



## UC System Crime , Injured Throughout California , Need Accountability , Arrest , Legal Avenue for Very Necessary Suit(s)

1 message

Benjamin Stein <bn.stn.623@gmail.com>  
To: clerk.cps@lacity.org

Sui

### Hello California City Clerk, Council, or Mayor,

#### I am asking for assistance:

**bnstn** (@Benjamin Andrew Stein) Tweeted: @CAgovernor @GovPressOffice I am asking for assistance as a University student who was stalked and injured. They tried to push me into a cor school and my career. This has been fully public in San Francisco and elsewhere. I am asking for direct assistance from... <https://twitter.com/bnstn/status/1642598318814695430?s=51&t=rVB04vc6K5Qn2kpgl0YSRg>

**bnstn** (@Benjamin Andrew Stein) Tweeted: @CivilRights @DOJCrDiv @civilrightsgo @CAgovernor @GovPressOffice @CAgovernor @POTUS @FBI They did literally try to kill me, follo moving into injury, this did actually happen and there are actual photos, I am and was a student here and this is and... <https://twitter.com/bnstn/status/1642614723173830656?s=51&t=rVB04v>

**bnstn** (@Benjamin Andrew Stein) Tweeted: The Computer Scientist reads a book when he is younger, commits a crime with the idea when he is older. This is a thing that happened and they at face value. The mechanism for injury is addressable as are other more inclusionary concerns. I as an individual... <https://twitter.com/bnstn/status/1642609675815514112?s=51&t=rVB04vc>

**Google Drive:** <https://drive.google.com/drive/folders/1WxWiarrWLIy6KJeoWvHMFdv1SckapgdM?usp=sharing>

The relevant police reports are #2022-23873 and #22-56695 with the City of Berkeley Police Department. The UCPD has report #22-01130 and #22-01139. The City of Oakland has police rep the City of San Francisco has #220823854. I have had no response on any of these despite a large amount of communication. I had also sent emails to the San Diego Police Department, Ea also sent a few emails to the Washington Metro Police Department for a number of people who had followed me there as well. It had been very obsessive and encircling as I was being injurec and through multiple airports.

City of Berkeley Police Department:  
[police@cityofberkeley.info](mailto:police@cityofberkeley.info)  
(510) 981-5900

UCPD Berkeley:  
[police@berkeley.edu](mailto:police@berkeley.edu)  
(510) 642-6760

This should ultimately be considered as a Rosa Parks concern. There should be no tolerance.

Sincerely,

-Benjamin Stein  
[bn.stn.623@gmail.com](mailto:bn.stn.623@gmail.com)  
[bn.stn.623@protonmail.com](mailto:bn.stn.623@protonmail.com)  
Home: (510) 280-5089  
Cell: (510) 890-6539  
Facebook: [www.facebook.com/benjamin.stein89](https://www.facebook.com/benjamin.stein89)  
Instagram: <https://www.instagram.com/bnstn89/>  
Twitter: @bnstn

#### Amendment XIV (1868):

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." - [https://www.senate.gov/civics/constitution\\_item/constitution](https://www.senate.gov/civics/constitution_item/constitution).

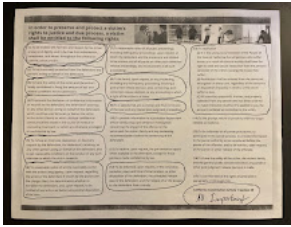
**Title 18; U.S. Criminal Code:** <http://uscdoe.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title18&saved=L3ByZWxpbUB0aXRzZTE4L3BhcnQxL2NoYXB0ZXIxMTND%7CZ3JhbnVsZWIKOIVTQy1wcmVsaW0tdGI0bGUxOC1jaGFwdGVyMTM3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim>

**California Bill of Rights:** [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=1](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=1)

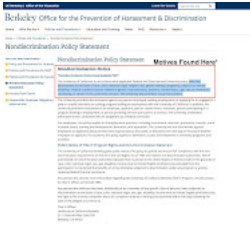
"SEC. 7; (b); A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked. (Subdivision (a) amended Nov. 6, 1979, by Prop. 1. Res.Ch. 18, 1979. Other Source: Entire Sec. 7 was added Nov. 5, 1974, by Prop. 7; Res.Ch. 90, 1974.)"

