

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.)

**Editorial Notes**

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.)

**Editorial Notes**

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.)

**Editorial Notes**

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.)

#### Editorial Notes

##### 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.

### § 30507. Jabara-Heyer NO HATE Act

#### (a) Short title

This section may be cited as the “Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021” or the “Jabara-Heyer NO HATE Act”.

#### (b) Findings

Congress finds the following:

(1) The incidence of violence known as hate crimes, or crimes motivated by bias, poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2019, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101-275; 28 U.S.C. 534 note)<sup>1</sup> to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crime Statistics Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111-84; 123 Stat. 2835)<sup>1</sup> have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28 and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and local law enforcement agencies receive on the identification

and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

#### (c) Definitions

In this section:

##### (1) Hate crime

The term “hate crime” means an act described in section 245, 247, or 249 of title 18 or in section 3631 of title 42.

##### (2) Priority agency

The term “priority agency” means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

(B) a law enforcement agency of a unit of local government that—

(i) serves a population of not less than 50,000 and less than 100,000, as computed by the Federal Bureau of Investigation; and

(ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available.

##### (3) State

The term “State” has the meaning given the term in section 10251 of this title.

##### (4) Uniform Crime Reports

The term “Uniform Crime Reports” means the reports authorized under section 534 of title 28 and administered by the Federal Bureau of Investigation that compile nationwide criminal statistics for use—

(A) in law enforcement administration, operation, and management; and

(B) to assess the nature and type of crime in the United States.

##### (5) Unit of local government

The term “unit of local government” has the meaning given the term in section 10251 of this title.

#### (d) Reporting of hate crimes

##### (1) Implementation grants

###### (A) In general

The Attorney General may make grants to States and units of local government to assist the State or unit of local government in implementing the National Incident-Based Reporting System, including to train employees in identifying and classifying hate crimes in the National Incident-Based Reporting System.

###### (B) Priority

In making grants under subparagraph (A), the Attorney General shall give priority to States and units of local government that develop and implement the programs and activities described in subsection (f)(2)(A).

<sup>1</sup> See References in Text note below.