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**FORUM**[« BACK TO THE BAD OLD DAYS ON PLEADING? |](#)**July 24, 2009****Overcriminalizing conduct, the hearing**

On Wednesday, the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, held a hearing, "[Over-Criminalization of Conduct/Over-Federalization of Criminal Law](#)." The testimony is now up, and former Attorney General Richard Thornburgh\* supplies an excellent and clear review of the issue [in his prepared statement](#). Just one excerpt:

My fellow panelists will be discussing the *mens rea* requirement for federal crimes, and the need to reform statutes that lack such a requirement. Without a clear *mens rea* requirement, citizens are not able to govern themselves in a way that assures them of following the law, and many actors are held criminally responsible for actions that do not require a wrongful intent.

Indeed, a recent Federalist Society report states that federal statutes provide for over 100 separate terms to denote the required mental state with which an offense may be committed, and the Heritage Foundation issued a report stating that 17 of the 91 federal criminal offenses enacted between 2000 and 2007 had no *mens rea* requirement at all. This trend cannot continue, and suggested legislative reform in the nature of a default *mens rea* requirement when a statute does not require it is worthy of consideration.

There are (an estimated) 4,450 federal crimes on the books?

Other testimony...

- [Timothy F. Lynch](#), Director of the Project on Criminal Justice, Cato Institute
- [Kathy Norris](#), Victim/Personal Impact
- [Kristen Evertson](#), Victim/Personal Impact
- [Stephen A. Saltzburg](#), Professor, George Washington University Law School
- [James Strazzella](#) President, Temple University Beasley School of Law, Philadelphia

Also, please note the Point of Law discussion, "[Criminalizing Corporate Conduct: How Far is Too Far](#)," starts Monday with the views of two noted experts in the field: Professor John Hasnas of the McDonough School of Business at Georgetown University and Professor Michael F. Seigel of the University of Florida, Levin College of Law.

\* Now with K&L Gates and board chairman of [the Washington Legal Foundation](#).

POSTED BY CARTER WOOD AT 11:52 AM | [TRACKBACK \(0\)](#)

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