

106TH CONGRESS
1ST SESSION

S. 1406

To combat hate crimes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 1999

Mr. HATCH introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To combat hate crimes.

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. HATE CRIMES.**

4 (a) DECLARATIONS.—Congress declares that—

5 (1) further efforts must be taken at all levels of
6 government to respond to the staggering brutality of
7 hate crimes that have riveted public attention and
8 shocked the Nation;

9 (2) hate crimes are prompted by bias and are
10 committed to send a message of hate to targeted
11 communities, usually defined on the basis of immu-
12 table traits;

1 (3) the prominent characteristic of a hate crime
 2 is that it devastates not just the actual victim and
 3 the victim’s family and friends, but frequently sav-
 4 ages the community sharing the traits that caused
 5 the victim to be selected;

6 (4) any efforts undertaken by the Federal Gov-
 7 ernment to combat hate crimes must respect the pri-
 8 macy that States and local officials have tradition-
 9 ally been accorded in the criminal prosecution of
 10 acts constituting hate crimes; and

11 (5) an overly broad reaction by the Federal
 12 Government to this serious problem might ultimately
 13 diminish the accountability of State and local offi-
 14 cials in responding to hate crimes and transgress the
 15 constitutional limitations on the powers vested in
 16 Congress under the Constitution.

17 (b) STUDIES.—

18 (1) COLLECTION OF DATA.—

19 (A) DEFINITION OF HATE CRIME.—In this
 20 paragraph, the term “hate crime” means—

21 (i) a crime described in subsection
 22 (b)(1) of the first section of the Hate
 23 Crime Statistics Act (28 U.S.C. 534 note);
 24 and

1 (ii) a crime that manifests evidence of
2 prejudice based on gender or age.

3 (B) COLLECTION FROM CROSS-SECTION OF
4 STATES.—Not later than 120 days after the
5 date of enactment of this Act, the Comptroller
6 General of the United States, in consultation
7 with the National Governors' Association, shall
8 select 10 jurisdictions with laws classifying cer-
9 tain types of crimes as hate crimes and 10 ju-
10 risdictions without such laws from which to col-
11 lect data described in subparagraph (C) over a
12 12-month period.

13 (C) DATA TO BE COLLECTED.—The data
14 to be collected are—

15 (i) the number of hate crimes that are
16 reported and investigated;

17 (ii) the percentage of hate crimes that
18 are prosecuted and the percentage that re-
19 sult in conviction;

20 (iii) the length of the sentences im-
21 posed for crimes classified as hate crimes
22 within a jurisdiction, compared with the
23 length of sentences imposed for similar
24 crimes committed in jurisdictions with no
25 hate crime laws; and

1 (iv) references to and descriptions of
2 the laws under which the offenders were
3 punished.

4 (D) COSTS.—Participating jurisdictions
5 shall be reimbursed for the reasonable and nec-
6 essary costs of compiling data under this para-
7 graph.

8 (2) STUDY OF TRENDS.—

9 (A) IN GENERAL.—Not later than 18
10 months after the date of enactment of this Act,
11 the Comptroller General of the United States
12 and the General Accounting Office shall com-
13 plete a study that analyzes the data collected
14 under paragraph (1) and under the Hate Crime
15 Statistics Act of 1990 to determine the extent
16 of hate crime activity throughout the country
17 and the success of State and local officials in
18 combating that activity.

19 (B) IDENTIFICATION OF TRENDS.—In the
20 study conducted under subparagraph (A), the
21 Comptroller General of the United States and
22 the General Accounting Office shall identify any
23 trends in the commission of hate crimes specifi-
24 cally by—

25 (i) geographic region;

- 1 (ii) type of crime committed; and
2 (iii) the number of hate crimes that
3 are prosecuted and the number for which
4 convictions are obtained.

5 (c) MODEL STATUTE.—

6 (1) IN GENERAL.—To encourage the identifica-
7 tion and prosecution of hate crimes throughout the
8 country, the Attorney General shall, through the Na-
9 tional Conference of Commissioners on Uniform
10 State Laws of the American Law Institute or an-
11 other appropriate forum, and in consultation with
12 the States, develop a model statute to carry out the
13 goals described in subsection (a) and criminalize acts
14 classified as hate crimes.

15 (2) REQUIREMENTS.—In developing the model
16 statute, the Attorney General shall—

17 (A) include in the model statute crimes
18 that manifest evidence of prejudice; and

19 (B) prepare an analysis of all reasons why
20 any crime motivated by prejudice based on any
21 traits of a victim should or should not be in-
22 cluded.

