

106TH CONGRESS
1ST SESSION

H. R. 1082

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1999

Mr. CONYERS (for himself, Mrs. MORELLA, Ms. BALDWIN, Mr. FORBES, Mr. GEPHARDT, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. ROTHMAN, Mr. WEINER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BILBRAY, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON, Mr. CLAY, Mrs. CLAYTON, Mrs. CHRISTENSEN, Mr. COYNE, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DINGELL, Mr. DIXON, Mr. ENGEL, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HORN, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON, Mr. LEACH, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MATSUI, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Mr. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. STABENOW, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. UNDERWOOD, Mr. WAXMAN, Mr. WEYGAND, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was 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 1999”.

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-
10 gion, sexual orientation, gender, or disability of the
11 victim poses a serious national problem;

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

14 (3) existing Federal law is inadequate to ad-
15 dress this problem;

16 (4) such violence affects interstate commerce in
17 many ways, including—

18 (A) by impeding the movement of members
19 of targeted groups and forcing such members to
20 move across State lines to escape the incidence
21 or risk of such violence; and

1 (B) by preventing members of targeted
2 groups from purchasing goods and services, ob-
3 taining or sustaining employment or participat-
4 ing in other commercial activity;

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

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

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

11 (8) violence motivated by bias that is a relic of
12 slavery can constitute badges and incidents of slav-
13 ery;

14 (9) although many State and local authorities
15 are now and will continue to be responsible for pros-
16 ecuting the overwhelming majority of violent crimes
17 in the United States, including violent crimes moti-
18 vated by bias, Federal jurisdiction over certain vio-
19 lent crimes motivated by bias is necessary to supple-
20 ment State and local jurisdiction and ensure that
21 justice is achieved in each case;

22 (10) Federal jurisdiction over certain violent
23 crimes motivated by bias enables Federal, State, and
24 local authorities to work together as partners in the
25 investigation and prosecution of such crimes; and

1 (11) the problem of hate crime is sufficiently
2 serious, widespread, and interstate in nature as to
3 warrant Federal assistance to States and local juris-
4 dictions.

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

6 In this Act, the term “hate crime” has the same
7 meaning as in section 280003(a) of the Violent Crime
8 Control and Law Enforcement Act of 1994 (28 U.S.C.
9 994 note).

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

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

13 (1) by redesignating subsections (c) and (d) as
14 subsections (d) and (e), respectively; and

15 (2) by inserting after subsection (b) the follow-
16 ing:

17 “(c)(1) Whoever, whether or not acting under color
18 of law, willfully causes bodily injury to any person or,
19 through the use of fire, a firearm, or an explosive device,
20 attempts to cause bodily injury to any person, because of
21 the actual or perceived race, color, religion, or national
22 origin of any person—

23 “(A) shall be imprisoned not more than 10
24 years, or fined in accordance with this title, or both;
25 and

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

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

6 “(ii) the acts omitted in violation of this
7 paragraph include kidnapping or an attempt to
8 kidnap, aggravated sexual abuse or an attempt
9 to commit aggravated sexual abuse, or an at-
10 tempt to kill.

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

18 “(i) shall be imprisoned not more than 10
19 years, or fined in accordance with this title, or both;
20 and

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

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

1 “(II) the acts committed in violation of
2 this paragraph include kidnapping or an at-
3 tempt to kidnap, aggravated sexual abuse or an
4 attempt to commit aggravated sexual abuse, or
5 an attempt to kill.

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

8 “(i) in connection with the offense, the defend-
9 ant or the victim travels in interstate or foreign
10 commerce, uses a facility or instrumentality of inter-
11 state or foreign commerce, or engages in any activity
12 affecting interstate or foreign commerce; or

13 “(ii) the offense is in or affects interstate or
14 foreign commerce.”.

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

16 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
17 LINES.—Pursuant to its authority under section 994 of
18 title 28, United States Code, the United States Sentencing
19 Commission shall study the issue of adult recruitment of
20 juveniles to commit hate crimes and shall, if appropriate,
21 amend the Federal sentencing guidelines to provide sen-
22 tencing enhancements (in addition to the sentencing en-
23 hancement provided for the use of a minor during the
24 commission of an offense) for adult defendants who recruit
25 juveniles to assist in the commission of hate crimes.

1 (b) CONSISTENCY WITH OTHER GUIDELINES.—In
2 carrying out this section, the United States Sentencing
3 Commission shall—

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

6 (2) avoid duplicative punishments for substan-
7 tially the same offense.

8 **SEC. 6. GRANT PROGRAM.**

9 (a) AUTHORITY TO MAKE GRANTS.—The Office of
10 Justice Programs of the Department of Justice shall make
11 grants, in accordance with such regulations as the Attor-
12 ney General may prescribe, to State and local programs
13 designed to combat hate crimes committed by juveniles,
14 including programs to train local law enforcement officers
15 in investigating, prosecuting, and preventing hate crimes.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as may be
18 necessary to carry out this section.

19 **SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
20 **ASSIST STATE AND LOCAL LAW ENFORCE-**
21 **MENT.**

22 There are authorized to be appropriated to the De-
23 partment of the Treasury and the Department of Justice,
24 including the Community Relations Service, for fiscal
25 years 1998, 1999, and 2000 such sums as are necessary

1 to increase the number of personnel to prevent and re-
2 spond to alleged violations of section 245 of title 18,
3 United States Code (as amended by this Act).

4 **SEC. 8. SEVERABILITY.**

5 If any provision of this Act, an amendment made by
6 this Act, or the application of such provision or amend-
7 ment to any person or circumstance is held to be unconsti-
8 tutional, the remainder of this Act, the amendments made
9 by this Act, and the application of the provisions of such
10 to any person or circumstance shall not be affected there-
11 by.

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