

may be sentenced to death. As used in this section, the term “participating lawfully in speech or peaceful assembly” shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term “law enforcement officer” means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.

(d) For purposes of this section, the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 90-284, title I, §101(a), Apr. 11, 1968, 82 Stat. 73; amended Pub. L. 100-690, title VII, §7020(a), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 101-647, title XII, §1205(b), Nov. 29, 1990, 104 Stat. 4830; Pub. L. 103-322, title VI, §60006(c), title XXXII, §320103(c), title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2171, 2109, 2147; Pub. L. 104-294, title VI, §604(b)(14)(C), (37), Oct. 11, 1996, 110 Stat. 3507, 3509.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-294 amended Pub. L. 103-322, §320103(c). See 1994 Amendment notes below.

1994—Subsec. (b). Pub. L. 103-322, §330016(1)(L), substituted “shall be fined under this title” for “shall be fined not more than \$10,000” before “, or imprisoned not more than ten years” in concluding provisions.

Pub. L. 103-322, §330016(1)(H), substituted “shall be fined under this title” for “shall be fined not more than \$1,000” before “, or imprisoned not more than one year” in concluding provisions.

Pub. L. 103-322, §320103(c)(4)–(6), in concluding provisions, inserted “from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill,” after “death results” and substituted “shall be fined under this title or imprisoned for any term of years or for life, or both” for “shall be subject to imprisonment for any term of years or for life”.

Pub. L. 103-322, §320103(c)(3), which provided for amendment identical to Pub. L. 103-322, §330016(1)(L), above, was repealed by Pub. L. 104-294, §604(b)(14)(C).

Pub. L. 103-322, §320103(c)(2), as amended by Pub. L. 104-294, §604(b)(37), inserted “from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire” after “bodily injury results” in concluding provisions.

Pub. L. 103-322, §320103(c)(1), which provided for amendment identical to Pub. L. 103-322, §330016(1)(H), above, was repealed by Pub. L. 104-294, §604(b)(14)(C).

Pub. L. 103-322, §60006(c), in concluding provisions, inserted “, or may be sentenced to death” before “. As used in this section”.

1990—Subsec. (d). Pub. L. 101-647 added subsec. (d).

1988—Subsec. (a)(1). Pub. L. 100-690 substituted “, the Deputy” for “or the Deputy” and inserted “, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General” after “Deputy Attorney General”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

FAIR HOUSING

Pub. L. 90-284, title I, §101(b), Apr. 11, 1968, 82 Stat. 75, provided that: “Nothing contained in this section [enacting this section] shall apply to or affect activities under title VIII of this Act [sections 3601 to 3619 of Title 42, The Public Health and Welfare].”

RIOTS OR CIVIL DISTURBANCES, SUPPRESSION AND RESTORATION OF LAW AND ORDER; ACTS OR OMISSIONS OF ENFORCEMENT OFFICERS AND MEMBERS OF MILITARY SERVICE NOT SUBJECT TO THIS SECTION

Pub. L. 90-284, title I, §101(c), Apr. 11, 1968, 82 Stat. 75, provided that: “The provisions of this section [enacting this section] shall not apply to acts or omissions on the part of law enforcement officers, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State or the District of Columbia, not covered by such section 101(9), or members of the Armed Forces of the United States, who are engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance.”

§ 246. Deprivation of relief benefits

Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.

(Added Pub. L. 94-453, §4(a), Oct. 2, 1976, 90 Stat. 1517; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

§ 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).

(d) The punishment for a violation of subsection (a) of this section shall be—

(1) if death results from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both, or may be sentenced to death;

(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more than 40 years, or both;

(3) if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both; and

(4) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(e) No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(f) As used in this section, the term "religious real property" means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship.

(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

(Added Pub. L. 100-346, §1, June 24, 1988, 102 Stat. 644; amended Pub. L. 103-322, title VI, §60006(d), title XXXII, §320103(d), Sept. 13, 1994, 108 Stat. 1971, 2110; Pub. L. 104-155, §3, July 3, 1996, 110 Stat. 1392; Pub. L. 104-294, title VI, §§601(c)(3), 605(r), Oct. 11, 1996, 110 Stat. 3499, 3511; Pub. L. 107-273, div. B, title IV, §4002(c)(1), (e)(4), Nov. 2, 2002, 116 Stat. 1808, 1810.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-273, §4002(c)(1), repealed amendment by Pub. L. 104-294, §605(r). See 1996 Amendment note below.

Subsec. (e). Pub. L. 107-273, §4002(e)(4), made technical correction to directory language of Pub. L. 104-294, §601(c)(3). See 1996 Amendment note below.

1996—Subsec. (a). Pub. L. 104-155, §3(1), substituted "subsection (d)" for "subsection (c) of this section" in concluding provisions.

Subsec. (b). Pub. L. 104-155, §3(3), added subsec. (b) and struck out former subsec. (b) which read as follows: "The circumstances referred to in subsection (a) are that—

"(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

"(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than \$10,000."

Subsec. (c). Pub. L. 104-155, §3(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-294, §605(r), which directed the substitution of "certification" for "notification" in subsec. (d), was repealed by Pub. L. 107-273, §4002(c)(1).

Subsec. (d). Pub. L. 104-155, §3(2), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2). Pub. L. 104-155, §3(4)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (d)(3). Pub. L. 104-155, §3(4)(A), (B), redesignated par. (2) as (3), inserted "to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section," after "bodily injury" and substituted "20 years" for "ten years". Former par. (3) redesignated (4).

Subsec. (d)(4). Pub. L. 104-155, §3(4)(B), redesignated par. (3) as (4).

Subsec. (e). Pub. L. 104-294, §601(c)(3), as amended by Pub. L. 107-273, §4002(e)(4), substituted "certification" for "notification".

Pub. L. 104-155, §3(2), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104-155, §3(2), (5), redesignated subsec. (e) as (f), inserted ", including fixtures or religious objects contained within a place of religious worship" before the period, and substituted "religious real property" for "religious property" in two places.

Subsec. (g). Pub. L. 104-155, §3(6), added subsec. (g).

1994—Subsec. (c)(1). Pub. L. 103-322, §320103(d)(1), inserted "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results".

Pub. L. 103-322, §60006(d), inserted ", or may be sentenced to death" after "or both".

Subsec. (c)(2). Pub. L. 103-322, §320103(d)(2), struck out "serious" before "bodily" and inserted "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "injury results".

Subsec. (e). Pub. L. 103-322, §320103(d)(3), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "As used in this section—

"(1) the term 'religious real property' means any church, synagogue, mosque, religious cemetery, or other religious real property; and

"(2) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

Pub. L. 107-273, div. B, title IV, §4002(e)(4), Nov. 2, 2002, 116 Stat. 1810, provided that the amendment made by section 4002(e)(4) is effective Oct. 11, 1996.

CONGRESSIONAL FINDINGS

Pub. L. 104-155, §2, July 3, 1996, 110 Stat. 1392, provided that: "The Congress finds the following:

"(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

"(2) The incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations.

"(3) Changes in Federal law are necessary to deal properly with this problem.

"(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

"(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law.

"(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law."

§ 248. Freedom of access to clinic entrances

(a) PROHIBITED ACTIVITIES.—Whoever—

(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

(b) PENALTIES.—Whoever violates this section shall—

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not more than 3 years, or both;

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall, notwithstanding section 3571, be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

(c) CIVIL REMEDIES.—

(1) RIGHT OF ACTION.—

(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe