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§ AAA. Unauthorized paramilitary activity.

(a) Whoever knowingly, while acting as part of an unauthorized paramilitary organization or on behalf of or in furtherance of any objectives of such organization and while armed with a firearm, explosive or incendiary device, or other dangerous weapon:

(1) publicly patrols, drills, or engages in techniques capable of causing bodily injury or death;

(2) interferes with, interrupts, or attempts to interfere with or interrupt government operations or a government proceeding;

(3) asserts authority or purports to assert authority over another person without legal authority;

(4) interferes with or intimidates another person and thereby deprives that person or attempts to deprive that person of any right, privilege, or immunity secured or protected by the Constitution or laws of the United States or the state of **XX**; or

(5) trains to engage in any activity described in paragraphs (1) through (4)

shall be punished as provided in subsection (c).

(b) This section may not be construed to apply to:

(1) the armed forces of the United States, the National Guard, the Naval Militia, any regularly organized State militia, or any unorganized or reserve militia called into service by a State or the United States;

(2) a group of individuals that associate as a military organization solely for historical purposes or fictional performances, or that parade in public as part of a bona fide veterans organization with no intent to engage in the activities prohibited by subsection (a), so long as the group of individuals does not carry or use ammunition, explosives, or incendiary devices;

(3) students in an educational institution authorized by the State or Federal government to teach military science as a prescribed part of the course of instruction, when under the supervision of a military instructor;

(4) members of an organization that is authorized under State or Federal law to provide paramilitary, law enforcement, or security services training or to engage in

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paramilitary activity, law enforcement, or security services when performing the functions authorized by law and, in the case of paramilitary activity and law enforcement functions, when under the direction and control of a governmental authority; or

(5) troops of a foreign government with the authorization or consent of the Federal Government.

(c) Whoever commits a violation of subsection (a) shall be fined under this title, imprisoned for not more than **one** year, or both, except that:

(1) in the case of a violation that occurs after a prior conviction under this section has become final, the person shall be fined under this title, imprisoned for not more than **two** years, or both;

(2) in the case of a violation that results in damage to property, the person shall be fined under this title, imprisoned for not more than **XX** years, or both;

(3) in the case of a violation that results in bodily injury, the person shall be fined under this title, imprisoned for not more than **XX** years, or both, and if the death of any person results, shall be imprisoned for any term of years or for life.

(d) A person who is convicted of violating this section shall forfeit to the State any property, personal or real, involved in, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, or which constitutes or is derived from proceeds traceable to the violation. The procedures codified in Section XX of the [state criminal forfeiture statute(s)] ([code citation(s)]) shall apply to the criminal forfeiture of property pursuant to this subsection.

Commented [A1]: We recommend that the due-process protections provided for in this subsection match those in Section 413 of the Controlled Substances Act (codified at 21 U.S.C. § 853), with the exception of subsections (a) and (d).

§ BBB. Definitions.

The following definitions apply in this **chapter**:

(a) The term “armed forces” has the meaning given such term in 10 U.S.C. § 101.

(b) The term “dangerous weapon” has the meaning given such term in **section XX of title XX**.

Commented [A2]: If no state-law definition, please consider using the federal definition given in 18 U.S.C. § 930(g)(2).

(c) The term “explosive or incendiary device” has the meaning given such term in **section XX of title XX**.

Commented [A3]: If no state-law definition, please consider using the federal definition given in 18 U.S.C. § 232.

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(d) The term “firearm” has the meaning given such term in section XX of title XX.

Commented [A4]: If no state-law definition, please consider using the federal definition given in 18 U.S.C. § 921(a).

(e) The term “National Guard” has the meaning given that term in 10 U.S.C. § 101(c) and 32 U.S.C. § 101.

(f) The term “person” means any individual, partnership, corporation, company, association, firm, society, organization, or governmental entity, whether incorporated or unincorporated.

(g) The term “private paramilitary organization” means any group of three or more persons associating under a command structure for the purpose of functioning in public or training to function in public as a combat, combat support, law enforcement, or security services unit.

(h) The term “regularly organized State militia” shall include defense forces authorized under 32 U.S.C. § 109(c).

(i) The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

§ CCC. Civil Remedies.

(a) Whenever the Attorney General or [District Attorney] or [municipal attorney empowered under state law to bring civil enforcement actions] has reasonable cause to believe that any person or group of persons has engaged in or is about to engage in any act prohibited by section AAA, the Attorney General or [District Attorney or [municipal attorney empowered under state law to bring civil enforcement actions] may institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, in the appropriate state court.

(b) Any person injured as a result of any violation of section AAA may bring a civil action, individually or jointly with other aggrieved persons in the appropriate state court for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, or for damages incurred as a result of any violation of section AAA, including reasonable attorney’s fees and costs.

(c) Any property subject to forfeiture pursuant to section AAA may be forfeited to the State in a civil case in accordance with the procedures set forth in Section XX of the [state civil forfeiture statute(s)] ([code citation(s)]).