

Calendar No. 315

117TH CONGRESS
2D SESSION**H. R. 1621**

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2022

Received; read twice and placed on the calendar

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibiting Punish-
5 ment of Acquired 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-

1 sider, except for purposes of mitigating a sentence,
2 acquitted conduct under this section” before the pe-
3 riod at the end.

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

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

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

11 “(a) As”; and

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

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

15 “(1) an act—

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

18 “(i) that person was adjudicated not
19 guilty after trial in a Federal, State, or
20 Tribal court; or

21 “(ii) any favorable disposition to the
22 person in any prior charge was made, re-
23 gardless of whether the disposition was
24 pretrial, at trial, or post trial; or

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

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

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

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

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

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

Passed the House of Representatives March 28,
2022.

Attest: CHERYL L. JOHNSON,
Clerk.

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