

110TH CONGRESS
1ST SESSION

H. R. 1592

To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2007

Mr. CONYERS (for himself, Mr. KIRK, Mr. FRANK of Massachusetts, Mr. SHAYS, Ms. BALDWIN, Ms. ROS-LEHTINEN, Mr. NADLER, Mrs. BONO, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CARSON, Mr. CASTLE, Mr. COHEN, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GERLACH, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado,

Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute 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 “Local Law Enforce-
5 ment Hate Crimes Prevention Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The incidence of violence motivated by the
9 actual or perceived race, color, religion, national ori-
10 gin, gender, sexual orientation, gender identity, or
11 disability of the victim poses a serious national prob-
12 lem.

13 (2) Such violence disrupts the tranquility and
14 safety of communities and is deeply divisive.

15 (3) State and local authorities are now and will
16 continue to be responsible for prosecuting the over-
17 whelming majority of violent crimes in the United

1 States, including violent crimes motivated by bias.
2 These authorities can carry out their responsibilities
3 more effectively with greater Federal assistance.

4 (4) Existing Federal law is inadequate to ad-
5 dress this problem.

6 (5) A prominent characteristic of a violent
7 crime motivated by bias is that it devastates not just
8 the actual victim and the family and friends of the
9 victim, but frequently savages the community shar-
10 ing the traits that caused the victim to be selected.

11 (6) Such violence substantially affects interstate
12 commerce in many ways, including the following:

13 (A) The movement of members of targeted
14 groups is impeded, and members of such groups
15 are forced to move across State lines to escape
16 the incidence or risk of such violence.

17 (B) Members of targeted groups are pre-
18 vented from purchasing goods and services, ob-
19 taining or sustaining employment, or partici-
20 pating in other commercial activity.

21 (C) Perpetrators cross State lines to com-
22 mit such violence.

23 (D) Channels, facilities, and instrumental-
24 ities of interstate commerce are used to facili-
25 tate the commission of such violence.

1 (E) Such violence is committed using arti-
2 cles that have traveled in interstate commerce.

3 (7) For generations, the institutions of slavery
4 and involuntary servitude were defined by the race,
5 color, and ancestry of those held in bondage. Slavery
6 and involuntary servitude were enforced, both prior
7 to and after the adoption of the 13th amendment to
8 the Constitution of the United States, through wide-
9 spread public and private violence directed at per-
10 sons because of their race, color, or ancestry, or per-
11 ceived race, color, or ancestry. Accordingly, elimi-
12 nating racially motivated violence is an important
13 means of eliminating, to the extent possible, the
14 badges, incidents, and relics of slavery and involun-
15 tary servitude.

16 (8) Both at the time when the 13th, 14th, and
17 15th amendments to the Constitution of the United
18 States were adopted, and continuing to date, mem-
19 bers of certain religious and national origin groups
20 were and are perceived to be distinct “races”. Thus,
21 in order to eliminate, to the extent possible, the
22 badges, incidents, and relics of slavery, it is nec-
23 essary to prohibit assaults on the basis of real or
24 perceived religions or national origins, at least to the
25 extent such religions or national origins were re-

1 garded as races at the time of the adoption of the
2 13th, 14th, and 15th amendments to the Constitu-
3 tion of the United States.

4 (9) Federal jurisdiction over certain violent
5 crimes motivated by bias enables Federal, State, and
6 local authorities to work together as partners in the
7 investigation and prosecution of such crimes.

8 (10) The problem of crimes motivated by bias
9 is sufficiently serious, widespread, and interstate in
10 nature as to warrant Federal assistance to States,
11 local jurisdictions, and Indian tribes.

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

13 In this Act—

14 (1) the term “crime of violence” has the mean-
15 ing given that term in section 16, title 18, United
16 States Code;

17 (2) the term “hate crime” has the meaning
18 given such term in section 280003(a) of the Violent
19 Crime Control and Law Enforcement Act of 1994
20 (28 U.S.C. 994 note); and

21 (3) the term “local” means a county, city, town,
22 township, parish, village, or other general purpose
23 political subdivision of a State.

1 **SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND**
2 **PROSECUTIONS BY STATE, LOCAL, AND TRIB-**
3 **AL LAW ENFORCEMENT OFFICIALS.**

4 (a) ASSISTANCE OTHER THAN FINANCIAL ASSIST-
5 ANCE.—

6 (1) IN GENERAL.—At the request of State,
7 local, or Tribal law enforcement agency, the Attor-
8 ney General may provide technical, forensic, prosecu-
9 torial, or any other form of assistance in the crimi-
10 nal investigation or prosecution of any crime that—

11 (A) constitutes a crime of violence;

12 (B) constitutes a felony under the State,
13 local, or Tribal laws; and

14 (C) is motivated by prejudice based on the
15 actual or perceived race, color, religion, national
16 origin, gender, sexual orientation, gender iden-
17 tity, or disability of the victim, or is a violation
18 of the State, local, or Tribal hate crime laws.

19 (2) PRIORITY.—In providing assistance under
20 paragraph (1), the Attorney General shall give pri-
21 ority to crimes committed by offenders who have
22 committed crimes in more than one State and to
23 rural jurisdictions that have difficulty covering the
24 extraordinary expenses relating to the investigation
25 or prosecution of the crime.

26 (b) GRANTS.—

1 (1) IN GENERAL.—The Attorney General may
2 award grants to State, local, and Indian law enforce-
3 ment agencies for extraordinary expenses associated
4 with the investigation and prosecution of hate
5 crimes.

6 (2) OFFICE OF JUSTICE PROGRAMS.—In imple-
7 menting the grant program under this subsection,
8 the Office of Justice Programs shall work closely
9 with grantees to ensure that the concerns and needs
10 of all affected parties, including community groups
11 and schools, colleges, and universities, are addressed
12 through the local infrastructure developed under the
13 grants.

14 (3) APPLICATION.—

15 (A) IN GENERAL.—Each State, local, and
16 Indian law enforcement agency that desires a
17 grant under this subsection shall submit an ap-
18 plication to the Attorney General at such time,
19 in such manner, and accompanied by or con-
20 taining such information as the Attorney Gen-
21 eral shall reasonably require.

22 (B) DATE FOR SUBMISSION.—Applications
23 submitted pursuant to subparagraph (A) shall
24 be submitted during the 60-day period begin-

1 ning on a date that the Attorney General shall
2 prescribe.

3 (C) REQUIREMENTS.—A State, local, and
4 Indian law enforcement agency applying for a
5 grant under this subsection shall—

6 (i) describe the extraordinary pur-
7 poses for which the grant is needed;

8 (ii) certify that the State, local gov-
9 ernment, or Indian tribe lacks the re-
10 sources necessary to investigate or pros-
11 ecute the hate crime;

12 (iii) demonstrate that, in developing a
13 plan to implement the grant, the State,
14 local, and Indian law enforcement agency
15 has consulted and coordinated with non-
16 profit, nongovernmental victim services
17 programs that have experience in providing
18 services to victims of hate crimes; and

19 (iv) certify that any Federal funds re-
20 ceived under this subsection will be used to
21 supplement, not supplant, non-Federal
22 funds that would otherwise be available for
23 activities funded under this subsection.

24 (4) DEADLINE.—An application for a grant
25 under this subsection shall be approved or denied by

1 the Attorney General not later than 30 business
2 days after the date on which the Attorney General
3 receives the application.

4 (5) GRANT AMOUNT.—A grant under this sub-
5 section shall not exceed \$100,000 for any single ju-
6 risdiction in any 1-year period.

7 (6) REPORT.—Not later than December 31,
8 2008, the Attorney General shall submit to Congress
9 a report describing the applications submitted for
10 grants under this subsection, the award of such
11 grants, and the purposes for which the grant
12 amounts were expended.

13 (7) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$5,000,000 for each of fiscal years
16 2008 and 2009.

17 **SEC. 5. GRANT PROGRAM.**

18 (a) AUTHORITY TO AWARD GRANTS.—The Office of
19 Justice Programs of the Department of Justice may
20 award grants, in accordance with such regulations as the
21 Attorney General may prescribe, to State, local, or Tribal
22 programs designed to combat hate crimes committed by
23 juveniles, including programs to train local law enforce-
24 ment officers in identifying, investigating, prosecuting,
25 and preventing hate crimes.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.

4 **SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
5 **ASSIST STATE, LOCAL, AND TRIBAL LAW EN-**
6 **FORCEMENT.**

7 There are authorized to be appropriated to the De-
8 partment of the Treasury and the Department of Justice,
9 including the Community Relations Service, for fiscal
10 years 2008, 2009, and 2010 such sums as are necessary
11 to increase the number of personnel to prevent and re-
12 spond to alleged violations of section 249 of title 18,
13 United States Code, as added by section 7 of this Act.

14 **SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

15 (a) IN GENERAL.—Chapter 13 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 249. Hate crime acts**

19 “(a) IN GENERAL.—

20 “(1) OFFENSES INVOLVING ACTUAL OR PER-
21 CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-
22 GIN.—Whoever, whether or not acting under color of
23 law, willfully causes bodily injury to any person or,
24 through the use of fire, a firearm, or an explosive or
25 incendiary device, attempts to cause bodily injury to

1 any person, because of the actual or perceived race,
2 color, religion, or national origin of any person—

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

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

9 “(i) death results from the offense; or

10 “(ii) the offense includes kidnaping or
11 an attempt to kidnap, aggravated sexual
12 abuse or an attempt to commit aggravated
13 sexual abuse, or an attempt to kill.

14 “(2) OFFENSES INVOLVING ACTUAL OR PER-
15 CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-
16 UAL ORIENTATION, GENDER IDENTITY, OR DIS-
17 ABILITY.—

18 “(A) IN GENERAL.—Whoever, whether or
19 not acting under color of law, in any cir-
20 cumstance described in subparagraph (B), will-
21 fully causes bodily injury to any person or,
22 through the use of fire, a firearm, or an explo-
23 sive or incendiary device, attempts to cause
24 bodily injury to any person, because of the ac-
25 tual or perceived religion, national origin, gen-

1 der, sexual orientation, gender identity or dis-
2 ability of any person—

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

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

9 “(I) death results from the of-
10 fense; or

11 “(II) the offense includes kid-
12 naping or an attempt to kidnap, ag-
13 gravated sexual abuse or an attempt
14 to commit aggravated sexual abuse, or
15 an attempt to kill.

16 “(B) CIRCUMSTANCES DESCRIBED.—For
17 purposes of subparagraph (A), the cir-
18 cumstances described in this subparagraph are
19 that—

20 “(i) the conduct described in subpara-
21 graph (A) occurs during the course of, or
22 as the result of, the travel of the defendant
23 or the victim—

24 “(I) across a State line or na-
25 tional border; or

1 “(II) using a channel, facility, or
2 instrumentality of interstate or for-
3 eign commerce;

4 “(ii) the defendant uses a channel, fa-
5 cility, or instrumentality of interstate or
6 foreign commerce in connection with the
7 conduct described in subparagraph (A);

8 “(iii) in connection with the conduct
9 described in subparagraph (A), the defend-
10 ant employs a firearm, explosive or incen-
11 diary device, or other weapon that has
12 traveled in interstate or foreign commerce;
13 or

14 “(iv) the conduct described in sub-
15 paragraph (A)—

16 “(I) interferes with commercial
17 or other economic activity in which
18 the victim is engaged at the time of
19 the conduct; or

20 “(II) otherwise affects interstate
21 or foreign commerce.

22 “(b) CERTIFICATION REQUIREMENT.—No prosecu-
23 tion of any offense described in this subsection may be
24 undertaken by the United States, except under the certifi-
25 cation in writing of the Attorney General, the Deputy At-

1 torney General, the Associate Attorney General, or any
2 Assistant Attorney General specially designated by the At-
3 torney General that—

4 “(1) such certifying individual has reasonable
5 cause to believe that the actual or perceived race,
6 color, religion, national origin, gender, sexual ori-
7 entation, gender identity, or disability of any person
8 was a motivating factor underlying the alleged con-
9 duct of the defendant; and

10 “(2) such certifying individual has consulted
11 with State or local law enforcement officials regard-
12 ing the prosecution and determined that—

13 “(A) the State does not have jurisdiction
14 or does not intend to exercise jurisdiction;

15 “(B) the State has requested that the Fed-
16 eral Government assume jurisdiction;

17 “(C) the State does not object to the Fed-
18 eral Government assuming jurisdiction; or

19 “(D) the verdict or sentence obtained pur-
20 suant to State charges left demonstratively
21 unvindicated the Federal interest in eradicating
22 bias-motivated violence.

23 “(c) DEFINITIONS.—In this section—

1 “(1) the term ‘explosive or incendiary device’
2 has the meaning given such term in section 232 of
3 this title;

4 “(2) the term ‘firearm’ has the meaning given
5 such term in section 921(a) of this title; and

6 “(3) the term ‘gender identity’ for the purposes
7 of this chapter means actual or perceived gender-re-
8 lated characteristics.

9 “(d) **RULE OF EVIDENCE.**—In a prosecution for an
10 offense under this section, evidence of expression or asso-
11 ciations of the defendant may not be introduced as sub-
12 stantive evidence at trial, unless the evidence specifically
13 relates to that offense. However, nothing in this section
14 affects the rules of evidence governing impeachment of a
15 witness.”.

16 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
17 The analysis for chapter 13 of title 18, United States
18 Code, is amended by adding at the end the following:

 “249. Hate crime acts.”.

19 **SEC. 8. STATISTICS.**

20 (a) **IN GENERAL.**—Subsection (b)(1) of the first sec-
21 tion of the Hate Crimes Statistics Act (28 U.S.C. 534
22 note) is amended by inserting “gender and gender iden-
23 tity,” after “race,”.

24 (b) **DATA.**—Subsection (b)(5) of the first section of
25 the Hate Crimes Statistics Act (28 U.S.C. 534 note) is

1 amended by inserting “, including data about crimes com-
2 mitted by, and crimes directed against, juveniles” after
3 “data acquired under this section”.

4 **SEC. 9. 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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