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The Honorable Chuck Grassley  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Dick Durbin  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

April 16, 2026

Re: The Federal Carjacking Enforcement Act (S. 1572) would harm communities

Dear Chairman Grassley and Ranking Member Durbin,

We write to express our concerns that any expansion of the federal carjacking statute would needlessly sweep more young people into federal prisons and deepen racial disparities, without improving public safety. The federal carjacking statute is already extremely broad and carries heavy penalties, including death. Yet the Federal Carjacking Enforcement Act (S. 1572) would expand it to encompass individuals who have no intent to kill or seriously injure and make nearly every carjacking in the United States chargeable as a federal crime. We urge you to vote no. We cannot afford to repeat the mistakes of the 1990s – extreme sentencing is a failed response to violent crime. Carjacking rates have already declined by 61% since their peak in 2023.<sup>1</sup> If Congress wants to build on that success and is serious about making communities safer, it's time to invest in proven community-based solutions, not waste taxpayer dollars on over-incarceration.

**I. The current formulation of the federal carjacking statute is an intentional and valuable protection against disproportionate sentences.**

The federal carjacking statute already carries significant penalties that are extreme even for the most serious cases: the death penalty for incidents resulting in death, up to 25 years in prison for incidents involving serious bodily injury, and up to 15 years in other circumstances. Its current formulation attempts to limit those heavy penalties to people found to be more culpable by imposing basic restrictions on federal prosecutors. To be convicted under 18 U.S.C. § 2119, an individual must possess the intent to “cause death or serious bodily harm.” Broadening liability under the carjacking statute by removing that specific intent requirement will remove those valuable guardrails and open the door to heavy penalties for significantly less culpable conduct.

The intent requirement in 18 U.S.C. § 2119 does not create an unwarranted obstacle to federal carjacking prosecutions. On the contrary, federal courts have broadly interpreted the intent requirement in the government’s favor. It has long been settled that the government need not prove that the defendant actually intended to cause injury – only that the defendant was prepared to kill or harm *if* the person failed to relinquish the vehicle. *Holloway v. United States*, 526 U.S.

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<sup>1</sup> Council on Criminal Justice. (2026, January). *Crime trends in U.S. cities: Year-end 2025 update*. <https://counciloncj.org/crime-trends-in-u-s-cities-year-end-2025-update/>.

1, 119 S. Ct. 966 (1999). In *Holloway*, Justice Scalia even dissented from the Court’s broad reading of the carjacking intent requirement, noting that it would permit the statute to be used to unfairly coerce guilty pleas. Since then, there have been only three reported federal decisions where the court found that the government provided inadequate evidence of the defendant’s intent.<sup>2</sup>

## **II. Expanding criminal liability under the carjacking statute would not make communities safer.**

Given that the federal carjacking statute already carries heavy penalties, including life without parole and capital punishment, any expansion of criminal liability under the carjacking statute would only increase the prevalence of extreme sentences within the federal justice system. Yet extreme sentences provide little public safety benefit and come at a tremendous human cost. Extreme sentences have no criminological justification. Research shows that people are deterred from committing crimes when they believe they are more likely to get caught, not when they believe the punishment will be more severe.<sup>3</sup> Data also indicates that the majority of people age out of crime over time, indicating that lengthy incarceration is unnecessary to prevent recidivism.<sup>4</sup>

Meanwhile, the high cost of over-incarceration, especially the incarceration of an aging prison population, diverts taxpayer dollars from interventions which actually improve public safety. Lengthy sentences are a key driver of mass incarceration and have made the United States an international outlier, with 83% of the world’s population of people sentenced to life without parole confined in American prisons.<sup>5</sup> More people are serving life sentences today across the nation than there were people in prison *altogether* in the United States in 1970.<sup>6</sup> Expanding federal carjacking criminalization would only further that trend, without any meaningful benefit to communities.

