

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



September 2026

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 1995-2025 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 June 30, 2026 and for which court documentation was received, coded, and edited at the Commission by August 25, 2026.

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	13,762	4,114	29.9	9,648	70.1	Western Washington	66	6	9.1	60	90.9
Western Texas	1,375	461	33.5	914	66.5	Western New York	65	10	15.4	55	84.6
Middle Florida	1,159	541	46.7	618	53.3	Western Pennsylvania	65	26	40.0	39	60.0
Southern Florida	1,004	296	29.5	708	70.5	South Carolina	64	33	51.6	31	48.4
Northern Texas	962	252	26.2	710	73.8	Eastern Louisiana	64	23	35.9	41	64.1
Southern Texas	905	335	37.0	570	63.0	Northern New York	63	19	30.2	44	69.8
Puerto Rico	887	262	29.5	625	70.5	New Mexico	63	11	17.5	52	82.5
Eastern Texas	512	277	54.1	235	45.9	Western North Carolina	61	25	41.0	36	59.0
Northern Georgia	298	71	23.8	227	76.2	Connecticut	59	10	16.9	49	83.1
Southern New York	251	34	13.5	217	86.5	Eastern New York	57	13	22.8	44	77.2
Western Missouri	211	30	14.2	181	85.8	Northern Indiana	57	14	24.6	43	75.4
Arizona	198	15	7.6	183	92.4	Southern West Virginia	54	8	14.8	46	85.2
Southern Iowa	181	17	9.4	164	90.6	Western Tennessee	53	11	20.8	42	79.2
Nebraska	180	62	34.4	118	65.6	Eastern Wisconsin	53	1	1.9	52	98.1
Central California	178	50	28.1	128	71.9	Northern Iowa	53	7	13.2	46	86.8
Eastern Kentucky	173	42	24.3	131	75.7	Northern California	53	14	26.4	39	73.6
Eastern Virginia	168	38	22.6	130	77.4	Middle Alabama	53	8	15.1	45	84.9
Southern Mississippi	157	30	19.1	127	80.9	Western Kentucky	51	11	21.6	40	78.4
Eastern Missouri	156	18	11.5	138	88.5	North Dakota	51	10	19.6	41	80.4
Western Oklahoma	137	17	12.4	120	87.6	Eastern Washington	49	17	34.7	32	65.3
Middle North Carolina	134	14	10.4	120	89.6	Montana	48	10	20.8	38	79.2
Eastern Tennessee	134	30	22.4	104	77.6	Idaho	46	10	21.7	36	78.3
New Jersey	132	54	40.9	78	59.1	District of Columbia	39	10	25.6	29	74.4
Minnesota	124	21	16.9	103	83.1	Southern California	38	35	92.1	3	7.9
Eastern Michigan	123	32	26.0	91	74.0	Eastern Pennsylvania	37	31	83.8	6	16.2
Eastern North Carolina	119	28	23.5	91	76.5	Middle Louisiana	36	10	27.8	26	72.2
Eastern California	115	56	48.7	59	51.3	Eastern Oklahoma	35	13	37.1	22	62.9
South Dakota	114	14	12.3	100	87.7	Hawaii	32	19	59.4	13	40.6
Western Virginia	110	11	10.0	99	90.0	Oregon	28	8	28.6	20	71.4
Southern Georgia	110	29	26.4	81	73.6	Northern West Virginia	27	7	25.9	20	74.1
Northern Ohio	105	27	25.7	78	74.3	Western Arkansas	27	14	51.9	13	48.1
Southern Indiana	104	22	21.2	82	78.8	New Hampshire	26	14	53.8	12	46.2
Kansas	104	34	32.7	70	67.3	Wyoming	25	8	32.0	17	68.0
Utah	103	33	32.0	70	68.0	Maine	22	2	9.1	20	90.9
Massachusetts	102	32	31.4	70	68.6	Virgin Islands	22	12	54.5	10	45.5
Middle Pennsylvania	98	17	17.3	81	82.7	Western Wisconsin	22	4	18.2	18	81.8
Northern Illinois	98	33	33.7	65	66.3	Maryland	19	12	63.2	7	36.8
Southern Alabama	97	23	23.7	74	76.3	Northern Mississippi	19	4	21.1	15	78.9
Eastern Arkansas	94	18	19.1	76	80.9	Delaware	18	5	27.8	13	72.2
Middle Georgia	93	18	19.4	75	80.6	Rhode Island	17	2	11.8	15	88.2
Northern Oklahoma	92	23	25.0	69	75.0	Alaska	16	3	18.8	13	81.3
Colorado	88	20	22.7	68	77.3	Northern Florida	16	4	25.0	12	75.0
Southern Illinois	83	23	27.7	60	72.3	Guam	12	12	100.0	0	0.0
Western Louisiana	80	14	17.5	66	82.5	Nevada	10	9	90.0	1	10.0
Western Michigan	77	19	24.7	58	75.3	Northern Mariana Islands	9	4	44.4	5	55.6
Southern Ohio	77	33	42.9	44	57.1	Vermont	7	2	28.6	5	71.4
Central Illinois	76	7	9.2	69	90.8	Middle Tennessee	1	1	100.0	0	0.0
Northern Alabama	76	39	51.3	37	48.7						

