

§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

(i) the boundary of the location of such funeral; and

(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

(2)(A) is within 300 feet of the boundary of the location of such funeral; and

(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

(c) DEFINITIONS.—In this section:

(1) The term “Armed Forces” has the meaning given the term in section 101 of title 10.

(2) The term “funeral of a member or former member of the Armed Forces” means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

(3) The term “boundary of the location”, with respect to a funeral of a member or former member of the Armed Forces, means—

(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.

(Added Pub. L. 109-464, §1(a), Dec. 22, 2006, 120 Stat. 3480.)

§ 1389. Prohibition on attacks on United States servicemen on account of service

(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 6 months nor more than 10 years.

(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

(c) DEFINITIONS.—In this section—

(1) the term “Armed Forces” has the meaning given that term in section 1388;

(2) the term “immediate family member” has the meaning given that term in section 115; and

(3) the term “United States serviceman”—

(A) means a member of the Armed Forces; and

(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.

(Added Pub. L. 111-84, div. E, §4712(a), Oct. 28, 2009, 123 Stat. 2842.)

REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in subsec. (b), is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

[CHAPTER 68—REPEALED]

[[§§ 1401 to 1407. Repealed. Pub. L. 91-513, title III, § 1101(b)(1)(A), Oct. 27, 1970, 84 Stat. 1292]

Section 1401, acts July 18, 1956, ch. 629, title II, §201, 70 Stat. 572; July 12, 1960, Pub. L. 86-624, §13(a), 74 Stat. 413, defined “heroin” and “United States”.

Section 1402, act July 18, 1956, ch. 629, title II, §201, 70 Stat. 572, provided for surrender to Secretary of the Treasury of all legally possessed heroin within 120 days of July 19, 1956.

Section 1403, act July 18, 1956, ch. 629, title II, §201, 70 Stat. 573, set penalties for unlawful use of communications facilities in commission of offenses involving importation or exportation of narcotics.

Section 1404, act July 18, 1956, ch. 629, title II, §201, 70 Stat. 573, granted the United States right to appeal from grant of a motion to suppress in prosecutions in-