

WHAT'S NEW IN THE 2025 GUIDELINES MANUAL?

This edition of the *Guidelines Manual* incorporates the amendments to guidelines, policy statements, and commentary promulgated by the United States Sentencing Commission in 2025, including the following—

Amendment 832 (Circuit Conflicts)

- ◆ This two-part amendment addressed two circuit conflicts involving §2B3.1 and §4A1.2. Part A of this amendment revised the 2-level enhancement at §2B3.1(b)(2)(B) to apply only “if any person’s freedom of movement was restricted through physical contact or confinement, such as by being tied, bound, or locked up, to facilitate commission of the offense or to facilitate escape,” and the 6-level enhancement at §2B3.1(b)(2) to ensure that use of a firearm during a robbery is accounted for under this enhancement with more uniformity. It also made parallel changes to similar enhancements at §2B3.2 and §2E2.1. Part B of this amendment revised §4A1.2 to clarify that a traffic stop should not be considered an “intervening arrest” for purposes of the “single-sentence rule” at §4A1.2(a)(2).

Amendment 833 (Drug Offenses)

- ◆ This amendment revised §2D1.1 to better account for low-level functions in drug trafficking offenses and address the *mens rea* requirement at §2D1.1(b)(13)(B). Part A of this amendment revised the mitigating role provisions in §2D1.1(a)(5) to set a base offense level cap of either level 32 or 30 depending on the role adjustment received under §3B1.2. It also added a new special instruction at §2D1.1(e)(2) that expands the circumstances in drug trafficking cases where the mitigating role adjustment is generally warranted and provides a list of examples to guide courts in determining whether to apply the adjustment. Part B of this amendment changed the *mens rea* requirement in the 2-level enhancement at §2D1.1(b)(13)(B) for representing or marketing fentanyl or a fentanyl analogue as a legitimately manufactured drug from “willful blindness or conscious avoidance of knowledge” to “reckless disregard.”

Amendment 834 (Firearms Offenses)

- ◆ This amendment revised §2K2.1 to more fully account for machinegun conversion devices. It added a new tiered specific offense characteristic at §2K2.1(b)(5) for cases involving machine conversion devices applicable only to the acts of the defendant and subject to a cap of level 29 after application of subsections (b)(1) through the new subsection (b)(5), unless subsection (b)(3)(A) applies.

Amendment 835 (Supervised Release)

- ◆ This amendment updated the *Guidelines Manual*’s approach to supervised release by revising Chapter Five, Part D and Chapter Seven. First, this amendment emphasized the importance of judges conducting individualized assessments for all decisions relating to supervised release. Second, it underscored the authority of courts, in consultation with the probation officer, to reassess supervised release decisions after a defendant’s release from imprisonment, including decisions about the length of the term and the conditions of supervision. Third, it underscored the rehabilitative purposes of supervised release by dividing the provisions addressing violations of probation and violations of supervised release into separate parts of Chapter Seven and providing courts with greater discretion to respond to a violation of a condition of supervised release, including where appropriate, through alternatives to revocation and imprisonment.

Amendment 836 (Simplification of Three-Step Process)

- ◆ This amendment simplified the guidelines by removing step two of the three-step sentencing process, which requires courts to consider departures provided for within the *Guidelines Manual*. As amended, the *Guidelines Manual* now provides a two-step process whereby the sentencing court must first correctly calculate the applicable guideline range as the “starting point and initial benchmark” and then must determine an appropriate sentence upon consideration of all the factors set forth in 18 U.S.C. § 3553(a). The amendment deleted most departures previously provided throughout the *Guidelines Manual*. However, some provisions (e.g., substantial assistance and early disposition programs reductions) are retained in another form.