

the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

(b) The provisions referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(c) Nothing in this section shall be construed to permit the prosecution—

(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

(3) of any woman with respect to her unborn child.

(d) As used in this section, the term “unborn child” means a child in utero, and the term “child in utero” or “child, who is in utero” means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.

(Added Pub. L. 108–212, §2(a), Apr. 1, 2004, 118 Stat. 568.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283), referred to in subsec. (b)(3), probably means section 235 of the Atomic Energy Act of 1954, act Aug. 1, 1946, ch. 724, title I, as added by Pub. L. 96–295, title II, §202(a), June 30, 1980, 94 Stat. 786, which is classified to section 2283 of Title 42, The Public Health and Welfare. Section 202 of the Atomic Energy Act of 1954, which related to the authority of the Joint Committee on Atomic Energy, was classified to section 2252 of Title 42 and was repealed by act Aug. 1, 1946, ch. 724, title I, §302(a), as added Pub. L. 95–110, §1, Sept. 20, 1977, 91 Stat. 884; renumbered title I, Pub. L. 102–486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–212, §1, Apr. 1, 2004, 118 Stat. 568, provided that: “This Act [enacting this chapter and section 919a of Title 10, Armed Forces] may be cited as ‘Unborn Victims of Violence Act of 2004’ or ‘Laci and Conner’s Law’.”

### CHAPTER 91—PUBLIC LANDS

Sec.

1851. Coal depredations.

Sec.

1852. Timber removed or transported.  
 1853. Trees cut or injured.  
 1854. Trees boxed for pitch or turpentine.  
 1855. Timber set afire.  
 1856. Fires left unattended and unextinguished.  
 1857. Fences destroyed; livestock entering.  
 1858. Survey marks destroyed or removed.  
 1859. Surveys interrupted.  
 1860. Bids at land sales.  
 1861. Deception of prospective purchasers.  
 [1862. Repealed.]  
 1863. Trespass on national forest lands.  
 1864. Hazardous or injurious devices on Federal lands.  
 1865. National Park Service.  
 1866. Historic, archeologic, or prehistoric items and antiquities.

#### Editorial Notes

##### AMENDMENTS

2014—Pub. L. 113–287, §4(a)(2), Dec. 19, 2014, 128 Stat. 3261, added items 1865 and 1866.

1990—Pub. L. 101–647, title XXXV, §3554, Nov. 29, 1990, 104 Stat. 4927, struck out item 1862 “Trespass on Bull Run National Forest”.

1988—Pub. L. 100–690, title VI, §6254(g), Nov. 18, 1988, 102 Stat. 4367, added item 1864.

1949—Act May 24, 1949, ch. 139, §41, 63 Stat. 95, substituted in analysis “1859” for “1959”, and added item 1863.

#### § 1851. Coal depredations

Whoever mines or removes coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of, or reserved to the United States, with intent wrongfully to appropriate, sell, or dispose of the same, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not interfere with any right or privilege conferred by existing laws of the United States.

(June 25, 1948, ch. 645, 62 Stat. 787; Pub. L. 104–294, title VI, §601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

##### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§103a, 103b (July 3, 1926, ch. 780, §§1, 2, 44 Stat. 891).

Section consolidates sections 103a and 103b of title 18, U.S.C., 1940 ed.

Words “deemed guilty of misdemeanor” were deleted as unnecessary in view of definitive section 1 of this title. (See also reviser’s note under section 212 of this title.)

Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104–294 substituted “fined under this title” for “fined not more than \$1,000” in first par.

#### § 1852. Timber removed or transported

Whoever cuts, or wantonly destroys any timber growing on the public lands of the United States; or

Whoever removes any timber from said public lands, with intent to export or to dispose of the same; or

Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle,