

Union Calendar No.

117TH CONGRESS
2^D SESSION

H. R. 1621

[Report No. 117-]

To amend section 3661 of title 18, United States Code, to prohibit the consideration of acquitted conduct at sentencing.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. COHEN (for himself and Mr. ARMSTRONG) introduced the following bill;
which was referred to the Committee on the Judiciary

JANUARY --, 2022

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend section 3661 of title 18, United States Code, to prohibit the consideration of acquitted conduct at sentencing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibiting Punish-
5 ment of Acquitted Conduct Act of 2021”.

6 **SEC. 2. ACQUITTED CONDUCT AT SENTENCING.**

7 (a) USE OF INFORMATION FOR SENTENCING.—

8 (1) AMENDMENT.—Section 3661 of title 18,
9 United States Code, is amended by inserting “, ex-
10 cept that a court of the United States shall not con-
11 sider, except for purposes of mitigating a sentence,
12 acquitted conduct under this section” before the pe-
13 riod at the end.

14 (2) APPLICABILITY.—The amendment made by
15 paragraph (1) shall apply only to a judgment en-
16 tered on or after the date of enactment of this Act.

17 (b) DEFINITIONS.—Section 3673 of title 18, United
18 States Code, is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “As” and inserting the following:

21 “(a) As”; and

22 (2) by adding at the end the following:

23 “(b) As used in this chapter, the term ‘acquitted con-
24 duct’ means—

25 “(1) an act—

1 “(A) for which a person was criminally
2 charged and with regard to which—

3 “(i) that person was adjudicated not
4 guilty after trial in a Federal, State, or
5 Tribal court; or

6 “(ii) any favorable disposition to the
7 person in any prior charge was made, re-
8 gardless of whether the disposition was
9 pretrial, at trial, or post trial; or

10 “(B) in the case of a juvenile, that was
11 charged and for which the juvenile was found
12 not responsible after a juvenile adjudication
13 hearing; or

14 “(2) any act underlying a criminal charge or ju-
15 venile information dismissed—

16 “(A) in a Federal court upon a motion for
17 acquittal under rule 29 of the Federal Rules of
18 Criminal Procedure; or

19 “(B) in a State or Tribal court upon a mo-
20 tion for acquittal or an analogous motion under
21 the applicable State or Tribal rule of criminal
22 procedure.”.