## **III. Expanding the carjacking statute and exposing more young adults to lengthy federal sentences is inconsistent with brain science and research on young adult development.**

Federal carjacking convictions disproportionately involve young adults: nearly half of the individuals convicted of carjacking between 2020 to 2024 were age 24 or younger.<sup>7</sup> Expanding the reach of the federal carjacking statute will sweep even more young adults into the federal criminal justice system and expose them to extreme sentences, contrary to a wealth of evidence

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<sup>2</sup> *United States v. Guerrero-Narvaez*, 29 F.4th 1 (1st Cir. 2022); *United States v. Bailey*, 819 F.3d 92 (4th Cir. 2016); *United States v. Applewhaite*, 195 F.3d 679 (3d Cir. 1999).

<sup>3</sup> Nagin, D. (2013). *Deterrence in the Twenty-First Century*. Crime and Justice.

<sup>4</sup> Farrington, D., Loeber, R., and Howell, J. (2012). Young adult offenders. *Criminology and Public Policy*, 11(4): 729-768.

<sup>5</sup> Nellis, A. (2024, November 13). *A matter of life: The scope and impact of life and long-term imprisonment in the United States*. The Sentencing Project.

<sup>6</sup> The Sentencing Project (2020). *People Serving Life Exceeds Entire Prison Population of 1970*.

<sup>7</sup> This data was extracted from the United States Sentencing Commission’s “Individual Datafiles,” spanning fiscal years 2020-2024 (“USSG Individual Datafiles”). The Commission’s datafiles are publicly available for download on its [website](#).

on emerging adult development and crime. Research on adolescent brain development confirms the commonsense understanding that youth are different from adults in ways that are critical to determining age-appropriate criminal sentences. People are most at-risk for committing crime in the late teenage years to their mid-twenties and after that age, proclivity toward committing more crime steadily declines.<sup>8</sup> This understanding was central to five recent Supreme Court decisions excluding people under 18 from the harshest sentencing practices.<sup>9</sup> Research confirms that those findings do not cease the moment a young person becomes a legal adult. The brains of emerging adults do not mature until the mid-twenties, and emerging adults likewise also age out of crime.<sup>10</sup>

Imposing lengthy federal sentences on emerging adults flies in the face of that data. Judges should sentence youth and young adults based on the facts and circumstances of the offense and provide for second chances for young people to learn and grow. Particularly following the pandemic – as youth and young adults have faced the challenges of school and community programming closures, unemployment, and illness – they deserve preventative services, not the threat of lengthy federal sentences.

#### **IV. Expanding criminal liability for carjacking would deepen racial disparities in the federal criminal legal system.**

Young men of color are disproportionately convicted of carjacking under 18 U.S.C. § 2119, and any expansion of liability would likely perpetuate those disparities. According to U.S. Sentencing Commission data, between 2020 and 2024, 91% of people sentenced for federal carjacking were non-white and 55% were Black.<sup>11</sup> Nearly all were men, and 74% were 30 years old or younger.<sup>12</sup> Nearly half did not graduate from high school. These young men and their communities need opportunities, not lengthier prison sentences. Black individuals already make up 14% of the country’s population,<sup>13</sup> but 38% of the federal prison population.<sup>14</sup> Given the extreme sentences that the federal carjacking statute carries, expanded liability would likely only deepen that disparity.

#### **V. Few carjackings should be prosecuted in federal court.**

The federal carjacking statute already criminalizes conduct which is fundamentally local in nature and has been widely criticized – by academics and observers across the political spectrum – as a prime example of the over-federalization of crime.<sup>15</sup> No meaningful nexus to interstate

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<sup>8</sup> See Nellis, A. (2021). The Sentencing Project. [No End in Sight: America’s Enduring Reliance on Life Imprisonment](#).

<sup>9</sup> *Montgomery v. Louisiana*, 577 U.S. 190 (2016), *Miller v. Alabama*, 567 U.S. 460, 472 (2012); *Jackson v Hobbs*, 565 U.S. 895 (2011); *Graham v. Florida*, 560 U.S. 48 (2010); *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>10</sup> CSG Justice Center (2015). [Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems](#).

<sup>11</sup> USSG Individual Datafiles, FY 2020-2024.

<sup>12</sup> *Id.*

<sup>13</sup> Tamar, C. et al. (2021). [Facts About the U.S. Black Population](#), Pew Research Center.

<sup>14</sup> U.S. Bureau of Prisons, [BOP Statistics: Inmate Race](#) (accessed April 15, 2026)..

<sup>15</sup> Benjamin, S. D. (2008). [Doing violence to the law: The overfederalization of crime](#). Federal Sentencing Reporter, 20(5), 295–298 (“The federal offense of carjacking is a quintessential example of Congress’s overreaching assertions of federal criminal jurisdiction.”); Meese, E., III. (n.d.). [Federalism in law enforcement](#). The Federalist Society;

commerce is required for a conviction, beyond the mere involvement of a vehicle that was shipped between states at one point in time prior to the offenses.<sup>16</sup> The heightened intent requirement under the current statute serves an important role by limiting already excessive federal overreach.

Without that limit, most carjacking offenses will be chargeable as federal crimes. The double jeopardy clause does not bar local and federal authorities from pursuing both state and federal charges for the same offense, and commonly federal and local prosecutorial authorities work together to determine who is best positioned to bring a case where both have jurisdiction. Concurrent jurisdiction often applies in “felon in possession of a firearm” cases, offering insight into how the decision of whether a case should be charged locally or federally may play out in the context of carjacking. In the context of “felon in possession of a firearm” cases, federal charges are not exclusively reserved for individuals with the lengthiest criminal histories. In FY24, 45.6% of individuals sentenced under 18 U.S.C. § 922(g)<sup>17</sup> fell into the three lowest criminal history categories and 8.6% had no or minimal criminal history.<sup>18</sup> Congress cannot assume that federal carjacking charges will be reserved for the worst of the worst.

## **VI. Carjacking rates have fallen dramatically.**

Many cities grappled with a short-term increase in carjackings and other violent crimes following the Covid-19 pandemic as unemployment, the closure of violence intervention programs, and the withdrawal of other social supports vital to preventing crime abruptly shook communities. Since then, as the Council on Criminal Justice reports, carjacking rates have fallen dramatically. Carjacking rates peaked in 2023 and fell 61% by 2025.<sup>19</sup> The average reported carjacking rate in 2025 was in fact 29% lower than in 2019, before the onset of the pandemic.<sup>20</sup> Communities are taking effective measures to address carjacking – there is no need for a draconian federal intervention.

## **VII. To improve public safety, Congress should invest in strengthening communities, not expanding incarceration.**

To build on the successful reduction in carjackings that communities have already achieved, policymakers should invest in holistic high-impact and evidence-based community programs, supports, and infrastructure proven to keep communities safe.

Overwhelming evidence indicates that public health, youth supports, economic security, social capital, and built environment, are extremely effective at preventing violence and harm—*without*

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Rosenzweig, P. (2003, July 10). [Rush to Judgment](#). The Heritage Foundation.; Komar, L. The Sentencing Project. (2024, May 15). [Over-Federalization: Federal Intrusion into State Criminal Law](#).

<sup>16</sup> Ruschky, E. (2020). [Pattern Jury Instructions for Federal Criminal Cases: District of South Carolina](#).

<sup>17</sup> 18 U.S.C. § 922(g) makes it unlawful for prohibited persons (most commonly, a person with a prior conviction for a felony offense) to ship, transport, possess, or receive a firearm or ammunition.

<sup>18</sup> United States Sentencing Commission. [Quick facts: 18 U.S.C. § 922\(g\) Firearms Offenses](#) (FY 2024).

<sup>19</sup> Council on Criminal Justice. (2026, January). [Crime trends in U.S. cities: Year-end 2025 update](#).

