

**U.S. Sentencing Commission  
First Step Act of 2018 Resentencing Provisions  
Retroactivity Data Report**



**August 2019**

## 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> Under section 3582(c)(2) of title 18, courts were authorized to reduce the sentences of incarcerated offenders pursuant to those retroactive guideline amendments. The Commission has periodically reported on the number of offenders who received a sentence reduction under those retroactive amendments and presented other data regarding those cases.<sup>4</sup>

One of those guideline amendments incorporated into the sentencing guidelines the statutory changes Congress made in the penalty provision for crack cocaine offenders through the Fair Sentencing Act of 2010.<sup>5</sup> On December 21, 2018, the President signed into law the First Step Act of 2018.<sup>6</sup> Section 404 of that act provides that any defendant sentenced before the effective date of the Fair Sentencing Act of 2010 (August 3, 2010) who did not receive the

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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 1995-2018 *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").

<sup>4</sup> These retroactivity analyses and data reports are available at <https://www.ussc.gov/research/data-reports/retroactivity-analyses-and-data-reports>.

<sup>5</sup> Pub L. No. 111-220 (2010). Section 2 of the Fair Sentencing Act increased the quantity of crack cocaine that triggered mandatory minimum penalties. Section 3 of the Fair Sentencing Act eliminated the statutory mandatory minimum sentence for simple possession of crack cocaine.

<sup>6</sup> Pub. L. No. 115-391 (2018).

benefit of the statutory penalty changes made by that Act is eligible for a sentence reduction as if Sections 2 and 3 of the Fair Sentencing Act of 2010 were in effect at the time the offender was sentenced. The First Step Act authorizes the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court to make a motion to reduce an offender's sentence.

The data in this report represents information concerning motions for a reduced sentence pursuant to Section 404 of the First Step Act which the courts have granted.<sup>7</sup> The data in this report reflects all motions granted through July 31, 2019 and for which court documentation was received, coded, and edited at the Commission by August 14, 2019.

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<sup>7</sup> The Commission does not collect information on denials of motions under the First Step Act.

**Table 1**

**GEOGRAPHICAL DISTRIBUTION OF GRANTED MOTIONS FOR SENTENCE REDUCTIONS DUE TO RESENTENCING PROVISIONS OF FIRST STEP ACT**

