



THE REPUBLICAN
STUDY COMMITTEE

LIBERTY. OPPORTUNITY. SECURITY.
MARK WALKER, CHAIRMAN

H.R. 6691 – Community Safety and Security Act of 2018 (Rep. Handel, R-GA)

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FLOOR SCHEDULE:

Scheduled for consideration on September 7, 2018 under a closed [rule](#).

Section 2 provides that it shall be in order at any time on the legislative day of September 13, 2018, for the Speaker to entertain motions that the House suspend the rules and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

TOPLINE SUMMARY:

[H.R. 6691](#) would define the term “crime of violence” in the U.S. code and enumerates the offenses that would qualify as crimes of violence.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** This legislation would clarify the definition of “crime of violence” under U.S. Code.
- **Encroach into State or Local Authority?** No
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Background: In April, [the](#) Supreme Court [held](#) in *Sessions v. Dimaya*, that the term “crime of violence” was “unconstitutionally void for vagueness” under the Due Process Clause, as it pertained to a legal permanent resident’s removal under the Immigration and Nationality Act. This decision would make certain, obviously violent, offenses ineligible for qualifying as violent crimes and would make it more challenging to deport immigrants who have committed violent offenses. Justice Gorsuch served as the deciding vote in this case, casting his vote for fear that “vague laws invite arbitrary power.” Later in his opinion he indicated that it is the duty of the legislature to add to the list of what constitutes “crime of violence” that could lead to a person’s removability.

H.R. 6691 would define the term “crime of violence” in the U.S. code and enumerate the offenses that would qualify as crimes of violence.

A crime of violence would be defined to include offenses that have “as an element the use, attempted use, or threatened use of physical force against the person or property of another.” Further, any inchoate offenses that involve the enumerated offenses would be considered crimes of violence.

This legislation further defines the offenses in the list of crimes of violence, providing definitions for: ““abusive sexual contact,” “aggravated sexual abuse,” “sexual abuse,” “assault,” “arson,” “burglary,” “carjacking,” “child abuse,” “communication of threats,” “coercion,” “domestic violence,” “extortion,” “firearms use,” “fleeing,” “force,” “hostage taking,” “human trafficking,” “interference with flight crew members and attendants,” “kidnapping,” “murder,” “robbery,” “stalking,” “unauthorized use of a motor vehicle,” “using weapons of mass destruction,” and “voluntary manslaughter.””

This legislation would also require that when an enumerated definition references federal code, any offense under state, tribal, or Uniform Code of Military Justice law that would be considered a crime of violence per federal statute if the circumstances for federal jurisdiction were met, would qualify as a crime of violence under the definition.

The term “conspiracy” would include any offense that is a conspiracy to commit another offense under state or federal law, irrespective of whether or not proof of an overt act is required for establishing that a conspiracy offense was committed.

A section-by-section can be found [here](#).

COMMITTEE ACTION:

H.R. 6691 was introduced on August 31, 2018, and was referred to the House Committee on the Judiciary. The Committee took no further action on the bill.

Definitions of the enumerated crimes of violence were included in [H.R. 6136](#), the Border Security and Immigration Reform Act of 2018. Other language referencing crimes of violence was included in [H.R. 4760](#), the Securing America’s Future Act of 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, clauses 1, 3, 10, and 18 of the United States Constitution.

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