

105TH CONGRESS
1ST SESSION

S. 1529

To enhance Federal enforcement of hate crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 1997

Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance Federal enforcement of hate crimes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hate Crimes Preven-
5 tion Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the incidence of violence motivated by the
9 actual or perceived race, color, national origin, reli-

1 gion, sexual orientation, gender, or disability of the
2 victim poses a serious national problem;

3 (2) such violence disrupts the tranquility and
4 safety of communities and is deeply divisive;

5 (3) existing Federal law is inadequate to ad-
6 dress this problem;

7 (4) such violence affects interstate commerce in
8 many ways, including—

9 (A) by impeding the movement of members
10 of targeted groups and forcing such members to
11 move across State lines to escape the incidence
12 or risk of such violence; and

13 (B) by preventing members of targeted
14 groups from purchasing goods and services, ob-
15 taining or sustaining employment or participat-
16 ing in other commercial activity;

17 (5) perpetrators cross State lines to commit
18 such violence;

19 (6) instrumentalities of interstate commerce are
20 used to facilitate the commission of such violence;

21 (7) such violence is committed using articles
22 that have traveled in interstate commerce;

23 (8) violence motivated by bias that is a relic of
24 slavery can constitute badges and incidents of slav-
25 ery;

1 (9) although many local jurisdictions have at-
2 tempted to respond to the challenges posed by such
3 violence, the problem is sufficiently serious, wide-
4 spread, and interstate in scope to warrant Federal
5 intervention to assist such jurisdictions; and

6 (10) many States have no laws addressing vio-
7 lence based on the actual or perceived race, color,
8 national origin, religion, sexual orientation, gender,
9 or disability, of the victim, while other States have
10 laws that provide only limited protection.

11 **SEC. 3. DEFINITION OF HATE CRIME.**

12 In this Act, the term “hate crime” has the same
13 meaning as in section 280003(a) of the Violent Crime
14 Control and Law Enforcement Act of 1994 (28 U.S.C.
15 994 note).

16 **SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

17 Section 245 of title 18, United States Code, is
18 amended—

19 (1) by redesignating subsections (c) and (d) as
20 subsection (d) and (e), respectively; and

21 (2) by inserting after subsection (b) the follow-
22 ing:

23 “(c)(1) Whoever, whether or not acting under color
24 of law, willfully causes bodily injury to any person or,
25 through the use of fire, a firearm, or an explosive device,

1 attempts to cause bodily injury to any person, because of
2 the actual or perceived race, color, religion, or national
3 origin of any person—

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

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

10 “(i) death results from the acts committed
11 in violation of this paragraph; or

12 “(ii) the acts omitted in violation of this
13 paragraph include kidnapping or an attempt to
14 kidnap, aggravated sexual abuse or an attempt
15 to commit aggravated sexual abuse, or an at-
16 tempt to kill.

17 “(2)(A) Whoever, whether or not acting under color
18 of law, in any circumstance described in subparagraph
19 (B), willfully causes bodily injury to any person or,
20 through the use of fire, a firearm, or an explosive device,
21 attempts to cause bodily injury to any person, because of
22 the actual or perceived religion, gender, sexual orientation,
23 or disability of any person—

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

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

7 “(I) death results from the acts committed
8 in violation of this paragraph; or

9 “(II) the acts committed in violation of
10 this paragraph include kidnapping or an at-
11 tempt to kidnap, aggravated sexual abuse or an
12 attempt to commit aggravated sexual abuse, or
13 an attempt to kill.

14 “(B) For purposes of subparagraph (A), the cir-
15 cumstances described in this subparagraph are that—

16 “(i) in connection with the offense, the defend-
17 ant or the victim travels in interstate or foreign
18 commerce, uses a facility or instrumentality of inter-
19 state or foreign commerce, or engages in any activity
20 affecting interstate or foreign commerce; or

21 “(ii) the offense is in or affects interstate or
22 foreign commerce.”.

23 **SEC. 5. DUTIES OF FEDERAL SENTENCING COMMISSION.**

24 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
25 LINES.—Pursuant to its authority under section 994 of

1 title 28, United States Code, the United States Sentencing
2 Commission shall study the issue of adult recruitment of
3 juveniles to commit hate crimes and shall, if appropriate,
4 amend the Federal sentencing guidelines to provide sen-
5 tencing enhancements (in addition to the sentencing en-
6 hancement provided for the use of a minor during the
7 commission of an offense) for adult defendants who recruit
8 juveniles to assist in the commission of hate crimes.

9 (b) **CONSISTENCY WITH OTHER GUIDELINES.**—In
10 carrying out this section, the United States Sentencing
11 Commission shall—

12 (1) ensure that there is reasonable consistency
13 with other Federal sentencing guidelines; and

14 (2) avoid duplicative punishments for substan-
15 tially the same offense.

16 **SEC. 6. GRANT PROGRAM.**

17 (a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
18 trator of the Office of Juvenile Justice and Delinquency
19 Prevention of the Department of Justice shall make
20 grants, in accordance with such regulations as the Attor-
21 ney General may prescribe, to State and local programs
22 designed to combat hate crimes committed by juveniles.

23 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
24 are authorized to be appropriated such sums as may be
25 necessary to carry out this section.

1 **SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
2 **ASSIST STATE AND LOCAL LAW ENFORCE-**
3 **MENT.**

4 There are authorized to be appropriated to the De-
5 partment of the Treasury and the Department of Justice,
6 including the Community Relations Service, for fiscal
7 years 1998, 1999, and 2000 such sums as are necessary
8 to increase the number of personnel to prevent and re-
9 spond to alleged violations of section 245 of title 18, Unit-
10 ed States Code (as amended by this Act).

11 **SEC. 8. SEVERABILITY.**

12 If any provision of this Act, an amendment made by
13 this Act, or the application of such provision or amend-
14 ment to any person or circumstance is held to be unconsti-
15 tutional, the remainder of this Act, the amendments made
16 by this Act, and the application of the provisions of such
17 to any person or circumstance shall not be affected there-
18 by.

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