



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 22, 2016

### **H.R. 4002** **Criminal Code Improvement Act of 2015**

*As ordered reported by the House Committee on the Judiciary  
on November 18, 2015*

CBO estimates that implementing H.R. 4002 would cost about \$1 million in fiscal year 2017 and less than \$500,000 annually thereafter; such spending would be subject to the availability of appropriated funds. Enacting the bill also could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be insignificant in each year. CBO estimates that enacting H.R. 4002 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4002 would require the Department of Justice (DOJ) to develop and maintain an inventory of all federal criminal offenses and to make that information available to the public. Based on information from DOJ and the costs of similar activities, CBO estimates that implementing H.R. 4002 would cost about \$1 million in fiscal year 2017 and less than \$500,000 annually thereafter.

H.R. 4002 also would establish a default requirement regarding state of mind, for federal criminal offenses that do not already include such a requirement; prosecutors would need to demonstrate that those offenses were committed knowingly. Currently, successful prosecution of some federal crimes requires proof of the defendant's criminal intent when the crime occurred. Other federal crimes do not require such proof; the legislation would affect prosecution of those crimes. Additionally, for conduct that a reasonable person would not know or have been expected to know was unlawful, the legislation would require proof that the defendant knew, or had reason to believe, the activity in question was unlawful in order to secure a conviction.

Because H.R. 4002 would affect the prosecution of offenders subject to criminal fines, the bill could change the amount of fines collected by the government. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without

further appropriation action. CBO expects that any changes in revenues and subsequent direct spending would not be significant because the legislation probably would affect only a small number of cases.

H.R. 4002 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contacts for this estimate are Mark Grabowicz and Marin Burnett. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.