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	13,751	4,110	29.9	9,641	70.1
2026	13	0	0.0	13	100.0
2025	182	0	0.0	182	100.0
2024	1,045	27	2.6	1,018	97.4
2023	3,865	1,438	37.2	2,427	62.8
2022	2,629	1,012	38.5	1,617	61.5
2021	1,380	486	35.2	894	64.8
2020	943	285	30.2	658	69.8
2019	953	263	27.6	690	72.4
2018	766	216	28.2	550	71.8
2017	544	171	31.4	373	68.6
2016	355	90	25.4	265	74.6
2015	237	38	16.0	199	84.0
2014	160	26	16.3	134	83.8
2013	159	8	5.0	151	95.0
2012	112	10	8.9	102	91.1
2011	84	12	14.3	72	85.7
2010	70	7	10.0	63	90.0
2009	56	5	8.9	51	91.1
2008	29	1	3.4	28	96.6
2007	34	3	8.8	31	91.2
2006	24	5	20.8	19	79.2
2005	22	1	4.5	21	95.5
2004	14	1	7.1	13	92.9
2003	10	0	0.0	10	100.0
2002	11	0	0.0	11	100.0
2001	13	4	30.8	9	69.2
2000	12	0	0.0	12	100.0
1999	6	0	0.0	6	100.0
1998	5	0	0.0	5	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

¹ Of the 13,762 cases reported to the Commission with motion status information, 11 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	4,107	3,202	78.0	0	0.0	905	22.0
D.C. CIRCUIT	10	10	100.0	0	0.0	0	0.0
FIRST CIRCUIT	312	296	94.9	0	0.0	16	5.1
SECOND CIRCUIT	88	73	83.0	0	0.0	15	17.0
THIRD CIRCUIT	140	135	96.4	0	0.0	5	3.6
FOURTH CIRCUIT	176	149	84.7	0	0.0	27	15.3
FIFTH CIRCUIT	1,405	816	58.1	0	0.0	589	41.9
SIXTH CIRCUIT	206	144	69.9	0	0.0	62	30.1
SEVENTH CIRCUIT	104	103	99.0	0	0.0	1	1.0
EIGHTH CIRCUIT	211	169	80.1	0	0.0	42	19.9
NINTH CIRCUIT	267	234	87.6	0	0.0	33	12.4
TENTH CIRCUIT	159	144	90.6	0	0.0	15	9.4
ELEVENTH CIRCUIT	1,029	929	90.3	0	0.0	100	9.7

¹ Of the 4,114 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.

² 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 AMENDMENT¹**

Demographics	Granted		Denied	
	N	%	N	%
Race/Ethnicity				
White	562	13.7	1,625	16.9
Black	405	9.9	1,839	19.1
Hispanic	3,026	73.7	5,864	60.9
Other	112	2.7	302	3.1
Total	4,105	100.0	9,630	100.0
Citizenship				
U.S. Citizen	1,794	43.7	5,587	58.0
Non-Citizen	2,310	56.3	4,042	42.0
Total	4,104	100.0	9,629	100.0
Gender				
Male	3,466	84.2	8,220	85.2
Female	648	15.8	1,427	14.8
Total	4,114	100.0	9,647	100.0
Average Age at Original Sentence		38	38	
Average Age at Motion Decision		41	42	

¹ Of the 13,762 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 (29), missing gender information (1), and missing age information (14).

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	1.8	29.1
Firearms Mandatory Minimum Applied	1.7	21.2
	0.1	8.9
Safety Valve²	80.5	28.1
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.7	20.1
Mitigating Role (USSG §3B1.2)	15.7	4.4
Obstruction Adjustment (USSG §3C1.1)	3.3	5.5
Sentence Relative to the Guideline Range		
Within Range	62.1	41.9
Above Range	0.9	4.1
Below Range	37.1	53.9
Criminal History Category		
I	100.0	72.8
II	0.0	9.0
III	0.0	6.7
IV	0.0	3.4
V	0.0	2.6
VI	0.0	5.5
Career Offender (§4B1.1)²	0.0	2.3

¹ Of the 13,762 cases reported to the Commission with motion status information, 11 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 13,499 cases with complete guideline application information.