| <b>District</b>        | <b>N</b>     | <b>%</b>     | <b>District</b>          | <b>N</b> | <b>%</b> |
|------------------------|--------------|--------------|--------------------------|----------|----------|
| <b>TOTAL</b>           | <b>1,674</b> | <b>100.0</b> |                          |          |          |
| South Carolina         | 112          | 6.7          | Northern New York        | 11       | 0.7      |
| Middle Florida         | 110          | 6.6          | Southern New York        | 11       | 0.7      |
| Western Virginia       | 89           | 5.3          | New Jersey               | 10       | 0.6      |
| Southern Florida       | 86           | 5.1          | Western Kentucky         | 10       | 0.6      |
| Eastern Virginia       | 80           | 4.8          | Nebraska                 | 10       | 0.6      |
| Eastern North Carolina | 70           | 4.2          | Western New York         | 9        | 0.5      |
| Central Illinois       | 66           | 3.9          | Southern Texas           | 8        | 0.5      |
| Eastern Louisiana      | 50           | 3.0          | Southern Alabama         | 8        | 0.5      |
| Northern Illinois      | 47           | 2.8          | Minnesota                | 7        | 0.4      |
| Eastern Tennessee      | 44           | 2.6          | Northern Texas           | 6        | 0.4      |
| Northern Florida       | 40           | 2.4          | Northern West Virginia   | 5        | 0.3      |
| Western North Carolina | 36           | 2.2          | Middle Louisiana         | 5        | 0.3      |
| Northern Ohio          | 32           | 1.9          | Eastern New York         | 4        | 0.2      |
| Middle Pennsylvania    | 31           | 1.9          | Southern West Virginia   | 4        | 0.2      |
| Southern Iowa          | 31           | 1.9          | Western Washington       | 4        | 0.2      |
| Eastern Texas          | 26           | 1.6          | Western Oklahoma         | 4        | 0.2      |
| Southern Illinois      | 26           | 1.6          | Northern Georgia         | 4        | 0.2      |
| Eastern Missouri       | 26           | 1.6          | New Hampshire            | 3        | 0.2      |
| Northern Indiana       | 25           | 1.5          | Southern Mississippi     | 3        | 0.2      |
| Western Wisconsin      | 25           | 1.5          | Middle Tennessee         | 3        | 0.2      |
| Eastern Michigan       | 24           | 1.4          | North Dakota             | 3        | 0.2      |
| Western Michigan       | 24           | 1.4          | Alaska                   | 3        | 0.2      |
| Western Missouri       | 24           | 1.4          | Oregon                   | 3        | 0.2      |
| Eastern Pennsylvania   | 23           | 1.4          | Colorado                 | 3        | 0.2      |
| Southern Georgia       | 23           | 1.4          | Northern Oklahoma        | 3        | 0.2      |
| Kansas                 | 22           | 1.3          | Northern Mississippi     | 2        | 0.1      |
| Maryland               | 21           | 1.3          | Vermont                  | 1        | 0.1      |
| Southern Indiana       | 21           | 1.3          | Western Arkansas         | 1        | 0.1      |
| Eastern Arkansas       | 20           | 1.2          | South Dakota             | 1        | 0.1      |
| Rhode Island           | 19           | 1.1          | Northern California      | 1        | 0.1      |
| Middle Georgia         | 19           | 1.1          | Nevada                   | 1        | 0.1      |
| Western Pennsylvania   | 17           | 1.0          | New Mexico               | 1        | 0.1      |
| Central California     | 17           | 1.0          | Eastern Oklahoma         | 1        | 0.1      |
| Maine                  | 16           | 1.0          | Middle Alabama           | 1        | 0.1      |
| Massachusetts          | 16           | 1.0          | Puerto Rico              | 0        | 0.0      |
| Middle North Carolina  | 16           | 1.0          | Delaware                 | 0        | 0.0      |
| Southern Ohio          | 16           | 1.0          | Virgin Islands           | 0        | 0.0      |
| Eastern Kentucky       | 15           | 0.9          | Arizona                  | 0        | 0.0      |
| Northern Iowa          | 15           | 0.9          | Southern California      | 0        | 0.0      |
| Western Texas          | 14           | 0.8          | Guam                     | 0        | 0.0      |
| Northern Alabama       | 14           | 0.8          | Hawaii                   | 0        | 0.0      |
| Western Louisiana      | 13           | 0.8          | Idaho                    | 0        | 0.0      |
| Eastern California     | 13           | 0.8          | Montana                  | 0        | 0.0      |
| Western Tennessee      | 12           | 0.7          | Northern Mariana Islands | 0        | 0.0      |
| Eastern Wisconsin      | 12           | 0.7          | Eastern Washington       | 0        | 0.0      |
| District of Columbia   | 11           | 0.7          | Utah                     | 0        | 0.0      |
| Connecticut            | 11           | 0.7          | Wyoming                  | 0        | 0.0      |

SOURCE: U.S. Sentencing Commission, First Step Act Datafile.

**Table 2**

**YEAR OF ORIGINAL SENTENCE OF OFFENDERS  
RECEIVING SENTENCE REDUCTIONS DUE TO  
RESENTENCING PROVISIONS OF FIRST STEP ACT<sup>1</sup>**

