

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on January 8, 2021

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
v.	:	MAGISTRATE NO. 21-MJ-102
	:	
RYAN TAYLOR NICHOLS,	:	MAGISTRATE NO. 21-MJ-103
	:	
and	:	VIOLATIONS:
	:	
ALEX KIRK HARKRIDER,	:	18 U.S.C. §§ 231(a)(3), 2
	:	(Civil Disorder)
Defendants.	:	18 U.S.C. §§ 1512(c)(2), 2
	:	(Obstruction of an Official Proceeding
	:	18 U.S.C. §§ 111(a)(1) and (b)
	:	(Assaulting, Resisting, or Impeding
	:	Certain Officers Using a Dangerous
	:	Weapon)
	:	18 U.S.C. § 641
	:	(Theft of Government Property,
	:	18 U.S.C. § 1752(a)(1) and (b)(1)(A)
	:	(Entering and Remaining in a Restricted
	:	Building or Grounds with a Deadly or
	:	Dangerous Weapon)
	:	18 U.S.C. § 1752(a)(2) and (b)(1)(a)
	:	(Disorderly and Disruptive Conduct in a
	:	Restricted Building or Grounds with a
	:	Deadly or Dangerous Weapon)
	:	40 U.S.C. § 5104(e)(1)
	:	(Unlawful Possession of a Dangerous
	:	Weapon on
	:	Capitol Grounds or Buildings)
	:	40 U.S.C. § 5104(e)(2)(D)
	:	(Disorderly Conduct in
	:	a Capitol Building)
	:	40 U.S.C. § 5104(e)(2)(F)
	:	(Act of Physical Violence in the Capitol
	:	Grounds or Buildings)
	:	40 U.S.C. § 5104(e)(2)(G)
	:	(Parading, Demonstrating, or Picketing in
	:	a Capitol Building)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **RYAN TAYLOR NICHOLS** and **ALEX KIRK HARKRIDER** committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder, and the civil disorder obstructed, delayed, and adversely affected the conduct and performance of a federally protected function.

(**Civil Disorder and Aiding and Abetting**, in violation of Title 18, United States Code, Section 231(a)(3) and 2)

COUNT TWO

On or about January 6, 2021, within the District of Columbia and elsewhere, **RYAN TAYLOR NICHOLS** and **ALEX KIRK HARKRIDER** attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, by entering and remaining in the United States Capitol without authority and committing an act of civil disorder and engaging in disorderly and disruptive conduct.

(**Obstruction of an Official Proceeding and Aiding and Abetting**, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **RYAN TAYLOR NICHOLS**, using a deadly or dangerous weapon, that is, OC/pepper spray, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed

services), while such officer or employee was engaged in or on account of the performance of official duties.

(Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **ALEX KIRK HARKRIDER** did embezzle, steal, purloin, knowingly convert to his use and the use of another, and without authority, sold, conveyed and disposed of any record, voucher, money and thing of value of the United States and any department and agency thereof, that is, a table leg, which has a value of less than \$1000.

(Theft of Government Property, in violation of Title 18, United States Code, Section 641)

COUNT FIVE

On or about January 6, 2021, within the District of Columbia, **RYAN TAYLOR NICHOLS** did unlawfully and knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a crowbar and OC/pepper spray.

(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))

COUNT SIX

On or about January 6, 2021, within the District of Columbia, **ALEX KIRK HARKRIDER** did unlawfully and knowingly enter and remain in a restricted building and

grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so, and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a tomahawk axe.

(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A))

COUNT SEVEN

On or about January 6, 2021, in the District of Columbia, **RYAN TAYLOR NICHOLS** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a crowbar and OC/pepper spray.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))

COUNT EIGHT

On or about January 6, 2021, in the District of Columbia, **ALEX KIRK HARKRIDER** did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the

orderly conduct of Government business and official functions and, during and in relation to the offense, did use and carry a deadly and dangerous weapon, that is, a tomahawk axe.

(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **RYAN TAYLOR NICHOLS** did carry and have readily accessible, a dangerous weapon, that is, a crowbar and OC/pepper spray, on the United States Capitol Grounds and in any of the Capitol Buildings.

