

111TH CONGRESS
1ST SESSION

H. R. 256

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2009

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on the Judiciary

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 “David Ray Hate
5 Crimes Prevention Act of 2009” or “David’s Law”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

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

5 (4) such violence affects interstate commerce in
6 many ways, including—

7 (A) by impeding the movement of members
8 of targeted groups and forcing such members to
9 move across State lines to escape the incidence
10 or risk of such violence; and

11 (B) by preventing members of targeted
12 groups from purchasing goods and services, ob-
13 taining or sustaining employment or partici-
14 pating in other commercial activity;

15 (5) perpetrators cross State lines to commit
16 such violence;

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

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

21 (8) violence motivated by bias that is a relic of
22 slavery can constitute badges and incidents of slav-
23 ery;

24 (9) although many local jurisdictions have at-
25 tempted to respond to the challenges posed by such

1 violence, the problem is sufficiently serious, wide-
2 spread, and interstate in scope to warrant Federal
3 intervention to assist such jurisdictions; and

4 (10) many States have no laws addressing vio-
5 lence based on the actual or perceived race, color,
6 national origin, religion, sexual orientation, gender,
7 or disability, of the victim, while other States have
8 laws that provide only limited protection.

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

10 In this Act, the term “hate crime” has the same
11 meaning as in section 280003(a) of the Violent Crime
12 Control and Law Enforcement Act of 1994 (28 U.S.C.
13 994 note).

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

15 Section 245 of title 18, United States Code, is
16 amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively; and

19 (2) by inserting after subsection (b) the fol-
20 lowing:

21 “(c)(1) Whoever, whether or not acting under color
22 of law, willfully causes bodily injury to any person or,
23 through the use of fire, a firearm, or an explosive device,
24 attempts to cause bodily injury to any person, because of

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

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

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

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

11 “(ii) the acts committed in violation of this
12 paragraph include kidnapping or an attempt to
13 kidnap, aggravated sexual abuse or an attempt
14 to commit aggravated sexual abuse, or an at-
15 tempt to kill.

16 “(2)(A) Whoever, whether or not acting under color
17 of law, in any circumstance described in subparagraph
18 (B), willfully causes bodily injury to any person or,
19 through the use of fire, a firearm, or an explosive device,
20 attempts to cause bodily injury to any person, because of
21 the actual or perceived religion, gender, sexual orientation,
22 or disability of any person—

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

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

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

6 “(II) the acts committed in violation of
7 this paragraph include kidnapping or an at-
8 tempt to kidnap, aggravated sexual abuse or an
9 attempt to commit aggravated sexual abuse, or
10 an attempt to kill.

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

13 “(i) in connection with the offense, the defend-
14 ant or the victim travels in interstate or foreign
15 commerce, uses a facility or instrumentality of inter-
16 state or foreign commerce, or engages in any activity
17 affecting interstate or foreign commerce; or

18 “(ii) the offense is in or affects interstate or
19 foreign commerce.”.

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

21 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
22 LINES.—Pursuant to its authority under section 994 of
23 title 28, United States Code, the United States Sentencing
24 Commission shall study the issue of adult recruitment of
25 juveniles to commit hate crimes and shall, if appropriate,

1 amend the Federal sentencing guidelines to provide sen-
2 tencing enhancements (in addition to the sentencing en-
3 hancement provided for the use of a minor during the
4 commission of an offense) for adult defendants who recruit
5 juveniles to assist in the commission of hate crimes.

6 (b) CONSISTENCY WITH OTHER GUIDELINES.—In
7 carrying out this section, the United States Sentencing
8 Commission shall—

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

11 (2) avoid duplicative punishments for substan-
12 tially the same offense.

13 **SEC. 6. GRANT PROGRAM.**

14 (a) AUTHORITY TO MAKE GRANTS.—The Adminis-
15 trator of the Office of Juvenile Justice and Delinquency
16 Prevention of the Department of Justice shall make
17 grants, in accordance with such regulations as the Attor-
18 ney General may prescribe, to State and local programs
19 designed to combat hate crimes committed by juveniles.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section.

1 **SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
2 **ASSIST STATE AND LOCAL LAW ENFORCE-**
3 **MENT.**

4 There are authorized to be appropriated to the De-
5 partment of the Treasury and the Department of Justice,
6 including the Community Relations Service, for fiscal
7 years 2009, 2010, and 2011 such sums as are necessary
8 to increase the number of personnel to prevent and re-
9 spond to alleged violations of section 245 of title 18,
10 United States Code (as amended by this Act).

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