

HILL ALERT



DUE PROCESS

INSTITUTE

Vote YES on the Prohibiting Punishment of Acquitted Conduct Act, H.R. 1621

This important bipartisan bill that protects critical due process rights is scheduled for a vote TODAY on the floor. ***Due Process Institute strongly urges all members to vote YES on the Prohibiting Punishment of Acquitted Conduct Act, H.R. 1621.***

The Prohibiting Punishment of Acquitted Conduct Act would end the unjust practice of judges increasing sentences based on conduct for which a person has been acquitted (or found “not guilty”) by a jury.

The Fifth and Sixth Amendment guarantees of due process and the right to trial by jury are fundamental to our criminal justice system. These guarantees require the government to prove a person’s guilt to a jury beyond a reasonable doubt unless a person voluntarily pleads guilty. Despite this, current federal law allows judges to override a jury’s “not guilty” verdict by sentencing someone for the very conduct he or she was acquitted of by the jury. Permitting this kind of “acquitted conduct sentencing” is unjust, undermines due process, and subverts the critical function of jury trials in our legal system. It also contributes significantly to the phenomenon of people pleading guilty to crimes they did not commit—something that everyone wishes to prevent in our system.

Not surprisingly, the practice of acquitted conduct sentencing has been roundly criticized by judges and scholars from **all** backgrounds and political beliefs for many decades. In his dissent from the denial of certiorari in *Jones v. United States* (2014), Justice Antonin Scalia wrote, “This has gone on long enough.” Scalia was joined in his dissent by Justice Ruth Bader Ginsburg. Legislative efforts to end or curtail the practice have been supported by a wide variety of groups such as:

- ALEC Action
- ACLU
- Americans for Prosperity
- Americans for Tax Reform
- Black Public Defender Association
- Dream Corps JUSTICE (formerly #cut50)
- Drug Policy Alliance

- Fair Trials
- Faith and Freedom Coalition
- FAMM
- Federal Public and Community Defenders
- FreedomWorks
- The Innocence Project
- Justice Action Network
- The Leadership Conference on Civil and Human Rights
- NACDL
- National Legal Aid & Defender Association
- R Street Institute
- The Sentencing Project
- Tzedek Association

The Senate companion of this bill also enjoys bipartisan sponsorship and passed out of the Senate Judiciary Committee last summer. **We strongly urge all House members to vote YES on the Prohibiting Punishment of Acquitted Conduct Act, H.R. 1621.**

If you have any questions or concerns, please reach out to our Director, Rule of Law Initiatives Jason Pye at jason@idueprocess.org.