

be necessary to assist the Bureau in ensuring uniformity, quality, and maximum use of the data collected.

**(e) Inclusion of offenses involving illegal drugs**

The Director of the Federal Bureau of Investigation is authorized to classify offenses involving illegal drugs and drug trafficking as a part I crime in the Uniform Crime Reports.

**(f) Authorization of appropriations**

There are authorized to be appropriated \$350,000 for fiscal year 1989 and such sums as may be necessary to carry out the provisions of this section after fiscal year 1989.

**(g) Effective date**

The provisions of this section shall be effective on January 1, 1989.

(Pub. L. 100-690, title VII, §7332, Nov. 18, 1988, 102 Stat. 4468.)

CODIFICATION

Section was formerly classified as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

**§ 41304. Family and domestic violence: data collection and reporting**

**(a) Family violence reporting**

Under the authority of section 534 of title 28, the Attorney General shall require, and include in uniform crime reports, data that indicate—

- (1) the age of the victim; and
- (2) the relationship of the victim to the offender, for crimes of murder, aggravated assault, simple assault, rape, sexual offenses, and offenses against children.

**(b) National Crime Survey**

The Director of the Bureau of Justice Statistics, through the annual National Crime Survey, shall collect and publish data that more accurately measures the extent of domestic violence in America, especially the physical and sexual abuse of children and the elderly.

**(c) Authorization of appropriations**

There are authorized to be appropriated in fiscal years 1989, 1990, 1991, and 1992, such sums as are necessary to carry out the purposes of this section.

(Pub. L. 100-690, title VII, §7609, Nov. 18, 1988, 102 Stat. 4517.)

CODIFICATION

Section was formerly classified as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

**§ 41305. Hate crime statistics**

(a) This Act may be cited as the "Hate Crime Statistics Act".

(b)(1) Under the authority of section 534 of title 28, the Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent man-

slaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act [5 U.S.C. 551 et seq., 701 et seq.] or the All Writs Act [28 U.S.C. 1651].

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section, including data about crimes committed by, and crimes directed against, juveniles.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 2002.

(Pub. L. 101-275, §1, Apr. 23, 1990, 104 Stat. 140; Pub. L. 103-322, title XXXII, §320926, Sept. 13, 1994, 108 Stat. 2131; Pub. L. 104-155, §7, July 3, 1996, 110 Stat. 1394; Pub. L. 111-84, div. E, §4708, Oct. 28, 2009, 123 Stat. 2841.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 101-275, Apr. 23, 1990, 104 Stat. 140, which enacted this section and provisions set out as a note under this section.

The Administrative Procedure Act, referred to in subsec. (b)(3), is act June 11, 1946, ch. 324, 60 Stat. 237, which was classified to sections 1001 to 1011 of former title 5 and which was repealed and reenacted as subchapter II (§551 et seq.) of chapter 5, and chapter 7 (§701 et seq.), of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378. See Short Title note preceding section 551 of Title 5.

The All Writs Act, referred to in subsec. (b)(3), means section 1651 of Title 28, Judiciary and Judicial Procedure, which is popularly known as the "All Writs Act".

CODIFICATION

Section was formerly classified in a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-84, §4708(a), inserted "gender and gender identity," after "race,".

Subsec. (b)(5). Pub. L. 111-84, §4708(b), inserted "including data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

1996—Subsec. (b)(1). Pub. L. 104-155, §7(1), substituted "for each calendar year" for "for the calendar year 1990 and each of the succeeding 4 calendar years".

Subsec. (c). Pub. L. 104-155, §7(2), substituted "2002" for "1994".

1994—Subsec. (b)(1). Pub. L. 103-322 inserted "disability," after "religion,".