

110TH CONGRESS  
1ST SESSION

# H. R. 1592

To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2007

Mr. CONYERS (for himself, Mr. KIRK, Mr. FRANK of Massachusetts, Mr. SHAYS, Ms. BALDWIN, Ms. ROS-LEHTINEN, Mr. NADLER, Mrs. BONO, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CARSON, Mr. CASTLE, Mr. COHEN, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GERLACH, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado,

Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, 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 “Local Law Enforce-  
5       ment Hate Crimes Prevention Act of 2007”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) The incidence of violence motivated by the  
9       actual or perceived race, color, religion, national ori-  
10      gin, gender, sexual orientation, gender identity, or  
11      disability of the victim poses a serious national prob-  
12      lem.

13              (2) Such violence disrupts the tranquility and  
14      safety of communities and is deeply divisive.

15              (3) State and local authorities are now and will  
16      continue to be responsible for prosecuting the over-  
17      whelming majority of violent crimes in the United

1 States, including violent crimes motivated by bias.  
2 These authorities can carry out their responsibilities  
3 more effectively with greater Federal assistance.

4 (4) Existing Federal law is inadequate to ad-  
5 dress this problem.

6 (5) A prominent characteristic of a violent  
7 crime motivated by bias is that it devastates not just  
8 the actual victim and the family and friends of the  
9 victim, but frequently savages the community shar-  
10 ing the traits that caused the victim to be selected.

11 (6) Such violence substantially affects interstate  
12 commerce in many ways, including the following:

13 (A) The movement of members of targeted  
14 groups is impeded, and members of such groups  
15 are forced to move across State lines to escape  
16 the incidence or risk of such violence.

17 (B) Members of targeted groups are pre-  
18 vented from purchasing goods and services, ob-  
19 taining or sustaining employment, or partici-  
20 pating in other commercial activity.

21 (C) Perpetrators cross State lines to com-  
22 mit such violence.

23 (D) Channels, facilities, and instrumental-  
24 ities of interstate commerce are used to facili-  
25 tate the commission of such violence.

1           (E) Such violence is committed using arti-  
2           cles that have traveled in interstate commerce.

3           (7) For generations, the institutions of slavery  
4           and involuntary servitude were defined by the race,  
5           color, and ancestry of those held in bondage. Slavery  
6           and involuntary servitude were enforced, both prior  
7           to and after the adoption of the 13th amendment to  
8           the Constitution of the United States, through wide-  
9           spread public and private violence directed at per-  
10          sons because of their race, color, or ancestry, or per-  
11          ceived race, color, or ancestry. Accordingly, elimi-  
12          nating racially motivated violence is an important  
13          means of eliminating, to the extent possible, the  
14          badges, incidents, and relics of slavery and involun-  
15          tary servitude.

16          (8) Both at the time when the 13th, 14th, and  
17          15th amendments to the Constitution of the United  
18          States were adopted, and continuing to date, mem-  
19          bers of certain religious and national origin groups  
20          were and are perceived to be distinct “races”. Thus,  
21          in order to eliminate, to the extent possible, the  
22          badges, incidents, and relics of slavery, it is nec-  
23          essary to prohibit assaults on the basis of real or  
24          perceived religions or national origins, at least to the  
25          extent such religions or national origins were re-

1 garded as races at the time of the adoption of the  
2 13th, 14th, and 15th amendments to the Constitu-  
3 tion of the United States.

4 (9) Federal jurisdiction over certain violent  
5 crimes motivated by bias enables Federal, State, and  
6 local authorities to work together as partners in the  
7 investigation and prosecution of such crimes.

8 (10) The problem of crimes motivated by bias  
9 is sufficiently serious, widespread, and interstate in  
10 nature as to warrant Federal assistance to States,  
11 local jurisdictions, and Indian tribes.