| <b>Fiscal Year</b> | <b>N</b>     | <b>%</b>     |
|--------------------|--------------|--------------|
| <b>Total</b>       | <b>1,666</b> | <b>100.0</b> |
| 2013               | 2            | 0.1          |
| 2012               | 5            | 0.3          |
| 2011               | 60           | 3.6          |
| 2010               | 218          | 13.1         |
| 2009               | 251          | 15.1         |
| 2008               | 229          | 13.7         |
| 2007               | 243          | 14.6         |
| 2006               | 148          | 8.9          |
| 2005               | 117          | 7.0          |
| 2004               | 89           | 5.3          |
| 2003               | 81           | 4.9          |
| 2002               | 56           | 3.4          |
| 2001               | 32           | 1.9          |
| 2000               | 26           | 1.6          |
| 1999               | 22           | 1.3          |
| 1998               | 23           | 1.4          |
| 1997               | 10           | 0.6          |
| 1996               | 16           | 1.0          |
| 1995               | 15           | 0.9          |
| 1994               | 9            | 0.5          |
| 1993               | 5            | 0.3          |
| 1992               | 3            | 0.2          |
| 1991               | 1            | 0.1          |
| 1990               | 5            | 0.3          |

<sup>1</sup> Of the 1,674 cases in which the court granted a motion for a sentence reduction due to Section 404 of the First Step Act of 2018, 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, First Step Act Datafile.

**Table 3**

**ORIGIN OF GRANTED MOTIONS FOR SENTENCE REDUCTIONS  
DUE TO RESENTENCING PROVISIONS OF FIRST STEP ACT<sup>1</sup>**

| CIRCUIT          | N            | Defendant    |             | Director BOP |            | Attorney for<br>the Government |            | Court      |            |
|------------------|--------------|--------------|-------------|--------------|------------|--------------------------------|------------|------------|------------|
|                  |              | N            | %           | N            | %          | N                              | %          | N          | %          |
| <b>TOTAL</b>     | <b>1,836</b> | <b>1,517</b> | <b>82.6</b> | <b>0</b>     | <b>0.0</b> | <b>182</b>                     | <b>9.9</b> | <b>137</b> | <b>7.5</b> |
| D.C. CIRCUIT     | 10           | 10           | 100.0       | 0            | 0.0        | 0                              | 0.0        | 0          | 0.0        |
| FIRST CIRCUIT    | 68           | 53           | 77.9        | 0            | 0.0        | 14                             | 20.6       | 1          | 1.5        |
| SECOND CIRCUIT   | 52           | 45           | 86.5        | 0            | 0.0        | 5                              | 9.6        | 2          | 3.8        |
| THIRD CIRCUIT    | 92           | 80           | 87.0        | 0            | 0.0        | 12                             | 13.0       | 0          | 0.0        |
| FOURTH CIRCUIT   | 429          | 413          | 96.3        | 0            | 0.0        | 2                              | 0.5        | 14         | 3.3        |
| FIFTH CIRCUIT    | 144          | 102          | 70.8        | 0            | 0.0        | 19                             | 13.2       | 23         | 16.0       |
| SIXTH CIRCUIT    | 206          | 166          | 80.6        | 0            | 0.0        | 28                             | 13.6       | 12         | 5.8        |
| SEVENTH CIRCUIT  | 288          | 219          | 76.0        | 0            | 0.0        | 69                             | 24.0       | 0          | 0.0        |
| EIGHTH CIRCUIT   | 142          | 108          | 76.1        | 0            | 0.0        | 7                              | 4.9        | 27         | 19.0       |
| NINTH CIRCUIT    | 62           | 41           | 66.1        | 0            | 0.0        | 19                             | 30.6       | 2          | 3.2        |
| TENTH CIRCUIT    | 34           | 34           | 100.0       | 0            | 0.0        | 0                              | 0.0        | 0          | 0.0        |
| ELEVENTH CIRCUIT | 309          | 246          | 79.6        | 0            | 0.0        | 7                              | 2.3        | 56         | 18.1       |

<sup>1</sup> Of the 1,674 cases in which the court granted a motion for a sentence reduction due to Section 404 of the First Step Act of 2018, 22 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin. Additionally, courts may cite multiple origins for a motion; consequently, the total number of origins cited generally exceeds the total number of cases. In this table, 1,836 origins were cited for the 1,652 cases.

SOURCE: U.S. Sentencing Commission, First Step Act Datafile.

