



The U.S. Sentencing Commission Policy Statement, §1B1.13 *Grounds for a Reduction in Sentence*

The following are “extraordinary and compelling” reasons that may qualify an individual to petition the sentencing court for a reduced sentence:

- **Medical circumstances (b)(1)**
 - A terminal illness (a serious and advanced illness with an end-of-life trajectory).
 - Applies to individuals who cannot adequately care for themselves (dressing, bathing, feeding) in a carceral environment because of a:
 - serious physical or medical condition, or
 - serious functional or cognitive impairment, or,
 - deteriorating physical or mental health because of aging
 - Inadequate medical care*
 - This provision covers individuals who are suffering from a medical condition and require, but are not receiving, long-term or specialized care, putting them at risk of serious deterioration or death.
 - Public health crisis*
 - There is an ongoing infectious disease outbreak that is likely to affect the individual who is at an increased risk of a severe complication if exposed to the infectious disease, and the risk of exposure cannot be diminished in an adequate amount of time.
- **Age of the individual (b)(2)**
 - This applies to individuals who: (1) are at least 65 years old; (2) are experiencing physical or mental health issues because of the aging process; and (3) have served the lesser of 10 years or 75% of their sentence.
- **Family circumstances (b)(3) applies when**
 - An individual has minor children (under 18 years old) and the primary caregiver of those children has died or is unable to care for the children.
 - An individual has a child who is 18 years or older, who is incapable of self-care due to a physical or mental disability and the primary caregiver has died or is unable to care for them.*
 - The incarcerated person’s spouse becomes incapacitated and there is no one else who can care for the defendant’s spouse.
 - The incarcerated person’s parent becomes incapacitated and the incarcerated person is the only individual who can be a caregiver for the parent.*
- **Victims of abuse (b)(4)***
 - This provision covers individuals who are survivors of sexual abuse by prison personnel, as well as survivors of physical abuse by prison personnel. If the individual suffered physical abuse, that abuse must result in “serious bodily



injury” as defined in the Guidelines at §1B1.1. If the individual endured sexual abuse, the abuse must have involved a sexual act (penetrative, genital contact). In both cases, the misconduct must be established by a finding in a civil, criminal, or administrative proceeding, unless those proceedings are unduly delayed or the individual is facing imminent danger.

- **Other reasons (b)(5)***
 - The Director of the Bureau of Prisons always has had broad discretion to identify reasons other than those described by the policy statement for a sentence reduction. The new provision provides a more limited authority. It gives the BOP Director *and judges* the discretion to identify unlisted extraordinary and compelling reasons. The other reason(s), however, must be similar in gravity to the ones expressly listed above in (b)(1)-(b)(4): terminal illness, serious medical condition, advanced age, extreme family circumstance, and sexual or physical abuse.
- **Unusually long sentences (b)(6)***
 - This provision gives judges discretion, after full consideration of the prisoner’s individualized circumstances, to determine whether a change in the law that would result in a lower sentence today *could be* a ground for sentence reduction. The person must have served at least *ten years* of an unusually long sentence, *and* there must be a *gross disparity* between the sentence being served and the one that would be imposed today. (Changes to the guidelines that are not made retroactive cannot be considered a change in the law for purposes of this ground.)

A few additional notes:

1. Rehabilitation of an individual certainly can be *part* of an argument for a reduced sentence. But rehabilitation alone *cannot be* the basis for a reduced sentence. To leverage an individual’s rehabilitation as an argument for a reduced sentence, that argument must be made in combination with other circumstances.
2. Even though an extraordinary and compelling circumstance may have been anticipated or foreseen at the time of sentencing, it can still be considered by a court under a reduction in sentence motion. For example, if an individual had breast cancer at the time of sentencing, but files a reduction in sentence request three years into her term of imprisonment because it has advanced, the judge could still consider her motion.

* An asterisk represents a ground for compassionate release that was added in the 2023 Policy Statement