

September 6, 2018

The Honorable Paul Ryan  
Speaker of the House  
1233 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Nancy Pelosi  
Minority Leader  
233 Cannon House Office Building  
Washington, D.C. 20515

Dear Speaker Ryan and Leader Pelosi:

I write today to oppose holding a floor vote on H.R. 6691. Both the substance of the bill and the way it has moved through the House raise serious concerns. H.R. 6691, which would completely rewrite the federal government's definition of a "crime of violence" under 18 U.S.C. § 16, was introduced on August 31 and scheduled for a vote during the week of September 3. The House Judiciary Committee was not given time to schedule a hearing, nor were key stakeholders given ample time to analyze the full effects of this bill. For these reasons, it should not receive a vote.

On substantive grounds, H.R. 6691 has the potential to have severe unintended consequences on sentencing and our justice system writ large. Under this bill, seemingly nonviolent offenses will be considered violent crimes. For example, under H.R. 6691 burglary of an unoccupied home would be considered a violent offense. Burglary is a serious offense, but should it be considered "violent" if the perpetrator does not even interact with another person? Furthermore, under H.R. 6691 anyone who conspires to commit the listed offenses would be labeled a violent offender. While it may in many circumstances increase public safety to incapacitate an individual who has conspired to commit some of the crimes enumerated in H.R. 6691, conspiracy charges often cast a wide net and can label nonviolent individuals with minor roles as violent offenders.

On procedural grounds, H.R. 6691 has not been subject to the due diligence and thoughtful consideration we should require when considering changes to our criminal justice system. Earlier this year, the House passed the FIRST STEP Act, H.R. 5682, a comprehensive prison reform bill. That bill was the end product of years of deliberation, thought, hearings, consultation with relevant government agencies, and bipartisan collaboration. Now, only several months after the passage of the FIRST STEP Act, the House is rushing to vote on a substantive criminal justice bill under a closed rule, without holding a single hearing in the Judiciary committee, and less than a week after introduction. The issue of what constitutes a "crime of violence" has been litigated countless times and remains the subject of pending litigation. While this complex history of litigation suggests that the statute should be rewritten, it also demands that a rewrite first be subject to hearings and input from practitioners and stakeholders. Passing criminal justice legislation in a hurry and without due diligence was the preferred practice of Congress in the

1980s, and the House is still working to clean up that mess today by passing bills like the FIRST STEP Act.

We urge you to remove H.R. 6691 from the calendar and subject it to the thorough committee review it needs and deserves. Thank you for your time and consideration of our views. FAMM would be happy to assist in further discussions on this issue should H.R. 6691 be postponed or fail in the House.

Sincerely,

Molly Gill  
Vice President of Policy  
FAMM

cc: Members of the House of Representatives