



U.S. Department of Justice

United States Attorney's Office
Eastern District of Wisconsin

Federal Hate Crimes

The following are examples of federal offenses that could apply to situations involving hate crimes.

Crime	Elements / Description
Causing Injury Due to Race, Color, Religion, or National Origin 18 U.S.C. § 249(a)(1)	<p>This provision of the <i>Shepherd-Byrd Hate Crimes Prevention Act</i> makes it unlawful to willfully cause bodily injury (or to attempt to cause bodily injury using a firearm, fire, an explosive device, incendiary device, or other dangerous weapon) because of the actual or perceived race, color, religion, or national origin of any person.</p> <p>Note: "Bodily injury" means any physical injury, no matter how slight or temporary.</p>
Causing Injury Due to Religion, National Origin, Gender, Sexual Orientation, Gender Identity, or Disability 18 U.S.C. § 249(a)(2)	<p>This provision of the <i>Shepherd-Byrd Hate Crimes Prevention Act</i> makes it unlawful to willfully cause bodily injury (or to attempt to cause bodily injury using a firearm, fire, an explosive device, incendiary device, or other dangerous weapon) because of the actual or perceived religion, national origin, sexual orientation, gender identity, or disability of any person in circumstances in or affecting commerce, such as: during or as the result of travel across a state line; using a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct; using a firearm, explosive or incendiary device, or other weapon that had traveled in interstate commerce; or interfering with commercial or economic activity in which the victim was engaged at the time of the conduct.</p>
Conspiracy Against Rights 18 U.S.C. § 241	<p>Makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any individual in the free exercise or enjoyment of any right or privilege secured by the Constitution or federal law or because the individual exercised such a right. Requires a showing of willfulness.</p>
Interference with Federally Protected Activities 18 U.S.C. § 245	<p>This provision makes it unlawful to use or threaten the use of force to willfully injure, intimidate, or interfere with a person (or attempt to do so) because of race, color, or national origin, and because the person was: (1) attending or enrolling in public school or college; (2) participating in or enjoying a benefit, service, program, or activity administered by a state or local government; (3) applying for or enjoying employment; (4) serving on a jury or attending state court; (5) traveling or using a facility in interstate commerce; or (6) enjoying the goods, services, facilities, privileges, advantages, or accommodations of hotels, restaurants, theaters, concert halls, sports arenas or similar establishments.</p>

<p>Damage to Religious Property; Obstructing Exercise of Religious Beliefs 18 U.S.C. § 247</p>	<p>This provision makes it unlawful to: (1) deface, damage, or destroy real property because of its religious character; (2) by force or threat of force, obstruct any person in the free exercise of religious beliefs; or (3) deface, damage, or destroy religious real property because of the race, color, or ethnic characteristics of any individual associated with the property.</p> <p>Note: It also is a crime to attempt any of the above acts.</p>
<p>Freedom of Access to Clinic Entrances 18 U.S.C. § 248</p>	<p>This provision makes it unlawful to use force, the threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with any person because that person: (1) is obtaining or providing reproductive health services; (2) was lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship. The law also makes it illegal to damage or destroy a facility that provides reproductive health services or is a place of religious worship.</p>
<p>Fair Housing Violence 42 U.S.C. § 3631</p>	<p>This provision of the <i>Fair Housing Act</i> makes it unlawful to use or threaten force to willfully injure, intimidate, or interfere with any person (or attempt to do so) because of race, color, religion, sex, handicap, familial status, or national origin, and because the person was (1) selling, purchasing, renting, financing, or occupying a dwelling; (2) contracting or negotiating to do so; (3) applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or (4) affording, aiding or encouraging other persons to participate in such activities.</p>
<p>Threats by Interstate Communications 18 U.S.C. § 875(c)</p>	<p>This provision makes it unlawful to transmit in interstate commerce any communication containing a threat to injure another person if the sender intended the communication as a threat or knew that the communication would be viewed as a threat.</p>
<p>Arson 18 U.S.C. § 844</p>	<p>This provision makes it unlawful to maliciously damage, destroy, or attempt to damage or destroy a property used in an activity affecting interstate commerce (including retail and rental properties) by means of fire or an explosive.</p> <p>Note: A 10-year consecutive sentence applies to any defendant who uses fire during the commission of another federal felony.</p>

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