

duct or operate any gambling device, or to induce, entice, solicit, or permit any person to bet or play at any such establishment,

if such gambling ship is on the high seas, or is an American vessel or otherwise under or within the jurisdiction of the United States, and is not within the jurisdiction of any State.

(b) Whoever violates the provisions of subsection (a) of this section shall be fined under this title or imprisoned not more than two years, or both.

(c) Whoever, being (1) the owner of an American vessel, or (2) the owner of any vessel under or within the jurisdiction of the United States, or (3) the owner of any vessel and being an American citizen, shall use, or knowingly permit the use of, such vessel in violation of any provision of this section shall, in addition to any other penalties provided by this chapter, forfeit such vessel, together with her tackle, apparel, and furniture, to the United States.

(Added May 24, 1949, ch. 139, §23, 63 Stat. 92; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

§ 1083. Transportation between shore and ship; penalties

(a) It shall be unlawful to operate or use, or to permit the operation or use of, a vessel for the carriage or transportation, or for any part of the carriage or transportation, either directly or indirectly, of any passengers, for hire or otherwise, between a point or place within the United States and a gambling ship which is not within the jurisdiction of any State. This section does not apply to any carriage or transportation to or from a vessel in case of emergency involving the safety or protection of life or property.

(b) The Secretary of the Treasury shall prescribe necessary and reasonable rules and regulations to enforce this section and to prevent violations of its provisions.

For the operation or use of any vessel in violation of this section or of any rule or regulation issued hereunder, the owner or charterer of such vessel shall be subject to a civil penalty of \$200 for each passenger carried or transported in violation of such provisions, and the master or other person in charge of such vessel shall be subject to a civil penalty of \$300. Such penalty shall constitute a lien on such vessel, and proceedings to enforce such lien may be brought summarily by way of libel in any court of the United States having jurisdiction thereof. The Secretary of the Treasury may mitigate or remit any of the penalties provided by this section on such terms as he deems proper.

(Added May 24, 1949, ch. 139, §23, 63 Stat. 92.)

§ 1084. Transmission of wagering information; penalties

(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers

or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined under this title or imprisoned not more than two years, or both.

(b) Nothing in this section shall be construed to prevent the transmission in interstate or foreign commerce of information for use in news reporting of sporting events or contests, or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State or foreign country where betting on that sporting event or contest is legal into a State or foreign country in which such betting is legal.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State.

(d) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in interstate or foreign commerce in violation of Federal, State or local law, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored.

(e) As used in this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory or possession of the United States.

(Added Pub. L. 87-216, §2, Sept. 13, 1961, 75 Stat. 491; amended Pub. L. 100-690, title VII, §7024, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 101-647, title XII, §1205(g), Nov. 29, 1990, 104 Stat. 4831; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1990—Subsec. (e). Pub. L. 101-647 inserted “commonwealth,” before “territory or possession of the United States”.

1988—Subsec. (b). Pub. L. 100-690, §7024(a), inserted “or foreign country” after “State” in two places.

Subsec. (c). Pub. L. 100-690, §7024(b)(2), struck out “, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia” after “State”.

Subsec. (e). Pub. L. 100-690, §7024(b)(1), added subsec. (e).

CHAPTER 50A—GENOCIDE

Sec.
1091. Genocide.

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| Sec. | |
| 1092. | Exclusive remedies. |
| 1093. | Definitions. |

§ 1091. Genocide

(a) BASIC OFFENSE.—Whoever, whether in time of peace or in time of war and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- (1) kills members of that group;
- (2) causes serious bodily injury to members of that group;
- (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) imposes measures intended to prevent births within the group; or
- (6) transfers by force children of the group to another group;

shall be punished as provided in subsection (b).

(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an offense under subsection (a) is—

- (1) in the case of an offense under subsection (a)(1), where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both; and
- (2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) INCITEMENT OFFENSE.—Whoever directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

(e) JURISDICTION.—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

- (1) the offense is committed in whole or in part within the United States; or
- (2) regardless of where the offense is committed, the alleged offender is—

(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

(C) a stateless person whose habitual residence is in the United States; or

(D) present in the United States.

(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3045; amended Pub. L. 103-322, title VI, §60003(a)(13), Sept. 13, 1994, 108 Stat. 1970; Pub. L. 107-273, div. B, title IV, §4002(a)(4), (b)(7), Nov. 2, 2002, 116 Stat. 1806, 1808; Pub. L. 110-151, §2, Dec. 21, 2007, 121 Stat. 1821; Pub. L. 111-122, §3(a), Dec. 22, 2009, 123 Stat. 3481.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-122, §3(a)(1), struck out “, in a circumstance described in subsection (d)” before “and with the specific” in introductory provisions and “or attempts to do so,” before “shall be punished” in concluding provisions.

Subsec. (c). Pub. L. 111-122, §3(a)(2), struck out “in a circumstance described in subsection (d)” before “directly”.

Subsecs. (d) to (f). Pub. L. 111-122, §3(a)(3), (4), added subsecs. (d) to (f) and struck out former subsecs. (d) and (e) which related to the required circumstance for offenses referred to in subsecs. (a) and (c) and nonapplicability of certain limitations, respectively.

2007—Subsec. (d). Pub. L. 110-151 added subsec. (d) and struck out former subsec. (d). Text of former subsec. (d) read as follows: “The circumstance referred to in subsections (a) and (c) is that—

“(1) the offense is committed within the United States; or

“(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).”

