

100TH CONGRESS  
1ST SESSION

# H. R. 3258

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 25), 1987

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

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.

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. CRIMINAL PENALTIES FOR DAMAGE TO RELI-**  
4                               **GIOUS PROPERTY AND FOR OBSTRUCTION OF**  
5                               **PERSONS IN THE FREE EXERCISE OF RELI-**  
6                               **GIOUS BELIEFS.**

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

1 **“§ 247. Damage to religious property; obstruction of per-**  
2 **sons in the free exercise of religious beliefs**

3 “(a) Whoever, in any of the circumstances referred to in  
4 subsection (b) of this section—

5 “(1) defaces, damages, or destroys any religious  
6 real property, because of the religious character of that  
7 property, or attempts to do so; or

8 “(2) obstructs, by force or threat of force, any  
9 person in the enjoyment of that person’s free exercise  
10 of religious beliefs, or attempts to do so;

11 shall be punished as provided in subsection (c) of this section.

12 “(b) The circumstances referred to in subsection (a) are  
13 that—

14 “(1) in committing the offense, the defendant trav-  
15 els in interstate or foreign commerce, or uses a facility  
16 or instrumentality of interstate or foreign commerce in  
17 interstate or foreign commerce; and

18 “(2) in the case of an offense under subsection  
19 (a)(1), the loss resulting from the defacement, damage,  
20 or destruction is more than \$10,000.

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

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

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

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

7           “(d) As used in this section—

8           “(1) the term ‘religious real property’ means any  
9           church, synagogue, religious cemetery, or other reli-  
10          gious real property; and

11          “(2) the term ‘serious bodily injury’ means bodily  
12          injury that involves a substantial risk of death, uncon-  
13          sciousness, extreme physical pain, protracted and obvi-  
14          ous disfigurement, or protracted loss or impairment of  
15          the function of a bodily member, organ, or mental  
16          faculty.”.

17   **SEC. 2. TECHNICAL AMENDMENT.**

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

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

Passed the House of Representatives October 5, 1987.

Attest:

DONNALD K. ANDERSON,

*Clerk.*