

109TH CONGRESS
2D SESSION

H. R. 4923

To abolish the death penalty under Federal law.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2006

Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. CAPUANO, Ms. CARSON, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MARKEY, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Mr. SABO, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To abolish the death penalty under Federal law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Death Penalty
5 Abolition Act”.

1 **SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE**
2 **DEATH PENALTY.**

3 (a) HOMICIDE-RELATED OFFENSES.—

4 (1) MURDER RELATED TO THE SMUGGLING OF
5 ALIENS.—Section 274(a)(1)(B)(iv) of the Immigra-
6 tion and Nationality Act (8 U.S.C.
7 1324(a)(1)(B)(iv)) is amended by striking “punished
8 by death or”.

9 (2) DESTRUCTION OF AIRCRAFT, MOTOR VEHI-
10 CLES, OR RELATED FACILITIES RESULTING IN
11 DEATH.—Section 34 of title 18, United States Code,
12 is amended by striking “to the death penalty or”.

13 (3) MURDER COMMITTED DURING A DRUG-RE-
14 LATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A)
15 of title 18, United States Code, is amended by strik-
16 ing “death or”.

17 (4) MURDER COMMITTED AT AN AIRPORT SERV-
18 ING INTERNATIONAL CIVIL AVIATION.—Section
19 37(a) of title 18, United States Code, is amended,
20 in the matter following paragraph (2), by striking
21 “punished by death or”.

22 (5) CIVIL RIGHTS OFFENSES RESULTING IN
23 DEATH.—Chapter 13 of title 18, United States
24 Code, is amended—

25 (A) in section 241, by striking “, or may
26 be sentenced to death”;

1 (B) in section 242, by striking “, or may
2 be sentenced to death”;

3 (C) in section 245(b), by striking “, or
4 may be sentenced to death”; and

5 (D) in section 247(d)(1), by striking “, or
6 may be sentenced to death”.

7 (6) MURDER OF A MEMBER OF CONGRESS, AN
8 IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME
9 COURT JUSTICE.—Section 351 of title 18, United
10 States Code, is amended—

11 (A) in subsection (b)(2), by striking “death
12 or”; and

13 (B) in subsection (d)(2), by striking
14 “death or”.

15 (7) DEATH RESULTING FROM OFFENSES IN-
16 VOLVING TRANSPORTATION OF EXPLOSIVES, DE-
17 STRUCTION OF GOVERNMENT PROPERTY, OR DE-
18 STRUCTION OF PROPERTY RELATED TO FOREIGN OR
19 INTERSTATE COMMERCE.—Section 844 of title 18,
20 United States Code, is amended—

21 (A) in subsection (d), by striking “or to
22 the death penalty”;

23 (B) in subsection (f)(3), by striking “sub-
24 ject to the death penalty, or”;

1 (C) in subsection (i), by striking “or to the
2 death penalty”; and

3 (D) in subsection (n), by striking “(other
4 than the penalty of death)”.

5 (8) MURDER COMMITTED BY USE OF A FIRE-
6 ARM DURING COMMISSION OF A CRIME OF VIOLENCE
7 OR A DRUG TRAFFICKING CRIME.—Section 924(j)(1)
8 of title 18, United States Code, is amended by strik-
9 ing “by death or”.

10 (9) GENOCIDE.—Section 1091(b)(1) of title 18,
11 United States Code, is amended by striking “death
12 or”.

13 (10) FIRST DEGREE MURDER.—Section
14 1111(b) of title 18, United States Code, is amended
15 by striking “by death or”.

16 (11) MURDER BY A FEDERAL PRISONER.—Sec-
17 tion 1118 of title 18, United States Code, is amend-
18 ed—

19 (A) in subsection (a), by striking “by
20 death or”; and

21 (B) in subsection (b), in the third undesig-
22 nated paragraph—

23 (i) by inserting “or” before “an inde-
24 terminate”; and

1 (ii) by striking “, or an unexecuted
2 sentence of death”.

3 (12) MURDER OF A STATE OR LOCAL LAW EN-
4 FORCEMENT OFFICIAL OR OTHER PERSON AIDING IN
5 A FEDERAL INVESTIGATION; MURDER OF A STATE
6 CORRECTIONAL OFFICER.—Section 1121 of title 18,
7 United States Code, is amended—

8 (A) in subsection (a), by striking “by sen-
9 tence of death or”; and

10 (B) in subsection (b)(1), by striking “or
11 death”.

12 (13) MURDER DURING A KIDNAPING.—Section
13 1201(a) of title 18, United States Code, is amended
14 by striking “death or”.

15 (14) MURDER DURING A HOSTAGE-TAKING.—
16 Section 1203(a) of title 18, United States Code, is
17 amended by striking “death or”.

18 (15) MURDER WITH THE INTENT OF PRE-
19 VENTING TESTIMONY BY A WITNESS, VICTIM, OR IN-
20 FORMANT.—Section 1512(a)(2)(A) of title 18,
21 United States Code, is amended by striking “the
22 death penalty or”.

23 (16) MAILING OF INJURIOUS ARTICLES WITH
24 INTENT TO KILL OR RESULTING IN DEATH.—Section

1 1716(i) of title 18, United States Code, is amended
2 by striking “to the death penalty or”.

3 (17) ASSASSINATION OR KIDNAPING RESULTING
4 IN THE DEATH OF THE PRESIDENT OR VICE PRESI-
5 DENT.—Section 1751 of title 18, United States
6 Code, is amended—

7 (A) in subsection (b)(2), by striking “death
8 or”; and

9 (B) in subsection (d)(2), by striking
10 “death or”.

