

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 104-294, title VI, § 601(a)(11), Oct. 11, 1996, 110 Stat. 3498.)

#### HISTORICAL AND REVISION NOTES

Based on section 522 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Feb. 22, 1875, ch. 95, § 6, 18 Stat. 334).

The reference to the offense as a misdemeanor was omitted as unnecessary in view of the definition of "misdemeanor" in section 1 of this title.

The last sentence providing that conviction should not be a condition precedent to removal from office was omitted as unnecessary.

Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104-294 substituted "fined under this title or imprisoned not more than one year, or both" for "fined not more than \$1,000 or imprisoned not more than one year" before period at end.

### CHAPTER 102—RIOTS

Sec.	
2101.	Riots.
2102.	Definitions.

#### Editorial Notes

##### AMENDMENTS

1968—Pub. L. 90-284, title I, § 104(a), Apr. 11, 1968, 82 Stat. 75, added chapter 102 and items 2101 and 2102.

#### § 2101. Riots

(a) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

- (1) to incite a riot; or
- (2) to organize, promote, encourage, participate in, or carry on a riot; or
- (3) to commit any act of violence in furtherance of a riot; or
- (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—<sup>1</sup>

Shall be fined under this title, or imprisoned not more than five years, or both.

(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a)<sup>2</sup> and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person

or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution.

(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law.

(Added Pub. L. 90-284, title I, § 104(a), Apr. 11, 1968, 82 Stat. 75; amended Pub. L. 99-386, title I, § 106, Aug. 22, 1986, 100 Stat. 822; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, § 601(f)(15), Oct. 11, 1996, 110 Stat. 3500.)

#### Editorial Notes

##### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 struck out par. (1) designation and redesignated subpars. (A) to (D) as pars. (1) to (4), respectively.

1994—Subsec. (a)(1). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

1986—Subsec. (d). Pub. L. 99-386 struck out "; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding" after "such prosecution".

#### § 2102. Definitions

(a) As used in this chapter, the term "riot" means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of

<sup>1</sup> So in original. Probably should be "paragraph (1), (2), (3), or (4) of this subsection—".

<sup>2</sup> So in original. Probably should be "paragraph (1), (2), (3), or (4) of subsection (a)".