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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Prohibiting Punishment of Acquitted Conduct Act of 2021”.

SEC. 2. ACQUITTED CONDUCT AT SENTENCING.
(a) USE OF INFORMATION FOR SENTENCING.—
(1) AMENDMENT.—Section 3661 of title 18, United States Code, is amended by inserting “, ex-
except that a court of the United States shall not con-
sider, except for purposes of mitigating a sentence,
aquitted conduct under this section” before the pe-
period at the end.

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

(b) DEFINITIONS.—Section 3673 of title 18, United
States Code, is amended—
(1) in the matter preceeding paragraph (1), by
striking “As” and inserting the following:
“(a) As”; and
(2) by adding at the end the following:
“(b) As used in this chapter, the term ‘acquitted con-
duct’ means—
“(1) an act—
“(A) for which a person was criminally
charged and adjudicated not guilty after trial in
a Federal, State, or Tribal court; or
“(B) in the case of a juvenile, that was
charged and for which the juvenile was found
not responsible after a juvenile adjudication
hearing; or
“(2) any act underlying a criminal charge or ju-
venile information dismissed—
“(A) in a Federal court upon a motion for acquittal under rule 29 of the Federal Rules of Criminal Procedure; or

“(B) in a State or Tribal court upon a motion for acquittal or an analogous motion under the applicable State or Tribal rule of criminal procedure.”.