

118TH CONGRESS
1ST SESSION

H. R. 61

To prevent and prosecute white supremacy inspired hate crime and conspiracy to commit white supremacy inspired hate crime and to amend title 18, United States Code, to expand the scope of hate crimes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prevent and prosecute white supremacy inspired hate crime and conspiracy to commit white supremacy inspired hate crime and to amend title 18, United States Code, to expand the scope of 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 “Leading Against White
5 Supremacy Act of 2023”.

6 **SEC. 2. WHITE SUPREMACY INSPIRED HATE CRIME.**

7 (a) IN GENERAL.—A person engages in a white su-
8 premacy inspired hate crime when white supremacy ide-

1 ology has motivated the planning, development, prepara-
2 tion, or perpetration of actions that constituted a crime
3 or were undertaken in furtherance of activity that, if effec-
4 tuated, would have constituted a crime.

5 (b) CONSPIRACY.—A conspiracy to engage in white
6 supremacy inspired hate crime shall be determined to
7 exist—

8 (1) between two or more persons engaged in the
9 planning, development, preparation, or perpetration
10 of a white supremacy inspired hate crime; or

11 (2) between two or more persons—

12 (A) at least one of whom engaged in the
13 planning, development, preparation, or per-
14 petration of a white supremacy inspired hate
15 crime; and

16 (B) at least one of whom published mate-
17 rial advancing white supremacy, white suprema-
18 cist ideology, antagonism based on “replac-
19 e-ment theory”, or hate speech that vilifies or is
20 otherwise directed against any non-White per-
21 son or group, and such published material—

22 (i) was published on a social media
23 platform or by other means of publication
24 with the likelihood that it would be viewed
25 by persons who are predisposed to engag-

1 ing in any action in furtherance of a white
2 supremacy inspired hate crime, or who are
3 susceptible to being encouraged to engage
4 in actions in furtherance of a white su-
5 premac y inspired hate crime;

6 (ii) could, as determined by a reason-
7 able person, motivate actions by a person
8 predisposed to engaging in a white suprem-
9 acy inspired hate crime or by a person who
10 is susceptible to being encouraged to en-
11 gage in actions relating to a white suprem-
12 acy inspired hate crime; and

13 (iii) was read, heard, or viewed by a
14 person who engaged in the planning, devel-
15 opment, preparation, or perpetration of a
16 white supremacy inspired hate crime.

17 (c) DEPARTMENT OF JUSTICE AUTHORITY, EN-
18 FORCEMENT, MONITORING, AND REPORTING.—The De-
19 partment shall have authority to conduct operations and
20 activities pursuant to this section, specifically—

21 (1) with regard to information or evidence ob-
22 tained by the Department of any action cited in this
23 section, the Department shall have the authority to
24 investigate, intercede, and undertake other actions
25 that it deems necessary and appropriate to interdict,

1 mitigate, or prevent such action from culminating in
2 violent activity;

3 (2) the Department shall have the authority to
4 prosecute persons who engaged in actions cited in
5 this section; and

6 (3) the Uniform Crime Reporting Program in
7 the Department of Justice shall maintain records of
8 white supremacy inspired hate crimes and related
9 actions cited in this section, and enforcement actions
10 in response thereto.

11 The Department shall provide annual reports to the ap-
12 propriate committees in Congress that shall include infor-
13 mation cited in this paragraph.

14 **SEC. 3. CRIMINAL OFFENSE.**

15 Section 249(a)(1) of title 18, United States Code, is
16 amended—

17 (1) in the matter preceding subparagraph (A)
18 by inserting after “race, color, religion, or national
19 origin of any person” the following: “, or because of
20 a white supremacy based motivation against any
21 person”; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking “or” at the
24 end;

1 (B) in clause (ii), by striking the period
2 and inserting “; or”; and

3 (C) by adding at the end the following:

4 “(iii) the offense was in furtherance of
5 a white supremacy based motivation.”.

6 **SEC. 4. FINDINGS.**

7 Section 4702 of the Matthew Shepard and James
8 Byrd Jr. Hate Crimes Prevention Act (18 U.S.C. 249
9 note) is amended by adding at the end the following:

10 “(11) Mass shootings and other hate crimes
11 motivated by white supremacy have been increasing
12 in frequency and intensity. These heinous and viru-
13 lent crimes are inspired by conspiracy theories, bla-
14 tant bigotry, and mythical falsehoods such as “re-
15 placement theory”. All instances must be prevented
16 and severe criminal penalties must be applied to
17 their perpetrators.”.

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