

# **Recent Developments in State Corporate Criminalization**

**Executive Summary of a Study Conducted by Stateside Associates,  
Arlington, VA**

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## Executive Summary

The Criminalization Assessment is an examination of state policy that could impact the prosecution of crimes committed in the course of doing business (white collar crime). The study covers both the criminalization of conduct of employees of a corporation and the criminal liability of the corporation and its board for activities of employees. The study covers state legislation, state agency policy and judicial precedents.

To complete this study, Stateside Associates reviewed all pending and enacted legislation since 2000 for legislation that created new crimes (for activities conducted in the course of business), changed the *mens rea* standard for crimes or otherwise changed the exposure of a corporation and its employees to criminal prosecution. Stateside Associates also examined the prosecution of white collar crime within the responsible state agencies. This typically includes the Attorneys General office and a number of state agencies responsible for environmental protection, securities and consumer protection. The target of this examination was to determine how white collar criminal prosecutions occur in the state and whether there is any guidance (written or informal) on this process. Stateside Associates also examined the sentencing guidelines of each state (if they exist). Finally, Stateside Associates reviewed the state caselaw for judicial precedents on criminal prosecution of corporations and the weakening of the *mens rea* standard.

Phone calls and conversations with agency and legislative staff complemented all of this research to provide a full understanding of the process in each state. The information was then summarized by state. Each state summary contains four sections, each with a summary. The format of the information in each state is as follows:

### I. Legislative Trends: review of enactments and pending legislation on the criminalization of corporate conduct

- A. Enacted Legislation
- B. Proposed Legislation

### II. State Prosecution Guidelines

- A. Introduction to Criminal Prosecutions in (name of state here)
- B. Divisions or sections within (name of state here) devoted to investigating white collar crimes
- C. Publicly available policies regarding white collar crime in (name of state here)
- D. White collar crime statistics in (name of state here)
- E. Initiatives underway to revise the guidance
- F. Contacts

### III. State Sentencing Guidelines and Statutes

- A. State Sentencing Guidelines
- B. State Sentencing Commission
- C. Contacts

IV. Caselaw: Research and analysis of recent court decisions on the definition of mental state, particularly for criminal negligence, in the context of corporate white collar crime

This executive summary demonstrates the trends that we found in each state, presented in the attached charts and graphs. The attachments are as follows:

- Attachment 1.** Map, States with Significant Corporate Criminalization Activity
- Attachment 2.** Chart, Enacted and Proposed Legislation by State
- Attachment 3.** Chart, Prosecution Guidelines by State
- Attachment 4.** Chart, Caselaw by State
- Attachment 5.** Graph, Enacted and Pending Legislation by Region: Environmental
- Attachment 6.** Graph, Enacted and Pending Legislation by Region: Sarbanes-Oxley
- Attachment 7.** Graph, Enacted and Pending Legislation by Region: Criminalization
- Attachment 8.** Graph, Enacted and Pending Legislation by Year: Environmental
- Attachment 9.** Graph, Enacted and Pending Legislation by Year: Sarbanes-Oxley
- Attachment 10.** Graph, Enacted and Pending Legislation by Year: Criminalization
- Attachment 11.** Graph, Caselaw by Region



ATTACHMENT 2 – ENACTED AND PENDING LEGISLATION

State	Enacted (E) or Pending (P) Legislation	NEW CRIMES	CRIMINAL PENALTIES FOR VIOLATIONS – INCREASE/ DECREASE/ NEW	MENS REA STANDARDS	Corporate Liability OR Exposure Expands/ Limits/ Neither	Subject Matter
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ALABAMA	E – H.B. 489 (2003)	No	NA	NA	NA	Sentencing Guidelines
ALASKA	E – H.B. 350 (2001)	Yes	New Criminal, Increase Criminal	Knowingly, Intentional, Recklessly	No Change	Environmental
ARIZONA	E – H.B. 2024 (2001)	Yes	New Criminal	None stated	NA	Licensing <sup>1</sup>
	E – H.B. 2507 (2003)	Yes	New Criminal	Knowingly, Recklessly, or Criminal Negligence	NA	Other Criminal <sup>2</sup>
ARKANSAS	E – Act 1496 (2001)	Yes	New Criminal	Knowingly, Purposely	No Change	Other Criminal
CALIFORNIA	E – S.B. 777 (2003)	Yes	New Civil <sup>3</sup>	None stated	Expands	Sarbanes-Oxley <sup>4</sup> [Whistleblower]
	E – S.B. 523 (2003)	Yes	New Civil <sup>5</sup>	Knowingly	Expands	Sarbanes-Oxley
	E – A.B. 1031 (2003)	No	Increase Criminal	Willfully	Expands	Sarbanes-Oxley
	E – A.B. 897 (2003)	Yes	Increase Civil	Changed from Knowingly to Strict Liability <sup>6</sup>	No Change	Environmental
	P – A.B. 1331 (2003)	Yes	New Criminal	Intentional	No Change	Other Criminal

<sup>1</sup> Licensing is a broad term to describe bills that deal with agency or boards that license different topical areas such as credit counseling, financial entities, engineers and land surveyors, plumbers, landscape architects, professional licensing, building, payday lending vendors, and money services.

<sup>2</sup> Other Criminal is a broad term to describe bills that deal with new or increased criminal penalties for contracts. These subject areas include: contracts, labor, healthcare, computer fraud, fire, housing, advertising, agriculture, and police.

<sup>3</sup> S.B. 777 creates a \$10,000 fine for unjustified firing of a whistle-blower.

<sup>4</sup> Sarbanes-Oxley is a broad term to describe bills that deal with securities, accounting, and state Sarbanes-Oxley bills.

<sup>5</sup> S.B. 523 establishes a fine up to \$1 million to corporations and publicly traded companies for failing to report to shareholders and authorities important false or misleading statements made by corporate officers.

<sup>6</sup> A.B. 897 (2003) changes the *mens rea* only for civil violations from intentionally or negligently to strictly liable.

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COLORADO	E – H.B. 1067 (2001)	No	NA	NA	Expands	Other Financial
	E – H.B. 1141 (2002)	No	NA	NA	NA	Sentencing Guidelines
	E – S.J.R. 32 (2002)	No	NA	NA	NA	Sentencing Guidelines
	E – H.B. 1046 (2002)	No	NA	NA	NA	Sentencing Guidelines
CONNECTICUT	E – H.B. 5316 (2002)	No	NA	NA	Expands	Sentencing guidelines
	E – S.B. 1035 (2003)	No	Increase Criminal	NA	Expands	Sarbanes-Oxley [Whistleblower]
DELAWARE	E - S.B. 33 (2001)	Yes	New civil penalties for chronic violators <sup>7</sup>	Willful neglect or disregard for environmental regulations	Expands	Environmental
	E - H.B. 109 (2003)	No	Increase civil penalties for chronic violators	Willful neglect or disregard for environmental regulations	Expands	Environmental
	E - S.B. 60 (2003)	No	New Criminal	Intentional, Knowingly	Expands	Environmental
DISTRICT OF COLUMBIA	None	NA	NA	NA	NA	NA
FLORIDA	None	NA	NA	NA	NA	NA
GEORGIA	None	NA	NA	NA	NA	NA
HAWAII	None	NA	NA	NA	NA	NA
IDAHO	None	NA	NA	NA	NA	NA

<sup>7</sup> Chronic Violator is a facility or regulated party that has engaged in a pattern of willful neglect or disregard of environmental regulations.

