

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. DURBIN (for himself and Mr. GRASSLEY) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To amend 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. PROHIBITING PUNISHMENT OF ACQUITTED**  
4       **CONDUCT.**

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,

1 acquitted conduct under this section” before the pe-  
2 riod at the end.

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

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 adjudicated not guilty after trial in  
18 a Federal, State, or Tribal court; or

19 “(B) in the case of a juvenile, that was  
20 charged and for which the juvenile was found  
21 not responsible after a juvenile adjudication  
22 hearing; or

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

1                   “(A) in a Federal court upon a motion for  
2                   acquittal under rule 29 of the Federal Rules of  
3                   Criminal Procedure; or

4                   “(B) in a State or Tribal court upon a mo-  
5                   tion for acquittal or an analogous motion under  
6                   the applicable State or Tribal rule of criminal  
7                   procedure.”.