12 **SEC. 3. DEFINITION OF HATE CRIME.**

13 In this Act—

14 (1) the term “crime of violence” has the mean-  
15 ing given that term in section 16, title 18, United  
16 States Code;

17 (2) the term “hate crime” has the meaning  
18 given such term in section 280003(a) of the Violent  
19 Crime Control and Law Enforcement Act of 1994  
20 (28 U.S.C. 994 note); and

21 (3) the term “local” means a county, city, town,  
22 township, parish, village, or other general purpose  
23 political subdivision of a State.

1 **SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND**  
2 **PROSECUTIONS BY STATE, LOCAL, AND TRIB-**  
3 **AL LAW ENFORCEMENT OFFICIALS.**

4 (a) ASSISTANCE OTHER THAN FINANCIAL ASSIST-  
5 ANCE.—

6 (1) IN GENERAL.—At the request of State,  
7 local, or Tribal law enforcement agency, the Attor-  
8 ney General may provide technical, forensic, prosecu-  
9 torial, or any other form of assistance in the crimi-  
10 nal investigation or prosecution of any crime that—

11 (A) constitutes a crime of violence;

12 (B) constitutes a felony under the State,  
13 local, or Tribal laws; and

14 (C) is motivated by prejudice based on the  
15 actual or perceived race, color, religion, national  
16 origin, gender, sexual orientation, gender iden-  
17 tity, or disability of the victim, or is a violation  
18 of the State, local, or Tribal hate crime laws.

19 (2) PRIORITY.—In providing assistance under  
20 paragraph (1), the Attorney General shall give pri-  
21 ority to crimes committed by offenders who have  
22 committed crimes in more than one State and to  
23 rural jurisdictions that have difficulty covering the  
24 extraordinary expenses relating to the investigation  
25 or prosecution of the crime.

26 (b) GRANTS.—

1           (1) IN GENERAL.—The Attorney General may  
2           award grants to State, local, and Indian law enforce-  
3           ment agencies for extraordinary expenses associated  
4           with the investigation and prosecution of hate  
5           crimes.

6           (2) OFFICE OF JUSTICE PROGRAMS.—In imple-  
7           menting the grant program under this subsection,  
8           the Office of Justice Programs shall work closely  
9           with grantees to ensure that the concerns and needs  
10          of all affected parties, including community groups  
11          and schools, colleges, and universities, are addressed  
12          through the local infrastructure developed under the  
13          grants.

14          (3) APPLICATION.—

15                (A) IN GENERAL.—Each State, local, and  
16                Indian law enforcement agency that desires a  
17                grant under this subsection shall submit an ap-  
18                plication to the Attorney General at such time,  
19                in such manner, and accompanied by or con-  
20                taining such information as the Attorney Gen-  
21                eral shall reasonably require.

22                (B) DATE FOR SUBMISSION.—Applications  
23                submitted pursuant to subparagraph (A) shall  
24                be submitted during the 60-day period begin-

1           ning on a date that the Attorney General shall  
2           prescribe.

3           (C) REQUIREMENTS.—A State, local, and  
4           Indian law enforcement agency applying for a  
5           grant under this subsection shall—

6                   (i) describe the extraordinary pur-  
7                   poses for which the grant is needed;

8                   (ii) certify that the State, local gov-  
9                   ernment, or Indian tribe lacks the re-  
10                  sources necessary to investigate or pros-  
11                  ecute the hate crime;

12                  (iii) demonstrate that, in developing a  
13                  plan to implement the grant, the State,  
14                  local, and Indian law enforcement agency  
15                  has consulted and coordinated with non-  
16                  profit, nongovernmental victim services  
17                  programs that have experience in providing  
18                  services to victims of hate crimes; and

19                  (iv) certify that any Federal funds re-  
20                  ceived under this subsection will be used to  
21                  supplement, not supplant, non-Federal  
22                  funds that would otherwise be available for  
23                  activities funded under this subsection.

24           (4) DEADLINE.—An application for a grant  
25           under this subsection shall be approved or denied by



1 the Attorney General not later than 30 business  
2 days after the date on which the Attorney General  
3 receives the application.

4 (5) GRANT AMOUNT.—A grant under this sub-  
5 section shall not exceed \$100,000 for any single ju-  
6 risdiction in any 1-year period.

