12	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>2,045</b>	<b>19.6</b>
Current sentence below new guideline range and no §5K1.1	924	8.8
Statutory mandatory minimum penalty controls sentence	586	5.6
Individual received Amendment 821 reduction at original sentencing	302	2.9
Original sentence has been served	101	1.0
Guideline range does not change	78	0.7
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>843</b>	<b>8.0</b>
18 U.S.C. § 3553(a) factors	653	6.2
Individual has already benefitted from departure or variance	123	1.2
Binding plea agreement determined sentence	35	0.3
Post-sentencing or post-conviction conduct	32	0.3
<b>No reason provided/Other reason</b>	<b>1,493</b>	<b>14.2</b>
No reason provided	1,153	11.0
Other	340	3.2

<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, 10,500 reasons were cited in the 8,908 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.