

112TH CONGRESS
1ST SESSION

H. R. 2567

To amend title 18, United States Code, to provide for deferred sentencing and the possibility of dismissal for drug offenders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2011

Mr. PIERLUISI (for himself, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, Mr. NADLER, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. TOWNS, Ms. NORTON, Mr. FARR, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. LEE of California, Mr. MCGOVERN, Mr. REYES, Mr. BACA, Mr. GRIJALVA, Ms. MOORE, and Mr. POLIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for deferred sentencing and the possibility of dismissal for drug offenders, 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 “Federal First Offender
5 Improvement Act of 2011”.

1 **SEC. 2. DEFERRED SENTENCING WITH THE POSSIBILITY OF**
2 **DISMISSAL FOR DRUG OFFENDERS.**

3 (a) IN GENERAL.—Section 3607(a) of title 18,
4 United States Code, is amended—

5 (1) by striking “found guilty of an offense de-
6 scribed in section 404 of the Controlled Substances
7 Act (21 U.S.C. 844)” and inserting “is found guilty
8 of an offense under”;

9 (2) by striking paragraphs (1) and (2) and in-
10 sserting the following:

11 “(1) section 401 or 406 of the Controlled Sub-
12 stances Act (21 U.S.C. 841, 846), and—

13 “(A) that person did not use violence or
14 credible threats of violence or possess a firearm
15 or other dangerous weapon (or induce another
16 participant to do so) in connection with the of-
17 fense;

18 “(B) the offense did not result in death or
19 serious bodily injury to any person;

20 “(C) that person was not an organizer,
21 leader, manager, or supervisor of others in the
22 offense, as determined under the sentencing
23 guidelines and was not engaged in a continuing
24 criminal enterprise, as defined in section 408 of
25 the Controlled Substances Act (21 U.S.C. 848);

1 “(D) that person has not previously been
2 the subject of a disposition under this sub-
3 section; and

4 “(E) that person has not been previously
5 convicted of a crime of violence or other offense
6 punishable by a term of imprisonment for more
7 than one year; or

8 “(2) section 404 of the Controlled Substances
9 Act (21 U.S.C. 844), and—

10 “(A) that person has not previously been
11 the subject of a disposition under this sub-
12 section; and

13 “(B) that person has not been previously
14 convicted of a crime of violence or other offense
15 punishable by a term of imprisonment for more
16 than one year; and”;

17 (3) by striking “one year” and inserting “2
18 years (or, in the case of an offense under section
19 404 of the Controlled Substances Act (21 U.S.C.
20 844), not more than 1 year)”.

21 (b) EXPUNGEMENT.—Section 3607(c) of title 18,
22 United States Code, is amended—

23 (1) by striking “found guilty of an offense
24 under section 404 of the Controlled Substances Act
25 (21 U.S.C. 844)” and inserting “found guilty of an

1 offense under section 401, 404, or 406 of the Con-
2 trolled Substances Act (21 U.S.C. 841, 844, 846)”;
3 and

4 (2) by striking “, and the person was less than
5 twenty-one years old at the time of the offense,”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) The heading for section 3607 of title 18,
8 United States Code, is amended by striking “**DRUG**
9 **POSSESSORS**” and inserting “**DRUG OFFEND-**
10 **ERS**”.

11 (2) The item relating to section 3607 in the
12 table of sections at the beginning of subchapter A of
13 chapter 229 of title 18, United States Code, is
14 amended by striking “drug possessors” and insert-
15 ing “drug offenders”.

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