(Unlawful Possession of a Dangerous Weapon on Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(1)(A)(i))

COUNT TEN

On or about January 6, 2021, within the District of Columbia, **ALEX KIRK HARKRIDER** did carry and have readily accessible, a dangerous weapon, that is, a tomahawk axe, on the United States Capitol Grounds and in any of the Capitol Buildings.

(Unlawful Possession of a Dangerous Weapon on Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(1)(A)(i))

COUNT ELEVEN

On or about January 6, 2021, in the District of Columbia, **RYAN TAYLOR NICHOLS** and **ALEX KIRK HARKRIDER** willfully and knowingly engaged in disorderly and disruptive conduct in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

COUNT TWELVE

On or about January 6, 2021, in the District of Columbia, **RYAN TAYLOR NICHOLS** willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

(Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

COUNT THIRTEEN

On or about January 6, 2021, in the District of Columbia, **RYAN TAYLOR NICHOLS** and **ALEX KIRK HARKRIDER** willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

(Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G))

A TRUE BILL:

FOREPERSON.

Michael Dorman/JS L

Attorney of the United States in
and for the District of Columbia.

§ 231. Civil disorders

18 USCA § 231 | United States Code Annotated | Title 18. Crimes and Criminal Procedure

Search Details

Jurisdiction: United States

Delivery Details

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Client ID: NICHOLS

Status Icons: 

United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 12. Civil Disorders

18 U.S.C.A. § 231

§ 231. Civil disorders

Currentness

- (a)(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or
- (2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or
- (3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function--

Shall be fined under this title or imprisoned not more than five years, or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

CREDIT(S)

(Added Pub.L. 90-284, Title X, § 1002(a), Apr. 11, 1968, 82 Stat. 90; amended Pub.L. 103-322, Title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

Notes of Decisions (21)

18 U.S.C.A. § 231, 18 USCA § 231

Current through P.L. 116-259. Some statute sections may be more current, see credits for details.

End of Document

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§ 1512. Tampering with a witness, victim, or an informant

18 USCA § 1512 | United States Code Annotated | Title 18. Crimes and Criminal Procedure | Effective: January 7, 2008

Search Details

Jurisdiction: United States

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United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 73. Obstruction of Justice (Refs & Annos)

18 U.S.C.A. § 1512

§ 1512. Tampering with a witness, victim, or an informant

Effective: January 7, 2008

Currentness

(a)(1) Whoever kills or attempts to kill another person, with intent to--

(A) prevent the attendance or testimony of any person in an official proceeding;

(B) prevent the production of a record, document, or other object, in an official proceeding; or

(C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to

do so, with intent to--

(A) influence, delay, or prevent the testimony of any person in an official proceeding;

(B) cause or induce any person to--

(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(iv) be absent from an official proceeding to which that person has been summoned by legal process; or

(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(3) The punishment for an offense under this subsection is--

(A) in the case of a killing, the punishment provided in sections 1111 and 1112;

(B) in the case of--

(i) an attempt to murder; or

(ii) the use or attempted use of physical force against any person;

imprisonment for not more than 30 years; and

(C) in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to--

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to--

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation¹ supervised release,² parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

(c) Whoever corruptly--

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

(d) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from--

(1) attending or testifying in an official proceeding;

(2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation¹ supervised release,² parole, or release pending judicial proceedings;

(3) arresting or seeking the arrest of another person in connection with a Federal offense; or

(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f) For the purposes of this section--

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance--

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

CREDIT(S)

(Added Pub.L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1249; amended Pub.L. 99-646, § 61, Nov. 10, 1986, 100 Stat. 3614; Pub.L. 100-690, Title VII, § 7029(a), (c), Nov. 18, 1988, 102 Stat. 4397, 4398; Pub.L. 101-650, Title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub.L. 103-322, Title VI, § 60018, Title XXXIII, § 330016(1)(O), (U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub.L. 104-214, § 1(2), Oct. 1, 1996, 110 Stat. 3017; Pub.L. 104-294, Title VI, § 604(b)(31), Oct. 11, 1996, 110 Stat. 3508; Pub.L. 107-204, Title XI, § 1102, July 30, 2002, 116 Stat. 807; Pub.L. 107-273, Div. B, Title III, § 3001(a), (c)(1), Nov. 2, 2002, 116 Stat. 1803, 1804; Pub.L. 110-177, Title II, § 205, Jan. 7, 2008, 121 Stat. 2537.)