2002—Subsec. (b)(1). Pub. L. 107-273, §4002(b)(7), substituted “subsection (a)(1),” for “subsection (a)(1),”.

Pub. L. 107-273, §4002(a)(4), made technical correction to directory language of Pub. L. 103-322. See 1994 Amendment note below.

1994—Subsec. (b)(1). Pub. L. 103-322, as amended by Pub. L. 107-273, §4002(a)(4), substituted “, where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both;” for “a fine of not more than \$1,000,000 and imprisonment for life.”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(a)(4), Nov. 2, 2002, 116 Stat. 1806, provided that the amendment made by section 4002(a)(4) is effective Sept. 13, 1994.

SHORT TITLE

Section 1 of Pub. L. 100-606 provided that: “This Act [enacting this chapter] may be cited as the ‘Genocide Convention Implementation Act of 1987 (the Proxmire Act)’.”

§ 1092. Exclusive remedies

Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

§ 1093. Definitions

As used in this chapter—

(1) the term “children” means the plural and means individuals who have not attained the age of eighteen years;

(2) the term “ethnic group” means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(3) the term “incites” means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

(4) the term “members” means the plural;

(5) the term “national group” means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term “racial group” means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term “religious group” means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term “substantial part” means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

CHAPTER 51—HOMICIDE

| | |
|-------|---|
| Sec. | |
| 1111. | Murder. |
| 1112. | Manslaughter. |
| 1113. | Attempt to commit murder or manslaughter. |
| 1114. | Protection of officers and employees of the United States. |
| 1115. | Misconduct or neglect of ship officers. |
| 1116. | Murder or manslaughter of foreign officials, official guests, or internationally protected persons. |
| 1117. | Conspiracy to murder. |
| 1118. | Murder by a Federal prisoner. |
| 1119. | Foreign murder of United States nationals. |
| 1120. | Murder by escaped prisoners. |
| 1121. | Killing persons aiding Federal investigations or State correctional officers. |
| 1122. | Protection against the human immunodeficiency virus. |

AMENDMENTS

1996—Pub. L. 104-294, title VI, §601(a)(6), Oct. 11, 1996, 110 Stat. 3498, added item 1122.

1994—Pub. L. 103-322, title VI, §§60005(b), 60009(b)(2), 60012(b), 60015(b), Sept. 13, 1994, 108 Stat. 1970, 1972-1974, added items 1118 to 1121.

1976—Pub. L. 94-467, §3, Oct. 8, 1976, 90 Stat. 1998, substituted “official guests, or internationally protected persons” for “or official guests” in item 1116.

1972—Pub. L. 92-539, title I, §102, Oct. 24, 1972, 86 Stat. 1071, added items 1116 and 1117.

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(c) For purposes of this section—

(1) the term “assault” has the same meaning as given that term in section 113;

(2) the term “child” means a person who has not attained the age of 18 years and is—

(A) under the perpetrator’s care or control; or

(B) at least six years younger than the perpetrator;

(3) the term “child abuse” means intentionally or knowingly causing death or serious bodily injury to a child;

(4) the term “pattern or practice of assault or torture” means assault or torture engaged in on at least two occasions;

(5) the term “serious bodily injury” has the meaning set forth in section 1365; and

(6) the term “torture” means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 98-473, title II, §1004, Oct. 12, 1984, 98 Stat. 2138; Pub. L. 99-646, §87(c)(4), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, §3(a)(4), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 100-690, title VII, §7025, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 103-322, title VI, §60003(a)(4), Sept. 13, 1994, 108 Stat. 1969; Pub. L. 108-21, title I, §102, Apr. 30, 2003, 117 Stat. 652.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§452, 454, 567 (Mar. 4, 1909, ch. 321, §§273, 275, 330, 35 Stat. 1143, 1152).

Section consolidates the punishment provision of sections 454 and 567 of title 18, U.S.C., 1940 ed., with section 452 of title 18, U.S.C., 1940 ed.

The provision of said section 454 for the death penalty for first degree murder was consolidated with section 567 of said title 18, by adding the words “unless the jury qualifies its verdict by adding thereto ‘without capital punishment’ in which event he shall be sentenced to imprisonment for life”.

The punishment for second degree murder was changed and the phrase “for any term of years or for life” was substituted for the words “not less than ten years and may be imprisoned for life”. This change conforms to a uniform policy of omitting the minimum punishment.

Said section 567 was not included in section 2031 of this title since the rewritten punishment provision for rape removes the necessity for a qualified verdict.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21, §102(1), inserted “child abuse,” after “or sexual abuse,” and “or perpetrated as part of a pattern or practice of assault or torture against a child or children;” after “robbery;”.

Subsec. (c). Pub. L. 108-21, §102(2), added subsec. (c).

1994—Subsec. (b). Pub. L. 103-322 amended second par. generally. Prior to amendment, second par. read as follows: “Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto ‘without capital punishment’, in which event he shall be sentenced to imprisonment for life;”.

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after “arson”.

1986—Subsec. (a). Pub. L. 99-646 and Pub. L. 99-654 amended subsec. (a) identically, substituting “aggravated sexual abuse or sexual abuse” for “, rape”.

1984—Subsec. (a). Pub. L. 98-473 inserted “escape, murder, kidnapping, treason, espionage, sabotage,” after “arson”.