**Table 4**

**DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS  
RECEIVING SENTENCE REDUCTIONS DUE TO  
RESENTENCING PROVISIONS OF FIRST STEP ACT**

| <b>Demographics</b>                     | <b>N</b>     | <b>%</b>     |
|-----------------------------------------|--------------|--------------|
| <b>Race/Ethnicity</b>                   |              |              |
| White                                   | 68           | 4.1          |
| Black                                   | 1,513        | 90.9         |
| Hispanic                                | 72           | 4.3          |
| Other                                   | 12           | 0.7          |
| <b>Total</b>                            | <b>1,665</b> | <b>100.0</b> |
| <b>Citizenship</b>                      |              |              |
| U.S. Citizen                            | 1,622        | 97.7         |
| Non-Citizen                             | 39           | 2.3          |
| <b>Total</b>                            | <b>1,661</b> | <b>100.0</b> |
| <b>Gender</b>                           |              |              |
| Male                                    | 1,640        | 98.1         |
| Female                                  | 32           | 1.9          |
| <b>Total</b>                            | <b>1,672</b> | <b>100.0</b> |
| <b>Average Age at Original Sentence</b> |              | <b>32</b>    |
| <b>Average Age at Resentencing</b>      |              | <b>45</b>    |

<sup>1</sup> Of the 1,674 cases in which the court granted a motion for a sentence reduction due to Section 404 of the First Step Act of 2018, cases were excluded from each section of this table due to the following reasons: missing race information (9), missing citizenship information (13), missing gender information (2), and missing age information (16).

SOURCE: U.S. Sentencing Commission, First Step Act Datafile.

**Table 5**

**SELECTED SENTENCING FACTORS FOR OFFENDERS  
RECEIVING SENTENCE REDUCTIONS DUE TO RESENTENCING  
PROVISIONS OF FIRST STEP ACT<sup>1</sup>**

| <b>Sentencing Factors</b>                           | <b>%</b> |
|-----------------------------------------------------|----------|
| <hr/>                                               |          |
| <b>Weapon<sup>2,3</sup></b>                         | 42.1     |
| Weapon Specific Offense Characteristic              | 22.0     |
| Firearms Mandatory Minimum Applied                  | 20.9     |
| <br><b>Safety Valve<sup>2</sup></b>                 | <br>0.4  |
| <hr/>                                               |          |
| <b>Guideline Role Adjustments<sup>2</sup></b>       |          |
| Aggravating Role (USSG §3B1.1)                      | 9.4      |
| Mitigating Role (USSG §3B1.2)                       | 0.7      |
| Obstruction Adjustment (USSG §3C1.1)                | 7.0      |
| <br><b>Sentence Relative to the Guideline Range</b> |          |
| Within Range                                        | 71.5     |
| Above Range                                         | 1.0      |
| Below Range                                         | 27.5     |
| <br><b>Criminal History Category</b>                |          |
| I                                                   | 4.2      |
| II                                                  | 5.3      |
| III                                                 | 9.9      |
| IV                                                  | 9.3      |
| V                                                   | 6.4      |
| VI                                                  | 64.9     |
| <br><b>Career Offender (§4B1.1)<sup>2</sup></b>     | <br>57.0 |
| <hr/>                                               |          |

<sup>1</sup> Of the 1,674 cases in which the court granted a motion for a sentence reduction due to Section 404 of the First Step Act of 2018, eight 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 1,592 cases with complete guideline application information.

<sup>3</sup> In 12 cases the court applied the weapon specific offense characteristic and the offender was also convicted of a firearms offense carrying a mandatory minimum penalty.

SOURCE: U.S. Sentencing Commission, First Step Act Datafile.