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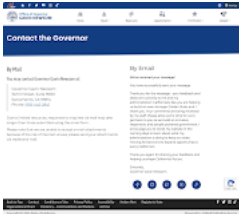
8 attachments



CaliforniaVictimsBillofRights.jpeg  
1690K



UCBerkeley\_NonDiscriminationPolicy\_fromOPHD copy.jpeg  
244K



ToCAGovernorGavinNewsomSentResponse.png  
232K

"Integrity is an idea. An idea that is stronger than any army, bigger than any ocean, more powerful than any dictator or tyrant. It gives hope to the most desperate people on earth, it guarantees that everyone is treated with dignity and gives hate no safe harbor. It teaches us every person is able to achieve the belief that no matter where you start in life, there's nothing you can't achieve if you work at it. That's what we believe."

PresidentBiden\_ImportantQuote.jpeg  
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OpenLettertoPresidentBiden.jpeg  
327K

CABillofRights\_Section07Highlight.pdf  
508K

14thAmendmentwithSenateHeaders.pdf  
493K

FullCivilRightsSection\_USHouseCode.pdf  
205K

**In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:**



(1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

(2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

(4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

(5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

(7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

(8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

(9) To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

(10) To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(11) To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

(12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

(13) To restitution

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

(14) To the prompt return of property when no longer needed as evidence.

(15) To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

(16) To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

(17) To be informed of the rights enumerated in paragraphs (1) through (16).

California Constitution Article 1 Section 28

All Important

# Berkeley Office for the Prevention of Harassment & Discrimination

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Home » Policies and Procedures » Nondiscrimination Policy Statement

## Nondiscrimination Policy Statement

- POLICIES AND PROCEDURES**
- Policy and Procedures for Students
  - Policy and Procedures for Staff
  - Policy and Procedures for Faculty
  - Nondiscrimination Policy Statement**
  - Process Flow Charts
  - Responsible Employee Obligations (external site)

### Nondiscrimination Policy Statement

### Motives Found Here\*

#### Nondiscrimination Notice

[\\*Nondiscrimination Notice Downloadable PDF\\*](#)

The University of California, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. The University also prohibits sexual harassment.

The University prohibits discrimination against any person employed; seeking employment; or applying for or engaged in a paid or unpaid internship or training program leading to employment with the University of California. In addition, the University prohibits harassment of an employee, applicant, paid or unpaid intern, volunteer, person participating in a program leading to employment, or person providing services pursuant to a contract. The University undertakes affirmative action, consistent with its obligations as a federal contractor.

For employees, this policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. The University will not discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. For students, this policy applies to admission, access, and treatment in University programs and activities.

#### Public Notice of Title VI Program Rights and Non-Discrimination Statement

The University of California Berkeley gives public notice of its policy to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities. Title VI and related non-discrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or limited English proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

Any person who desires more information regarding the University of California Berkeley Title VI Program, should contact its Title VI Officer at 510-643-7985.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or limited English proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Title VI Officer  
 University of California Berkeley  
 2111 Bancroft Way Suite 300  
 Berkeley, CA 94720

# Contact the Governor

## By Mail

You may contact Governor Gavin Newsom at:

Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814  
Phone: [\(916\) 445-2841](tel:9164452841)

Due to limited resources, responses to inquiries via mail may take longer than those submitted using the email form.

Please note that we are unable to accept e-mail attachments because of the risk of internet viruses; please send your attachments via traditional mail.

## By Email

We've received your message!

You have successfully sent your message.

Thank you for the message - your feedback and ideas are a priority to me and my administration. Californians like you are helping us build an even stronger Golden State, and I thank you. Your comments are being reviewed by my staff. Please allow some time for us to get back to you as we build an inclusive, responsive, and people-powered government. I encourage you to revisit my website in the coming days to learn about what my administration is doing to keep our state moving forward and to expand opportunity to every Californian.

Thank you again for sharing your feedback and helping us shape California's future.

Sincerely,  
Governor Gavin Newsom



*“America is an idea. An idea that is stronger than any army, bigger than any ocean, more powerful than any dictator or tyrant. It gives hope to the most desperate people on earth, it guarantees that everyone is treated with dignity and gives hate no safe harbor. It instills in every person in this country the belief that no matter where you start in life, there’s nothing you can’t achieve if you work at it. That’s what we believe.”*

JOE BIDEN, APRIL 25, 2019

# Open Letter to President Biden



WORLD  
JEWISH  
CONGRESS

Dear President Biden:

Today, America is witnessing the most frightening increase in antisemitism since the end of World War II. Jews make up just 2 percent of the U.S. population, but are the target of more than half of all religious hate crimes. Jews have been murdered, beaten, and spat upon – especially Orthodox Jews – with almost complete silence from political leaders and the media.

