

§ 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, § 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 51 (Mar. 4, 1909, ch. 321, § 19, 35 Stat. 1092).

Clause making conspirator ineligible to hold office was omitted as incongruous because it attaches ineligibility to hold office to a person who may be a private citizen and who was convicted of conspiracy to violate a specific statute. There seems to be no reason for imposing such a penalty in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act.

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made.

#### AMENDMENTS

1996—Pub. L. 104-294, § 607(a), substituted “any State, Territory, Commonwealth, Possession, or District” for “any State, Territory, or District” in first par.

Pub. L. 104-294, § 604(b)(14)(A), repealed Pub. L. 103-322, § 320103(a)(1). See 1994 Amendment note below.

1994—Pub. L. 103-322, § 330016(1)(L), substituted “They shall be fined under this title” for “They shall be fined not more than \$10,000” in third par.

Pub. L. 103-322, § 320201(a), substituted “person in any State” for “inhabitant of any State” in first par.

Pub. L. 103-322, § 320103(a)(2)-(4), in third par., substituted “results 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, they shall be fined under this title or imprisoned for any term of years or for life, or both” for “results, they shall be subject to imprisonment for any term of years or for life”.

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 L. 103-322, § 330016(1)(L), above, was repealed by Pub.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

Pub. L. 103-322, § 60006(a), substituted “, or may be sentenced to death.” for period at end of third par.

1988—Pub. L. 100-690 struck out “of citizens” after “rights” in section catchline and substituted “inhabitant of any State, Territory, or District” for “citizen” in text.

1968—Pub. L. 90-284 increased limitation on fines from \$5,000 to \$10,000 and provided for imprisonment for any term of years or for life when death results.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(14)(A) of 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.

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-155, § 1, July 3, 1996, 110 Stat. 1392, provided that: “This Act [amending section 247 of this title and section 10602 of Title 42, The Public Health and Welfare, enacting provisions set out as a note under section 247 of this title, and amending provisions set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Church Arson Prevention Act of 1996.’”

### § 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities se-

cured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury 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, shall be fined under this title or imprisoned not more than ten years, or both; and if death results 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, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100-690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 52 (Mar. 4, 1909, ch. 321, § 20, 35 Stat. 1092).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

A minor change was made in phraseology.

#### AMENDMENTS

1996—Pub. L. 104-294, § 607(a), substituted “any State, Territory, Commonwealth, Possession, or District” for “any State, Territory, or District”.

Pub. L. 104-294, § 604(b)(14)(B), repealed Pub. L. 103-322, § 320103(b)(1). See 1994 Amendment note below.

1994—Pub. L. 103-322, § 330016(1)(H), substituted “shall be fined under this title” for “shall be fined not more than \$1,000” after “citizens.”

Pub. L. 103-322, § 320201(b), substituted “any person in any State” for “any inhabitant of any State” and “on account of such person” for “on account of such inhabitant”.

Pub. L. 103-322, § 320103(b)(2)-(5), substituted “bodily injury 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, shall be fined under this title or imprisoned not more than ten years, or both; and if death results 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, shall be fined under this title, or imprisoned for any term of years or for life, or both” for “bodily injury results shall be fined under this title or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life”.

Pub. L. 103-322, § 320103(b)(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)(B).

Pub. L. 103-322, § 60006(b), inserted before period at end “, or may be sentenced to death”.

1988—Pub. L. 100-690 inserted “and if bodily injury results shall be fined under this title or imprisoned not more than ten years, or both;” after “or both;”.

1968—Pub. L. 90-284 provided for imprisonment for any term of years or for life when death results.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(14)(B) of 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.

**§ 243. Exclusion of jurors on account of race or color**

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than \$5,000.

(June 25, 1948, ch. 645, 62 Stat. 696.)

HISTORICAL AND REVISION NOTES

Based on section 44 of title 8, U.S.C., 1940 ed., Aliens and Nationality (Mar. 1, 1875, ch. 114, § 4, 18 Stat. 336).

Words “be deemed guilty of a misdemeanor, and” were deleted as unnecessary in view of definition of misdemeanor in section 1 of this title.

Words “on conviction thereof” were omitted as unnecessary, since punishment follows only after conviction.

Minimum punishment provisions were omitted. (See reviser’s note under section 203 of this title.)

Minor changes in phraseology were made.

**§ 244. Discrimination against person wearing uniform of armed forces**

Whoever, being a proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, or Possession of the United States, causes any person wearing the uniform of any of the armed forces of the United States to be discriminated against because of that uniform, shall be fined under this title.

(June 25, 1948, ch. 645, 62 Stat. 697; May 24, 1949, ch. 139, § 5, 63 Stat. 90; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., § 523 (Mar. 1, 1911, ch. 187, 36 Stat. 963; Aug. 24, 1912, ch. 387, § 1, 37 Stat. 512; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800).

Words “guilty of a misdemeanor”, following “shall be”, were omitted as unnecessary in view of definition of “misdemeanor” in section 1 of this title. (See reviser’s note under section 212 of this title.)

Changes were made in phraseology.

1949 ACT

This section [section 5] substitutes, in section 244 of title 18, U.S.C., “any of the armed forces of the United States” for the enumeration of specific branches and thereby includes the Air Force, formerly part of the Army. This clarification is necessary because of the establishment of the Air Force as a separate branch of the Armed Forces by the act of July 26, 1947.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

1949—Act May 24, 1949, substituted “any of the armed forces of the United States” for enumeration of the specific branches.

**§ 245. Federally protected activities**

(a)(1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. 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, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

(2) any person because of his race, color, religion or national origin and because he is or has been—

(A) enrolling in or attending any public school or public college;

(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or sub-