

Statement of Support for H.R. 4002, The Criminal Code Improvement Act of 2015 from the National Association of Criminal Defense Lawyers (NACDL)

November 17, 2015

Re: The Criminal Code Improvement Act of 2015

Dear House Judiciary Committee Member:

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I write to urge your support for the passage of H.R. 4002, The Criminal Code Improvement Act of 2015, out of Committee tomorrow.

Authored by Crime, Terrorism, Homeland Security, and Investigations Subcommittee Chairman Jim Sensenbrenner (R-Wis.), and sponsored by Judiciary Committee Chairman Robert Goodlatte (R-VA), Judiciary Committee Ranking Member John Conyers (D-MI), Crime Subcommittee Ranking Member Sheila Jackson Lee (D-TX), and others, the bill creates a default mens rea standard that applies when federal law has not otherwise provided a state of mind requirement so that only those who actually intend to commit the crime can be criminally liable. The bill represents a very important step forward by leaders from both political parties to address a matter that has been the source of significant injustice and unfairness in the American criminal justice system. Mens rea reform was a central theme of the discussions and testimony in the multiple hearings held by the bipartisan 2013-14 House Overcriminalization Task Force. NACDL applauds the bold and significant, bipartisan leadership on this important issue.

For many years, there has been a drift away from the core requirement that the government prove some sort of culpable criminal state of mind to commit the bad, illegal act before it can take away someone's liberty. And it has been accompanied by a dramatic rise in the number of federal criminal statutes and criminal regulations. There is a real risk that these laws are used to prosecute and imprison individuals who do not in fact have the knowledge, intent or any culpable mental state with respect to the acts for which they are prosecuted.

Intent requirements are the moral anchor of our criminal law. It is critical that such a modest proposal be supported as you work to pursue a more fair and just criminal justice system.

NACDL urges you to support H.R. 4002, The Criminal Code Improvement Act of 2015 and pass it out of Committee.

Norman L. Reimer
Executive Director
National Association of Criminal Defense Lawyers

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