It is now common not just for major celebrities and athletes to utter the most outrageous anti-Jewish slurs, but even members of Congress. Even worse, vile lies have now filtered down into mainstream culture, especially among young people.

Jewish students have been singled out on college campuses because they have Jewish names or because they defend Israel's right to exist. Jewish enrollment at elite schools has plummeted. Jewish students are excluded from clubs and denied positions. This is not Germany in 1938; this is the United States in 2023.

Mr. President, only you can stop this rising tide of hatred against the Jewish people. You must use your office to address the nation and the world directly and say in the strongest language that hatred against Jews is dangerous for all people and it is un-American.

Seven years ago, I personally presented you with the Theodor Herzl Award, the highest honor of the World Jewish Congress. You have always been a friend of the Jewish people and I believe you remain so. But to stop this rising danger, I call on you to:

- 1** In a major high-profile address, tell the American people that antisemitism is no different than racism. Hate crimes against Jews will not be tolerated by the U.S. government, and will be prosecuted to the fullest extent of the law.
- 2** The goal of the BDS movement is the end of the Jewish state of Israel. Any person promoting BDS, including the extreme progressive members of your own party, should be called out. These people don't represent your values, the values of the Democratic Party, or our country's values.
- 3** In 2019, the Executive Order Combating Antisemitism reinforced Title VI protection for Jewish Americans. Educational institutions that allow discrimination against Jews are supposed to lose federal funding. As you develop your strategy on antisemitism, please order your Department of Education to thoroughly investigate widespread complaints of antisemitic discrimination and your Justice Department to expeditiously pursue the cases that arise from an institution's failure to comply.

This is not just a Democratic or Republican issue. It does not come only from the left or from the right. And it is not just a problem coming from non-Jews. I have watched too many Jewish organizations and their leaders stay silent in the face of growing danger. In 1938, Jewish-Americans were also silent, afraid they would make matters worse for themselves by speaking out. We all know what happened. I had hoped that those days were long past, which is why I am writing this letter today. I will not be silent when Jews face hatred in America.

Mr. President, when you first went into politics in Delaware so many years ago, a man named Harry Zutz was one of the first to spot your potential and support you. I am told that you promised Mr. Zutz that you would always protect the Jewish people.

Given what we see happening all around us, I believe this is precisely the time for you to keep that promise.

Sincerely,

Ronald S. Lauder  
President, World Jewish Congress

[www.WorldJewishCongress.org](http://www.WorldJewishCongress.org)



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\* CALIFORNIA CONSTITUTION - CONS

ARTICLE I DECLARATION OF RIGHTS [SECTION 1 - SEC. 32] (*Article 1 adopted 1879.*)

**SEC. 6.** Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

(*Sec. 6 added Nov. 5, 1974, by Prop. 7. Res.Ch. 90, 1974.*)

**SEC. 7.** (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation. In enforcing this subdivision or any other provision of this Constitution, no court of this State may impose upon the State of California or any public entity, board, or official any obligation or responsibility with respect to the use of pupil school assignment or pupil transportation, (1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and (2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

Except as may be precluded by the Constitution of the United States, every existing judgment, decree, writ, or other order of a court of this State, whenever rendered, which includes provisions regarding pupil school assignment or pupil transportation, or which requires a plan including any such provisions shall, upon application to a court having jurisdiction by any interested person, be modified to conform to the provisions of this subdivision as amended, as applied to the facts which exist at the time of such modification.

In all actions or proceedings arising under or seeking application of the amendments to this subdivision proposed by the Legislature at its 1979-80 Regular Session, all courts, wherein such actions or proceedings are or may hereafter be pending, shall give such actions or proceedings first precedence over all other civil actions therein.

Nothing herein shall prohibit the governing board of a school district from voluntarily continuing or commencing a school integration plan after the effective date of this subdivision as amended.

In amending this subdivision, the Legislature and people of the State of California find and declare that this amendment is necessary to serve compelling public interests, including those of making the most effective use of the limited financial resources now and prospectively available to support public education, maximizing the educational opportunities and protecting the health and safety of all public school pupils, enhancing the ability of parents to participate in the educational process, preserving harmony and tranquility in this State and its public schools, preventing the waste of scarce fuel resources, and protecting the environment.

