

115TH CONGRESS
2D SESSION

S. 4

To prohibit courts from considering acquitted conduct at sentencing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2018

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit courts from considering acquitted conduct at sentencing, and for other purposes.

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 “Acquitted Conduct Re-
5 form Act of 2018”.

6 **SEC. 2. USE OF INFORMATION FOR SENTENCING.**

7 (a) AMENDMENT.—Section 3661 of title 18, United
8 States Code, is amended by inserting “, except that a
9 court of the United States shall not consider acquitted
10 conduct under this section” before the period at the end.

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply only to a judgment entered on or
3 after the date of enactment of this Act.

4 **SEC. 3. DEFINITIONS.**

5 Section 3673 of title 18, United States Code, is
6 amended—

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

9 “(a) As”; and

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

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

13 “(1) acts for which a person was criminally
14 charged and adjudicated not guilty after trial in a
15 Federal or State court; and

16 “(2) acts underlying criminal charges dis-
17 missed—

18 “(A) in a Federal court upon a motion for
19 acquittal under rule 29 of the Federal Rules of
20 Criminal Procedure; or

21 “(B) in a State court upon a motion for
22 acquittal or an analogous motion under the ap-
23 plicable State rule of criminal procedure.”.