

115TH CONGRESS
2D SESSION

S. 3335

To amend title 18, United States Code, relating to sentencing of armed career criminals.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2018

Mr. HATCH (for himself, Mr. COTTON, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, relating to sentencing of armed career criminals.

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 “Restoring the Armed
5 Career Criminal Act”.

6 **SEC. 2. AMENDMENTS TO THE ARMED CAREER CRIMINAL**
7 **ACT.**

8 Section 924 of title 18, United States Code, is
9 amended—

1 (1) in subsection (a)(2), by striking “(a)(6),
2 (d), (g), (h), (i), (j), or (o) of section 922” and in-
3 serting “(a)(6), (d), (h), (i), (j), or (o) of section
4 922, or, except as provided in subsection (e) of this
5 section, subsection (g) of section 922”; and

6 (2) by striking subsection (e) and inserting the
7 following:

8 “(e)(1) Whoever knowingly violates section 922(g)
9 and has 3 or more previous serious felony convictions for
10 offenses committed on occasions different from one an-
11 other shall be fined under this title and imprisoned not
12 less than 15 years and not more than 30 years, and, not-
13 withstanding any other provision of law, the court shall
14 not suspend the sentence of, or grant a probationary sen-
15 tence to, such person with respect to the conviction under
16 section 922(g).

17 “(2) In this subsection—

18 “(A) the term ‘offense punishable by imprison-
19 ment for a statutory maximum term of not less than
20 10 years’ includes an offense (without regard to the
21 application of any sentencing guideline, statutory
22 criterion, or judgment that may provide for a short-
23 er period of imprisonment within the statutory sen-
24 tencing range) for which the statute provides for a
25 range in the period of imprisonment that may be im-

1 posed at sentencing the maximum term of which is
2 not less than 10 years; and

3 “(B) the term ‘serious felony conviction’
4 means—

5 “(i) any conviction by a court referred to
6 in section 922(g)(1) for an offense that, at the
7 time of sentencing, was an offense punishable
8 by imprisonment for a statutory maximum term
9 of not less than 10 years; or

10 “(ii) any group of convictions for which a
11 court referred to in section 922(g)(1) imposed
12 in the same proceeding or in consolidated pro-
13 ceedings a total term of imprisonment not less
14 than 10 years, regardless of how many years of
15 that total term the defendant served in cus-
16 tody.”.

17 **SEC. 3. APPLICABILITY.**

18 (a) IN GENERAL.—The amendments made by this
19 Act shall apply to any offense committed after the date
20 of enactment of this Act by an individual who, on the date
21 on which the offense is committed, has 3 or more previous
22 serious felony convictions (as defined in subsection (e) of
23 section 924 of title 18, United States Code, as amended
24 by this Act).

1 (b) RULE OF CONSTRUCTION.—This Act and the
2 amendments made by this Act shall not be construed to
3 create any right to challenge a sentence imposed under
4 subsection (e) of section 924 of title 18, United States
5 Code.

6 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

7 Section 2901(a) of title I of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (34 U.S.C. 10581(a))
9 is amended—

10 (1) in paragraph (1), by striking “and”;

11 (2) in paragraph (2)—

12 (A) in subparagraph (A)(ii), by striking “,
13 as defined in section 924(e)(2)(A) of title 18,
14 United States Code”; and

15 (B) in subparagraph (C), by striking the
16 period and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(3) the term ‘serious drug offense’ means—

19 “(A) an offense under the Controlled Sub-
20 stances Act (21 U.S.C. 801 et seq.), the Con-
21 trolled Substances Import and Export Act (21
22 U.S.C. 951 et seq.), or chapter 705 of title 46,
23 United States Code, for which a maximum term
24 of imprisonment of 10 years or more is pre-
25 scribed by law; or

1 “(B) an offense under State law, involving
2 manufacturing, distributing, or possessing with
3 intent to manufacture or distribute, a controlled
4 substance (as defined in section 102 of the Con-
5 trolled Substances Act (21 U.S.C. 802)), for
6 which a maximum term of imprisonment of 10
7 years or more is prescribed by law.”.

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