

Scott, Wisconsin Republican team up on crime bill

[Bill Bartel](#)

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Two years after starting a federal task force to study what they consider the "overcriminalization" of America, a liberal Democrat and a conservative Republican are about to introduce a bill that would bring sweeping changes.

U.S. Rep. Bobby Scott, a Newport News Democrat, said Wednesday that he and U.S. Rep. Jim Sensenbrenner, a Wisconsin Republican, will file legislation within two weeks that - among other things - calls for abandoning mandatory minimum sentencing requirements, giving judges more discretion.

During task force hearings that ended last year, "there wasn't any credible testimony in favor of mandatory minimums," Scott said. "There was testimony that alternative sentencing and drug courts are more effective in reducing crime than longer sentences that cost more and do less to reduce crime."

The legislation also would work to reduce the number of repeat offenders by ramping up assistance to convicts while in prison and when they're released.

In response to what the lawmakers consider overly aggressive enforcement of some federal laws, they also are pressing for stronger adherence to the legal concept of mens rea - meaning that a person must know he or she is breaking the law when committing a crime. They argue prosecutors increasingly ignore that concept.

The issue has arisen, for example, in enforcement of laws related to wildlife protection. Sensenbrenner noted in a 2013 hearing that "a simple misreading or ignorance of a regulation can land a person in prison."

Scott said their legislation avoids addressing changes to police tactics in the wake of violent incidents in Ferguson, Mo.; Baltimore and Staten Island, N.Y. Scott said those events arose after the task force finished its work.

"That's going to have to take place on a different track," he said.

Scott also said their bill doesn't involve a massive reduction in federal criminal laws. Instead, it would direct federal prosecutors to leave enforcement of many laws to state and local authorities.

The federal carjacking law, for example, is not eliminated in their bill, but such crimes - already covered in local laws - would be left to local prosecutors to pursue, he said.

Scott said the measures should save the federal government money by reducing the populations of prisons and easing burdens on federal law enforcement.

The task force was created by the House Judiciary Committee and has been supported by groups such as The Heritage Foundation, the National Criminal Defense Attorneys Association, the Cato Institute and the American Civil Liberties Union.