Table 6

**EXTENT OF SENTENCE REDUCTIONS  
DUE TO RESENTENCING PROVISIONS OF FIRST STEP ACT<sup>1</sup>**

| CIRCUIT<br>District   | N            | Mean                             |                              |                                                             |                                              |
|-----------------------|--------------|----------------------------------|------------------------------|-------------------------------------------------------------|----------------------------------------------|
|                       |              | Current<br>Sentence<br>In Months | New<br>Sentence<br>In Months | Decrease In<br>Months From<br>Current Sentence <sup>2</sup> | Percent<br>Decrease From<br>Current Sentence |
| <b>TOTAL</b>          | <b>1,142</b> | <b>247</b>                       | <b>178</b>                   | <b>69</b>                                                   | <b>26.8</b>                                  |
| <b>D.C. CIRCUIT</b>   | <b>6</b>     | <b>238</b>                       | <b>165</b>                   | <b>73</b>                                                   | <b>31.8</b>                                  |
| District of Columbia  | 6            | 238                              | 165                          | 73                                                          | 31.8                                         |
| <b>FIRST CIRCUIT</b>  | <b>26</b>    | <b>256</b>                       | <b>190</b>                   | <b>66</b>                                                   | <b>23.3</b>                                  |
| Maine                 | 11           | 258                              | 191                          | 67                                                          | 24.7                                         |
| Massachusetts         | 10           | 267                              | 199                          | 69                                                          | 22.0                                         |
| New Hampshire         | 1            | --                               | --                           | --                                                          | --                                           |
| Puerto Rico           | 0            | --                               | --                           | --                                                          | --                                           |
| Rhode Island          | 4            | 238                              | 175                          | 63                                                          | 24.8                                         |
| <b>SECOND CIRCUIT</b> | <b>21</b>    | <b>241</b>                       | <b>166</b>                   | <b>75</b>                                                   | <b>29.8</b>                                  |
| Connecticut           | 0            | --                               | --                           | --                                                          | --                                           |
| New York              |              |                                  |                              |                                                             |                                              |
| Eastern               | 4            | 210                              | 142                          | 68                                                          | 31.8                                         |
| Northern              | 10           | 244                              | 170                          | 73                                                          | 26.4                                         |
| Southern              | 6            | 248                              | 157                          | 91                                                          | 37.9                                         |
| Western               | 2            | --                               | --                           | --                                                          | --                                           |
| Vermont               | 0            | --                               | --                           | --                                                          | --                                           |
| <b>THIRD CIRCUIT</b>  | <b>56</b>    | <b>230</b>                       | <b>173</b>                   | <b>57</b>                                                   | <b>23.3</b>                                  |
| Delaware              | 0            | --                               | --                           | --                                                          | --                                           |
| New Jersey            | 8            | 213                              | 152                          | 62                                                          | 28.1                                         |
| Pennsylvania          |              |                                  |                              |                                                             |                                              |
| Eastern               | 10           | 266                              | 195                          | 71                                                          | 23.6                                         |
| Middle                | 21           | 232                              | 170                          | 62                                                          | 25.7                                         |
| Western               | 17           | 214                              | 174                          | 40                                                          | 18.1                                         |
| Virgin Islands        | 0            | --                               | --                           | --                                                          | --                                           |
| <b>FOURTH CIRCUIT</b> | <b>295</b>   | <b>238</b>                       | <b>175</b>                   | <b>63</b>                                                   | <b>24.4</b>                                  |
| Maryland              | 10           | 226                              | 163                          | 62                                                          | 26.9                                         |
| North Carolina        |              |                                  |                              |                                                             |                                              |
| Eastern               | 64           | 207                              | 160                          | 47                                                          | 21.1                                         |
| Middle                | 12           | 246                              | 181                          | 65                                                          | 21.7                                         |
| Western               | 6            | 262                              | 196                          | 66                                                          | 21.1                                         |
| South Carolina        | 96           | 245                              | 178                          | 67                                                          | 25.7                                         |
| Virginia              |              |                                  |                              |                                                             |                                              |
| Eastern               | 36           | 271                              | 197                          | 74                                                          | 26.0                                         |
| Western               | 65           | 236                              | 169                          | 67                                                          | 25.3                                         |
| West Virginia         |              |                                  |                              |                                                             |                                              |
| Northern              | 5            | 240                              | 189                          | 51                                                          | 20.9                                         |
| Southern              | 1            | --                               | --                           | --                                                          | --                                           |

