

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)¹ 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)¹ 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).

¹ See References in Text note below.

(2) Reporting**(A) Compliance****(i) In general**

Except as provided in clause (ii), in each fiscal year beginning after the date that is 3 years after the date on which a State or unit of local government first receives a grant under paragraph (1), the State or unit of local government shall provide to the Attorney General, through the Uniform Crime Reporting system, information pertaining to hate crimes committed in that jurisdiction during the preceding fiscal year.

(ii) Extensions; waiver

The Attorney General—

(I) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to comply with clause (i); and

(II) shall waive the requirements of clause (i) if compliance with that subparagraph by a State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(B) Failure to comply

If a State or unit of local government that receives a grant under paragraph (1) fails to substantially comply with subparagraph (A) of this paragraph, the State or unit of local government shall repay the grant in full, plus reasonable interest and penalty charges allowable by law or established by the Attorney General.

(e) Grants for State-run hate crime hotlines**(1) Grants authorized****(A) In general**

The Attorney General shall make grants to States to create State-run hate crime reporting hotlines.

(B) Grant period

A grant made under subparagraph (A) shall be for a period of not more than 5 years.

(2) Hotline requirements

A State shall ensure, with respect to a hotline funded by a grant under paragraph (1), that—

(A) the hotline directs individuals to—
 (i) law enforcement if appropriate; and
 (ii) local support services;

(B) any personally identifiable information that an individual provides to an agency of the State through the hotline is not directly or indirectly disclosed, without the consent of the individual, to—

(i) any other agency of that State;
 (ii) any other State;
 (iii) the Federal Government; or
 (iv) any other person or entity;

(C) the staff members who operate the hotline are trained to be knowledgeable about—

(i) applicable Federal, State, and local hate crime laws; and

(ii) local law enforcement resources and applicable local support services; and

(D) the hotline is accessible to—

(i) individuals with limited English proficiency, where appropriate; and
 (ii) individuals with disabilities.

(3) Best practices

The Attorney General shall issue guidance to States on best practices for implementing the requirements of paragraph (2).

(f) Information collection by States and units of local government**(1) Definitions**

In this subsection:

(A) Covered agency

The term “covered agency” means—

(i) a State law enforcement agency; and
 (ii) a priority agency.

(B) Eligible entity

The term “eligible entity” means—

(i) a State; or
 (ii) a unit of local government that has a priority agency.

(2) Grants**(A) In general**

The Attorney General may make grants to eligible entities to assist covered agencies within the jurisdiction of the eligible entity in conducting law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program, including—

(i) adopting a policy on identifying, investigating, and reporting hate crimes;
 (ii) developing a standardized system of collecting, analyzing, and reporting the incidence of hate crime;
 (iii) establishing a unit specialized in identifying, investigating, and reporting hate crimes;
 (iv) engaging in community relations functions related to hate crime prevention and education such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crimes, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crimes; and

(v) providing hate crime trainings for agency personnel.

(B) Subgrants

A State that receives a grant under subparagraph (A) may award a subgrant to a unit of local government within the State for the purposes under that subparagraph, except that a unit of local government may provide funding from such a subgrant to any law enforcement agency of the unit of local government.

(3) Information required of States and units of local government**(A) In general**

For each fiscal year in which a State or unit of local government receives a grant or subgrant under paragraph (2), the State or unit of local government shall—

(i) collect information from each law enforcement agency that receives funding from the grant or subgrant summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and

(ii) submit to the Attorney General a report containing the information collected under clause (i).

(B) Semiannual law enforcement agency report**(i) In general**

In collecting the information required under subparagraph (A)(i), a State or unit of local government shall require each law enforcement agency that receives funding from a grant or subgrant awarded to the State or unit of local government under paragraph (2) to submit a semiannual report to the State or unit of local government that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program.

(ii) Contents

In a report submitted under clause (i), a law enforcement agency shall, at a minimum, disclose—

(I) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes;

(II) whether the agency has developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(III) whether the agency has established a unit specialized in identifying, investigating, and reporting hate crimes;

(IV) whether the agency engages in community relations functions related to hate crime, such as—

(aa) establishing a liaison with formal community-based organizations or leaders; and

(bb) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(V) the number of hate crime trainings for agency personnel, including the duration of the trainings, conducted by the agency during the reporting period.

