

§ 1513. Retaliating against a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(B) providing to a law enforcement officer any 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 (2).

(2) The punishment for an offense under this subsection is—

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

(B) in the case of an attempt, imprisonment for not more than 30 years.

(b) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(2) any 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 given by a person to a law enforcement officer;

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

(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section 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.

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

(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

(f) 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.

(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.

(Added Pub. L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1250; amended Pub. L. 103-322, title VI, § 60017, title XXXIII, § 330016(1)(U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub. L. 104-214, § 1(1), Oct. 1, 1996, 110 Stat. 3017; Pub. L. 107-204, title XI, § 1107(a), July 30, 2002, 116 Stat. 810; Pub. L. 107-273, div. B, title III, § 3001(b), (c)(2), title IV, § 4002(b)(4), Nov. 2, 2002, 116 Stat. 1804, 1807; Pub. L. 110-177, title II, §§ 204, 206, Jan. 7, 2008, 121 Stat. 2537.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a)(1)(B). Pub. L. 110-177, § 206(1), inserted comma after “probation” and struck out comma after “release.”

Subsec. (a)(2)(B). Pub. L. 110-177, § 206(2), substituted “30 years” for “20 years”.

Subsec. (b). Pub. L. 110-177, § 206(3)(B), substituted “20 years” for “ten years” in concluding provisions.

Subsec. (b)(2). Pub. L. 110-177, § 206(3)(A), inserted comma after “probation” and struck out comma after “release.”

Subsecs. (e), (f). Pub. L. 110-177, § 206(4), redesignated subsec. (e) relating to conspiracy to commit any offense under this section as (f).

Subsec. (g). Pub. L. 110-177, § 204, added subsec. (g).

2002—Subsecs. (a)(1)(B), (b)(2). Pub. L. 107-273, § 3001(c)(2), inserted “supervised release,” after “probation”.

Subsec. (d). Pub. L. 107-273, § 4002(b)(4), transferred subsec. (d) to appear after subsec. (c).

Subsec. (e). Pub. L. 107-273, § 3001(b), added subsec. (e) relating to conspiracy to commit any offense under this section.

Pub. L. 107-204 added subsec. (e) relating to taking of action harmful to any person for providing law enforcement officer truthful information relating to commission of offense.

1996—Subsec. (c). Pub. L. 104-214, § 1(1)(B), added subsec. (c) at end.

Pub. L. 104-214, § 1(1)(A), redesignated subsec. (c) as (d).

Subsec. (d). Pub. L. 104-214, § 1(1)(A), redesignated subsec. (c) as (d).

1994—Subsec. (a). Pub. L. 103-322, § 60017(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 103-322, § 330016(1)(U), substituted “fined under this title” for “fined not more than \$250,000” in concluding provisions.

Pub. L. 103-322, § 60017(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 103-322, § 60017(1), redesignated subsec. (b) as (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as a note under section 1512 of this title.

§ 1514. Civil action to restrain harassment of a victim or witness

(a)(1) A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.