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ILLINOIS	E – S.B. 575 (2001)	No	Increase Criminal	Changed mens rea from Good Faith to Strict Liability	No Change	Sarbanes-Oxley
	E – S.B. 725 (2001)	No	NA	None	Expands	Other Financial
	E – S.B. 1530 (2003)	Yes	NA	None	Expands	Sarbanes-Oxley
INDIANA	None	NA	NA	NA	NA	NA
IOWA	E – H.F. 451 (2001)	No	NA	NA	NA	Procedural <sup>8</sup>
	E – S.F. 473 (2001)	No	New Criminal	No Change	No Change	Procedural
	E – H.F. 2509 (2001)	No	NA	None stated	Expands	Other Financial
KANSAS	E – S.B. 110 (2003)	Yes	New Criminal, Increase Criminal	No Change	Expands	Sarbanes-Oxley
KENTUCKY	None	NA	NA	NA	NA	NA
LOUISIANA	E - H.B. 1487 (2003)	No	NA	Criminal Negligence	No Change	Other Criminal
	E - H.S.R. 39 (2003)	No	NA	Study to change mens rea terms	Expands	Study of Corporate Criminalization <sup>9</sup>
	E – H. B. 1181 (2003)	Yes	NA	NA	No Change	Licensing
MAINE	None	NA	NA	NA	NA	NA

<sup>8</sup> Procedural is a broad term to describe bills that deal with the authority of state agencies including environmental, banking, attorney general, banking, accounting, and insurance.

<sup>9</sup> Corporate Criminalization is a broad term to describe legislation that makes new crimes or expands criminal liability for corporations.

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MARYLAND	E - S.B. 377 (2001)	Yes	New Criminal	Willfully, Knowingly	Expands	Other Financial <sup>10</sup>
	E - H.B. 399 (2001)	Yes	New Criminal	Willfully, Knowingly	Expands	Other Financial
	E - H.B. 715 (2002)	Yes	New Criminal	Willfully, Knowingly	Expands	Other Financial
	E – S.B. 560 (2003)	Yes	NA	NA	Expands	Sarbanes-Oxley [Whistleblower]
MASSACHUSETTS	E – H.B. 4004 (2003)	No	New Criminal	Knowingly, Recklessly	Expands	Environmental
	P – S.B. 1062 (2002)	No	NA	NA	NA	Procedural
	P – S.B. 151 (2003)	No	Increase Criminal	No Change	Expands	Sarbanes-Oxley
	P – S.B. 1189 (2003)	Yes	New Criminal	Knowingly, Recklessly	Expands	Environmental
	P – S.B. 103 (2003)	No	New Criminal	Knowingly	Expands	Sarbanes-Oxley
	P – S.B. 8 (2003)	No	New Criminal	No Change	No Change	Licensing
	P – S.B. 59 (2003)	No	New Criminal	None	Expands	Sarbanes-Oxley
	P – S.B. 597 (2003)	No	NA	NA	NA	Procedural
	P – H.B. 1159 (2003)	No	Increase Civil <sup>11</sup>	Willful, Deliberate, & Repeatedly	No Change	Environmental
	P – H.B. 14 (2003)	No	New Criminal	No Change	No Change	Licensing
P – H.B. 3515 (2003)	No	Increase Criminal	No Change	No Change	Licensing	

<sup>10</sup> Other Financial is a broad term to describe bills that deal with banking, loans, credit unions, money transmission, mortgage brokers, debt repair, and contracts.

<sup>11</sup> H.B. 1159 repeals limits on civil administrative penalties by the Department of Environmental Protection to those situations in which failure to comply with environmental regulations were willful, deliberate, and repetitive.



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MICHIGAN	E – H.B. 4003 (2001)	No	New Criminal	Not stated	No Change	Licensing
	E – H.B. 5380 (2001)	Yes	New Criminal	No Change	No Change	Environmental
	E – H.B. 5434 (2001)	No	New Criminal	NA	No Change	Other Criminal
	E – S.B. 777 to 780 (2001)	No	New Criminal	NA	Expands	Other Financial
MINNESOTA	None	NA	NA	NA	NA	NA
MISSISSIPPI	E – H.B. 463 (2001)	Yes	New Criminal	None stated	Expands	Corporate Criminalization
MISSOURI	None	NA	NA	NA	NA	NA
MONTANA	H.B. 539 (2001)	Yes	New Criminal	Knowingly	Expands	Other Financial
NEBRASKA	None	NA	NA	NA	NA	NA
Nevada	E – S.B. 124 (2003)	Yes	NA	NA	Expands	Sarbanes-Oxley
NEW HAMPSHIRE	E – S.B. 72 (2003)	No	New Criminal	Knowingly	No Change	Other Financial
	E – H.B. 817 (2003)	No	New Criminal	Knowingly	Expands	Other Financial
NEW JERSEY	E – S.B. 2297 (2001)	Yes	NA	NA	Limits	Other Financial
	P – A.B. 2222 (2002)	No	NA	NA	NA	Procedural
	P – S.J.R. 40 (2002)	No	NA	NA	Expands	Study of Corporate Criminalization
	P – A.R. 187 (2002)	No	NA	NA	Expands	Study of Corporate Criminalization
	P – A.B. 2734 (2002)	No	Increase Criminal	No change	Expands	Sarbanes-Oxley
	P – A.B. 2246 (2002)	No	Decrease Civil <sup>12</sup>	No Change	No Change	Environmental
	P – A.B. 3823 (2003) <sup>13</sup>	No	NA	None stated	Expands	Corporate Criminalization

<sup>12</sup> A.B. 2246 authorizes the Department of Environmental Protection to reduce mandatory penalties imposed pursuant to the Water Pollution Control Act when it finds that the amount of the mandatory penalty is excessive in relation to the nature of the violation; in relation to the environmental impact of the violation; or that the imposition of the mandatory penalty would not serve the interest of justice.

