

106TH CONGRESS  
1ST SESSION

# S. 622

To enhance Federal enforcement of hate crimes, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 16, 1999

Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. LEAHY, Mr. TORRICELLI, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CHAFEE, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To enhance Federal enforcement of 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 “Hate Crimes Preven-

5       tion Act of 1999”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) the incidence of violence motivated by the  
2 actual or perceived race, color, national origin, reli-  
3 gion, sexual orientation, gender, or disability of the  
4 victim poses a serious national problem;

5           (2) such violence disrupts the tranquility and  
6 safety of communities and is deeply divisive;

7           (3) existing Federal law is inadequate to ad-  
8 dress this problem;

9           (4) such violence affects interstate commerce in  
10 many ways, including—

11           (A) by impeding the movement of members  
12 of targeted groups and forcing such members to  
13 move across State lines to escape the incidence  
14 or risk of such violence; and

15           (B) by preventing members of targeted  
16 groups from purchasing goods and services, ob-  
17 taining or sustaining employment or partici-  
18 pating in other commercial activity;

19           (5) perpetrators cross State lines to commit  
20 such violence;

21           (6) instrumentalities of interstate commerce are  
22 used to facilitate the commission of such violence;

23           (7) such violence is committed using articles  
24 that have traveled in interstate commerce;

1           (8) violence motivated by bias that is a relic of  
2           slavery can constitute badges and incidents of slav-  
3           ery;

4           (9) although many State and local authorities  
5           are now and will continue to be responsible for pros-  
6           ecuting the overwhelming majority of violent crimes  
7           in the United States, including violent crimes moti-  
8           vated by bias, Federal jurisdiction over certain vio-  
9           lent crimes motivated by bias is necessary to supple-  
10          ment State and local jurisdiction and ensure that  
11          justice is achieved in each case;

12          (10) Federal jurisdiction over certain violent  
13          crimes motivated by bias enables Federal, State, and  
14          local authorities to work together as partners in the  
15          investigation and prosecution of such crimes; and

16          (11) the problem of hate crime is sufficiently  
17          serious, widespread, and interstate in nature as to  
18          warrant Federal assistance to States and local juris-  
19          dictions.

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

21          In this Act, the term “hate crime” has the same  
22          meaning as in section 280003(a) of the Violent Crime  
23          Control and Law Enforcement Act of 1994 (28 U.S.C.  
24          994 note).

1 **SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

2 Section 245 of title 18, United States Code, is  
3 amended—

4 (1) by redesignating subsections (c) and (d) as  
5 subsections (d) and (e), respectively; and

6 (2) by inserting after subsection (b) the fol-  
7 lowing:

8 “(c)(1) Whoever, whether or not acting under color  
9 of law, willfully causes bodily injury to any person or,  
10 through the use of fire, a firearm, or an explosive device,  
11 attempts to cause bodily injury to any person, because of  
12 the actual or perceived race, color, religion, or national  
13 origin of any person—

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

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

20 “(i) death results from the acts committed  
21 in violation of this paragraph; or

22 “(ii) the acts committed in violation of this  
23 paragraph include kidnapping or an attempt to  
24 kidnap, aggravated sexual abuse or an attempt  
25 to commit aggravated sexual abuse, or an at-  
26 tempt to kill.

1       “(2)(A) Whoever, whether or not acting under color  
2 of law, in any circumstance described in subparagraph  
3 (B), willfully causes bodily injury to any person or,  
4 through the use of fire, a firearm, or an explosive device,  
5 attempts to cause bodily injury to any person, because of  
6 the actual or perceived religion, gender, sexual orientation,  
7 or disability of any person—

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

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

14               “(I) death results from the acts committed  
15 in violation of this paragraph; or

16               “(II) the acts committed in violation of  
17 this paragraph include kidnapping or an at-  
18 tempt to kidnap, aggravated sexual abuse or an  
19 attempt to commit aggravated sexual abuse, or  
20 an attempt to kill.

21       “(B) For purposes of subparagraph (A), the cir-  
22 cumstances described in this subparagraph are that—

23               “(i) in connection with the offense, the defend-  
24 ant or the victim travels in interstate or foreign  
25 commerce, uses a facility or instrumentality of inter-

1 state or foreign commerce, or engages in any activity  
2 affecting interstate or foreign commerce; or

3 “(ii) the offense is in or affects interstate or  
4 foreign commerce.”.

5 **SEC. 5. DUTIES OF FEDERAL SENTENCING COMMISSION.**

6 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-  
7 LINES.—Pursuant to its authority under section 994 of  
8 title 28, United States Code, the United States Sentencing  
9 Commission shall study the issue of adult recruitment of  
10 juveniles to commit hate crimes and shall, if appropriate,  
11 amend the Federal sentencing guidelines to provide sen-  
12 tencing enhancements (in addition to the sentencing en-  
13 hancement provided for the use of a minor during the  
14 commission of an offense) for adult defendants who recruit  
15 juveniles to assist in the commission of hate crimes.

16 (b) CONSISTENCY WITH OTHER GUIDELINES.—In  
17 carrying out this section, the United States Sentencing  
18 Commission shall—

19 (1) ensure that there is reasonable consistency  
20 with other Federal sentencing guidelines; and

21 (2) avoid duplicative punishments for substan-  
22 tially the same offense.

23 **SEC. 6. GRANT PROGRAM.**

24 (a) AUTHORITY TO MAKE GRANTS.—The Office of  
25 Justice Programs of the Department of Justice shall make

1 grants, in accordance with such regulations as the Attor-  
2 ney General may prescribe, to State and local programs  
3 designed to combat hate crimes committed by juveniles,  
4 including programs to train local law enforcement officers  
5 in investigating, prosecuting, and preventing hate crimes.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated such sums as may be  
8 necessary to carry out this section.

9 **SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**  
10 **ASSIST STATE AND LOCAL LAW ENFORCE-**  
11 **MENT.**

12 There are authorized to be appropriated to the De-  
13 partment of the Treasury and the Department of Justice,  
14 including the Community Relations Service, for fiscal  
15 years 2000, 2001, and 2002 such sums as are necessary  
16 to increase the number of personnel to prevent and re-  
17 spond to alleged violations of section 245 of title 18,  
18 United States Code (as amended by this Act).

19 **SEC. 8. SEVERABILITY.**

20 If any provision of this Act, an amendment made by  
21 this Act, or the application of such provision or amend-  
22 ment to any person or circumstance is held to be unconsti-  
23 tutional, the remainder of this Act, the amendments made  
24 by this Act, and the application of the provisions of such

1 to any person or circumstance shall not be affected there-  
2 by.

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