

**Editorial Notes**

## CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

## AMENDMENTS

2006—Pub. L. 109-248 amended section generally. Prior to amendment, section related to civil forfeiture of certain types of property described in this chapter and laws applicable to civil forfeiture proceedings.

2002—Subsec. (a)(3). Pub. L. 107-273 struck out comma before period at end.

2000—Subsec. (a)(2), (3). Pub. L. 106-185 struck out before period at end “, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner”.

1998—Subsec. (a)(2). Pub. L. 105-314, §603(1), substituted “2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,” for “or 2252 of this chapter”.

Subsec. (a)(3). Pub. L. 105-314, §603(2), substituted “2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,” for “or 2252 of this chapter”.

1994—Subsec. (f). Pub. L. 103-322, §330011(m)(2), amended directory language of Pub. L. 101-647, §3565(3)(A). See 1990 Amendment note below.

1990—Subsec. (a)(1) to (3). Pub. L. 101-647, §3565(1), substituted “section 2251” for “sections 2251”.

Subsec. (e). Pub. L. 101-647, §3565(2), inserted heading.

Subsec. (f). Pub. L. 101-647, §3565(3)(A), as amended by Pub. L. 103-322, §330011(m)(2), substituted “section” for “subchapter” after “forfeited under this” in two places in concluding provisions.

Subsec. (f)(1). Pub. L. 101-647, §3565(3)(B), substituted “under section 616 of the Tariff Act of 1930” for “pursuant to section 1616 of title 19”.

Subsec. (f)(2). Pub. L. 101-647, §2003, inserted “, by public sale or any other commercially feasible means,” after “sell”.

1988—Pub. L. 100-690 amended section generally, substituting subsecs. (a) to (i) for former subsecs. (a) to (d).

1986—Pub. L. 99-500 and Pub. L. 99-591 amended section identically, inserting “, and any property, real or personal, tangible or intangible, which was used or intended to be used, in any manner or part, to facilitate a violation of this chapter” in subsec. (a)(1), substituting “Attorney General or the Postal Service” for “Attorney General” in subsec. (b), and adding subsecs. (c) and (d).

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

## EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-322, title XXXIII, §330011(m), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of Nov. 29, 1990.

**§ 2255. Civil remedy for personal injuries**

(a) IN GENERAL.—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue

in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.

(b) STATUTE OF LIMITATIONS.—There shall be no time limit for the filing of a complaint commencing an action under this section.

(c) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(Added Pub. L. 99-500, §101(b) [title VII, §703(a)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-74, and Pub. L. 99-591, §101(b) [title VII, §703(a)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-74; amended Pub. L. 105-314, title VI, §605, Oct. 30, 1998, 112 Stat. 2984; Pub. L. 109-248, title VII, §707(b), (c), July 27, 2006, 120 Stat. 650; Pub. L. 113-4, title XII, §1212(a), Mar. 7, 2013, 127 Stat. 143; Pub. L. 115-126, title I, §102, Feb. 14, 2018, 132 Stat. 319; Pub. L. 117-176, §2, Sept. 16, 2022, 136 Stat. 2108.)

**Editorial Notes**

## CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

## PRIOR PROVISIONS

A prior section 2255 was renumbered section 2256 of this title.

## AMENDMENTS

2022—Subsec. (b). Pub. L. 117-176 added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “Any action commenced under this section shall be barred unless the complaint is filed—

“(1) not later than 10 years after the date on which the plaintiff reasonably discovers the later of—

“(A) the violation that forms the basis for the claim; or

“(B) the injury that forms the basis for the claim;

or

“(2) not later than 10 years after the date on which the victim reaches 18 years of age.”

2018—Subsec. (a). Pub. L. 115-126, §102(1), added subsec. (a) and struck out former subsec. (a) which related to civil remedy for personal injuries in general.

Subsec. (b). Pub. L. 115-126, §102(2), substituted “filed—” for “filed within 10 years after the right of action first accrues or in the case of a person under a legal disability, not later than three years after the disability.” and added pars. (1) and (2).

