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Support the Count the Crimes to Cut Act, H.R. 2159

There has been a disturbing trend in recent decades in the enormous growth of federal criminal law, in which the federal government has gradually taken over the prosecution of conduct that is better addressed at the state or local level. Although the number of federal criminal laws has grown steadily since the country's founding, there has been a disturbing acceleration in recent decades: the most recent [report indicates](#) that the number of federal crimes has increased by 50% since the 1980s.

In fact, the federal criminal system has grown so much that no one currently understands its full scope. To illustrate the breadth of the problem, the House Judiciary Committee's Over-Criminalization Task Force asked the Congressional Research Service (CRS) in 2013 to update its count of federal criminal offenses—but [according](#) to the chairman of the task force, "CRS' initial response to our request was that they lack the manpower and resources to accomplish this task."

The best current estimates indicate that there are more than 5,000 federal criminal statutes and at least 300,000 federal regulations that carry criminal penalties. It erodes due process protections to have so many criminal laws in effect that it is essentially impossible for the average person to know what is lawful and what is not. The U.S. Constitution grants protection against wrongful or unfair criminal prosecutions and our federal criminal law must reflect those values.

This problem has been caused by the proclivity of both parties in Congress to react to every social concern or policy challenge by passing new criminal laws without giving sufficient thought to whether putting people in prison—particularly at the federal level—is an appropriate or effective response to the issue at hand. In the rush to *do something*, there is often little consideration of the impact of the creation of new crimes on the individuals directly affected by them, or on the erosion of states' authority to regulate criminal conduct in their jurisdictions.

To ensure that we all have constitutionally adequate notice of our criminal laws before our government infringes on liberty, Congress must finally figure out how many federal crimes are on the books, what they actually criminalize, whether they are clearly written, and how often they are used as a basis for prosecution.

Introduced by Reps. Chip Roy (R-TX), Lucy McBath (D-GA), Andy Biggs (R-AZ), and Steve Cohen (D-TN), the Count the Crimes to Cut Act, H.R. 2159, would require the Department of Justice to produce a report identifying all federal crimes, including clarifying each law's legal elements and penalties, as well as the number of prosecutions in the past 15 years. This will provide Congress and the public with a better understanding of the breadth and use of federal criminal laws and will hopefully chart a path forward to reducing over-criminalization and over-federalization. Therefore, Due Process Institute urges members to cosponsor the Count the Crimes to Cut Act.

Due Process Institute is a bipartisan nonprofit that works to honor, preserve, and restore principles of fairness in the criminal legal system. If you have any questions, please contact Vice President Jason Pye at jason@idueprocess.org.