



U.S. Department of
JUSTICE

Department of Justice Report: Criminal Regulatory Offenses



April 28, 2026

Office of Legal Policy

Introduction

On May 9, 2025, President Donald Trump signed Executive Order 14294, *Fighting Overcriminalization in Federal Regulations*. 90 Fed. Reg. 20,363 (2025). The order recognized that the Code of Federal Regulations contains “over 48,000 sections, stretching over 175,000 pages” and is “far more than any citizen can possibly read, let alone fully understand.” This vast morass of law is “absurd and unjust” because it is fundamentally unfair to hold citizens criminally responsible for violating regulations they cannot reasonably know. These countless laws are also ripe for “abuse and weaponization by providing Government officials tools to target unwitting individuals.” And they privilege large corporations who can hire teams of lawyers over small businesses.

To fight this injustice and ease regulatory burdens, the President ordered the head of each agency, including the Department of Justice, to provide the Director of the Office of Management and Budget with a report containing:

- (i) *a list of all criminal regulatory offenses enforceable by the agency or the Department of Justice; and*
- (ii) *the range of potential criminal penalties for a violation and the applicable mens rea standard for the criminal regulatory offense.*

On November 21, 2025, the Department of Justice circulated guidance to help agencies determine what constitutes a “criminal regulatory offense” under the executive order. Justice also circulated a model spreadsheet with accompanying instructions, to standardize the reports and facilitate the Office of Management and Budget’s review. Justice used this same spreadsheet to identify its own criminal regulatory offenses.

In its guidance to the other Executive Agencies, Justice announced its general policy (subject to appropriate exceptions and to the extent consistent with law) for prosecuting regulatory offenses. Specifically, Justice will consider, among other factors:

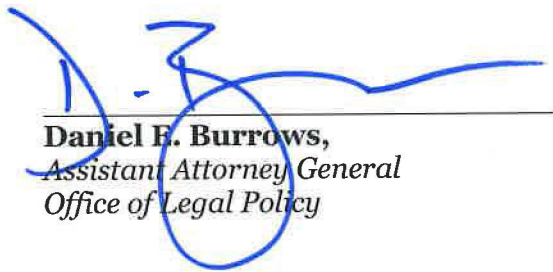
- i) *the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense;*
- ii) *the potential gain to the putative defendant that could result from the offense;*
- iii) *whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and*
- iv) *evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.*

While conducting its internal process to identify criminal regulatory offenses, Justice instructed its components to prioritize identifying offenses that Justice has enforced, has threatened to enforce, or intends to enforce in the future. The Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and

Explosives identified regulatory offenses that might be considered criminal regulatory offenses.

It should be noted that Justice is not a typical regulatory agency. Rather, Justice typically enforces statutory criminal offenses enacted by Congress and does not often create new regulatory offenses. Accordingly, Justice has identified few possible criminal regulatory offenses.

In accordance with the requirements of Executive Order 14,294, Justice has identified 62 criminal regulatory offenses, the range of potential criminal penalties for a violation, and the applicable mens rea standards. This information is attached as Appendix A to this report.



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Apr. 29, 2026
Date

Attachment: Appendix A—List of Criminal Regulatory Offenses