

112TH CONGRESS
2D SESSION

S. 3178

To amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2012

Mr. LEE (for himself, Mr. RUBIO, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), 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 “Freedom From Union
5 Violence Act of 2012”.

6 **SEC. 2. INTERFERENCE WITH COMMERCE BY THREATS OR**
7 **VIOLENCE.**

8 Section 1951 of title 18, United States Code, is
9 amended to read as follows:

1 **“§ 1951. Interference with commerce by threats or vi-**
 2 **olence**

3 “(a) PROHIBITION.—Except as provided in sub-
 4 section (c), whoever in any way or degree obstructs,
 5 delays, or affects commerce or the movement of any article
 6 or commodity in commerce, by robbery or extortion, or at-
 7 tempts or conspires so to do, or commits or threatens
 8 physical violence to any person or property in furtherance
 9 of a plan or purpose to do anything in violation of this
 10 section, shall be fined not more than \$100,000, imprisoned
 11 for a term of not more than 20 years, or both.

12 “(b) DEFINITIONS.—For purposes of this section—

13 “(1) the term ‘commerce’ means any—

14 “(A) commerce within the District of Co-
 15 lumbia, or any territory or possession of the
 16 United States;

17 “(B) commerce between any point in a
 18 State, territory, possession, or the District of
 19 Columbia and any point outside thereof;

20 “(C) commerce between points within the
 21 same State through any place outside that
 22 State; and

23 “(D) other commerce over which the
 24 United States has jurisdiction;

1 “(2) the term ‘extortion’ means the obtaining of
 2 property from any person, with the consent of that
 3 person, if that consent is induced—

4 “(A) by actual or threatened use of force
 5 or violence, or fear thereof;

6 “(B) by wrongful use of fear not involving
 7 force or violence; or

8 “(C) under color of official right;

9 “(3) the term ‘labor dispute’ has the same
 10 meaning as in section 2(9) of the National Labor
 11 Relations Act (29 U.S.C. 152(9)); and

12 “(4) the term ‘robbery’ means the unlawful tak-
 13 ing or obtaining of personal property from the per-
 14 son or in the presence of another, against his or her
 15 will, by means of actual or threatened force or vio-
 16 lence, or fear of injury, immediate or future—

17 “(A) to his or her person or property, or
 18 property in his or her custody or possession; or

19 “(B) to the person or property of a relative
 20 or member of his or her family, or of anyone in
 21 his or her company at the time of the taking or
 22 obtaining.

23 “(c) EXEMPTED CONDUCT.—

24 “(1) IN GENERAL.—Subsection (a) does not
 25 apply to any conduct that—

1 “(A) is incidental to otherwise peaceful
2 picketing during the course of a labor dispute;

3 “(B) consists solely of minor bodily injury,
4 or minor damage to property, or threat or fear
5 of such minor injury or damage; and

6 “(C) is not part of a pattern of violent con-
7 duct or of coordinated violent activity.

8 “(2) STATE AND LOCAL JURISDICTION.—Any
9 violation of this section that involves any conduct de-
10 scribed in paragraph (1) shall be subject to prosecu-
11 tion only by the appropriate State and local authori-
12 ties.

13 “(d) EFFECT ON OTHER LAW.—Nothing in this sec-
14 tion shall be construed—

15 “(1) to repeal, amend, or otherwise affect—

16 “(A) section 6 of the Clayton Act (15
17 U.S.C. 17);

18 “(B) section 20 of the Clayton Act (29
19 U.S.C. 52);

20 “(C) any provision of the Norris-
21 LaGuardia Act (29 U.S.C. 101 et seq.);

22 “(D) any provision of the National Labor
23 Relations Act (29 U.S.C. 151 et seq.); or

24 “(E) any provision of the Railway Labor
25 Act (45 U.S.C. 151 et seq.); or

1 “(2) to preclude Federal jurisdiction over any
2 violation of this section, on the basis that the con-
3 duct at issue—

4 “(A) is also a violation of State or local
5 law; or

6 “(B) occurred during the course of a labor
7 dispute or in pursuit of a legitimate business or
8 labor objective.”.

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