<sup>13</sup> A.B. 3149 states that corporations shall not have the power to (a) deny access to corporate property by any governmental authority or agency involved in the enforcement of environmental, health, safety, or criminal laws, and

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	P – S.B. 2264 (2003)	No	Increases Criminal	Knowingly, Purposefully	Expands	Sarbanes-Oxley
<b>NEW MEXICO</b>	None	NA	NA	NA	NA	NA
<b>NEW YORK</b>	E – S.B. 7173 (2002)	No	New Criminal	None	NA	Other Financial
	P – S.B. 1653 (2003)	No	New Criminal	Intentional	No Change	Environmental
	P – A.B. 2027 (2003)	No	New Criminal	Knowingly	No Change	Environmental
	P – A.B. 8461 (2003)	Yes	New Criminal	None stated	No Change	Environmental
	P – S.B. 3723 (2003)	No	NA	NA	NA	Procedural
	P – A.B. 3149 (2003)	No	NA	NA	NA	Procedural
	P – A.B. 6891 (2003)	No	Increase Criminal	No Change	No Change	Other Criminal
	P – A.B. 7968 (2003)	Yes	New Criminal	No Change	Expands	Sarbanes-Oxley
	P – A.B. 1073 (2003)	No	New Criminal	Knowingly	Expands	Other Criminal
P – A.B. 8170 (2003)	No	New Criminal	Knowingly	Expands	Other Criminal	
<b>NORTH CAROLINA</b>	E – H.B. 105, 163, 698, 765, 457, 834, 813, 1620 E – S.B. 1720, 92, 348, 1195	No	No	NA	No Change	Procedural
<b>NORTH DAKOTA</b>	E - S.B. 2121 (2001)	No	No	Changed from None Stated to Willfully	Expands	Corporate Criminalization

(2) to engage in any activity which raises threats to human health or the environment, unless precautionary measures are taken, even if cause-and-effect relationships are not fully proven scientifically.

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OHIO	E – S.B. 217 (2001)	No	No	Changed from Knowing/Negligent to Strict Liability	Expands	Environmental
	E – S.B. 184 (2001)	No	NA	NA	NA	Procedural
	E – H.B. 7 (2003)	Yes	New Criminal	NA	Expands	Sarbanes-Oxley
OKLAHOMA	E – S.B. 397 (2001)	No	No	NA	No Change	Other Financial
	E – S.B. 522 (2001)	No	No	Changed from no mens to Willfully, Negligently, or Carelessly	Expands	Corporate Criminalization
	E – S.B. 724 (2003)	Yes	New Criminal	Willfully	Expands	Sarbanes-Oxley
OREGON	E – H.B. 2196 (2001)	No	New Criminal	NA	NA	Licensing
PENNSYLVANIA	E – S.B. 1258 (2001) <sup>14</sup>	No	NA	Willfully or Knowingly	NA	Procedural
	E – H.B. 599 (2001)	No	NA	None	Expands	Other Financial
RHODE ISLAND	E – H.B. 5798 (2001)	Yes	New Criminal	No Change	No Change	Other Criminal
	P – S.B. 800 (2003)	Yes	New Criminal	None	Expands	Licensing
	P – H.B. 5830 (2003)	Yes	New Criminal	Willfully	No Change	Other Criminal
SOUTH CAROLINA	E – S.B. 147 (2001)	No	No	Changed from Willfully or Negligently to Willfully, Grossly Negligent, or Recklessly	No Change	Environmental
	E – H.B. 3510 (2002)	Yes	New Criminal	Knowingly	Expands	Environmental
	E – H.B. 4416 (2002)	Yes	New Criminal	Willfully	No Change	Other Criminal
	E – S.B. 237 (2002)	Yes	New Criminal	Knowingly	No Change	Licensing

<sup>14</sup> S.B. 1258 applies authority of the Department of Banking, as well as new criminal penalties for Department of Banking employees.

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<b>SOUTH DAKOTA</b>	None	NA	NA	NA	NA	NA
<b>TENNESSEE</b>	None	NA	NA	NA	NA	NA
<b>Texas</b>	E – S.B. 1059 (2003)	No	NA	NA	Expands	Procedural
	E – S.B. 1265 (2003)	No	NA	NA	NA	Procedural
	E – H.B. 2424 (2003)	No	New Criminal	None stated	Neither	Other Criminal
	E – H.B. 1218 (2003)	No	Increase Criminal	No Change	Expands	Sarbanes-Oxley
<b>UTAH</b>	E – H.B. 28 (2001)	No	New Criminal	Knowingly	NA	Other Financial
	E – S.B. 81 (2001)	Yes	New Criminal	Knowingly	Expands	Environmental
	E – H.J. R. 20 (2003)	No	NA	NA	Expands	Study of Corporate Criminalization
<b>VERMONT</b>	None	NA	NA	NA	NA	NA
<b>VIRGINIA</b>	E – H.B. 1080 (2001)	No	NA	NA	NA	Procedural
	E – H.B. 940 (2002)	Yes	New Criminal	None stated	No Change	Licensing
<b>WASHINGTON</b>	E – H.B. 1455 (2003)	Yes	New Criminal	NA	Expands	Licensing
<b>WEST VIRGINIA</b>	None	NA	NA	NA	NA	NA
<b>WISCONSIN</b>	E – A.B. 109 (2001)	No	NA	NA	NA	Sentencing Guidelines
	E – S.B. 44 (2003)	No	NA	NA	NA	Sentencing Guidelines
	P – A.B. 228 (2003)	No	Decrease Civil <sup>15</sup>	NA	NA	Environmental
<b>WYOMING</b>	E – H.B. 2 (2003)	No	NA	Willfully, Knowingly, Intentionally	Expands	Sarbanes-Oxley
	E – S.B. 71 (2003)	Yes	New Criminal	Intentionally, Knowingly	No Change	Other Financial

<sup>15</sup> A.B. 228 allows a regulated entity to avoid civil penalties by reporting an environmental violation to the Department of Natural Resources.

### ATTACHMENT 3 – PROSECUTION GUIDELINES

<u>STATE</u>	<u>DOES ATTORNEY GENERAL HAVE ORIGINAL JURISDICTION TO PROSECUTE WHITE COLLAR CRIME? (YES/NO)</u>	<u>ELECTED OR APPOINTED ATTORNEY GENERAL</u>	<u>DIVISIONS OR SECTIONS WITHIN THE STATE THAT ARE SPECIFICALLY RESPONSIBLE FOR WHITE COLLAR CRIME</u>	<u>WRITTEN PROSECUTION GUIDELINES – REGULATORY LEVEL GUIDELINES, PROSECUTORIAL GUIDELINES, NOT PUBLICLY AVAILABLE</u>
<u>ALABAMA</u>	Yes	Elected	None	Not publicly available
<b>ALASKA</b>	Yes	Appointed	None	Regulatory Level Guidelines [Environmental]
<b>ARIZONA</b>	Yes	Elected	Arizona Office of the Attorney General, Fraud and Public Corruption Unit	Regulatory Level Guidelines [Environmental]
<b>ARKANSAS</b>	No	Elected	None	Not publicly available
<b>CALIFORNIA</b>	No	Elected	None	Regulatory Level Guidelines [Environmental]
<b>COLORADO</b>	No	Elected	None	Not publicly available
<b>CONNECTICUT</b>	No	Elected	None.	Regulatory Level Guidelines [Environmental]
<u>DELAWARE</u>	Yes	Elected	Delaware Department of Justice, White Collar Crime Unit of the Criminal Division	Regulatory Level Guideline [Environmental]
<b>DISTRICT OF COLUMBIA</b>	Yes	Appointed	None	Not publicly available
<b>FLORIDA</b>	Yes, limited to major fraud cases	Elected	Florida Attorney General’s Office, Economic Crimes Unit	Regulatory Level Guidelines [Environmental]
<b>GEORGIA</b>	No	Elected	None	Not publicly available
<b>HAWAII</b>	Yes	Appointed	None	Not publicly available
<b>IDAHO</b>	No	Elected	None	Regulatory Level Guidelines [Environmental]
<b>ILLINOIS</b>	No	Elected	None	Not publicly available
<b>INDIANA</b>	No	Elected	None	Regulatory Level Guidelines [Environmental]
<b>IOWA</b>	No	Elected	None	Not publicly available