11 (18) MURDER FOR HIRE.—Section 1958(a) of
12 title 18, United States Code, is amended by striking
13 “death or”.

14 (19) MURDER INVOLVED IN A RACKETEERING
15 OFFENSE.—Section 1959(a)(1) of title 18, United
16 States Code, is amended by striking “death or”.

17 (20) WILLFUL WRECKING OF A TRAIN RESULT-
18 ING IN DEATH.—Section 1992(b) of title 18, United
19 States Code, is amended by striking “to the death
20 penalty or”.

21 (21) BANK ROBBERY-RELATED MURDER OR
22 KIDNAPING.—Section 2113(e) of title 18, United
23 States Code, is amended by striking “death or”.

1 (22) MURDER RELATED TO A CARJACKING.—
2 Section 2119(3) of title 18, United States Code, is
3 amended by striking “, or sentenced to death”.

4 (23) MURDER RELATED TO AGGRAVATED
5 CHILD SEXUAL ABUSE.—Section 2241(c) of title 18,
6 United States Code, is amended by striking “unless
7 the death penalty is imposed,”.

8 (24) MURDER RELATED TO SEXUAL ABUSE.—
9 Section 2245 of title 18, United States Code, is
10 amended by striking “punished by death or”.

11 (25) MURDER RELATED TO SEXUAL EXPLOI-
12 TATION OF CHILDREN.—Section 2251(d) of title 18,
13 United States Code, is amended by striking “pun-
14 ished by death or”.

15 (26) MURDER COMMITTED DURING AN OF-
16 FENSE AGAINST MARITIME NAVIGATION.—Section
17 2280(a)(1) of title 18, United States Code, is
18 amended by striking “punished by death or”.

19 (27) MURDER COMMITTED DURING AN OF-
20 FENSE AGAINST A MARITIME FIXED PLATFORM.—
21 Section 2281(a)(1) of title 18, United States Code,
22 is amended by striking “punished by death or”.

23 (28) TERRORIST MURDER OF A UNITED STATES
24 NATIONAL IN ANOTHER COUNTRY.—Section

1 2332(a)(1) of title 18, United States Code, is
2 amended by striking “death or”.

3 (29) MURDER BY THE USE OF A WEAPON OF
4 MASS DESTRUCTION.—Section 2332a of title 18,
5 United States Code, is amended—

6 (A) in subsection (a), by striking “pun-
7 ished by death or”; and

8 (B) in subsection (b), by striking “by
9 death, or”.

10 (30) MURDER BY ACT OF TERRORISM TRAN-
11 SCENDING NATIONAL BOUNDARIES.—Section
12 2332b(c)(1)(A) of title 18, United States Code, is
13 amended by striking “by death, or”.

14 (31) MURDER INVOLVING TORTURE.—Section
15 2340A(a) of title 18, United States Code, is amend-
16 ed by striking “punished by death or”.

17 (32) MURDER RELATED TO A CONTINUING
18 CRIMINAL ENTERPRISE OR RELATED MURDER OF A
19 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT
20 OFFICER.—Section 408 of the Controlled Substances
21 Act (21 U.S.C. 848) is amended—

22 (A) in each of subparagraphs (A) and (B)
23 of subsection (e)(1), by striking “, or may be
24 sentenced to death”;

1 (B) by striking subsections (g) and (h) and
 2 inserting the following:

3 “(g) [Reserved.]

4 “(h) [Reserved.]”;

5 (C) in subsection (j), by striking “and as
 6 to appropriateness in that case of imposing a
 7 sentence of death”;

8 (D) in subsection (k), by striking “, other
 9 than death,” and all that follows before the pe-
 10 riod at the end and inserting “authorized by
 11 law”; and

12 (E) by striking subsections (l) and (m) and
 13 inserting the following:

14 “(l) [Reserved.]

15 “(m) [Reserved.]”.

16 (33) DEATH RESULTING FROM AIRCRAFT HI-
 17 JACKING.—Section 46502 of title 49, United States
 18 Code, is amended—

19 (A) in subsection (a)(2), by striking “put
 20 to death or”; and

21 (B) in subsection (b)(1)(B), by striking
 22 “put to death or”.

23 (b) NON-HOMICIDE RELATED OFFENSES.—

24 (1) ESPIONAGE.—Section 794(a) of title 18,
 25 United States Code, is amended by striking “pun-

1 ished by death or” and all that follows before the pe-
2 riod and inserting “imprisoned for any term of years
3 or for life”.

4 (2) TREASON.—Section 2381 of title 18, United
5 States Code, is amended by striking “shall suffer
6 death, or”.

7 (c) REPEAL OF CRIMINAL PROCEDURES RELATING
8 TO IMPOSITION OF DEATH SENTENCE.—

9 (1) IN GENERAL.—Chapter 228 of title 18,
10 United States Code, is repealed.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of chapters for part II of title 18,
13 United States Code, is amended by striking the item
14 relating to chapter 228.

15 **SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SEN-**
16 **TENCE.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, no person may be sentenced to death or put
19 to death on or after the date of enactment of this Act
20 for any violation of Federal law.

21 (b) PERSONS SENTENCED BEFORE DATE OF ENACT-
22 MENT.—Notwithstanding any other provision of law, any
23 person sentenced to death before the date of enactment
24 of this Act for any violation of Federal law shall serve

- 1 a sentence of life imprisonment without the possibility of
- 2 parole.