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

(*Subdivision (a) amended Nov. 6, 1979, by Prop. 1. Res.Ch. 18, 1979. Other Source: Entire Sec. 7 was added Nov. 5, 1974, by Prop. 7; Res.Ch. 90, 1974.*)

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## Constitution of the United States

### Constitution of the United States

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[Article VII](#) [AMENDMENTS](#)

### Amendment XIV (1868)

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.


**Section 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being *twenty-one* years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Section 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Section 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**Section 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.



Find Your Senators 

## §233. Preemption

Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof.

(Added Pub. L. 90–284, title X, §1002(a), Apr. 11, 1968, 82 Stat. 91.)

### CHAPTER 13—CIVIL RIGHTS

Sec.	
241.	Conspiracy against rights.
242.	Deprivation of rights under color of law.
243.	Exclusion of jurors on account of race or color.
244.	Discrimination against person wearing uniform of armed forces.
245.	Federally protected activities.
246.	Deprivation of relief benefits.
247.	Damage to religious property; obstruction of persons in the free exercise of religious beliefs.
248.	Freedom of access to clinic entrances.
249.	Hate crime acts.
250.	Penalties for civil rights offenses involving sexual misconduct.

#### EDITORIAL NOTES

#### AMENDMENTS

**2022**—Pub. L. 117–103, div. W, title XII, §1202(a)(2), Mar. 15, 2022, 136 Stat. 924, added item 250.

**2009**—Pub. L. 111–84, div. E, §4707(b), Oct. 28, 2009, 123 Stat. 2841, added item 249.

**1994**—Pub. L. 103–322, title XXXIII, §330023(a)(1), Sept. 13, 1994, 108 Stat. 2150, substituted "Freedom of access to clinic entrances" for "Blocking access to reproductive health services" in item 248.

Pub. L. 103–259, §4, May 26, 1994, 108 Stat. 697, added item 248.

**1988**—Pub. L. 100–690, title VII, §7018(b)(2), Nov. 18, 1988, 102 Stat. 4396, struck out "of citizens" after "rights" in item 241.

Pub. L. 100–346, §3, June 24, 1988, 102 Stat. 645, added item 247.

**1976**—Pub. L. 94–453, §4(b), Oct. 2, 1976, 90 Stat. 1517, added item 246.

**1968**—Pub. L. 90–284, title I, §102, Apr. 11, 1968, 82 Stat. 75, added item 245.

## §241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the 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, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, §103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, §7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, §60006(a), title XXXII, §§320103(a), 320201(a), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §51 (Mar. 4, 1909, ch. 321, §19, 35 Stat. 1092).

Clause making conspirator ineligible to hold office was omitted as incongruous because it attaches ineligibility to hold office to a person who may be a private citizen and who was convicted of conspiracy to violate a specific statute. There seems to be no reason for imposing such a penalty in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The

experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act.

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made.

#### EDITORIAL NOTES

#### AMENDMENTS

**1996**—Pub. L. 104–294, §607(a), substituted "any State, Territory, Commonwealth, Possession, or District" for "any State, Territory, or District" in first par.

Pub. L. 104–294, §604(b)(14)(A), repealed Pub. L. 103–322, §320103(a)(1). See 1994 Amendment note below.

**1994**—Pub. L. 103–322, §330016(1)(L), substituted "They shall be fined under this title" for "They shall be fined not more than \$10,000" in third par.

Pub. L. 103–322, §320201(a), substituted "person in any State" for "inhabitant of any State" in first par.

Pub. L. 103–322, §320103(a)(2)–(4), in third par., substituted "results from the 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, they shall be fined under this title or imprisoned for any term of years or for life, or both" for "results, they shall be subject to imprisonment for any term of years or for life".

Pub. L. 103–322, §320103(a)(1), which provided for amendment identical to Pub. L. 103–322, §330016(1)(L), above, was repealed by Pub. L. 104–294, §604(b)(14)(A).

Pub. L. 103–322, §60006(a), substituted ", or may be sentenced to death." for period at end of third par.

**1988**—Pub. L. 100–690 struck out "of citizens" after "rights" in section catchline and substituted "inhabitant of any State, Territory, or District" for "citizen" in text.

**1968**—Pub. L. 90–284 increased limitation on fines from \$5,000 to \$10,000 and provided for imprisonment for any term of years or for life when death results.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(14)(A) of Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–155, §1, July 3, 1996, 110 Stat. 1392, provided that: "This Act [amending section 247 of this title and section 10602 of Title 42, The Public Health and Welfare, enacting provisions set out as a note under section 247 of this title, and amending provisions set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Church Arson Prevention Act of 1996'."