Notes of Decisions (471)

Footnotes

1

So in original. A comma probably should appear.

2

So in original. The second comma probably should not appear.

18 U.S.C.A. § 1512, 18 USCA § 1512

Current through P.L. 116-259. Some statute sections may be more current, see credits for details.

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§ 111. Assaulting, resisting, or impeding certain officers or employees

18 USCA § 111 | United States Code Annotated | Title 18. Crimes and Criminal Procedure | Effective: January 7, 2008

Search Details

Jurisdiction: United States

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United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 7. Assault

18 U.S.C.A. § 111

§ 111. Assaulting, resisting, or impeding certain officers or employees

Effective: January 7, 2008

Currentness

(a) In general.--Whoever--

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person's term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both.

(b) Enhanced penalty.--Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but

that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

CREDIT(S)

(June 25, 1948, c. 645, 62 Stat. 688; Pub.L. 100-690, Title VI, § 6487(a), Nov. 18, 1988, 102 Stat. 4386; Pub.L. 103-322, Title XXXII, § 320101(a), Sept. 13, 1994, 108 Stat. 2108; Pub.L. 104-132, Title VII, § 727(c), Apr. 24, 1996, 110 Stat. 1302; Pub.L. 107-273, Div. C, Title I, § 11008(b), Nov. 2, 2002, 116 Stat. 1818; Pub.L. 110-177, Title II, § 208(b), Jan. 7, 2008, 121 Stat. 2538.)

Notes of Decisions (460)

18 U.S.C.A. § 111, 18 USCA § 111

Current through P.L. 116-259. Some statute sections may be more current, see credits for details.

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§ 641. Public money, property or records

18 USCA § 641 | United States Code Annotated | Title 18. Crimes and Criminal Procedure | Effective: July 15, 2004

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Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 31. Embezzlement and Theft (Refs & Annos)

18 U.S.C.A. § 641

§ 641. Public money, property or records

Effective: July 15, 2004

Currentness

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted--

Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

CREDIT(S)

(June 25, 1948, c. 645, 62 Stat. 725; Pub.L. 103-322, Title XXXIII, § 330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147; Pub.L. 104-294, Title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511; Pub.L. 108-275, § 4, July 15, 2004, 118 Stat. 833.)

Notes of Decisions (982)

18 U.S.C.A. § 641, 18 USCA § 641

Current through P.L. 116-259. Some statute sections may be more current, see credits for details.

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§ 1752. Restricted building or grounds

18 USCA § 1752 | United States Code Annotated | Title 18. Crimes and Criminal Procedure | Effective: October 5, 2018

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Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 84. Presidential and Presidential Staff Assassination, Kidnapping
and Assault

18 U.S.C.A. § 1752

§ 1752. Restricted building or grounds

Effective: October 5, 2018

Currentness

(a) Whoever--

(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or¹

(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;²

(5) knowingly and willfully operates an unmanned aircraft system with the intent to knowingly and willfully direct or otherwise cause such unmanned aircraft system to enter or operate within or above a restricted building or grounds;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is--

(1) a fine under this title or imprisonment for not more than 10 years, or both, if--

(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

(c) In this section--

(1) the term "restricted buildings or grounds" means any posted, cordoned off, or otherwise restricted area--

(A) of the White House or its grounds, or the Vice President's official residence or its

grounds;

(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

(2) the term “other person protected by the Secret Service” means any person whom the United States Secret Service is authorized to protect under section 3056 of this title or by Presidential memorandum, when such person has not declined such protection.

CREDIT(S)

(Added Pub.L. 91-644, Title V, § 18, Jan. 2, 1971, 84 Stat. 1891; amended Pub.L. 97-308, § 1, Oct. 14, 1982, 96 Stat. 1451; Pub.L. 98-587, § 3(b), Oct. 30, 1984, 98 Stat. 3112; Pub.L. 103-322, Title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub.L. 109-177, Title VI, § 602(a), (b)(1), Mar. 9, 2006, 120 Stat. 252; Pub.L. 112-98, § 2, Mar. 8, 2012, 126 Stat. 263; Pub.L. 115-254, Div. B, Title III, § 381, Oct. 5, 2018, 132 Stat. 3320.)

