

118TH CONGRESS
2D SESSION

H. R. 8856

To protect the constitutional right to trial and discourage imposition of extended sentences for defendants who elect to go to trial instead of accepting a plea offer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2024

Mr. ARMSTRONG (for himself, Mr. GRIFFITH, Mr. BURGESS, Ms. SCANLON, Mr. JOHNSON of Georgia, and Mr. TRONE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the constitutional right to trial and discourage imposition of extended sentences for defendants who elect to go to trial instead of accepting a plea offer, 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 “Right to Trial Act”.

1 **SEC. 2. FACTORS FOR CONSIDERATION WHEN IMPOSING A**
2 **SENTENCE; AUTHORITY TO DEVIATE FROM**
3 **STATUTORY MINIMUM.**

4 (a) FACTORS.—Section 3553(a) of title 18, United
5 States Code, is amended—

6 (1) in paragraph (5)(B), by striking the period
7 and inserting a semicolon;

8 (2) in paragraph (6), by striking “; and” and
9 inserting a semicolon;

10 (3) in paragraph (7), by striking the period and
11 inserting a semicolon; and

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

13 “(8) the need to protect the constitutional right
14 to a trial, including by prohibiting impairment of
15 such a right in any case in which an increased sen-
16 tence is threatened or imposed based on a defend-
17 ant’s decision to go to trial and not accept a plea
18 offer;

19 “(9) in the case of—

20 “(A) crimes involving similarly situated co-
21 defendants or group conduct, the plea offer, if
22 applicable, and each sentence (and anticipated
23 sentence) of any similarly situated codefendant
24 or similarly situated other person charged in
25 the same or related offense who pled guilty; and

1 “(B) crimes not involving codefendants or
2 group conduct, the plea agreements and the
3 sentences for similarly situated defendants who
4 pled guilty to similar offenses; and

5 “(10) whether imposition of a statutory min-
6 imum sentence would constitute a penalty for assert-
7 ing the constitutional right to a trial, thereby war-
8 ranting imposition of a sentence below the statutory
9 minimum.”.

10 (b) AUTHORITY.—Section 3553(e) of title 18, United
11 States Code, is amended by inserting after “committed an
12 offense.” the following: “The court shall have the author-
13 ity to impose a sentence below a level established by stat-
14 ute as a minimum sentence so as to protect the constitu-
15 tional right to trial.”

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