## §242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury 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, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the 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, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, §103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, §7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, §60006(b), title XXXII, §§320103(b), 320201(b), title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §52 (Mar. 4, 1909, ch. 321, §20, 35 Stat. 1092).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

A minor change was made in phraseology.

#### EDITORIAL NOTES

#### AMENDMENTS

**1996**—Pub. L. 104–294, §607(a), substituted "any State, Territory, Commonwealth, Possession, or District" for "any State, Territory, or District".

Pub. L. 104–294, §604(b)(14)(B), repealed Pub. L. 103–322, §320103(b)(1). See 1994 Amendment note below.

**1994**—Pub. L. 103–322, §330016(1)(H), substituted "shall be fined under this title" for "shall be fined not more than \$1,000" after "citizens,".

Pub. L. 103–322, §320201(b), substituted "any person in any State" for "any inhabitant of any State" and "on account of such person" for "on account of such inhabitant".

Pub. L. 103–322, §320103(b)(2)–(5), substituted "bodily injury 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, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the 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, shall be fined under this title, or imprisoned for any term of years or for life, or both" for "bodily injury results shall be fined under this title or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life".

Pub. L. 103–322, §320103(b)(1), which provided for amendment identical to Pub. L. 103–322, §330016(1)(H), above, was repealed by Pub. L. 104–294, §604(b)(14)(B).

Pub. L. 103–322, §60006(b), inserted before period at end ", or may be sentenced to death".

**1988**—Pub. L. 100–690 inserted "and if bodily injury results shall be fined under this title or imprisoned not more than ten years, or both;" after "or both;".

**1968**—Pub. L. 90–284 provided for imprisonment for any term of years or for life when death results.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(14)(B) of Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

### §243. Exclusion of jurors on account of race or color

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than \$5,000.

(June 25, 1948, ch. 645, 62 Stat. 696.)

#### HISTORICAL AND REVISION NOTES

Based on section 44 of title 8, U.S.C., 1940 ed., Aliens and Nationality (Mar. 1, 1875, ch. 114, §4, 18 Stat. 336).

Words "be deemed guilty of a misdemeanor, and" were deleted as unnecessary in view of definition of misdemeanor in section 1 of this title.

Words "on conviction thereof" were omitted as unnecessary, since punishment follows only after conviction.

Minimum punishment provisions were omitted. (See reviser's note under section 203 of this title.)

Minor changes in phraseology were made.

### §244. Discrimination against person wearing uniform of armed forces

Whoever, being a proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, or Possession of the United States, causes any person wearing the

uniform of any of the armed forces of the United States to be discriminated against because of that uniform, shall be fined under this title.

(June 25, 1948, ch. 645, 62 Stat. 697; May 24, 1949, ch. 139, §5, 63 Stat. 90; Pub. L. 103–322, title XXXIII, §330016(1) (G), Sept. 13, 1994, 108 Stat. 2147.)

## HISTORICAL AND REVISION NOTES

### 1948 Act

Based on title 18, U.S.C., 1940 ed., §523 (Mar. 1, 1911, ch. 187, 36 Stat. 963; Aug. 24, 1912, ch. 387, §1, 37 Stat. 512; Jan. 28, 1915, ch. 20, §1, 38 Stat. 800).

Words "guilty of a misdemeanor", following "shall be", were omitted as unnecessary in view of definition of "misdemeanor" in section 1 of this title. (See reviser's note under section 212 of this title.)

Changes were made in phraseology.

### 1949 Act

This section [section 5] substitutes, in section 244 of title 18, U.S.C., "any of the armed forces of the United States" for the enumeration of specific branches and thereby includes the Air Force, formerly part of the Army. This clarification is necessary because of the establishment of the Air Force as a separate branch of the Armed Forces by the act of July 26, 1947.

## EDITORIAL NOTES

## AMENDMENTS

**1994**—Pub. L. 103–322 substituted "fined under this title" for "fined not more than \$500".

**1949**—Act May 24, 1949, substituted "any of the armed forces of the United States" for enumeration of the specific branches.

