

119TH CONGRESS  
1ST SESSION

# S. 3483

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

DECEMBER 15, 2025

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

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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.”.

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