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<b>KANSAS</b>	No	Elected	None	Not publicly available
<b>KENTUCKY</b>	Yes	Elected	None	Not publicly available
<b>LOUISIANA</b>	No	Elected	Louisiana Attorney General’s Office, White Collar Crime Division	Not publicly available
<b>MAINE</b>	Yes	Elected	None	Not publicly available
<b>MARYLAND</b>	Yes, limited to Special cases including large white collar crime cases	Elected	Office of the Attorney General, Securities Division	Not publicly available
<b>MASSACHUSETTS</b>	Yes	Elected	None	Regulatory Level Guidelines [Environmental]

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<b>MICHIGAN</b>	No	Elected	None	Not publicly available
<b>MINNESOTA</b>	No	Elected	None	Not publicly available
<b>MISSISSIPPI</b>	Yes	Elected	Office of the Attorney General, White Collar Crime Division	Not publicly available
<b>MISSOURI</b>	No	Elected	None	Not publicly available
<b>MONTANA</b>	Yes	Elected	None	Regulatory Level Guidelines [Environmental]
<b>NEBRASKA</b>	Yes	Elected	None	Regulatory Level Guideline [Environmental, Insurance, Securities]
<b>NEVADA</b>	Yes	Elected	None	Not publicly available
<b>NEW HAMPSHIRE</b>	Yes, limited to large white collar crime cases	Appointed	Office of the Attorney General, Division of Public Protection Criminal Justice Bureau, Economic Crimes and Fraud Unit	Not publicly available

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<b>NEW JERSEY</b>	Yes	Appointed	New Jersey Office of the Attorney General, Division of Criminal Justice, Major Financial Crimes Bureau	Regulatory Level Guideline [Environmental]
<b>NEW MEXICO</b>	No	Elected	None	Regulatory Level Guidelines [Environmental]
<b>NEW YORK</b>	Yes, limited to those criminal matters forwarded by state agencies	Elected	New York Office of the Attorney General, Investment Protection and Securities Bureau	Not publicly available
<b>NORTH CAROLINA</b>	No	Elected	None	Not publicly available
<b>NORTH DAKOTA</b>	Yes, limited to: Corporate and environmental crimes (not exercised)	Elected	None	Not publicly available
<b>OHIO</b>	Yes	Elected	None	Not publicly available
<b>OKLAHOMA</b>	Yes, limited to: securities crimes, multi-county crimes and the Consumer Protection Act	Elected	Oklahoma Office of the Attorney General, Securities Fraud Unit	Not publicly available
<b>OREGON</b>	No	Elected	None	Regulatory Level Guidelines [Environmental, Securities]



## ATTACHMENT 3 – PROSECUTION GUIDELINES

<u>STATE</u>	<u>DOES ATTORNEY GENERAL HAVE ORIGINAL JURISDICTION TO PROSECUTE WHITE COLLAR CRIME? (YES/NO)</u>	<u>ELECTED OR APPOINTED ATTORNEY GENERAL</u>	<u>DIVISIONS OR SECTIONS WITHIN THE STATE THAT ARE SPECIFICALLY RESPONSIBLE FOR WHITE COLLAR CRIME</u>	<u>WRITTEN PROSECUTION GUIDELINES – REGULATORY LEVEL GUIDELINES, PROSECUTORIAL GUIDELINES, NOT PUBLICLY AVAILABLE</u>
<b>PENNSYLVANIA</b>	No (However, in practice, state agencies/insurance companies normally refer environmental crimes and insurance fraud cases directly to the Attorney General’s Office.)	Elected	Commission on Crime and Delinquency, Economic Crime and Economic Development Advisory Committee	Regulatory Level Guideline [Environmental]
<b>RHODE ISLAND</b>	Yes	Elected	Rhode Island Office of the Attorney General, Criminal Division, White Collar Crime Unit	Not publicly available
<b>SOUTH CAROLINA</b>	Yes	Elected	South Carolina Attorney General’s Office, Securities Division	Not publicly available
<b>SOUTH DAKOTA</b>	Yes	Elected	None	Not publicly available
<b>TENNESSEE</b>	Yes, limited to: securities, state contract fraud and water pollution	Appointed	None	Regulatory Level Guidelines [Environmental, Securities]
<b>TEXAS</b>	No	Elected	Texas Attorney General’s Office, Corporate Integrity Unit	Not publicly available.
<b>UTAH</b>	No	Elected	Office of the Attorney General, Investigations Division  Office of the Attorney General, Commercial Enforcement Division	Not publicly available
<b>VERMONT</b>	Yes	Elected	None	Not publicly available
<b>VIRGINIA</b>	No	Elected	None	Not publicly available
<b>WASHINGTON</b>	No	Elected	None	Regulatory Level Guideline [Environmental]
<b>WEST VIRGINIA</b>	Yes	Elected	None	Not publicly available
<b>WISCONSIN</b>	No	Elected	Wisconsin Department of Justice, White Collar Crimes Bureau	Not publicly available
<b>WYOMING</b>	No	Appointed	None	Not publicly available

