

AMENDMENT TO RULES COMMITTEE PRINT

117-37

OFFERED BY MR. PAPPAS OF NEW HAMPSHIRE

Page 84, strike lines 16 through 21 and insert the following:

1 (d) EXCEPTIONS.—An individual shall not be eligible
2 for expungement of that Federal cannabis offense convic-
3 tion under this section if the individual—

4 (1) at sentencing received an aggravating role
5 adjustment pursuant to United States Sentencing
6 Guideline 3B1.1 in relation to a Federal cannabis
7 offense conviction;

8 (2) at sentencing was also sentenced for convic-
9 tion of an offense under section 408 of the Con-
10 trolled Substances Act (21 U.S.C. 848), or had a
11 prior conviction under such section;

12 (3) at sentencing received an adjustment pursu-
13 ant to United States Sentencing Guideline
14 2D1.1(b)(1) for possession of a dangerous weapon in
15 relation to a Federal cannabis offense conviction;

16 (4) at sentencing received an adjustment pursu-
17 ant to United States Sentencing Guideline
18 2D1.1(b)(2) for the use of violence, threat of vio-

1 lence, or direction of violence in relation to a Federal
2 cannabis offense conviction;

3 (5) at sentencing was also sentenced for convic-
4 tion of a serious violent felony (as such term is de-
5 fined in section 102 of the Controlled Substances
6 Act (21 U.S.C. 802)), or had a prior conviction for
7 such an offense;

8 (6) at sentencing was also sentenced for convic-
9 tion of a crime of violence (as such term is defined
10 in section 16(a) of title 18, United States Code), or
11 had a prior conviction for such an offense;

12 (7) at sentencing was also sentenced for convic-
13 tion of a sex offense (as such term is defined in Sec-
14 tion 111(5) of the Adam Walsh Child Protection and
15 Safety Act of 2006 (34 U.S.C. 20911(5)), or had a
16 prior conviction for such an offense;

17 (8) at sentencing was also sentenced for convic-
18 tion of an offense under the Controlled Substances
19 Act (21 U.S.C. 801 et seq.) involving fentanyl, or
20 had a prior conviction for such an offense;

21 (9) at sentencing was also sentenced for convic-
22 tion of an offense involving causing death or serious
23 bodily injury in connection with the trafficking of or
24 a conspiracy involving a narcotic drug (as such term
25 is defined in section 102 of the Controlled Sub-

1 stances Act (21 U.S.C. 802), or had a prior convic-
2 tion for such an offense;

3 (10) at sentencing was also sentenced for con-
4 viction of an offense under section 419 of the Con-
5 trolled Substances Act (21 U.S.C. 860), or had a
6 prior conviction for such an offense; or

7 (11) at sentencing was also sentenced for con-
8 viction of an offense under section 420 of the Con-
9 trolled Substances Act (21 U.S.C. 861), or had a
10 prior conviction for such an offense.

Page 85, insert after line 13 the following:

11 (4) The term “non-violent” means, with respect
12 to a Federal cannabis offense, that the offense did
13 not involve the possession of a dangerous weapon or
14 the threat, use, or direction of violence.

