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AMENDMENT NO.

Calendar No.

Purpose: To prohibit terrorist hoaxes committed against families of United States servicemen and to prohibit attacks on servicemen committed on account of their military service.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 2248

AMENDMENT No. 3926

To : By Kyl 1978,
 To: _____ it Act,
 S. 2248
 5
Re _____ and
 Page(s)

GPO: 2006 30-772 (M42)

Ordered to lie on the table and to be printed
AMENDMENT intended to be proposed by Mr. KYL

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. ____ . TERRORIST HOAXES AGAINST FAMILIES OF
- 3 UNITED STATES SERVICEMEN.
- 4 (a) HOAX STATUTE.—Section 1038 of title 18,
- 5 United States Code, is amended—
- 6 (1) in subsections (a)(1) and (b), by inserting
- 7 “or any other offense listed under section
- 8 2332b(g)(5)(B) of this title” after “title 49,”; and

1 (2) in subsection (a)(2)—

2 (A) in subparagraph (A), by striking “, im-
3 prisoned not more than 5 years, or both” and
4 inserting “and imprisoned for not less than 2
5 years nor more than 10 years”;

6 (B) in subparagraph (B), by striking “,
7 imprisoned not more than 20 years, or both”
8 and inserting “and imprisoned for not less than
9 5 years nor more than 25 years”; and

10 (C) in subparagraph (C), by striking “, im-
11 prisoned for any term of years or for life, or
12 both” and inserting “and imprisoned for any
13 term of years not less than 10 or for life”.

14 (b) **ATTACKS ON UNITED STATES SERVICEMEN.—**

15 (1) **IN GENERAL.—**Chapter 67 of title 18,
16 United States Code, is amended by adding at the
17 end the following:

18 **“§ 1389. Prohibition on attacks on United States serv-**

19 **icemen on account of service**

20 **“(a) IN GENERAL.—**Whoever knowingly assaults or
21 batters a United States serviceman or an immediate fam-
22 ily member of a United States serviceman, or who know-
23 ingly destroys or injures the property of such serviceman
24 or immediate family member, on account of the military
25 service of that serviceman or status of that individual as

1 a United States serviceman, or who attempts or conspires
2 to do so, shall—

3 “(1) in the case of a simple assault, or destruc-
4 tion or injury to property in which the damage or
5 attempted damage to such property is not more than
6 \$500, be fined under this title in an amount not less
7 than \$500 nor more than \$10,000 and imprisoned
8 not more than 2 years;

9 “(2) in the case of destruction or injury to
10 property in which the damage or attempted damage
11 to such property is more than \$500, be fined under
12 this title in an amount not less than \$1000 nor more
13 than \$100,000 and imprisoned not less than 90 days
14 nor more than 10 years; and

15 “(3) in the case of a battery, or an assault re-
16 sulting in bodily injury, be fined under this title in
17 an amount not less than \$2500 and imprisoned not
18 less than 2 years nor more than 30 years.

19 “(b) EXCEPTION.—This section shall not apply to
20 conduct by a person who is subject to the Uniform Code
21 of Military Justice.

22 “(c) DEFINITIONS.—In this section—

23 “(1) the term ‘Armed Forces’ has the meaning
24 given that term in section 1388;

1 “(2) the term ‘immediate family member’ has
2 the meaning given that term in section 115; and

3 “(3) the term ‘United States serviceman’—

4 “(A) means a member of the Armed
5 Forces; and

6 “(B) includes a former member of the
7 Armed Forces during the 5-year period begin-
8 ning on the date of the discharge from the
9 Armed Forces of that member of the Armed
10 Forces.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of sections for chapter 67 of title
13 18, United States Code, is amended by adding at
14 the end the following:

“1389. Prohibition on attacks on United States servicemen on account of serv-
ice.”.

15 (c) THREATENING COMMUNICATIONS.—

16 (1) MAILED WITHIN THE UNITED STATES.—
17 Section 876 of title 18, United States Code, is
18 amended by adding at the end the following:

19 “(e) For purposes of this section, the term ‘addressed
20 to any other person’ includes an individual (other than the
21 sender), a corporation or other legal person, and a govern-
22 ment or agency or component thereof.”.

1 (2) MAILED TO A FOREIGN COUNTRY.—Section
2 877 of title 18, United States Code, is amended by
3 adding at the end the following:
4 “For purposes of this section, the term ‘addressed to
5 any person’ includes an individual, a corporation or other
6 legal person, and a government or agency or component
7 thereof.”.