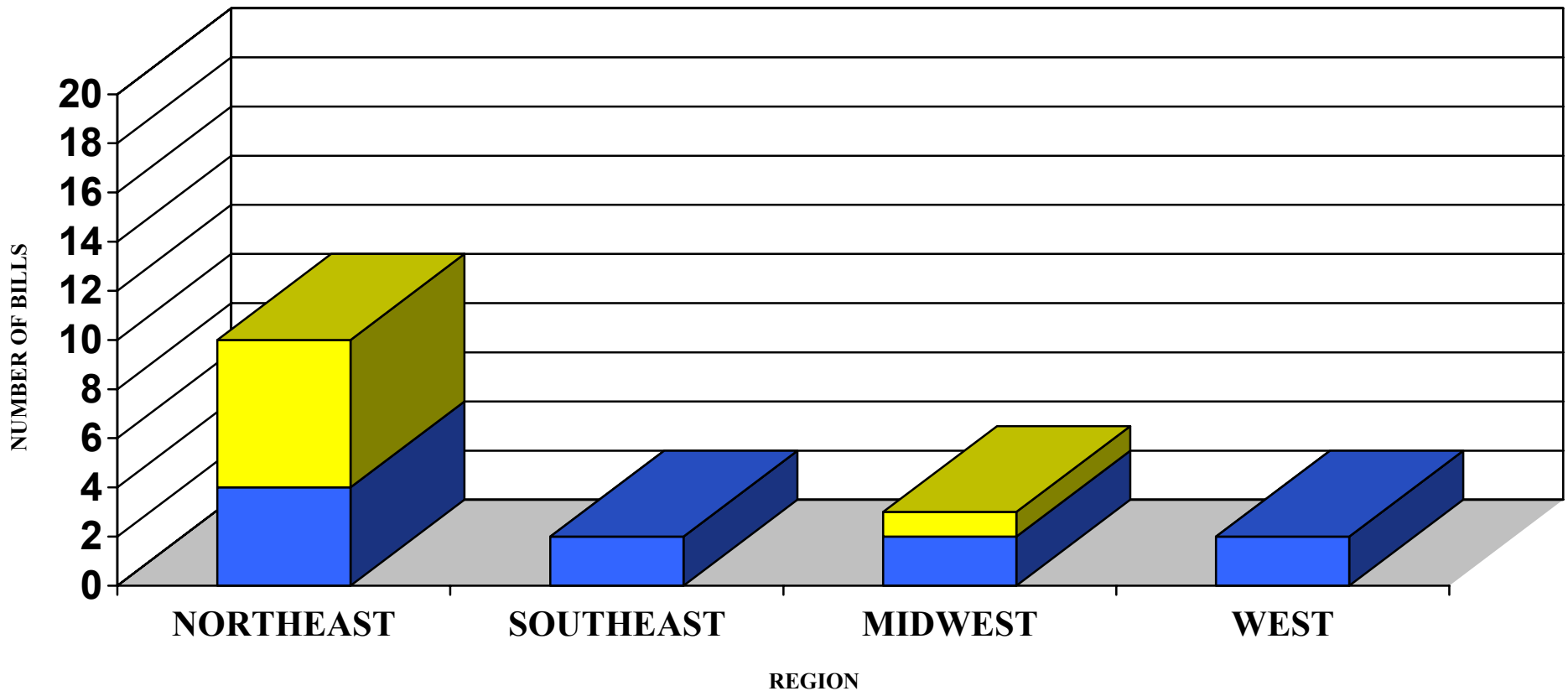
## ATTACHMENT 4 – CASELAW BY STATE

<u>STATE</u>	<u>HAVE COURT RULINGS WEAKENED <i>MENS REA</i> STANDARDS?</u>	<u>PUBLIC WELFARE EXCEPTION</u>	<u>CORPORATE CRIMINAL LIABILITY STATUTE</u>
<b><u>ALABAMA</u></b>	No	Yes	Yes
ALASKA	No	Yes	Yes
ARIZONA	No	No	No
ARKANSAS	No	No	Yes
CALIFORNIA	Weakened	Yes	No
COLORADO	No	No	Yes
CONNECTICUT	Weakened	Yes	No
<b><u>DELAWARE</u></b>	No	No	Yes
DISTRICT OF COLUMBIA	No	Yes	No
FLORIDA	No	No	No
GEORGIA	No	Yes	Yes
HAWAII	No	Yes	Yes
IDAHO	No	No	No
ILLINOIS	No	No	Yes
INDIANA	No	No	Yes
IOWA	No	No	Yes
KANSAS	Weakened	Yes	Yes
KENTUCKY	No	No	Yes
LOUISIANA	Weakened	Yes	No
MAINE	Weakened	Yes	Yes
MARYLAND	No	Yes	No
MASSACHUSETTS	Weakened	Yes	No
MICHIGAN	Weakened	Yes	No
MINNESOTA	Weakened	Yes	Yes
MISSISSIPPI	No	Yes	No
MISSOURI	Weakened	Yes	Yes
MONTANA	Weakened	No	Yes
NEBRASKA	Weakened	Yes	No
NEVADA	Weakened	Yes	No

NEW HAMPSHIRE	No	No	No
NEW JERSEY	Weakened	Yes	Yes
NEW MEXICO	Weakened	Yes	No
NEW YORK	Weakened	Yes	No
NORTH CAROLINA	Weakened	Yes	No
NORTH DAKOTA	No	No	Yes
OHIO	Weakened	Yes	Yes
OKLAHOMA	Weakened	No	No
OREGON	No	No	Yes
PENNSYLVANIA	Weakened	Yes	No
RHODE ISLAND	Weakened	Yes	No
SOUTH CAROLINA	No	No	No
SOUTH DAKOTA	Weakened	Yes	No
TENNESSEE	No	No	Yes
TEXAS	No	Yes	Yes
UTAH	Weakened	Yes	Yes
VERMONT	No	No	No
VIRGINIA	No	No	No
WASHINGTON	Weakened	Yes	Yes
WEST VIRGINIA	No	No	No
WISCONSIN	Weakened	Yes	No
WYOMING	No	No	No