## §245. Federally protected activities

(a)(1) 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. 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, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

(2) any person because of his race, color, religion or national origin and because he is or has been—

(A) enrolling in or attending any public school or public college;

(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;

(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

(3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or

(4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F); or

(B) affording another person or class of persons opportunity or protection to so participate; or

(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined under this title, or imprisoned not more than one year, or both; and if bodily injury 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 shall be fined under this title, or imprisoned not more than ten years, or both; and if death results from the 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, shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. As used in this section, the term "participating lawfully in speech or peaceful assembly" shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term "law enforcement officer" means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.

(d) For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 90–284, title I, §101(a), Apr. 11, 1968, 82 Stat. 73; amended Pub. L. 100–690, title VII, §7020(a), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 101–647, title XII, §1205(b), Nov. 29, 1990, 104 Stat. 4830; Pub. L. 103–322, title VI, §60006(c), title XXXII, §320103(c), title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 1971, 2109, 2147; Pub. L. 104–294, title VI, §604(b)(14)(C), (37), Oct. 11, 1996, 110 Stat. 3507, 3509.)

#### EDITORIAL NOTES

#### AMENDMENTS

**1996**—Subsec. (b). Pub. L. 104–294 amended Pub. L. 103–322, §320103(c). See 1994 Amendment notes below.

**1994**—Subsec. (b). Pub. L. 103–322, §330016(1)(L), substituted "shall be fined under this title" for "shall be fined not more than \$10,000" before ", or imprisoned not more than ten years" in concluding

provisions.

Pub. L. 103-322, §330016(1)(H), substituted "shall be fined under this title" for "shall be fined not more than \$1,000" before ", or imprisoned not more than one year" in concluding provisions.

Pub. L. 103-322, §320103(c)(4)-(6), in concluding provisions, inserted "from the 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" and substituted "shall be fined under this title or imprisoned for any term of years or for life, or both" for "shall be subject to imprisonment for any term of years or for life".

Pub. L. 103-322, §320103(c)(3), which provided for amendment identical to Pub. L. 103-322, §330016(1)(L), above, was repealed by Pub. L. 104-294, §604(b)(14)(C).

Pub. L. 103-322, §320103(c)(2), as amended by Pub. L. 104-294, §604(b)(37), 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 "bodily injury results" in concluding provisions.

Pub. L. 103-322, §320103(c)(1), which provided for amendment identical to Pub. L. 103-322, §330016(1)(H), above, was repealed by Pub. L. 104-294, §604(b)(14)(C).

Pub. L. 103-322, §60006(c), in concluding provisions, inserted ", or may be sentenced to death" before ". As used in this section".

**1990**—Subsec. (d). Pub. L. 101-647 added subsec. (d).

**1988**—Subsec. (a)(1). Pub. L. 100-690 substituted ", the Deputy" for "or the Deputy" and inserted ", the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General" after "Deputy Attorney General".

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

### FAIR HOUSING

Pub. L. 90-284, [title I, §101\(b\), Apr. 11, 1968](#), 82 Stat. 75, provided that: "Nothing contained in this section [enacting this section] shall apply to or affect activities under title VIII of this Act [sections 3601 to 3619 of Title 42, The Public Health and Welfare]."

### RIOTS OR CIVIL DISTURBANCES, SUPPRESSION AND RESTORATION OF LAW AND ORDER; ACTS OR OMISSIONS OF ENFORCEMENT OFFICERS AND MEMBERS OF MILITARY SERVICE NOT SUBJECT TO THIS SECTION

Pub. L. 90-284, [title I, §101\(c\), Apr. 11, 1968](#), 82 Stat. 75, provided that: "The provisions of this section [enacting this section] shall not apply to acts or omissions on the part of law enforcement officers, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State or the District of Columbia, not covered by such section 101(9), or members of the Armed Forces of the United States, who are engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance."

## §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.)

#### EDITORIAL NOTES

### 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, including by threat of force against religious real property, 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) or (c) 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 than 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;

(4) if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this title, imprisonment for not more than 3 years, or both; and

(5) 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, or real property owned or leased by a nonprofit, religiously affiliated organization.

(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; Pub. L. 115–249, §2, Sept. 28, 2018, 132 Stat. 3162.)

### EDITORIAL NOTES

### AMENDMENTS

**2018**—Subsec. (a)(2). Pub. L. 115–249, §2(1), inserted "including by threat of force against religious real property," after "threat of force,".

Subsec. (d). Pub. L. 115–249, §2(2)(A), inserted "or (c)" after "subsection (a)" in introductory provisions.

Subsec. (d)(4), (5). Pub. L. 115–249, §2(2)(B)–(D), added par. (4) and redesignated former par. (4) as (5).