23 (d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND
24 PROSECUTIONS BY STATE AND LOCAL LAW ENFORCE-
25 MENT OFFICIALS.—

1 (1) ASSISTANCE OTHER THAN FINANCIAL AS-
2 SISTANCE.—

3 (A) IN GENERAL.—At the request of a law
4 enforcement official of a State or a political
5 subdivision of a State, the Attorney General,
6 acting through the Director of the Federal Bu-
7 reau of Investigation, shall provide technical, fo-
8 rensic, prosecutorial, or any other form of as-
9 sistance in the criminal investigation or pros-
10 ecution of any crime that—

11 (i) constitutes a crime of violence (as
12 defined in section 16 of title 18, United
13 States Code);

14 (ii) constitutes a felony under the laws
15 of the State; and

16 (iii) is motivated by prejudice based
17 on the victim's race, ethnicity, or religion
18 or is a violation of the State's hate crime
19 law.

20 (B) PRIORITY.—In providing assistance
21 under subparagraph (A), the Attorney General
22 shall give priority to crimes committed by of-
23 fenders who have committed crimes in more
24 than 1 State.

25 (2) GRANTS.—

1 (A) IN GENERAL.—There is established a
2 grant program within the Department of Jus-
3 tice to assist State and local officials in the in-
4 vestigation and prosecution of hate crimes.

5 (B) ELIGIBILITY.—A State or political
6 subdivision of a State applying for assistance
7 under this paragraph shall—

8 (i) describe the purposes for which the
9 grant is needed; and

10 (ii) certify that the State or political
11 subdivision lacks the resources necessary to
12 investigate or prosecute the hate crime.

13 (C) DEADLINE.—An application for a
14 grant under this paragraph shall be approved
15 or disapproved by the Attorney General not
16 later than 24 hours after the application is sub-
17 mitted.

18 (D) GRANT AMOUNT.—A grant under this
19 paragraph shall not exceed \$100,000 for any
20 single case.

21 (E) REPORT.—Not later than December
22 31, 2001, the Attorney General, in consultation
23 with the National Governors' Association, shall
24 submit to Congress a report describing the ap-
25 plications made for grants under this para-

1 graph, the award of such grants, and the effec-
 2 tiveness of the grant funds awarded.

3 (F) AUTHORIZATION OF APPROPRIA-
 4 TIONS.—There is authorized to be appropriated
 5 to carry out this paragraph \$5,000,000 for each
 6 of fiscal years 2000 and 2001.

7 (e) INTERSTATE TRAVEL TO COMMIT HATE
 8 CRIME.—

9 (1) IN GENERAL.—Chapter 13 of title 18,
 10 United States Code, is amended by adding at the
 11 end the following:

12 **“§ 249. Interstate travel to commit hate crime**

13 “(a) IN GENERAL.—A person, whether or not acting
 14 under color of law, who—

15 “(1) travels across a State line or enters or
 16 leaves Indian country in order, by force or threat of
 17 force, to willfully injure, intimidate, or interfere
 18 with, or by force or threat of force to attempt to in-
 19 jure, intimidate, or interfere with, any person be-
 20 cause of the person’s race, color, religion, or national
 21 origin; and

22 “(2) by force or threat of force, willfully in-
 23 jures, intimidates, or interferes with, or by force or
 24 threat of force attempts to willfully injure, intimi-

1 date, or interfere with any person because of the
 2 person's race, color, religion, or national origin,
 3 shall be subject to a penalty under subsection (b).

4 “(b) PENALTIES.—A person described in subsection
 5 (a) who is subject to a penalty under this subsection—

6 “(1) shall be fined under this title, imprisoned
 7 not more than 1 year, or both;

8 “(2) if bodily injury results or if the violation
 9 includes the use, attempted use, or threatened use of
 10 a dangerous weapon, explosives, or fire, shall be
 11 fined under this title, imprisoned not more than 10
 12 years, or both; or

13 “(3) if death results or if the violation includes
 14 kidnapping or an attempt to kidnap, aggravated sex-
 15 ual abuse or an attempt to commit aggravated sex-
 16 ual abuse, or an attempt to kill—

17 “(A) shall be fined under this title, impris-
 18 oned for any term of years or for life, or both;
 19 or

20 “(B) may be sentenced to death.”.

21 (2) TECHNICAL AMENDMENT.—The analysis for
 22 chapter 13 of title 18, United States Code, is
 23 amended by adding at the end the following:

“249. Interstate travel to commit hate crime.”.

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