# ATTACHMENT 5 – ENACTED AND PENDING LEGISLATION BY REGION

## ENVIRONMENTAL LEGISLATION

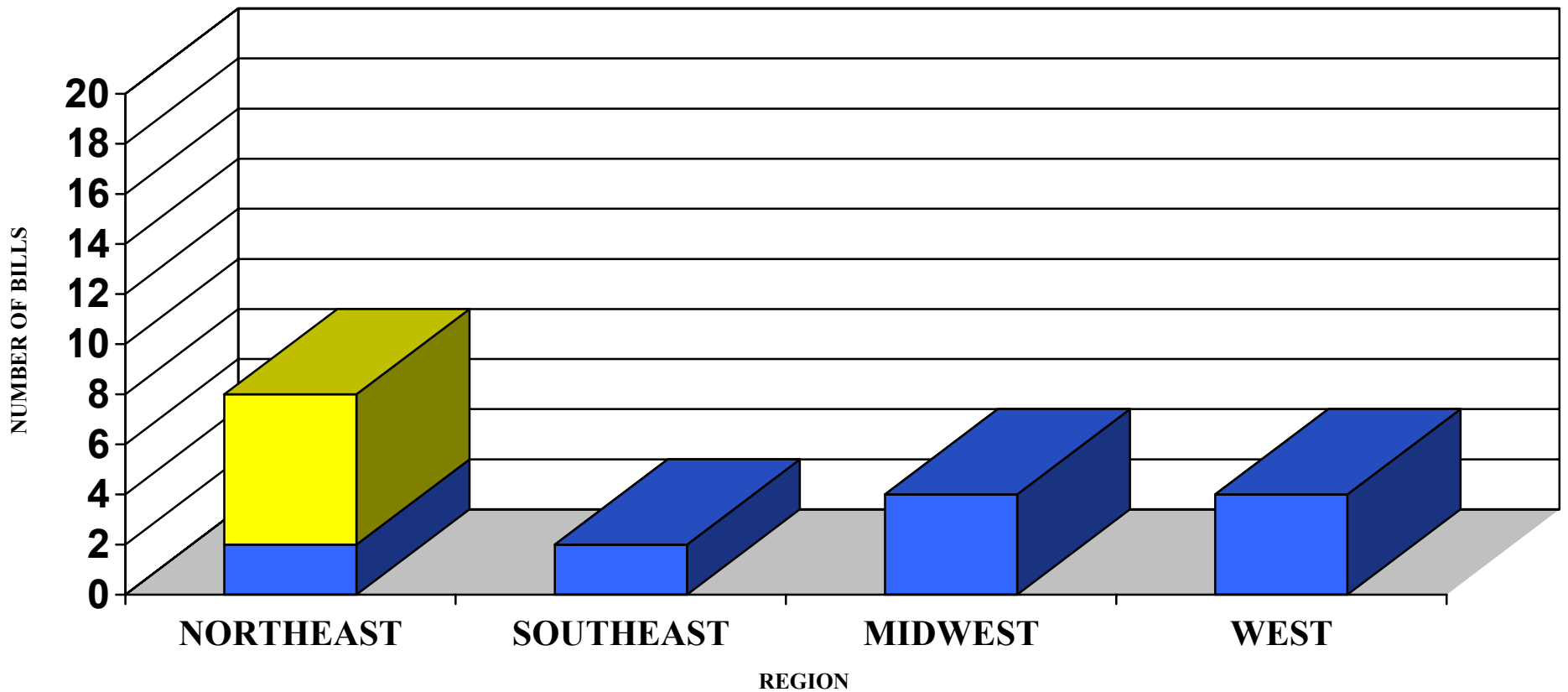


**KEY:**

- Enacted
- Pending

# ATTACHMENT 6 – ENACTED AND PENDING LEGISLATION BY REGION

## SARBANES-OXLEY-TYPE LEGISLATION



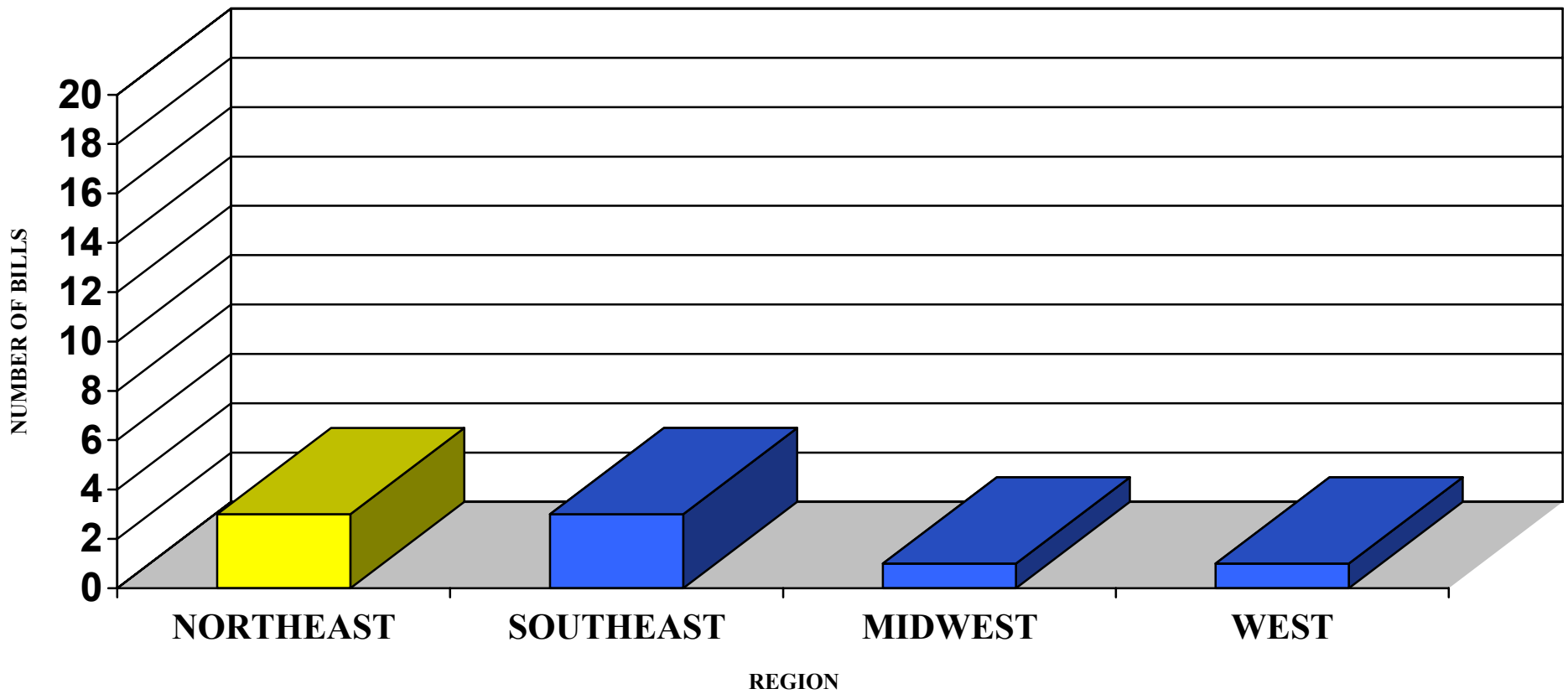
**KEY:**

- Enacted
- Pending

Attachment 6

# ATTACHMENT 7 – ENACTED AND PENDING LEGISLATION BY REGION

## CORPORATE CRIMINALIZATION LEGISLATION

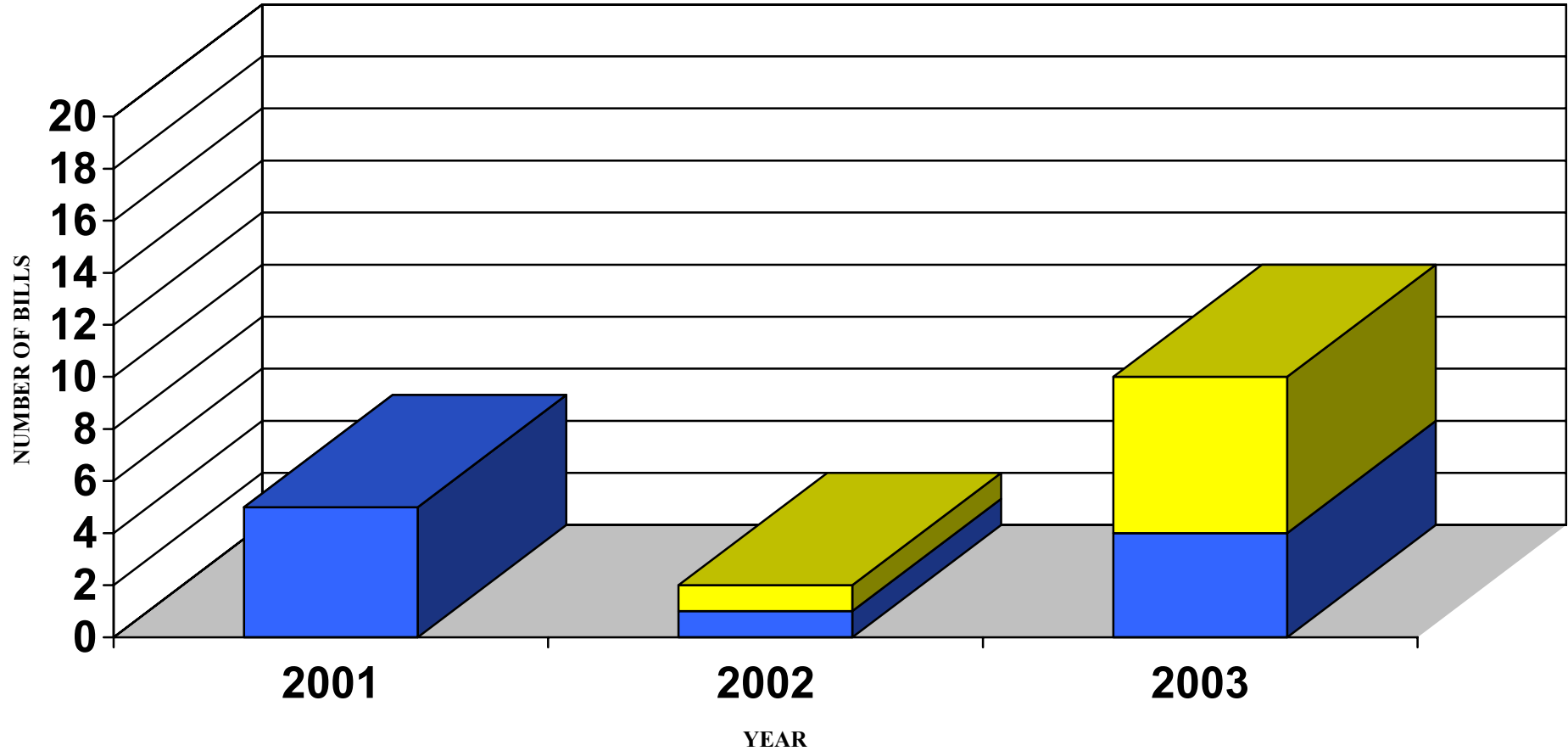


