§ 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 that 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-

gious objects contained within a place of religious worship'' before the period, and substituted ''religious real property'' for ''religious property'' in two places.

Subsec. (g). Pub. L. 104–155, § 3(6), added subsec. (g).

1994—Subsec. (c)(1). Pub. L. 103–322, § 320103(d)(1), inserted ''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'' after ''death results''.

Pub. L. 103–322, § 60006(d), inserted '', or may be sentenced to death'' after ''or both''.

Subsec. (c)(2). Pub. L. 103–322, § 320103(d)(2), struck out ''serious'' before ''bodily'' and inserted ''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'' after ''injury results''.

Subsec. (e). Pub. L. 103–322, § 320103(d)(3), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: ''As used in this section—

''(1) the term 'religious real property' means any church, synagogue, mosque, religious cemetery, or other religious real property; and

''(2) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.''

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

Pub. L. 107–273, div. B, title IV, § 4002(e)(4), Nov. 2, 2002, 116 Stat. 1810, provided that the amendment made by section 4002(e)(4) is effective Oct. 11, 1996.

CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 104–155 provided that: ''The Congress finds the following:

''(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

''(2) The incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations.

''(3) Changes in Federal law are necessary to deal properly with this problem.

''(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

''(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law.

''(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law.''

§ 248. Freedom of access to clinic entrances

(a) PROHIBITED ACTIVITIES.—Whoever—

(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

(b) PENALTIES.—Whoever violates this section shall—

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not more than 3 years, or both;

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than $10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall, notwithstanding section 3571, be not more than $25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

(c) CIVIL REMEDIES.—

(1) RIGHT OF ACTION.—

(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may