

105TH CONGRESS
1ST SESSION

S. 813

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

IN THE SENATE OF THE UNITED STATES

MAY 23, 1997

Mr. THURMOND (for himself and Mr. McCAIN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

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 “Veterans’ Cemetery
5 Protection Act of 1997”.

6 **SEC. 2. VANDALISM AT NATIONAL CEMETERIES.**

7 (a) IN GENERAL.—Chapter 91 of title 18, United
8 States Code, is amended by adding at the end the follow-
9 ing:

1 **“§ 1865. Vandalism and theft at national cemeteries**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘national cemetery’ means any
4 cemetery—

5 “(A) in the National Cemetery System es-
6 tablished under section 2400 of title 38; or

7 “(B) under the jurisdiction of the Sec-
8 retary of the Army, the Secretary of the Navy,
9 the Secretary of the Air Force, or the Secretary
10 of the Interior; and

11 “(2) the term ‘value’ means face value, par
12 value, market value, or cost price, either wholesale
13 or retail, whichever is greater.

14 “(b) PENALTIES FOR VANDALISM.—Whoever will-
15 fully injures or commits any depredation against any prop-
16 erty of a national cemetery, or attempts to do so—

17 “(1) if the damage or attempted damage to the
18 property exceeds \$1,000, shall be imprisoned not
19 more than 10 years, fined under this title, or both;
20 and

21 “(2) if the damage or attempted damage to the
22 property does not exceed \$1,000, shall be imprisoned
23 not more than 10 years, fined under this title, or
24 both.

25 “(c) PENALTIES FOR THEFT.—

26 “(1) IN GENERAL.—Whoever—

1 “(A) steals or knowingly converts to his or
2 her use or the use of another any property of
3 a national cemetery;

4 “(B) without authority, sells, conveys, or
5 disposes of any property of a national cemetery;
6 or

7 “(C) receives, conceals, or retains any
8 property of a national cemetery with the intent
9 to convert that property to his or her use or
10 gain, knowing that property to have been stolen
11 or converted,

12 shall be punished as provided in paragraph (2).

13 “(2) PENALTIES.—A person who violates para-
14 graph (1)—

15 “(A) in the case of property with an esti-
16 mated value that exceeds \$1,000, shall be im-
17 prisoned not more than 15 years, fined under
18 this title, or both; and

19 “(B) in the case of property with an esti-
20 mated value that does not exceed \$1,000, shall
21 be imprisoned not more than 1 year, fined
22 under this title, or both.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 91 of title 18, United States Code, is amended by in-

- 1 serring after the item relating to section 1864 the follow-
- 2 ing:

“1865. Vandalism and theft at national cemeteries.”.