Subsec. (f). Pub. L. 115–249, §2(3), inserted ", or real property owned or leased by a nonprofit, religiously affiliated organization" before period at end.

**2002**—Subsec. (d). Pub. L. 107–273, §4002(c)(1), repealed amendment by Pub. L. 104–294, §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 religious 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."

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### 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

Pub. L. 104–155, §2, July 3, 1996, 110 Stat. 1392, 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 elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

- (1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;
- (2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;
- (3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or
- (4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.

(e) DEFINITIONS.—As used in this section:

- (1) FACILITY.—The term "facility" includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.
- (2) INTERFERE WITH.—The term "interfere with" means to restrict a person's freedom of movement.
- (3) INTIMIDATE.—The term "intimidate" means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.
- (4) PHYSICAL OBSTRUCTION.—The term "physical obstruction" means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.
- (5) REPRODUCTIVE HEALTH SERVICES.—The term "reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
- (6) STATE.—The term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 103–259, §3, May 26, 1994, 108 Stat. 694; amended Pub. L. 103–322, title XXXIII, §330023(a)(2), (3), Sept. 13, 1994, 108 Stat. 2150.)

#### EDITORIAL NOTES

#### AMENDMENTS

**1994**—Pub. L. 103–322, §330023(a)(2), amended section catchline generally. Prior to amendment, catchline read as follows: "§248 Freedom of Access to Clinic Entrances."

Subsec. (b). Pub. L. 103–322, §330023(a)(3), in concluding provisions, inserted ", notwithstanding section 3571," before "be not more than \$25,000".

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–322, title XXXIII, §330023(b), Sept. 13, 1994, 108 Stat. 2150, provided that: "The amendments made by this subsection (a) [amending this section] shall take effect on the date of enactment of the Freedom of Access to Clinic Entrances Act of 1994 [May 26, 1994]."

#### EFFECTIVE DATE

Pub. L. 103–259, §6, May 26, 1994, 108 Stat. 697, provided that: "This Act [see Short Title note below] takes effect on the date of the enactment of this Act [May 26, 1994], and shall apply only with respect to conduct occurring on or after such date."

#### SHORT TITLE

Pub. L. 103–259, §1, May 26, 1994, 108 Stat. 694, provided that: "This Act [enacting this section and provisions set out as notes under this section] may be cited as the 'Freedom of Access to Clinic Entrances Act of 1994'."

#### SEVERABILITY OF PROVISIONS

Pub. L. 103–259, §5, May 26, 1994, 108 Stat. 697, provided that: "If any provision of this Act [see Short Title note above], an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected thereby."

### CONGRESSIONAL STATEMENT OF PURPOSE

Pub. L. 103–259, §2, May 26, 1994, 108 Stat. 694, provided that: "Pursuant to the affirmative power of Congress to enact this legislation under section 8 of article I of the Constitution, as well as under section 5 of the fourteenth amendment to the Constitution, it is the purpose of this Act [see Short Title note above] to protect and promote the public safety and health and activities affecting interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services."

## §249. Hate crime acts

(a) IN GENERAL.—

(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

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

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

(i) death results from the offense; or

(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

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

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

(I) death results from the offense; or

(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

(I) across a State line or national border; or

(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

(iv) the conduct described in subparagraph (A)—

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

(II) otherwise affects interstate or foreign commerce.

(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

(4) **GUIDELINES.**—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.

(5) **LYNCHING.**—Whoever conspires to commit any offense under paragraph (1), (2), or (3) shall, if death or serious bodily injury (as defined in section 2246 of this title) results from the offense, be imprisoned for not more than 30 years, fined in accordance with this title, or both.

(6) **OTHER CONSPIRACIES.**—Whoever conspires to commit any offense under paragraph (1), (2), or (3) shall, if death or serious bodily injury (as defined in section 2246 of this title) results from the offense, or if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, be imprisoned for not more than 30 years, fined in accordance with this title, or both.

(b) **CERTIFICATION REQUIREMENT.**—

(1) **IN GENERAL.**—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

(A) the State does not have jurisdiction;

(B) the State has requested that the Federal Government assume jurisdiction;

(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(c) **DEFINITIONS.**—In this section—

(1) the term "bodily injury" has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

(2) the term "explosive or incendiary device" has the meaning given such term in section 232 of this title;

(3) the term "firearm" has the meaning given such term in section 921(a) of this title;

(4) the term "gender identity" means actual or perceived gender-related characteristics; and

(5) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(d) **STATUTE OF LIMITATIONS.**—

(1) **OFFENSES NOT RESULTING IN DEATH.**—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

(2) **DEATH RESULTING OFFENSES.**—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.

