

Union Calendar No. 135

103D CONGRESS
1ST SESSION

H. R. 1152

[Report No. 103-244]

A BILL

To direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

SEPTEMBER 21, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1993

Mr. SCHUMER (for himself, Mr. SENSENBRENNER, Mr. SCHIFF, Mrs. SCHROEDER, Mr. CONYERS, Mr. SCOTT, Mr. GLICKMAN, Mr. HUGHES, Mr. BERMAN, Mrs. KENNELLY, Mr. LANTOS, Mr. DEUTSCH, Mr. WAXMAN, Mr. HASTINGS, Mr. HINCHEY, Mr. STUDDS, Mr. LAROCO, Mr. WILLIAMS, Mr. FROST, Mr. MATSUI, Mr. REYNOLDS, Mr. OWENS, Mr. APPLGATE, Mrs. MALONEY, Mr. BARRETT of Wisconsin, Mrs. LOWEY, Ms. PELOSI, Mr. DIXON, Mr. GUTIERREZ, Mr. MARTINEZ, Mrs. COLLINS of Illinois, Mr. TUCKER, Mr. PASTOR, Mr. RUSH, Mr. STARK, Mr. KLEIN, Mrs. MORELLA, Mr. WYDEN, Mr. TORRICELLI, Mr. WYNN, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 21, 1993

Additional sponsors: Mr. MAZZOLI, Mrs. MINK, Mr. MINGE, Mr. RANGEL, Mr. COLEMAN, Mr. MFUME, Mr. GUNDERSON, Mr. MCDERMOTT, Mr. KOPETSKI, Mr. EVANS, Mr. BEREUTER, Ms. SLAUGHTER, Mr. BECERRA, Mrs. MEEK, Mr. MENENDEZ, Mr. BLACKWELL, Mr. KILDEE, Ms. FURSE, Ms. MCKINNEY, Ms. NORTON, Mr. SWETT, Mr. FAZIO, Ms. VELÁZQUEZ, Mr. MANTON, Mr. PALLONE, Mr. LAZIO, Mr. MINETA, Mr. JOHNSTON of Florida, Mr. GILMAN, Mr. SANGMEISTER, Mr. LEVY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. KLUG, and Mr. NADLER

SEPTEMBER 21, 1993

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[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on March 1, 1993]

A BILL

To direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

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 Sentencing*
5 *Enhancement Act of 1993”.*

6 **SEC. 2. DIRECTION TO COMMISSION.**

7 *(a) IN GENERAL.—Pursuant to section 994 of title 28,*
8 *United States Code, the United States Sentencing Commis-*
9 *sion shall promulgate guidelines or amend existing guide-*
10 *lines to provide sentencing enhancements of not less than*
11 *3 offense levels for offenses that the finder of fact at trial*
12 *determines beyond a reasonable doubt are hate crimes. In*
13 *carrying out this section, the United States Sentencing*
14 *Commission shall assure reasonable consistency with other*
15 *guidelines, avoid duplicative punishments for substantially*
16 *the same offense, and take into account any mitigating cir-*
17 *cumstances which might justify exceptions.*

1 (b) *DEFINITION.*—As used in this Act, the term “hate
2 crime” is a crime in which the defendant intentionally se-
3 lects a victim, or in the case of a property crime, the prop-
4 erty which is the object of the crime, because of the actual
5 or perceived race, color, religion, national origin, ethnicity,
6 gender, or sexual orientation of any person.