

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”.

#### EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective respectively 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

### § 1112. Manslaughter

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

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

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than 15 years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than 8 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 103-322, title XXXII, §320102, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2109, 2147; Pub. L. 104-294, title VI, §604(b)(13), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 110-177, title II, §207, Jan. 7, 2008, 121 Stat. 2538.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§453, 454 (Mar. 4, 1909, ch. 321, §§274, 275, 35 Stat. 1143).

Section consolidates punishment provisions of sections 453 and 454 of title 18, U.S.C., 1940 ed.

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

Minor changes were made in phraseology.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-177 substituted “15 years” for “ten years” in second par. and “8 years” for “six years” in last par.

1996—Subsec. (b). Pub. L. 104-294 repealed Pub. L. 103-322, §320102(2). See 1994 Amendment note below.

1994—Subsec. (b). Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” in last par.

Pub. L. 103-322, §320102(3), substituted “six years” for “three years” in last par.

Pub. L. 103-322, §320102(2), which provided for amendment identical to Pub. L. 103-322, §330016(1)(H), above, was repealed by Pub. L. 104-294, §604(b)(13).

Pub. L. 103-322, §320102(1)(B), which directed the amendment of subsec. (b) by inserting “, or both” after “years”, was executed by inserting the material after “years” in second par., which was the first place the word appeared in text, to reflect the probable intent of Congress.

Pub. L. 103-322, §320102(1)(A), inserted “fined under this title or” after “shall be” in second par.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

### § 1113. Attempt to commit murder or manslaughter

Except as provided in section 113 of this title, whoever, within the special maritime and territorial jurisdiction of the United States, attempts to commit murder or manslaughter, shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than seven years or fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 100-690, title VII, §7058(c), Nov. 18, 1988, 102 Stat. 4403; Pub. L. 101-647, title XXXV, §3534, Nov. 29, 1990, 104 Stat. 4925; Pub. L. 104-132, title VII, §705(a)(5), Apr. 24, 1996, 110 Stat. 1295.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §456 (Mar. 4, 1909, ch. 321, §277, 35 Stat. 1143).

Words “within the special maritime and territorial jurisdiction of the United States” were added in view of definitive section 7 of this title, and section was rearranged to more clearly express intent of existing law.

Mandatory punishment provision was rephrased in the alternative.

#### AMENDMENTS

1996—Pub. L. 104-132 substituted “seven years” for “three years”.

1990—Pub. L. 101-647 struck out final period at end.

1988—Pub. L. 100-690 substituted “shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both.” for “shall be fined not more than \$1,000 or imprisoned not more than three years, or both”.

### § 1114. Protection of officers and employees of the United States

Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished—

(1) in the case of murder, as provided under section 1111;

(2) in the case of manslaughter, as provided under section 1112; or

(3) in the case of attempted murder or manslaughter, as provided in section 1113.

(June 25, 1948, ch. 645, 62 Stat. 756; May 24, 1949, ch. 139, §24, 63 Stat. 93; Oct. 31, 1951, ch. 655, §28, 65 Stat. 721; June 27, 1952, ch. 477, title IV, §402(c), 66 Stat. 276; Pub. L. 85-568, title III, §304(d), July 29, 1958, 72 Stat. 434; Pub. L. 87-518, §10, July 2, 1962, 76 Stat. 132; Pub. L. 88-493, §3, Aug. 27, 1964, 78 Stat. 610; Pub. L. 89-74, §8(b), July 15, 1965, 79 Stat. 234; Pub. L. 90-449, §2, Aug. 2, 1968, 82 Stat. 611; Pub. L. 91-375, §6(j)(9), Aug. 12, 1970, 84 Stat. 777; Pub. L. 91-513, title II, §701(i)(1), Oct. 27, 1970, 84 Stat. 1282; Pub. L. 91-596, §17(h)(1), Dec. 29, 1970, 84 Stat. 1607; Pub. L. 93-481, §5, Oct. 26, 1974, 88 Stat. 1456; Pub. L. 94-284, §18, May 11, 1976, 90 Stat. 514; Pub. L. 94-582, §16, Oct. 21, 1976, 90 Stat. 2883; Pub. L. 95-87, title VII, §704, Aug. 3, 1977, 91 Stat. 520; Pub. L. 95-616, §3(j)(2), Nov. 8, 1978, 92 Stat. 3112; Pub. L. 95-630, title III, §307, Nov. 10, 1978, 92 Stat. 3677; Pub. L. 96-296, §26(c), July 1, 1980, 94 Stat. 819; Pub. L. 96-466, title VII, §704, Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-143, §1(b), Dec. 29, 1981, 95 Stat. 1724; Pub. L. 97-259, title I, §128, Sept. 13, 1982, 96 Stat. 1099; Pub. L. 97-365, §6, Oct. 25, 1982, 96 Stat. 1752; Pub. L. 97-452, §2(b), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 98-63, title I, July 30, 1983, 97 Stat. 313; Pub. L. 98-473, title II, §1012, Oct. 12, 1984, 98 Stat. 2142; Pub. L. 98-557, §17(c), Oct. 30, 1984, 98 Stat. 2868; Pub. L. 100-690, title VII, §7026, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 101-73, title IX, §962(a)(6), Aug. 9, 1989, 103 Stat. 502; Pub. L. 101-647, title XII, §1205(h), title XVI, §1606, title XXXV, §3535, Nov. 29, 1990, 104 Stat. 4831, 4843, 4925; Pub. L. 102-54, §13(f)(2), June 13, 1991, 105 Stat. 275; Pub. L. 102-365, §2, Sept. 3, 1992, 106 Stat. 975; Pub. L. 103-322, title VI, §60007, title XXXIII, §§330009(c), 330011(g), Sept. 13, 1994, 108 Stat. 1971, 2143, 2145; Pub. L. 104-132, title VII, §727(a), Apr. 24, 1996, 110 Stat. 1302; Pub. L. 104-294, title VI, §601(f)(2), Oct. 11, 1996, 110 Stat. 3499; Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 18, U.S.C., 1940 ed., §253 (May 18, 1934, ch. 299, §1, 48 Stat. 780; Feb. 8, 1936, ch. 40, 49 Stat. 1105; June 26, 1936, ch. 830, title I, §3, 49 Stat. 1940; Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 13, 1940, ch. 359, 54 Stat. 391).

The section was extended to include United States judges, attorneys and their assistants, and officers of Federal, penal and correctional institutions in view of the obvious desirability of such protective legislation.

Employees of the Bureau of Animal Industry have been included in this section to complete the revision of section 118 of title 18, U.S.C., 1940 ed., which was consolidated with the assault provisions of section 254 of said title 18 and is now section 111 of this title. There seemed no sound reason for including such officers in the protection against assaults but excluding them from the homicide sections.

For like reasons the section was broadened to include officers or employees of the Secret Service or of the Bureau of Narcotics.

Changes in phraseology were made.

##### 1949 ACT

This section [section 24] amends section 1114 of title 18, U.S.C., to conform more closely with the original statute from which it was derived.