

109TH CONGRESS  
1ST SESSION

# S. 122

To abolish the death penalty under Federal law.

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IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 of 2005”.

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

8 (a) HOMICIDE-RELATED OFFENSES.—

9 (1) MURDER RELATED TO THE SMUGGLING OF  
10 ALIENS.—Section 274(a)(1)(B)(iv) of the Immigra-  
11 tion and Nationality Act (8 U.S.C.

1 1324(a)(1)(B)(iv)) is amended by striking “punished  
2 by death or”.

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

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

11 (4) MURDER COMMITTED AT AN AIRPORT SERV-  
12 ING INTERNATIONAL CIVIL AVIATION.—Section  
13 37(a) of title 18, United States Code, is amended,  
14 in the matter following paragraph (2), by striking  
15 “punished by death or”.

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

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

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

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

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

3 (6) MURDER OF A MEMBER OF CONGRESS, AN  
4 IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME  
5 COURT JUSTICE.—Section 351 of title 18, United  
6 States 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 (7) DEATH RESULTING FROM OFFENSES IN-  
12 VOLVING TRANSPORTATION OF EXPLOSIVES, DE-  
13 STRUCTION OF GOVERNMENT PROPERTY, OR DE-  
14 STRUCTION OF PROPERTY RELATED TO FOREIGN OR  
15 INTERSTATE COMMERCE.—Section 844 of title 18,  
16 United States Code, is amended—

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

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

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

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

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

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

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

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

15                (A) in subsection (a), by striking “by  
16                death or”; and

17                (B) in subsection (b), in the third undesig-  
18                nated paragraph—

19                    (i) by inserting “or” before “an inde-  
20                    terminate”; and

21                    (ii) by striking “, or an unexecuted  
22                    sentence of death”.

23          (12) MURDER OF A STATE OR LOCAL LAW EN-  
24          FORCEMENT OFFICIAL OR OTHER PERSON AIDING IN  
25          A FEDERAL INVESTIGATION; MURDER OF A STATE

1 CORRECTIONAL OFFICER.—Section 1121 of title 18,  
2 United States Code, is amended—

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

5 (B) in subsection (b)(1), by striking “or  
6 death”.

7 (13) MURDER DURING A KIDNAPING.—Section  
8 1201(a) of title 18, United States Code, is amended  
9 by striking “death or”.

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

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

18 (16) MAILING OF INJURIOUS ARTICLES WITH  
19 INTENT TO KILL OR RESULTING IN DEATH.—Section  
20 1716(i) of title 18, United States Code, is amended  
21 by striking “to the death penalty or”.

22 (17) ASSASSINATION OR KIDNAPING RESULTING  
23 IN THE DEATH OF THE PRESIDENT OR VICE PRESI-  
24 DENT.—Section 1751 of title 18, United States  
25 Code, is amended—

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

3 (B) in subsection (d)(2), by striking  
4 “death or”.

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

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

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

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

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

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

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

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

8           (26) MURDER COMMITTED DURING AN OF-  
9           FENSE AGAINST MARITIME NAVIGATION.—Section  
10          2280(a)(1) of title 18, United States Code, is  
11          amended by striking “punished by death or”.

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

16          (28) TERRORIST MURDER OF A UNITED STATES  
17          NATIONAL IN ANOTHER COUNTRY.—Section  
18          2332(a)(1) of title 18, United States Code, is  
19          amended by striking “death or”.

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

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

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

3 (30) MURDER BY ACT OF TERRORISM TRAN-  
4 SCENDING NATIONAL BOUNDARIES.—Section  
5 2332b(c)(1)(A) of title 18, United States Code, is  
6 amended by striking “by death, or”.

7 (31) MURDER INVOLVING TORTURE.—Section  
8 2340A(a) of title 18, United States Code, is amend-  
9 ed by striking “punished by death or”.

10 (32) MURDER RELATED TO A CONTINUING  
11 CRIMINAL ENTERPRISE OR RELATED MURDER OF A  
12 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT  
13 OFFICER.—Section 408 of the Controlled Substances  
14 Act (21 U.S.C. 848) is amended—

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

18 (B) by striking subsections (g) and (h) and  
19 inserting the following:

20 “(g) [Reserved.]

21 “(h) [Reserved.]”;

22 (C) in subsection (j), by striking “and as  
23 to appropriateness in that case of imposing a  
24 sentence of death”;

1 (D) in subsection (k), by striking “, other  
2 than death,” and all that follows before the pe-  
3 riod at the end and inserting “authorized by  
4 law”; and

5 (E) by striking subsections (l) and (m) and  
6 inserting the following:

7 “(l) [Reserved.]

8 “(m) [Reserved.]”.

9 (33) DEATH RESULTING FROM AIRCRAFT HI-  
10 JACKING.—Section 46502 of title 49, United States  
11 Code, is amended—

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

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

16 (b) NON-HOMICIDE RELATED OFFENSES.—

17 (1) ESPIONAGE.—Section 794(a) of title 18,  
18 United States Code, is amended by striking “pun-  
19 ished by death or” and all that follows before the pe-  
20 riod and inserting “imprisoned for any term of years  
21 or for life”.

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

1 (c) REPEAL OF CRIMINAL PROCEDURES RELATING  
2 TO IMPOSITION OF DEATH SENTENCE.—

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

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

9 **SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SEN-**  
10 **TENCE.**

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

15 (b) PERSONS SENTENCED BEFORE DATE OF ENACT-  
16 MENT.—Notwithstanding any other provision of law, any  
17 person sentenced to death before the date of enactment  
18 of this Act for any violation of Federal law shall serve  
19 a sentence of life imprisonment without the possibility of  
20 parole.

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