

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1621

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

5 (a) USE OF INFORMATION FOR SENTENCING.—

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

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

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

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

19 “(a) As”; and

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

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

23 “(1) an act—

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

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

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

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

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

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

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

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

22 The budgetary effects of this Act, for the purpose of  
23 complying with the Statutory Pay-As-You-Go Act of 2010,  
24 shall be determined by reference to the latest statement  
25 titled “Budgetary Effects of PAYGO Legislation” for this

1 Act, submitted for printing in the Congressional Record  
2 by the Chairman of the House Budget Committee, pro-  
3 vided that such statement has been submitted prior to the  
4 vote on passage.

Passed the House of Representatives March 28,  
2022.

Attest:

*Clerk.*



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