

CODIFICATION

Section is comprised of subsec. (b) of section 4703 of Pub. L. 111-84. Subsec. (a) of section 4703 of Pub. L. 111-84 amended provisions listed in a Table of Provisions for Review, Promulgation, or Amendment of Federal Sentencing Guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

Section was formerly classified as a note under section 3716 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 30503. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials

(a) Assistance other than financial assistance

(1) In general

At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

- (A) constitutes a crime of violence;
- (B) constitutes a felony under the State, local, or tribal laws; and
- (C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) Priority

In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants

(1) In general

The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) Office of Justice Programs

In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) Application

(A) In general

Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) Date for submission

Applications submitted pursuant to subparagraph (A) shall be submitted during the

60-day period beginning on a date that the Attorney General shall prescribe.

(C) Requirements

A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

- (i) describe the extraordinary purposes for which the grant is needed;
- (ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;
- (iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with non-profit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and
- (iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) Deadline

An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) Grant amount

A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) Report

Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010, 2011, and 2012.

(Pub. L. 111-84, div. E, §4704, Oct. 28, 2009, 123 Stat. 2837.)

CODIFICATION

Section was formerly classified to section 3716 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 30504. Grant program

(a) Authority to award grants

The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 111-84, div. E, §4705, Oct. 28, 2009, 123 Stat. 2838.)

CODIFICATION

Section was formerly classified to section 3716a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 30505. Severability

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(Pub. L. 111-84, div. E, §4709, Oct. 28, 2009, 123 Stat. 2841.)

REFERENCES IN TEXT

This division, referred to in text, is division E of Pub. L. 111-84, Oct. 28, 2009, 123 Stat. 2835, known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. For complete classification of division E to the Code, see Short Title of 2009 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified as a note under section 249 of Title 18, Crimes and Criminal Procedure, prior to editorial reclassification and renumbering as this section.

§ 30506. Rule of construction

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) In general

Nothing in this division shall be construed to allow a court, in any criminal trial for an offense described under this division or an amendment made by this division, in the absence of a stipulation by the parties, to admit evidence of speech, beliefs, association, group membership, or expressive conduct unless that evidence is relevant and admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) Violent acts

This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of a victim.

(3) Construction and application

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the first amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a

compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to—

(A) plan or prepare for an act of physical violence; or

(B) incite an imminent act of physical violence against another.

(4) Free expression

Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

(5) First amendment

Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(6) Constitutional protections

Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution of the United States does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

(Pub. L. 111-84, div. E, §4710, Oct. 28, 2009, 123 Stat. 2841.)

REFERENCES IN TEXT

This division, referred to in text, is division E of Pub. L. 111-84, Oct. 28, 2009, 123 Stat. 2835, known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. For complete classification of division E to the Code, see Short Title of 2009 Act note set out under section 10101 of this title and Tables.

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Subtitle IV—Criminal Records and Information

CHAPTER 401—CHILD ABUSE CRIME INFORMATION AND BACKGROUND CHECKS

Sec.	
40101.	Reporting child abuse crime information.
40102.	Background checks.
40103.	Funding for improvement of child abuse crime information.
40104.	Definitions.

§ 40101. Reporting child abuse crime information

(a) In general

In each State, an authorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history