Table 6 (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>105</b> | <b>243</b>                 | <b>162</b>             | <b>81</b>                                             | <b>32.6</b>                            |
| Louisiana              |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 48         | 223                        | 141                    | 83                                                    | 36.2                                   |
| Middle                 |          | 2          | --                         | --                     | --                                                    | --                                     |
| Western                |          | 5          | 252                        | 162                    | 90                                                    | 34.1                                   |
| Mississippi            |          |            |                            |                        |                                                       |                                        |
| Northern               |          | 0          | --                         | --                     | --                                                    | --                                     |
| Southern               |          | 3          | 303                        | 236                    | 67                                                    | 21.6                                   |
| Texas                  |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 26         | 280                        | 194                    | 86                                                    | 29.2                                   |
| Northern               |          | 2          | --                         | --                     | --                                                    | --                                     |
| Southern               |          | 5          | 218                        | 154                    | 63                                                    | 27.3                                   |
| Western                |          | 14         | 220                        | 147                    | 73                                                    | 32.1                                   |
| <b>SIXTH CIRCUIT</b>   |          | <b>114</b> | <b>246</b>                 | <b>179</b>             | <b>67</b>                                             | <b>26.9</b>                            |
| Kentucky               |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 6          | 171                        | 150                    | 21                                                    | 11.9                                   |
| Western                |          | 10         | 244                        | 183                    | 61                                                    | 26.1                                   |
| Michigan               |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 11         | 243                        | 175                    | 68                                                    | 28.9                                   |
| Western                |          | 17         | 286                        | 211                    | 75                                                    | 26.1                                   |
| Ohio                   |          |            |                            |                        |                                                       |                                        |
| Northern               |          | 29         | 252                        | 168                    | 84                                                    | 32.3                                   |
| Southern               |          | 5          | 225                        | 169                    | 57                                                    | 29.7                                   |
| Tennessee              |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 26         | 245                        | 177                    | 68                                                    | 27.2                                   |
| Middle                 |          | 2          | --                         | --                     | --                                                    | --                                     |
| Western                |          | 9          | 246                        | 200                    | 46                                                    | 17.0                                   |
| <b>SEVENTH CIRCUIT</b> |          | <b>126</b> | <b>255</b>                 | <b>182</b>             | <b>73</b>                                             | <b>27.1</b>                            |
| Illinois               |          |            |                            |                        |                                                       |                                        |
| Central                |          | 32         | 263                        | 187                    | 76                                                    | 26.6                                   |
| Northern               |          | 21         | 265                        | 204                    | 61                                                    | 22.4                                   |
| Southern               |          | 20         | 263                        | 190                    | 73                                                    | 27.8                                   |
| Indiana                |          |            |                            |                        |                                                       |                                        |
| Northern               |          | 18         | 253                        | 195                    | 58                                                    | 19.8                                   |
| Southern               |          | 20         | 229                        | 128                    | 101                                                   | 40.0                                   |
| Wisconsin              |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 5          | 218                        | 169                    | 49                                                    | 21.9                                   |
| Western                |          | 11         | 255                        | 189                    | 66                                                    | 26.1                                   |
| <b>EIGHTH CIRCUIT</b>  |          | <b>98</b>  | <b>247</b>                 | <b>180</b>             | <b>67</b>                                             | <b>26.4</b>                            |
| Arkansas               |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 9          | 291                        | 222                    | 70                                                    | 27.9                                   |
| Western                |          | 1          | --                         | --                     | --                                                    | --                                     |
| Iowa                   |          |            |                            |                        |                                                       |                                        |
| Northern               |          | 12         | 274                        | 190                    | 84                                                    | 30.6                                   |
| Southern               |          | 28         | 238                        | 177                    | 61                                                    | 25.3                                   |
| Minnesota              |          | 0          | --                         | --                     | --                                                    | --                                     |
| Missouri               |          |            |                            |                        |                                                       |                                        |
| Eastern                |          | 17         | 202                        | 170                    | 32                                                    | 15.8                                   |
| Western                |          | 24         | 264                        | 173                    | 92                                                    | 32.7                                   |
| Nebraska               |          | 4          | 191                        | 152                    | 39                                                    | 22.7                                   |
| North Dakota           |          | 3          | 257                        | 175                    | 82                                                    | 30.0                                   |
| South Dakota           |          | 0          | --                         | --                     | --                                                    | --                                     |

