



## NATIONAL CONFERENCE *of* STATE LEGISLATURES

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H.R. 4002 Criminal Code Improvement Act of 2015  
Representative James Sensenbrenner (R-WI)

### **Chapter 1 of Title 18 – Criminal Code Improvement Act**

#### **Sec. 1. Short Title**

#### **Sec. 2. Revision of General Provisions for Title 18, United States Code**

##### **Subchapter A. Definitions**

##### **Subchapter B- Principal and Derivative Criminal Responsibility**

**§5. Principals** – Defines a principal is anyone who commits, aids, abets, counsels, commands, induces, or willfully causes an act to be done whether performed by himself or another.

**§6. Accessory after the Fact** – Defines an accessory as anyone who after knowing an offense occurred, receives, relieves, comforts or assists an offender in preventing his apprehension, trial or punishment. Maximum sentence allowed is one-half max imprisonment term or fine allowed for the principal. If life imprisonment or death for principal, accessory cannot exceed 15 years imprisonment

**§7. Misprision of Felony** – Outlines that anyone with knowledge of the commission of a felony, and who conceals or fails to report the offense to the authorities shall be fined or imprisoned no more than 3 years, or both.

**§8. Use of Minors in Crimes of Violence** – Requires any person over 18 years old who intentionally uses someone under the age of 18 to commit a crime of violence or to conceal the principal will be subject to twice the max term of imprisonment and twice the max fine otherwise allowable for the offense. If this is not the first conviction, the term is three times the maximum imprisonment and fine otherwise allowable.

## **Subchapter C- Criminal States of Mind**

**§11. Default State of Mind Proof Requirement in Federal Criminal Cases**– Adds the mens rea of “knowing” to federal criminal offenses that previously had no mens rea. If the offense consists of conduct that a reasonable person in the same or similar circumstances would not know or would not have reason to believe to be unlawful, the mens rea is also “knowing”.

**§12. Stolen or counterfeit nature of property for certain crimes defined** – Establishes the mens rea of “belief” for any defendant accused of a crime of an offense that property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and who knew the character of the property was such.

## **Subchapter D Insanity Defense**

**§15. Insanity Defense Generally** – Establishes the standard for the insanity defense to “as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts”. The burden of proof is clear and convincing evidence.

## **Subchapter E- Derivation of Offenses from Relevant State Offenses in Special Jurisdiction**

**§20. Laws of States adopted for areas within Federal Jurisdiction** – Requires anyone in the jurisdiction of the United States, but outside of the jurisdiction of any State, who commits an act or omission that would be punishable if committed or omitted within the jurisdiction of the State in which such place is situated, shall be guilty of a like offense and subject to a like punishment. Delineates additional punishments for operating a vehicle under the influence and injuring a minor.

## **Subchapter F – Other General**

**§21. Non-Preemption** – Specifies that federal criminal offenses do not preclude the application of state or local law unless the law specifically so provides or the state or local law requires conduct constituting the federal criminal offense.

**§22. Extraterritorial Jurisdiction over Derivative Offenses** – Establishes the existence of extraterritorial jurisdiction under subchapter B if extraterritorial jurisdiction exists for an offense defined by a provision of law.

**Sec. 3. Conforming Amendments to Eliminate Repetition in the Definition of “State”** – edits “and”, “or”, titles and punctuation throughout Title 18 of the United States Code.

**Sec. 4. Conforming Amendments to Eliminate Repetitious Definitions of “Serious Bodily Injury”** – edits “and”, “or”, titles and punctuation throughout Title 18 of the United States Code.

**Sec. 5. Elimination of Outmoded References to the Canal Zone** – edits “and”, “or”, titles and punctuation to sections that address the Canal Zone Title 18 of the United States Code.

**Sec. 6. Inventory and Index of Federal Criminal Offenses** – Adds §530E to the code.

**§530E. Inventory and Index of Federal Criminal Offenses** – Requires the Attorney General to develop, maintain and update current inventory and subject matter index of all Federal criminal offenses including agency rule and regulation violations. The Attorney General must design the inventory and index with the purpose of maximizing its usefulness to members of the public to access the code and ensure their compliance with the statutes. Within one year after the date of enactment of this section, the Attorney General must make the index available to the public through the internet at no charge.