

Hatch

AMENDMENT NO. _____ Calendar No. _____

Purpose: To express the sense of Congress with respect to certain strict liability crimes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

H. R. 2578

AMENDMENT N^o 4746	Commerce
By <u>Hatch</u>	or the fiscal
To: <u>Amor No 4685</u>	other pur-
_____	_____ and
<u>2</u>	_____ ed
Page(s)	
<small>GPO: 2010-03-070 (mae)</small>	HATCH to

the amendment (No. 4685) proposed by Mr. SHELBY (for himself and Ms. MIKULSKI)

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. _____. (a) It is the sense of Congress that
- 3 when a statute or regulation defining a criminal offense
- 4 fails to specify the state of mind required for conviction,
- 5 a court should read a default standard of willfulness into
- 6 the statute or regulation unless it is clear from the text
- 7 of the statute or regulation that Congress or the agency
- 8 affirmatively intended not to require the Government to
- 9 prove any state of mind.

1 (b) In this section, the term “willfulness” means act-
2 ing with knowledge that one’s conduct is unlawful.