Subsec. (c). Pub. L. 115-126, §102(3), added subsec. (c).

2013—Subsec. (a). Pub. L. 113-4, §1212(a)(1), substituted “section 1589, 1590, 1591, 2241(c)” for “section 2241(c)”.

Subsec. (b). Pub. L. 113-4, §1212(a)(2), substituted “10 years” for “six years”.

2006—Subsec. (a). Pub. L. 109-248, §707(b), inserted heading, inserted “, regardless of whether the injury occurred while such person was a minor,” after “such violation”, and substituted “Any person who, while a

minor, was” for “Any minor who is”, “such person” for “such minor”, “Any person as described” for “Any minor as described”, and “\$150,000” for “\$50,000”.

Subsec. (b). Pub. L. 109-248, §707(c), inserted heading. 1998—Subsec. (a). Pub. L. 105-314 substituted “2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423” for “2251 or 2252”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-176, §3, Sept. 16, 2022, 136 Stat. 2108, provided that: “This Act [see Short Title of 2022 Amendment note set out under section 1 of this title] and the amendments made by this Act shall—

“(1) take effect on the date of enactment of this Act [Sept. 16, 2022]; and

“(2) apply to—

“(A) any claim or action that, as of the date described in paragraph (1), would not have been barred under section 2255(b) of title 18, United States Code, as it read on the day before the date of enactment of this Act; and

“(B) any claim or action arising after the date of enactment of this Act.”

#### § 2256. Definitions for chapter

For the purposes of this chapter, the term—

(1) “minor” means any person under the age of eighteen years;

(2)(A) Except as provided in subparagraph

(B), “sexually explicit conduct” means actual or simulated—

(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(ii) bestiality;

(iii) masturbation;

(iv) sadistic or masochistic abuse; or

(v) lascivious exhibition of the anus, genitals, or pubic area of any person;

(B) For purposes of subsection 8(B)<sup>1</sup> of this section, “sexually explicit conduct” means—

(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

(ii) graphic or lascivious simulated;

(I) bestiality;

(II) masturbation; or

(III) sadistic or masochistic abuse; or

(iii) graphic or simulated lascivious exhibition of the anus, genitals, or pubic area of any person;

(3) “producing” means producing, directing, manufacturing, issuing, publishing, or advertising;

(4) “organization” means a person other than an individual;

(5) “visual depiction” includes undeveloped film and videotape, data stored on computer disk or by electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format;

(6) “computer” has the meaning given that term in section 1030 of this title;

(7) “custody or control” includes temporary supervision over or responsibility for a minor whether legally or illegally obtained;

(8) “child pornography” means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

(9) “identifiable minor”—

(A) means a person—

(i)(I) who was a minor at the time the visual depiction was created, adapted, or modified; or

(II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

(ii) who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(B) shall not be construed to require proof of the actual identity of the identifiable minor.

(10) “graphic”, when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted; and

(11) the term “indistinguishable” used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

(Added Pub. L. 95-225, §2(a), Feb. 6, 1978, 92 Stat. 8, §2253; renumbered §2255 and amended Pub. L. 98-292, §5, May 21, 1984, 98 Stat. 205; renumbered §2256, Pub. L. 99-500, §101(b) [title VII, §703(a)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-74, and Pub. L. 99-591, §101(b) [title VII, §703(a)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-74; Pub. L. 99-628, §4, Nov. 7, 1986, 100 Stat. 3510; Pub. L. 100-690, title VII, §§7511(c), 7512(b), Nov. 18, 1988, 102 Stat. 4485, 4486; Pub. L. 104-208, div. A, title I, §101(a) [title I, §121[2]], Sept. 30, 1996, 110 Stat. 3009, 3009-26, 3009-27; Pub. L. 108-21, title V, §502(a)-(c), Apr. 30, 2003, 117 Stat. 678, 679; Pub. L. 110-401, title III, §302, Oct. 13, 2008, 122 Stat. 4242; Pub. L. 115-299, §7(c), Dec. 7, 2018, 132 Stat. 4389.)

<sup>1</sup> So in original. Probably should be “(8)(B)”.