7 (6) REPORT.—Not later than December 31,  
8 2008, the Attorney General shall submit to Congress  
9 a report describing the applications submitted for  
10 grants under this subsection, the award of such  
11 grants, and the purposes for which the grant  
12 amounts were expended.

13 (7) AUTHORIZATION OF APPROPRIATIONS.—  
14 There is authorized to be appropriated to carry out  
15 this subsection \$5,000,000 for each of fiscal years  
16 2008 and 2009.

17 **SEC. 5. GRANT PROGRAM.**

18 (a) AUTHORITY TO AWARD GRANTS.—The Office of  
19 Justice Programs of the Department of Justice may  
20 award grants, in accordance with such regulations as the  
21 Attorney General may prescribe, to State, local, or Tribal  
22 programs designed to combat hate crimes committed by  
23 juveniles, including programs to train local law enforce-  
24 ment officers in identifying, investigating, prosecuting,  
25 and preventing hate crimes.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

4 **SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**  
5 **ASSIST STATE, LOCAL, AND TRIBAL LAW EN-**  
6 **FORCEMENT.**

7 There are authorized to be appropriated to the De-  
8 partment of the Treasury and the Department of Justice,  
9 including the Community Relations Service, for fiscal  
10 years 2008, 2009, and 2010 such sums as are necessary  
11 to increase the number of personnel to prevent and re-  
12 spond to alleged violations of section 249 of title 18,  
13 United States Code, as added by section 7 of this Act.

14 **SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

15 (a) IN GENERAL.—Chapter 13 of title 18, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18 **“§ 249. Hate crime acts**

19 “(a) IN GENERAL.—

20 “(1) OFFENSES INVOLVING ACTUAL OR PER-  
21 CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-  
22 GIN.—Whoever, whether or not acting under color of  
23 law, willfully causes bodily injury to any person or,  
24 through the use of fire, a firearm, or an explosive or  
25 incendiary device, attempts to cause bodily injury to

1 any person, because of the actual or perceived race,  
2 color, religion, or national origin of any person—

3 “(A) shall be imprisoned not more than 10  
4 years, fined in accordance with this title, or  
5 both; and

6 “(B) shall be imprisoned for any term of  
7 years or for life, fined in accordance with this  
8 title, or both, if—

9 “(i) death results from the offense; or

10 “(ii) the offense includes kidnaping or  
11 an attempt to kidnap, aggravated sexual  
12 abuse or an attempt to commit aggravated  
13 sexual abuse, or an attempt to kill.

14 “(2) OFFENSES INVOLVING ACTUAL OR PER-  
15 CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-  
16 UAL ORIENTATION, GENDER IDENTITY, OR DIS-  
17 ABILITY.—

18 “(A) IN GENERAL.—Whoever, whether or  
19 not acting under color of law, in any cir-  
20 cumstance described in subparagraph (B), will-  
21 fully causes bodily injury to any person or,  
22 through the use of fire, a firearm, or an explo-  
23 sive or incendiary device, attempts to cause  
24 bodily injury to any person, because of the ac-  
25 tual or perceived religion, national origin, gen-

1 der, sexual orientation, gender identity or dis-  
2 ability of any person—

3 “(i) shall be imprisoned not more  
4 than 10 years, fined in accordance with  
5 this title, or both; and

6 “(ii) shall be imprisoned for any term  
7 of years or for life, fined in accordance  
8 with this title, or both, if—

9 “(I) death results from the of-  
10 fense; or

11 “(II) the offense includes kid-  
12 naping or an attempt to kidnap, ag-  
13 gravated sexual abuse or an attempt  
14 to commit aggravated sexual abuse, or  
15 an attempt to kill.

