



Senators Mike Lee (R-UT) and Chris Coons (D-DE) last week introduced [S. 3868](#), the [Count the Crimes to Cut Act](#), a bill aimed at ad-

When Everything Is a Crime: Why the Count the Crimes to Cut Act Matters Bill Seeks To Cut Away Federal Criminal Law Thicket

by **Rachel Wright** February 23, 2026

The average American is estimated to commit multiple felonies a day without knowing it. This isn't a punchline or a hypothetical nightmare — it's a reflection of how vast and unmanageable our federal criminal code has become. The body of federal criminal law has grown so large that no person or institution has been able to definitively count how many crimes currently exist. The result is a justice system that is unfocused, inconsistent, and increasingly ineffective.

An overgrown criminal code does not necessarily target those who pose real threats to public safety. Instead, it risks turning everyday Americans into criminals for offenses they had no idea they were committing.

Here's what we do know:

- While the exact number is uncertain, there are more than **3,500 federal criminal statutes**
 - And over **300,000 federal regulations** that carry criminal penalties
- This issue may not generate flashy headlines, but it affects every American in profound ways. When laws multiply faster than our ability to understand them, consistency and fairness disappear — and trust in the justice system erodes.

Making Communities Safer

Increasing public safety should be the top priority of our criminal justice system. Setting politics aside, there is nothing more fundamental than ensuring Americans feel safe in their communities. But when limited law enforcement and prosecutorial resources are spent enforcing obscure or technical offenses, attention is diverted away from violent crime and offenses that create real victims. It also undermines the importance and seriousness of the criminal justice system and rule of law.

When everything is treated as a crime, nothing is a crime. Also, it's incredibly hard for law enforcement, prosecutors, and judges to be effective in promoting public safety outcomes when mundane and non-violent crimes are flooding the dockets.

Overall, the incredible size of the federal criminal code weakens public safety and undermines confidence in the justice system's ability to protect the public.

Limiting Government Overreach

At its most basic level, the role of government is to protect its citizens. This means protecting them from physical harm. It also means protecting the citizen from the government itself. However, the "schoolhouse rock" anthems on representative democracy are undermined by the reality of federal agency power. Today, unelected bureaucrats within federal agencies create rules and regulations carrying criminal penalties at a rate that far outpaces Congress.

Rather than being openly debated and defined by elected representatives, many criminally enforceable rules are buried deep in regulatory fine print. These regulations can permanently alter a person's life without ever having been voted on by the people's representatives.

Protecting Civil Liberties

[Criminal penalties](#) do not only mean [potential jail time](#) — though for many, that is a very real possibility. [A criminal record can follow someone for life, creating barriers to employment, professional licensing, housing, education, and more.](#)

Many of those affected are not violent offenders or career criminals. They are ordinary people who unknowingly violated a rule they never knew existed. A system that can turn almost anyone into a criminal is not one that is fair, just, or effective.

The Solution

The [Count the Crimes to Cut Act](#) is commonsense, bipartisan legislation that [would require the Department of Justice](#) and federal agencies to count and catalog every federal crime. The required report would include:

- The elements of each offense
- The required mens rea (criminal intent)
- Potential penalties
- The number of prosecutions brought over the last 15 years

Reintroduced and sponsored by [Representatives Chip Roy \(TX-21\) and Lucy McBath \(GA-06\) in the House](#) of Representatives and [Senators Mike Lee \(UT\) and Chris Coons \(DE\) in the Senate](#), the Count the Crimes to Cut Act would **bring much-needed transparency and accountability to the federal criminal code.** Importantly, it reinforces the role of criminal intent by auditing prosecutions to ensure the focus remains on deliberate wrongdoing, not accidents or paperwork errors.

This legislation does not eliminate crimes or weaken enforcement. It refocuses the justice system on fairness, consistency, and real threats to public safety. Overcriminalization is not a right-versus-left issue — it is a justice issue.

[Our justice system must be fair, understandable, and focused on real harm.](#) The Count the Crimes to Cut Act is a critical first step toward protecting Americans from unchecked government overreach while strengthening public safety.