³ In 91 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	4,110	100.0
Administration of Justice	14	0.3
Antitrust	0	0.0
Arson	1	0.0
Assault	0	0.0
Bribery/Corruption	40	1.0
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	3,284	79.9
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	383	9.3
Immigration	91	2.2
Individual Rights	0	0.0
Kidnapping	2	0.0
Manslaughter	0	0.0
Money Laundering	223	5.4
Murder	2	0.0
National Defense	5	0.1
Obscenity/Other Sex Offenses	8	0.2
Prison Offenses	1	0.0
Robbery	4	0.1
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	41	1.0
Other	0	0.0

¹ Of the 4,114 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 AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	9,636	100.0
Administration of Justice	21	0.2
Antitrust	1	0.0
Arson	16	0.2
Assault	52	0.5
Bribery/Corruption	65	0.7
Burglary/Trespass	2	0.0
Child Pornography	136	1.4
Commercialized Vice	7	0.1
Drug Possession	0	0.0
Drug Trafficking	6,309	65.5
Environmental	0	0.0
Extortion/Racketeering	15	0.2
Firearms	458	4.8
Food and Drug	4	0.0
Forgery/Counter/Copyright	5	0.1
Fraud/Theft/Embezzlement	766	7.9
Immigration	362	3.8
Individual Rights	24	0.2
Kidnapping	58	0.6
Manslaughter	8	0.1
Money Laundering	482	5.0
Murder	174	1.8
National Defense	40	0.4
Obscenity/Other Sex Offenses	12	0.1
Prison Offenses	3	0.0
Robbery	290	3.0
Sexual Abuse	257	2.7
Stalking/Harassing	14	0.1
Tax	50	0.5
Other	5	0.1

¹ Of the 9,648 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, seven 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 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	3,889	93	77	15	16.9
D.C. CIRCUIT	7	59	50	9	14.1
District of Columbia	7	59	50	9	14.1
FIRST CIRCUIT	302	90	74	16	17.6
Maine	2	--	--	--	--
Massachusetts	28	69	59	10	14.2
New Hampshire	9	84	72	12	16.7
Puerto Rico	261	93	76	17	18.1
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	83	75	63	12	15.5
Connecticut	10	82	69	13	15.6
New York					
Eastern	12	75	59	16	16.9
Northern	19	52	43	10	21.0
Southern	34	84	73	12	13.0
Western	7	80	69	11	11.5
Vermont	1	--	--	--	--
THIRD CIRCUIT	126	64	53	10	16.9
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
FOURTH CIRCUIT	165	74	63	11	16.6
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	34	67	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.)

		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	1,389	95	78	17	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	29	97	82	15	18.9
Texas					
Eastern	276	134	110	25	18.4
Northern	250	132	109	24	17.5
Southern	330	82	69	13	15.7
Western	460	63	52	11	19.3
SIXTH CIRCUIT	166	75	63	12	17.1
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	17	79	66	13	17.8
Middle	1	--	--	--	--
Western	10	91	74	17	17.9
SEVENTH CIRCUIT	86	83	71	12	14.8
Illinois					
Central	6	104	90	13	15.7
Northern	24	87	74	13	14.3
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
EIGHTH CIRCUIT	191	91	76	14	16.1
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	13	94	85	10	12.9
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 ²	Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	248	71	60	12	16.9
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	33	52	44	8	16.7
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	17	102	86	16	16.4
Western	6	110	92	18	15.1
TENTH CIRCUIT	133	84	70	14	16.1
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	16	99	83	16	15.9
Utah	32	64	55	9	13.5
Wyoming	8	90	76	14	14.4
ELEVENTH CIRCUIT	993	109	92	17	16.0
Alabama					
Middle	8	100	87	13	15.8
Northern	39	82	66	15	18.8
Southern	21	131	107	24	18.3
Florida					
Middle	528	124	105	19	15.5
Northern	4	68	62	6	9.9
Southern	291	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

¹ Of the 4,114 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, 225 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)	6,552	57.3
Assigned more than zero criminal history points at sentencing	2,844	24.9
Firearm possessed, etc. in connection with offense	1,646	14.4
Aggravating Role adjustment applied (USSG §3B1.1)	1,101	9.6
Conviction was a sex offense	279	2.4
Violence or threat of violence used in connection with offense	249	2.2
Offense resulted in death or serious bodily injury	187	1.6
Defendant caused substantial financial hardship	148	1.3
Hate crime adjustment applied (USSG §3A1.1)	65	0.6
21 U.S.C. § 848 conviction	21	0.2
Civil rights guideline applied (USSG §2H1.1)	8	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
Not eligible under §1B1.10	2,301	20.3
Current sentence below new guideline range and no §5K1.1	1,003	8.8
Statutory mandatory minimum penalty controls sentence	618	5.4
Individual received Amendment 821 reduction at original sentencing	422	3.7
Original sentence has been served	111	1.0
Guideline range does not change	88	0.8
Career Offender or Armed Career Criminal provisions control sentence	31	0.3
Sentenced to trumping statutory maximum penalty	18	0.2
Defendant will be released before effective date of amendment	10	0.1
Denied on the merits	925	8.1
18 U.S.C. § 3553(a) factors	708	6.2
Individual has already benefitted from departure or variance	145	1.3
Binding plea agreement determined sentence	38	0.3
Post-sentencing or post-conviction conduct	34	0.3
No reason provided/Other reason	1,634	14.3
No reason provided	1,232	10.8
Other	402	3.5

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, 11,412 reasons were cited in the 9,648 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.