(e) **SUPERVISED RELEASE.**—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court may order, as an explicit condition of supervised release, that the defendant undertake educational classes or community service directly related to the community harmed by the defendant's offense.

(Added and amended Pub. L. 111–84, div. E, §§4707(a), 4711, Oct. 28, 2009, 123 Stat. 2838, 2842; Pub. L. 117–13, §5(h), May 20, 2021, 135 Stat. 272; Pub. L. 117–107, §2, Mar. 29, 2022, 136 Stat. 1125.)

#### EDITORIAL NOTES

#### AMENDMENTS

**2022**—Subsec. (a)(5), (6). Pub. L. 117–107 added pars. (5) and (6).

**2021**—Subsec. (e). Pub. L. 117–13 added subsec. (e).

**2009**—Subsec. (a)(4). Pub. L. 111–84, §4711, added par. (4).

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### SEVERABILITY

Pub. L. 111–84, div. E, §4709, Oct. 28, 2009, 123 Stat. 2841, which related to severability of provisions, was editorially reclassified as section 30505 of Title 34, Crime Control and Law Enforcement.

#### RULE OF CONSTRUCTION

Pub. L. 111–84, div. E, §4710, Oct. 28, 2009, 123 Stat. 2841, which related to construction, was editorially reclassified as section 30506 of Title 34, Crime Control and Law Enforcement.

## FINDINGS

Pub. L. 111–84, div. E, §4702, Oct. 28, 2009, 123 Stat. 2835, which set out Congressional findings related to hate crimes, was editorially reclassified as section 30501 of Title 34, Crime Control and Law Enforcement.

### §250. Penalties for civil rights offenses involving sexual misconduct

(a) OFFENSE.—It shall be unlawful for any person to, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631), engage in, or cause another to engage in, sexual misconduct.

(b) PENALTIES.—Any person who violates subsection (a) shall be—

(1) in the case of an offense involving aggravated sexual abuse, as defined in section 2241, or if the offense involved sexual abuse, as defined in section 2242, or if the offense involved an attempt to commit such aggravated sexual abuse or sexual abuse, fined under this title and imprisoned for any term of years or for life;

(2) in the case of an offense involving abusive sexual contact of a child who has not attained the age of 16, of the type prohibited by section 2244(a)(5), fined under this title and imprisoned for any term of years or for life;

(3) in the case of an offense involving a sexual act, as defined in section 2246, with another person without the other person's permission, and it does not amount to sexual abuse or aggravated sexual abuse, be fined under this title and imprisoned for not more than 40 years;

(4) in the case of an offense involving abusive sexual contact of the type prohibited by subsection (a)(1) or (b) of section 2244, but excluding abusive sexual contact through the clothing—

(A) fined under this title and imprisoned for not more than 10 years; and

(B) if the offense involves a child who has not attained the age of 12 years, imprisoned for not more than 30 years;

(5) in the case of an offense involving abusive sexual contact of the type prohibited by section 2244(a)(2)—

(A) fined under this title and imprisoned for not more than 3 years; and

(B) if the offense involves a child under the age of 12, imprisoned for not more than 20 years; and

(6) in the case of an offense involving abusive sexual contact through the clothing of the type prohibited by subsection (a)(3), (a)(4), or (b) of section 2244—

(A) fined under this title and imprisoned for not more than 2 years; and

(B) if the offense involves a child under the age of 12, imprisoned for not more than 10 years.

(Added Pub. L. 117–103, div. W, title XII, §1202(a)(1), Mar. 15, 2022, 136 Stat. 923.)

## STATUTORY NOTES AND RELATED SUBSIDIARIES

### EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as a note under section 6851 of Title 15, Commerce and Trade.

## CHAPTER 15—CLAIMS AND SERVICES IN MATTERS AFFECTING GOVERNMENT

Sec.

[281 to 284. Repealed.]

285. Taking or using papers relating to claims.

286. Conspiracy to defraud the Government with respect to claims.

287. False, fictitious or fraudulent claims.

288. False claims for postal losses.

289. False claims for pensions.

290. Discharge papers withheld by claim agent.

291. Purchase of claims for fees by court officials.

292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation.

[293. Repealed.]

## EDITORIAL NOTES