

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6059

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. PIERLUISI (for himself, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. COHEN, Ms. WOOLSEY, Ms. DEGETTE, Mr. MCGOVERN, Mr. POLIS of Colorado, Mr. BACA, Mr. GRIJALVA, Mr. GRAYSON, Mr. NADLER of New York, and Mr. FARR) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 2010”.

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  
6 under section 404 of the Controlled Substances Act  
7 (21 U.S.C. 844)” and inserting “is found guilty of  
8 an offense under section 401, 404, or 406 of the  
9 Controlled Substances Act (21 U.S.C. 841, 844,  
10 846), and”;

11 (2) by striking paragraphs (1) and (2) and in-  
12 serting the following:

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

17 “(2) the offense did not result in death or seri-  
18 ous bodily injury to any person;

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

25 “(4) that person has not previously been the  
26 subject of a disposition under this subsection; and

1           “(5) that person has not been previously con-  
2           victed of a crime of violence or other offense punish-  
3           able by a term of imprisonment for more than one  
4           year;” and

5           (3) by striking “one year” and inserting “2  
6           years”.

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

9           (1) by striking “found guilty of an offense  
10           under section 404 of the Controlled Substances Act  
11           (21 U.S.C. 844)” and inserting “found guilty of an  
12           offense under section 401, 404, or 406 of the Con-  
13           trolled Substances Act (21 U.S.C. 841, 844, 846)”;  
14           and

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

17           (c) CONFORMING AMENDMENTS.—

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

22           (2) The item relating to section 3607 in the  
23           table of sections at the beginning of subchapter A of  
24           chapter 229 of title 18, United States Code, is

1 amended by striking “drug possessors” and insert-  
2 ing “drug offenders”.

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