

Suspend the Rules and Pass the Bill, H.R. 1621, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 1621

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

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.—

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

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

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

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

14 “(a) As”; and

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

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

18 “(1) an act—

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

21 “(i) that person was adjudicated not
22 guilty after trial in a Federal, State, or
23 Tribal court; or

24 “(ii) any favorable disposition to the
25 person in any prior charge was made, re-

1 regardless of whether the disposition was
2 pretrial, at trial, or post trial; or

3 “(B) in the case of a juvenile, that was
4 charged and for which the juvenile was found
5 not responsible after a juvenile adjudication
6 hearing; or

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

9 “(A) in a Federal court upon a motion for
10 acquittal under rule 29 of the Federal Rules of
11 Criminal Procedure; or

12 “(B) in a State or Tribal court upon a mo-
13 tion for acquittal or an analogous motion under
14 the applicable State or Tribal rule of criminal
15 procedure.”.

16 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of
18 complying with the Statutory Pay-As-You-Go Act of 2010,
19 shall be determined by reference to the latest statement
20 titled “Budgetary Effects of PAYGO Legislation” for this
21 Act, submitted for printing in the Congressional Record
22 by the Chairman of the House Budget Committee, pro-
23 vided that such statement has been submitted prior to the
24 vote on passage.