**Table 6 (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>35</b>  | <b>228</b>                 | <b>158</b>             | <b>70</b>                                             | <b>29.7</b>                            |
|                         | Alaska                   | 3          | 200                        | 140                    | 60                                                    | 29.2                                   |
|                         | Arizona                  | 0          | --                         | --                     | --                                                    | --                                     |
|                         | California               |            |                            |                        |                                                       |                                        |
|                         | Central                  | 17         | 258                        | 172                    | 86                                                    | 33.2                                   |
|                         | Eastern                  | 13         | 222                        | 164                    | 58                                                    | 25.6                                   |
|                         | Northern                 | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Southern                 | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Guam                     | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Hawaii                   | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Idaho                    | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Montana                  | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Nevada                   | 1          | --                         | --                     | --                                                    | --                                     |
|                         | Northern Mariana Islands | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Oregon                   | 1          | --                         | --                     | --                                                    | --                                     |
|                         | Washington               |            |                            |                        |                                                       |                                        |
|                         | Eastern                  | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Western                  | 1          | --                         | --                     | --                                                    | --                                     |
| <b>TENTH CIRCUIT</b>    |                          | <b>25</b>  | <b>264</b>                 | <b>185</b>             | <b>79</b>                                             | <b>30.3</b>                            |
|                         | Colorado                 | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Kansas                   | 16         | 253                        | 164                    | 89                                                    | 35.4                                   |
|                         | New Mexico               | 1          | --                         | --                     | --                                                    | --                                     |
|                         | Oklahoma                 |            |                            |                        |                                                       |                                        |
|                         | Eastern                  | 1          | --                         | --                     | --                                                    | --                                     |
|                         | Northern                 | 3          | 379                        | 303                    | 76                                                    | 19.9                                   |
|                         | Western                  | 4          | 231                        | 168                    | 63                                                    | 25.0                                   |
|                         | Utah                     | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Wyoming                  | 0          | --                         | --                     | --                                                    | --                                     |
| <b>ELEVENTH CIRCUIT</b> |                          | <b>231</b> | <b>261</b>                 | <b>187</b>             | <b>75</b>                                             | <b>27.2</b>                            |
|                         | Alabama                  |            |                            |                        |                                                       |                                        |
|                         | Middle                   | 1          | --                         | --                     | --                                                    | --                                     |
|                         | Northern                 | 2          | --                         | --                     | --                                                    | --                                     |
|                         | Southern                 | 0          | --                         | --                     | --                                                    | --                                     |
|                         | Florida                  |            |                            |                        |                                                       |                                        |
|                         | Middle                   | 98         | 255                        | 181                    | 74                                                    | 28.0                                   |
|                         | Northern                 | 23         | 322                        | 203                    | 119                                                   | 36.3                                   |
|                         | Southern                 | 79         | 254                        | 191                    | 63                                                    | 23.3                                   |
|                         | Georgia                  |            |                            |                        |                                                       |                                        |
|                         | Middle                   | 17         | 235                        | 171                    | 64                                                    | 27.5                                   |
|                         | Northern                 | 2          | --                         | --                     | --                                                    | --                                     |
|                         | Southern                 | 9          | 275                        | 207                    | 67                                                    | 25.4                                   |

<sup>1</sup> Of the 1,674 cases in which the court granted a motion for a sentence reduction due to Section 404 of the First Step Act of 2018, in 561 cases the court sentenced the offender to the length of time he or she had served to that date; however, 520 of these cases were excluded from this analysis because the resulting term of imprisonment could not be determined from the records received by the Commission. Another 12 cases were excluded because the court documentation provided did not specify the length of a new sentence of imprisonment but only a modification to the length of supervised release.

<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.

SOURCE: U.S. Sentencing Commission, First Step Act Datafile.