<sup>20</sup> Council on Criminal Justice. (2026, January). [Crime trends in U.S. cities: Year-end 2025 update](#).

the counterproductive effects of criminal punishment. Programs to promote economic and housing stability have repeatedly been shown to decrease violent crime,<sup>21</sup> sometimes by as much as 51% among the target population.<sup>22</sup> Improving the quality of education,<sup>23</sup> summer jobs programs,<sup>24</sup> and after-school activities<sup>25</sup> have been shown to reduce crime rates while improving mental and physical health. Basic investments in “third spaces”<sup>26</sup> and social capital have achieved dramatic results, with some research suggesting that every additional ten non-profit community organizations<sup>27</sup> tackling violence and building stronger communities yields a 9% drop in the homicide rate. Investments in our built environment, including in streetlights<sup>28</sup> and green spaces,<sup>29</sup> have proven both cost-effective and impactful at preventing harm. And further downstream, targeted programs of violence interruption have achieved similarly impressive results: a study of the Baltimore program Safe Streets, for example, found that it reduced homicides by 32%.<sup>30</sup>

In short, the evidence is clear: to truly keep communities and especially youth safe, Congress must help jurisdictions invest in genuine community safety, *not* double down on approaches that have failed time and again. Congress should start by increasing funds that can support violence interruption, mentorship, and diversion. Congress should also pass and fully fund bills like The People’s Response Act— which would establish a Division of Community Safety within the Department of Human Health and Services to seed and fund preventative, non-carceral approaches to safety nationwide.<sup>31</sup> And, to truly support our most vulnerable youth, Congress should enact a dramatic set of youth investments that support young people at home, at school, and in their communities.

We urge you to vote no on S. 1572 and call on Congress to instead invest in interventions that will empower and strengthen communities.

For questions, please contact Liz Komar, Senior Policy Counsel at The Sentencing Project at [lkomar@sentencingproject.org](mailto:lkomar@sentencingproject.org).

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<sup>21</sup> Freedman, M., & Owens, E. G. (2011). [\*Low-income housing development and crime\*](#). *Journal of Urban Economics*, 70(2–3), 115–131.

<sup>22</sup> Palmer, C., Phillips, D. C., & Sullivan, J. X. (2019). [\*Does emergency financial assistance reduce crime?\*](#) *Journal of Public Economics*, 169, 34–51.

<sup>23</sup> Hjalmarsson, R., Holmlund, H., & Lindquist, M. J. (2015). [\*The effect of Education on Criminal Convictions and Incarceration: Causal Evidence from Micro-data\*](#). *The Economic Journal*, 125(587), 1290–1326.

<sup>24</sup> Heller, S. B. (2014). [\*Summer jobs reduce violence among disadvantaged youth\*](#). *Science*, 346(6214), 1219–1223.

<sup>25</sup> Afterschool Alliance. (2011). [\*Afterschool Programs: Making a Difference in America’s Communities by Improving Academic Achievement, Keeping Kids Safe and Helping Working Families\*](#).

<sup>26</sup> Love, H. (2021, November 16). [\*Want to reduce violence? Invest in place\*](#). Brookings.

<sup>27</sup> Sharkey, P., Torrats-Espinosa, G., & Takyar, D. (2017). [\*Community and the crime decline: The causal effect of local nonprofits on violent crime\*](#). *American Sociological Review*, 82(6), 1214–1240.

<sup>28</sup> Chalfin, A., Hansen, B., Lerner, J., & Parker, L. (2019). [\*Reducing crime through environmental design: Evidence from a randomized experiment of street lighting in New York City\*](#) (NBER Working Paper No. 25798). National Bureau of Economic Research.

<sup>29</sup> Troy, A., Nunery, A., & Grove, J. M. (2016). [\*The relationship between residential yard management and neighborhood crime: An analysis from Baltimore City and County\*](#). *Landscape and Urban Planning*, 147, 78–87.

<sup>30</sup> Webster, D., Tilchin, C., & Doucette, M. (2023). [\*Estimating the Effects of Safe Streets Baltimore on Gun Violence\*](#). Center for Gun Violence Solutions, Johns Hopkins Bloomberg School of Public Health..

<sup>31</sup> See [H.R. 4387](#), *People’s Response Act of 2025*.

Sincerely,

American Civil Liberties Union  
Federal Public and Community Defenders  
Moms Rising  
More Than Our Crimes  
NAACP Legal Defense and Educational Fund, Inc. (LDF)  
National Association of Criminal Defense Lawyers  
The Leadership Conference on Civil and Human Rights  
The Sentencing Project  
Vera Institute of Justice  
Youth First Justice Collaborative