

Public Law 100-346
100th Congress

An Act

June 24, 1988
[S. 794]

To amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND FOR OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following new section:

18 USC 247.

“§ 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, 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 (c) of this section.

“(b) 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.

“(c) The punishment for a violation of subsection (a) of this section shall be—

“(1) if death results, a fine in accordance with this title and imprisonment for any term of years or for life, or both;

“(2) if serious bodily injury results, a fine in accordance with this title and imprisonment for not more than ten years, or both; and

“(3) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

“(d) No prosecution of any offense described in this section shall be undertaken by the United States except upon the notification 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.

“(e) As used in this section—

Commerce and
trade.

“(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.”.

SEC. 3. TECHNICAL AMENDMENT.

The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

“247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs.”.

Approved June 24, 1988.

LEGISLATIVE HISTORY—S. 794 (H.R. 3258):

HOUSE REPORTS: No. 100-337 accompanying H.R. 3258 (Comm. on the Judiciary).

SENATE REPORTS: No. 100-324 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Oct. 5, H.R. 3258 considered and passed House.

Vol. 134 (1988): May 18, S. 794 considered and passed Senate.

June 14, considered and passed House.