

100TH CONGRESS  
1ST SESSION

# S. 794

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 17), 1987

Mr. METZENBAUM (for himself, Mr. LAUTENBERG, Mr. INOUE, Mr. SPECTER, Mr. WIRTH, Mr. WEICKER, Mr. SANFORD, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to 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,*

1 **SECTION 1. CRIMINAL PENALTIES AND CIVIL ACTION FOR**  
2 **DAMAGE TO RELIGIOUS PROPERTY AND**  
3 **INJURY TO PERSONS IN THE FREE EXERCISE**  
4 **OF RELIGIOUS BELIEFS.**

5 (a) **OFFENSE.**—Chapter 13 of title 18, United States  
6 Code, is amended by adding at the end the following new  
7 section:

8 **“§ 247. Damage to religious property; injury to persons in**  
9 **the free exercise of religious beliefs**

10 “(a) Whoever, travels in, or uses a facility or instrumen-  
11 tality of, interstate or foreign commerce and subsequently—

12 “(1) defaces, damages, or destroys any religious  
13 real property, because of the religious character of that  
14 property; or

15 “(2) obstructs, by force or threat of force, any  
16 person in the enjoyment of that person’s free exercise  
17 of religious beliefs;

18 shall be punished as provided in subsection (b) of this section.

19 “(b) The punishment for a violation of subsection (a) of  
20 this section shall be—

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

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

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

4           “(c) Any person injured personally or in his business or  
5           property by reason of a violation of this section may sue  
6           therefore in any court of competent jurisdiction and shall re-  
7           cover any damages such person sustains. An action for inju-  
8           ries brought under this subsection shall not depend on a prior  
9           criminal conviction based on such injuries.

10          “(d) As used in this section—

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

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

20          (b) **TECHNICAL AMENDMENT.**—The table of sections  
21          for chapter 13 of title 18, United States Code, is amended by  
22          adding at the end the following new item:

“247. Damage to religious property; injury to persons in the free exercise of reli-  
gious beliefs.”.

