the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include members of the National Guard (as defined in section 101 of title 10), members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia not included within the National Guard (as defined in section 101 of title 10), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

(8) The term ''State'' includes a State of the United States, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 90–284, title X, § 1002(a), Apr. 11, 1968, 82 Stat. 91; amended Pub. L. 101–647, title XII, § 1205(a), Nov. 29, 1990, 104 Stat. 4830; Pub. L. 102–484, div. A, title X, § 1051(b)(1), Oct. 23, 1992, 106 Stat. 2498.)

AMENDMENTS

1992—Par. (7). Pub. L. 102–484 substituted ''members of the National Guard (as defined in section 101 of title 10),'' for '', but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code,'' and ''not included within the National Guard (as defined in section 101 of title 10),'' for '', not included within the definition of National Guard as defined by such section 101(9),''.

1990—Par. (8). Pub. L. 101–647 added par. (8).

§ 233. Preemption

Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof.

(Added Pub. L. 90–284, title X, § 1002(a), Apr. 11, 1968, 82 Stat. 91.)

CHAPTER 13—CIVIL RIGHTS

AMENDMENTS

2009—Pub. L. 111–84, div. E, § 4707(b), Oct. 28, 2009, 123 Stat. 2841, added item 249.

1994—Pub. L. 103–322, title XXXIII, § 330023(a)(1), Sept. 13, 1994, 108 Stat. 2150, substituted ''Freedom of access to clinic entrances'' for ''Blocking access to reproductive health services'' in item 248.

Pub. L. 103–259, § 4, May 26, 1994, 108 Stat. 697, added item 248.

1988—Pub. L. 100–690, title VII, § 7018(b)(2), Nov. 18, 1988, 102 Stat. 4396, struck out ''of citizens'' after ''rights'' in item 241.

Pub. L. 100–346, § 3, June 24, 1988, 102 Stat. 645, added item 247.

1976—Pub. L. 94–453, § 4(b), Oct. 2, 1976, 90 Stat. 1517, added item 246.

1968—Pub. L. 90–284, title I, § 102, Apr. 11, 1968, 82 Stat. 75, added item 245.

§ 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They 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, they 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(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 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