Notes of Decisions (9)

Footnotes

1

So in original. The word “or” probably should not appear.

2

So in original. Probably should be followed by “or”.

18 U.S.C.A. § 1752, 18 USCA § 1752

Current through P.L. 116-259. Some statute sections may be more current, see credits for details.

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§ 5104. Unlawful activities

40 USCA § 5104 | United States Code Annotated | Title 40. Public Buildings, Property, and Works

Search Details

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Title 40. Public Buildings, Property, and Works (Refs & Annos)

Subtitle II. Public Buildings and Works

Part B. United States Capitol

Chapter 51. United States Capitol Buildings and Grounds

40 U.S.C.A. § 5104

Formerly cited as 40 USCA § 193c; 40 USCA § 193d; 40 USCA § 193e; 40 USCA § 193f;
40 USCA § 193g; 40 USCA § 193m

§ 5104. Unlawful activities

Currentness

(a) Definitions.--In this section--

(1) Act of physical violence.--The term “act of physical violence” means any act involving--

(A) an assault or other infliction or threat of infliction of death or bodily harm on an individual; or

(B) damage to, or destruction of, real or personal property.

(2) Dangerous weapon.--The term “dangerous weapon” includes--

(A) all articles enumerated in section 14(a) of the Act of July 8, 1932 (ch. 465, 47 Stat.

654); and

(B) a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

(3) Explosives.--The term “explosives” has the meaning given that term in section 841(d) of title 18.

(4) Firearm.--The term “firearm” has the meaning given that term in section 921(3)¹ of title 18.

(b) Obstruction of roads.--A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, to convey goods or merchandise, except to or from the United States Capitol on Federal Government service.

(c) Sale of articles, display of signs, and solicitations.--A person may not carry out any of the following activities in the Grounds:

(1) offer or expose any article for sale.

(2) display a sign, placard, or other form of advertisement.

(3) solicit fares, alms, subscriptions, or contributions.

(d) Injuries to property.--A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

(e) Capitol Grounds and Buildings security.--

(1) Firearms, dangerous weapons, explosives, or incendiary devices.--An individual or group of individuals--

(A) except as authorized by regulations prescribed by the Capitol Police Board--

(i) may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

(ii) may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

(iii) may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

(B) may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

(2) Violent entry and disorderly conduct.--An individual or group of individuals may not

willfully and knowingly--

(A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

(B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of--

(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

(ii) the Library of Congress;

(D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

(E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

(G) parade, demonstrate, or picket in any of the Capitol Buildings.

(3) Exemption of government officials.--This subsection does not prohibit any act performed in the lawful discharge of official duties by--

(A) a Member of Congress;

(B) an employee of a Member of Congress;

(C) an officer or employee of Congress or a committee of Congress; or

(D) an officer or employee of either House of Congress or a committee of that House.

(f) Parades, assemblages, and display of flags.--Except as provided in section 5106 of this title, a person may not--

(1) parade, stand, or move in processions or assemblages in the Grounds; or

(2) display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

CREDIT(S)

(Pub.L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1176; Pub.L. 110-161, Div. H, Title I, § 1004(d)(2)(A)(iii), Dec. 26, 2007, 121 Stat. 2234; Pub.L. 110-178, § 4(b)(1)(C), Jan. 7, 2008, 121 Stat. 2552; Pub.L. 111-145, § 6(d)(1), Mar. 4, 2010, 124 Stat. 54.)

VALIDITY

<For constitutionality of certain provisions cited in the Revision Notes as a source for this section, see Jeannette Rankin Brigade v. Chief of Capitol Police, D.C.D.C.1972, 342 F.Supp. 575, affirmed 93 S.Ct. 311, 409 U.S. 972, 34 L.Ed.2d 236, for District Court decision holding former section 193g prohibiting parades or assemblages on the capitol grounds was void on its face on both First and Fifth Amendment grounds. >

Notes of Decisions (13)

Footnotes

1

So in original. Probably should be “921(a)(3)”.

40 U.S.C.A. § 5104, 40 USCA § 5104

Current through P.L. 116-259. Some statute sections may be more current, see credits for details.

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