

(Added Pub. L. 103-259, § 3, May 26, 1994, 108 Stat. 694; amended Pub. L. 103-322, title XXXIII, § 330023(a)(2), (3), Sept. 13, 1994, 108 Stat. 2150.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, § 330023(a)(2), amended section catchline generally. Prior to amendment, catchline read as follows: “§248 Freedom of Access to Clinic Entrances.”

Subsec. (b). Pub. L. 103-322, § 330023(a)(3), in concluding provisions, inserted “, notwithstanding section 3571,” before “be not more than \$25,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-322, title XXXIII, § 330023(b), Sept. 13, 1994, 108 Stat. 2150, provided that: “The amendments made by this subsection (a) [amending this section] shall take effect on the date of enactment of the Freedom of Access to Clinic Entrances Act of 1994 [May 26, 1994].”

EFFECTIVE DATE

Pub. L. 103-259, § 6, May 26, 1994, 108 Stat. 697, provided that: “This Act [see Short Title note below] takes effect on the date of the enactment of this Act [May 26, 1994], and shall apply only with respect to conduct occurring on or after such date.”

SHORT TITLE

Pub. L. 103-259, § 1, May 26, 1994, 108 Stat. 694, provided that: “This Act [enacting this section and provisions set out as notes under this section] may be cited as the ‘Freedom of Access to Clinic Entrances Act of 1994.’”

SEVERABILITY OF PROVISIONS

Pub. L. 103-259, § 5, May 26, 1994, 108 Stat. 697, provided that: “If any provision of this Act [see Short Title note above], an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected thereby.”

CONGRESSIONAL STATEMENT OF PURPOSE

Pub. L. 103-259, § 2, May 26, 1994, 108 Stat. 694, provided that: “Pursuant to the affirmative power of Congress to enact this legislation under section 8 of article I of the Constitution, as well as under section 5 of the fourteenth amendment to the Constitution, it is the purpose of this Act [see Short Title note above] to protect and promote the public safety and health and activities affecting interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services.”

§ 249. Hate crime acts

(a) IN GENERAL.—

(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

(i) death results from the offense; or

(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

(I) death results from the offense; or

(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

(I) across a State line or national border; or

(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

(iv) the conduct described in subparagraph (A)—

(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

(II) otherwise affects interstate or foreign commerce.

(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE

UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.

(b) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

(A) the State does not have jurisdiction;

(B) the State has requested that the Federal Government assume jurisdiction;

(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(2) RULE OF CONSTRUCTION.—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.

(c) DEFINITIONS.—In this section—

(1) the term “bodily injury” has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

(2) the term “explosive or incendiary device” has the meaning given such term in section 232 of this title;

(3) the term “firearm” has the meaning given such term in section 921(a) of this title;

(4) the term “gender identity” means actual or perceived gender-related characteristics; and

(5) the term “State” includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(d) STATUTE OF LIMITATIONS.—

(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.

(Added and amended Pub. L. 111-84, div. E, §§ 4707(a), 4711, Oct. 28, 2009, 123 Stat. 2838, 2842.)

Editorial Notes

AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111-84, § 4711, added par. (4).

Statutory Notes and Related Subsidiaries

SEVERABILITY

Pub. L. 111-84, div. E, § 4709, Oct. 28, 2009, 123 Stat. 2841, which related to severability of provisions, was editorially reclassified as section 30505 of Title 34, Crime Control and Law Enforcement.

RULE OF CONSTRUCTION

Pub. L. 111-84, div. E, § 4710, Oct. 28, 2009, 123 Stat. 2841, which related to construction, was editorially reclassified as section 30506 of Title 34, Crime Control and Law Enforcement.

FINDINGS

Pub. L. 111-84, div. E, § 4702, Oct. 28, 2009, 123 Stat. 2835, which set out Congressional findings related to hate crimes, was editorially reclassified as section 30501 of Title 34, Crime Control and Law Enforcement.

CHAPTER 15—CLAIMS AND SERVICES IN MATTERS AFFECTING GOVERNMENT

Sec.

[281 to 284. Repealed.]

285. Taking or using papers relating to claims.

286. Conspiracy to defraud the Government with respect to claims.

287. False, fictitious or fraudulent claims.

288. False claims for postal losses.

289. False claims for pensions.

290. Discharge papers withheld by claim agent.

291. Purchase of claims for fees by court officials.

292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation.

[293. Repealed.]

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, repealed amendment by Pub. L. 104-294, § 602(d). See 1996 Amendment note below.

1996—Pub. L. 104-106, div. D, title XLIII, § 4304(c)(2), Feb. 10, 1996, 110 Stat. 664, struck out item 281 “Restrictions on retired military officers regarding certain matters affecting the Government”. Pub. L. 104-294, title VI, § 602(d), Oct. 11, 1996, 110 Stat. 3503, which amended analysis identically, was repealed by Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

1989—Pub. L. 101-123, § 3(a), Oct. 23, 1989, 103 Stat. 760, struck out item 293 “Limitation on Government contract costs”.

1988—Pub. L. 100-700, § 3(b), Nov. 19, 1988, 102 Stat. 4633, added item 293.

1987—Pub. L. 100-180, div. A, title VIII, § 822(b)(2), Dec. 4, 1987, 101 Stat. 1133, added item 281, struck out former item 281 “Compensation to Members of Congress, officers, and others in matters affecting Government”, item 282 “Practice in Court of Claims by Members of Congress”, item 283 “Officers or employees interested in claims against the Government”, and item 284 “Disqualification of former officers and employees in matters connected with former duties”.

1966—Pub. L. 89-554, § 3(a), Sept. 6, 1966, 80 Stat. 608, added item 292.