**KEY:**

- Enacted
- Pending

# ATTACHMENT 8 -- ENACTED AND PENDING LEGISLATION BY YEAR (2001-2003)

## ENVIRONMENTAL LEGISLATION



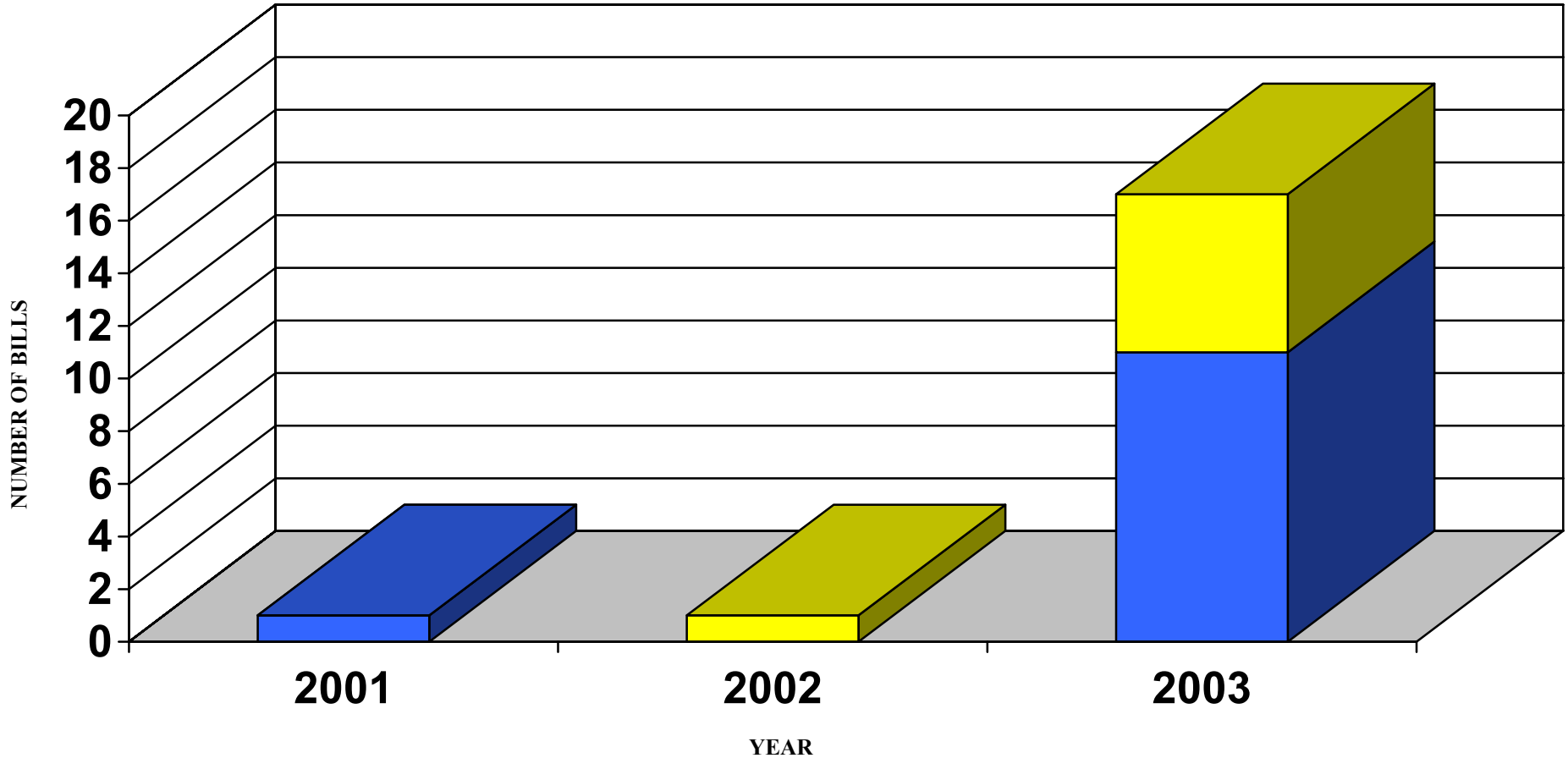
**KEY:**

- Enacted
- Pending

Attachment 8

# ATTACHMENT 9 -- ENACTED AND PENDING LEGISLATION BY YEAR (2001-2003)

## SARBANES-OXLEY-TYPE LEGISLATION



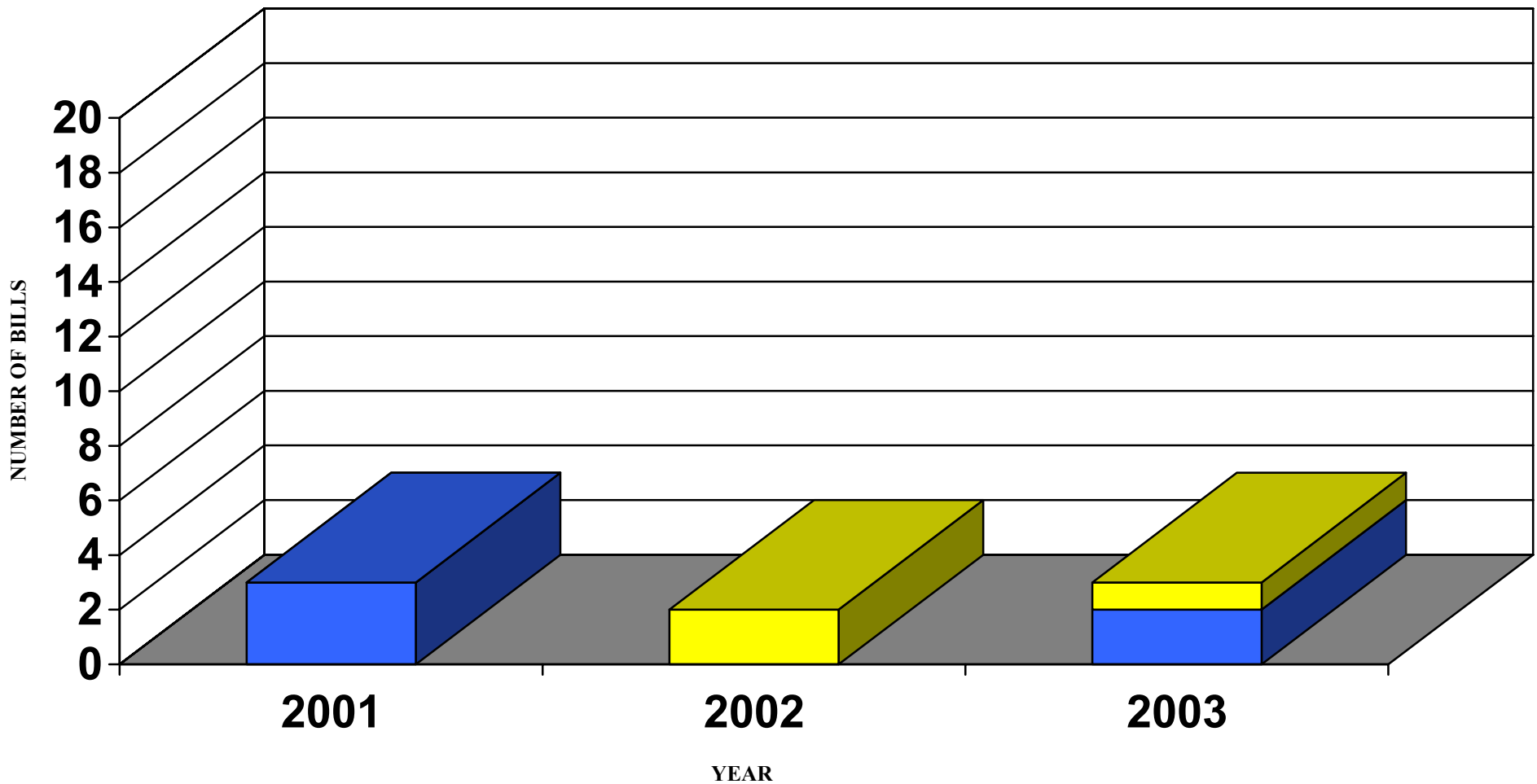
**KEY:**

- Enacted
- Pending

Attachment 9