16 “(B) CIRCUMSTANCES DESCRIBED.—For  
17 purposes of subparagraph (A), the cir-  
18 cumstances described in this subparagraph are  
19 that—

20 “(i) the conduct described in subpara-  
21 graph (A) occurs during the course of, or  
22 as the result of, the travel of the defendant  
23 or the victim—

24 “(I) across a State line or na-  
25 tional border; or

1                   “(II) using a channel, facility, or  
2                   instrumentality of interstate or for-  
3                   eign commerce;

4                   “(ii) the defendant uses a channel, fa-  
5                   cility, or instrumentality of interstate or  
6                   foreign commerce in connection with the  
7                   conduct described in subparagraph (A);

8                   “(iii) in connection with the conduct  
9                   described in subparagraph (A), the defend-  
10                  ant employs a firearm, explosive or incen-  
11                  diary device, or other weapon that has  
12                  traveled in interstate or foreign commerce;  
13                  or

14                  “(iv) the conduct described in sub-  
15                  paragraph (A)—

16                  “(I) interferes with commercial  
17                  or other economic activity in which  
18                  the victim is engaged at the time of  
19                  the conduct; or

20                  “(II) otherwise affects interstate  
21                  or foreign commerce.

22                  “(b) CERTIFICATION REQUIREMENT.—No prosecu-  
23                  tion of any offense described in this subsection may be  
24                  undertaken by the United States, except under the certifi-  
25                  cation in writing of the Attorney General, the Deputy At-

1 torney General, the Associate Attorney General, or any  
2 Assistant Attorney General specially designated by the At-  
3 torney General that—

4           “(1) such certifying individual has reasonable  
5           cause to believe that the actual or perceived race,  
6           color, religion, national origin, gender, sexual ori-  
7           entation, gender identity, or disability of any person  
8           was a motivating factor underlying the alleged con-  
9           duct of the defendant; and

10           “(2) such certifying individual has consulted  
11           with State or local law enforcement officials regard-  
12           ing the prosecution and determined that—

13                   “(A) the State does not have jurisdiction  
14                   or does not intend to exercise jurisdiction;

15                   “(B) the State has requested that the Fed-  
16                   eral Government assume jurisdiction;

17                   “(C) the State does not object to the Fed-  
18                   eral Government assuming jurisdiction; or

19                   “(D) the verdict or sentence obtained pur-  
20                   suant to State charges left demonstratively  
21                   unvindicated the Federal interest in eradicating  
22                   bias-motivated violence.

23           “(c) DEFINITIONS.—In this section—

1           “(1) the term ‘explosive or incendiary device’  
2           has the meaning given such term in section 232 of  
3           this title;

4           “(2) the term ‘firearm’ has the meaning given  
5           such term in section 921(a) of this title; and

6           “(3) the term ‘gender identity’ for the purposes  
7           of this chapter means actual or perceived gender-re-  
8           lated characteristics.

9           “(d) **RULE OF EVIDENCE.**—In a prosecution for an  
10          offense under this section, evidence of expression or asso-  
11          ciations of the defendant may not be introduced as sub-  
12          stantive evidence at trial, unless the evidence specifically  
13          relates to that offense. However, nothing in this section  
14          affects the rules of evidence governing impeachment of a  
15          witness.”.

16          (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
17          The analysis for chapter 13 of title 18, United States  
18          Code, is amended by adding at the end the following:

          “249. Hate crime acts.”.

19          **SEC. 8. STATISTICS.**

20          (a) **IN GENERAL.**—Subsection (b)(1) of the first sec-  
21          tion of the Hate Crimes Statistics Act (28 U.S.C. 534  
22          note) is amended by inserting “gender and gender iden-  
23          tity,” after “race,”.

24          (b) **DATA.**—Subsection (b)(5) of the first section of  
25          the Hate Crimes Statistics Act (28 U.S.C. 534 note) is

1 amended by inserting “, including data about crimes com-  
2 mitted by, and crimes directed against, juveniles” after  
3 “data acquired under this section”.

4 **SEC. 9. SEVERABILITY.**

5       If any provision of this Act, an amendment made by  
6 this Act, or the application of such provision or amend-  
7 ment to any person or circumstance is held to be unconsti-  
8 tutional, the remainder of this Act, the amendments made  
9 by this Act, and the application of the provisions of such  
10 to any person or circumstance shall not be affected there-  
11 by.

○