(4) Compliance and redirection of funds**(A) In general**

Except as provided in subparagraph (B), beginning not later than 1 year after May 20, 2021, a State or unit of local government receiving a grant or subgrant under paragraph (2) shall comply with paragraph (3).

(B) Extensions; waiver

The Attorney General—

(i) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to collect the information required under paragraph (3); and

(ii) shall waive the requirements of paragraph (3) for a State or unit of local government if compliance with that subsection by the State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(g) Requirements of the Attorney General**(1) Information collection and analysis; report**

In order to improve the accuracy of data regarding the incidence of hate crime provided through the Uniform Crime Reports program, and promote a more complete understanding of the national problem posed by hate crime, the Attorney General shall—

(A) collect and analyze the information provided by States and units of local government under subsection (f) for the purpose of developing policies related to the provision of accurate data obtained under the Hate Crime Statistics Act (Public Law 101-275; 28 U.S.C. 534 note)¹ by the Federal Bureau of Investigation; and

(B) for each calendar year beginning after May 20, 2021, publish and submit to Congress a report based on the information collected and analyzed under subparagraph (A).

(2) Contents of report

A report submitted under paragraph (1) shall include—

(A) a qualitative analysis of the relationship between—

(i) the number of hate crimes reported by State law enforcement agencies or other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) through the Uniform Crime Reports program; and

(ii) the nature and extent of law enforcement activities or crime reduction programs conducted by those agencies to prevent, address, or otherwise respond to hate crime; and

(B) a quantitative analysis of the number of State law enforcement agencies and other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) that have—

(i) adopted a policy on identifying, investigating, and reporting hate crimes;

(ii) developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(iii) established a unit specialized in identifying, investigating, and reporting hate crimes;

(iv) engaged in community relations functions related to hate crime, such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(v) conducted hate crime trainings for agency personnel during the reporting period, including—

(I) the total number of trainings conducted by each agency; and

(II) the duration of the trainings described in subclause (I).

(h) Omitted

(Pub. L. 117–13, § 5, May 20, 2021, 135 Stat. 266.)

Editorial Notes

REFERENCES IN TEXT

The Hate Crime Statistics Act, referred to in subsecs. (b)(3) and (g)(1)(A), is Pub. L. 101–275, Apr. 23, 1990, 104 Stat. 140, which was set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification as section 41305 of this title, and as provisions set out as a note under section 41305 of this title.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, referred to in subsec. (b)(3), is division E of Pub. L. 111–84, Oct. 28, 2009, 123 Stat. 2835. For complete classification of this Act, see Short Title of 2009 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was enacted as part of 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 and also as part of the COVID–19 Hate Crimes Act, and not as part of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which comprises this chapter.

Section is comprised of section 5 of Pub. L. 117–13. Subsec. (h) of section 5 of Pub. L. 117–13 amended section 249 of Title 18, Crimes and Criminal Procedure.

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

background check system. A criminal justice agency may satisfy the requirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.

(b) Provision of State child abuse crime records through national criminal history background check system

(1) Not later than 180 days after December 20, 1993, the Attorney General shall, subject to availability of appropriations—

(A) investigate the criminal history records system of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line basis through the national criminal history background check system;

(B) in consultation with State officials, establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of criminal history records and other procedures for carrying out this chapter; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of each State timetable that the State—

(A) by not later than the date that is 5 years after December 20, 1993, have in a computerized criminal history file at least 80 percent of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain a reporting rate of at least 80 percent for final dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve 100 percent disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) Liaison

An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) Annual summary

(1) The Attorney General shall publish an annual statistical summary of child abuse crimes.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) Annual report

The Attorney General shall, subject to the availability of appropriations, publish an annual summary of each State’s progress in reporting child abuse crime information to the national criminal history background check system.

(f) Study of child abuse offenders

(1) Not later than 180 days after December 20, 1993, the Administrator of the Office of Juvenile