

Editorial Notes

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 manslaughter; 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.)

Editorial Notes

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.”

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 101-275, § 2, Apr. 23, 1990, 104 Stat. 140, provided that:

“(a) Congress finds that—

“(1) the American family life is the foundation of American Society,

“(2) Federal policy should encourage the well-being, financial security, and health of the American family,

“(3) schools should not de-emphasize the critical value of American family life.

“(b) Nothing in this Act [enacting this section] shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.”

§ 41306. Report to Congress on banking law offenses**(a) In general****(1) Data collection**

The Attorney General shall compile and collect data concerning—

(A) the nature and number of civil and criminal investigations, prosecutions, and related proceedings, and civil enforcement and recovery proceedings, in progress with respect to banking law offenses under sections 981, 1008, 1032, and 3322(d) of title 18 and section 1833a of title 12 and conspiracies to commit any such offense, including inactive investigations of such offenses;

(B) the number of—

(i) investigations, prosecutions, and related proceedings described in subparagraph (A) which are inactive as of the close of the reporting period but have not been closed or declined; and

(ii) unaddressed referrals which allege criminal misconduct involving offenses described in subparagraph (A),

and the reasons such matters are inactive and the referrals unaddressed;

(C) the nature and number of such matters closed, settled, or litigated to conclusion; and

(D) the results achieved, including convictions and pretrial diversions, fines and penalties levied, restitution assessed and collected, and damages recovered, in such matters.

(2) Analysis and report

The Attorney General shall analyze and report to the Congress on the data described in paragraph (1) and its coordination and other related activities named in section 41501(c)(2)¹ of this title and shall provide such report on the data monthly through December 31, 1991, and quarterly after such date.

(b) Specifics of report

The report required by subsection (a) shall—

(1) categorize data as to various types of financial institutions and appropriate dollar loss categories;

(2) disclose data for each Federal judicial district;

(3) describe the activities of the Financial Institution Fraud Unit; and

(4) list—

(A) the number of institutions, categorized by failed and open institutions, in which evidence of significant fraud, unlawful activity, insider abuse or serious misconduct has been alleged or detected;

(B) civil, criminal, and administrative enforcement actions, including those of the Federal financial institutions regulatory agencies, brought against offenders;

(C) any settlements or judgments obtained against offenders;

(D) indictments, guilty pleas, or verdicts obtained against offenders; and

(E) the resources allocated in pursuit of investigations, prosecutions, and sentencing (including indictments, guilty pleas, or verdicts obtained against offenders) and related proceedings.

(Pub. L. 101-647, title XXV, § 2546, Nov. 29, 1990, 104 Stat. 4885.)

Editorial Notes**CODIFICATION**

Section was formerly classified as a note under section 522 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

§ 41307. Reporting requirement for missing children**(a) In general**

Each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of 21 reported to such agency to the National Crime Information Center of the Department of Justice.

(b) Guidelines

The Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 41308 of this title.¹

(c) Annual summary

The Attorney General shall publish an annual statistical summary of the reports received under this section and section 41308 of this title.

(Pub. L. 101-647, title XXXVII, § 3701, Nov. 29, 1990, 104 Stat. 4966; Pub. L. 108-21, title II, § 204, Apr. 30, 2003, 117 Stat. 660.)

¹ So in original. Probably should be “41501(c)(3)”.

¹ See References in Text note below.

Editorial Notes**REFERENCES IN TEXT**

This section and section 41308 of this title, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this title”, meaning title XXXVII of Pub. L. 101-647, which enacted this section and section 41308 of this title, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 5779 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21 substituted “age of 21” for “age of 18”.

§ 41308. State requirements for reporting missing children

Each State reporting under the provisions of this section and section 41307 of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;

(3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) a recent photograph of the child, if available;

(C) the date and location of the last known contact with the child; and

(D) the category under which the child is reported missing;

is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(4) provide that after receiving reports as provided in paragraph (3), the law enforcement agency that entered the report into the National Crime Information Center shall—

(A) no later than 30 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records and a photograph taken during the previous 180 days;

(B) institute or assist with appropriate search and investigative procedures;

(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing