

§ 246. Deprivation of relief benefits

Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.

(Added Pub. L. 94-453, §4(a), Oct. 2, 1976, 90 Stat. 1517; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

§ 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person’s free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).

(d) The punishment for a violation of subsection (a) of this section shall be—

(1) if death results from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both, or may be sentenced to death;

(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more than 40 years, or both;

(3) if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both; and

(4) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(e) No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(f) As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship.

(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

(Added Pub. L. 100-346, §1, June 24, 1988, 102 Stat. 644; amended Pub. L. 103-322, title VI, §60006(d), title XXXII, §320103(d), Sept. 13, 1994, 108 Stat. 1971, 2110; Pub. L. 104-155, §3, July 3, 1996, 110 Stat. 1392; Pub. L. 104-294, title VI, §§601(c)(3), 605(r), Oct. 11, 1996, 110 Stat. 3499, 3511; Pub. L. 107-273, div. B, title IV, §4002(c)(1), (e)(4), Nov. 2, 2002, 116 Stat. 1808, 1810.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-273, §4002(c)(1), repealed amendment by Pub. L. 107-273, §605(r). See 1996 Amendment note below.

Subsec. (e). Pub. L. 107-273, §4002(e)(4), made technical correction to directory language of Pub. L. 104-294, §601(c)(3). See 1996 Amendment note below.

1996—Subsec. (a). Pub. L. 104-155, §3(1), substituted “subsection (d)” for “subsection (c) of this section” in concluding provisions.

Subsec. (b). Pub. L. 104-155, §3(3), added subsec. (b) and struck out former subsec. (b) which read as follows: “The circumstances referred to in subsection (a) are that—

“(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

“(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than \$10,000.”

Subsec. (c). Pub. L. 104-155, §3(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-294, §605(r), which directed the substitution of “certification” for “notification” in subsec. (d), was repealed by Pub. L. 107-273, §4002(c)(1).

Subsec. (d). Pub. L. 104-155, §3(2), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2). Pub. L. 104-155, §3(4)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (d)(3). Pub. L. 104-155, §3(4)(A), (B), redesignated par. (2) as (3), inserted “to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section,” after “bodily injury” and substituted “20 years” for “ten years”. Former par. (3) redesignated (4).

Subsec. (d)(4). Pub. L. 104-155, §3(4)(B), redesignated par. (3) as (4).

Subsec. (e). Pub. L. 104-294, §601(c)(3), as amended by Pub. L. 107-273, §4002(e)(4), substituted “certification” for “notification”.

Pub. L. 104-155, §3(2), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104-155, §3(2), (5), redesignated subsec. (e) as (f), inserted “, including fixtures or reli-