**ATTACHMENT 10 -- ENACTED AND PENDING LEGISLATION BY YEAR (2001-2003)**  
**CORPORATE CRIMINALIZATION LEGISLATION**

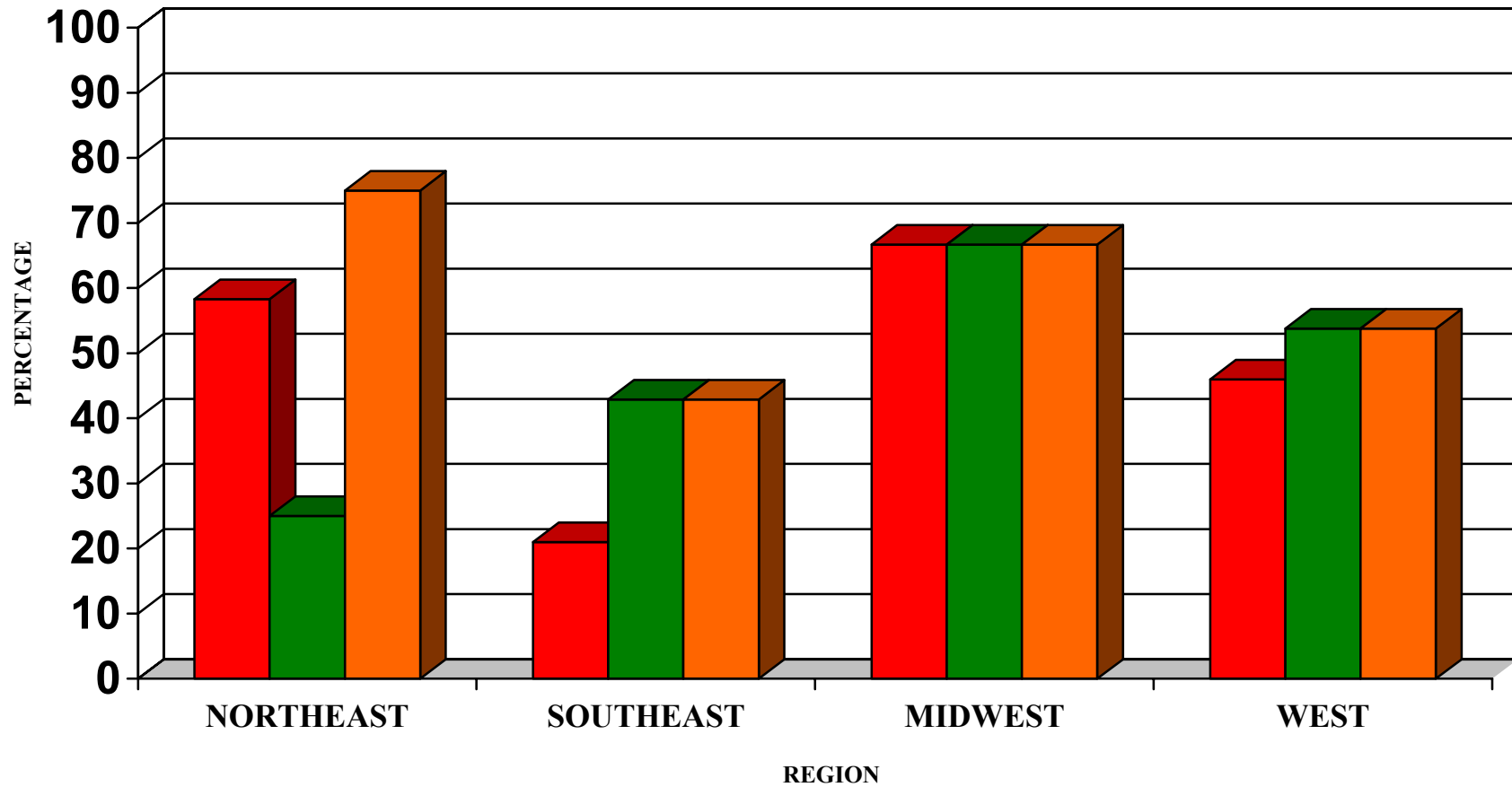


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


- Enacted
- Pending

Attachment 10

## ATTACHMENT 11 -- CASELAW BY REGION



### KEY:

-  Percentage of states for which court rulings have weakened MENS REA standards
-  Percentage of states with a corporate liability statute
-  Percentage of states with a public welfare exception