

108 Stat. 2147; Pub. L. 104-208, div. C, title III, §325, Sept. 30, 1996, 110 Stat. 3009-629.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §402(2), (3) (June 25, 1910, ch. 395, §6, 36 Stat. 826).

First paragraph of section 402 of title 18, U.S.C., 1940 ed., was omitted from this section and recommended for transfer to Title 8, Aliens and Nationality.

Words “shall be deemed guilty of a misdemeanor” were omitted as unnecessary in view of the definition of a misdemeanor in section 1 of this title. (See reviser’s note under section 212 of this title.)

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, §325(1), in first par. substituted “individual, knowing or in reckless disregard of the fact that the individual is an alien” for “alien individual within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic” and struck out “alien” after “the name of such”.

Pub. L. 104-208, §325(2), in second par. substituted “five business” for “thirty” and struck out “within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,” after “any alien individual”.

Pub. L. 104-208, §325(3), substituted “10” for “two” in last par.

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in last par.

1986—Pub. L. 99-628, §5(c)(1), substituted “individual” for “female” in section catchline.

Subsec. (a). Pub. L. 99-628, §5(c)(2)-(4), (6), substituted “individual” for “woman or girl”, “that individual” for “she”, “that individuals” for “her”, and “that person’s” for “his” wherever appearing.

Subsec. (b). Pub. L. 99-628, §5(c)(5), substituted “that person” for “him” wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 2425. Use of interstate facilities to transmit information about a minor

Whoever, using the mail or any facility or means of interstate or foreign commerce, or

within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 105-314, title I, §101(a), Oct. 30, 1998, 112 Stat. 2975.)

§ 2426. Repeat offenders

(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be 3 times the term of imprisonment otherwise provided by this chapter, unless section 3559(e) applies.

(b) **DEFINITIONS.**—In this section—

(1) the term “prior sex offense conviction” means a conviction for an offense—

(A) under this chapter, chapter 109A, chapter 110, or section 1591; or

(B) under State law or the Uniform Code of Military Justice for an offense consisting of conduct that would have been an offense under a chapter referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

(2) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 105-314, title I, §104(a), Oct. 30, 1998, 112 Stat. 2976; amended Pub. L. 108-21, title I, §106(b), Apr. 30, 2003, 117 Stat. 655; Pub. L. 110-457, title II, §224(c), Dec. 23, 2008, 122 Stat. 5072; Pub. L. 115-392, §11(2), Dec. 21, 2018, 132 Stat. 5255; Pub. L. 118-159, div. A, title V, §569(5), Dec. 23, 2024, 138 Stat. 1906.)

Editorial Notes

AMENDMENTS

2024—Subsec. (b)(1)(B). Pub. L. 118-159 inserted “or the Uniform Code of Military Justice” after “State law”.

2018—Subsec. (a). Pub. L. 115-392, §11(2)(A), substituted “3 times” for “twice”.

Subsec. (b)(1)(B). Pub. L. 115-392, §11(2)(B), substituted “subparagraph (A)” for “paragraph (1)”.

2008—Subsec. (b)(1)(A). Pub. L. 110-457 substituted “chapter 110, or section 1591” for “or chapter 110”.

2003—Subsec. (a). Pub. L. 108-21 inserted “, unless section 3559(e) applies” before period at end.

§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

In this chapter, the term “sexual activity for which any person can be charged with a criminal offense” does not require interpersonal physical contact, and includes the production of child pornography, as defined in section 2256(8).

(Added Pub. L. 105-314, title I, §105(a), Oct. 30, 1998, 112 Stat. 2977; amended Pub. L. 118-31, div. E, title LI, §5102(e), Dec. 22, 2023, 137 Stat. 935.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31 inserted “does not require interpersonal physical contact, and” before “includes”.

§ 2428. Forfeitures

(a) **IN GENERAL.**—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(b) **PROPERTY SUBJECT TO FORFEITURE.**—

(1) **IN GENERAL.**—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) **APPLICABILITY OF CHAPTER 46.**—The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.

(Added Pub. L. 109-164, title I, §103(d)(1), Jan. 10, 2006, 119 Stat. 3563.)

§ 2429. Mandatory restitution

(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3), and shall additionally require the defendant to pay the greater of the gross income or value to the defendant of the victim’s services, if the services constitute commercial sex acts as defined under section 1591.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term “full amount of the victim’s losses” has the same meaning as provided in section 2259(b)(3).

(c) The forfeiture of property under this section shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

(d) As used in this section, the term “victim” means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

(Added Pub. L. 115-392, §3(a), Dec. 21, 2018, 132 Stat. 5251.)

CHAPTER 118—WAR CRIMES

Sec.	
2441.	War crimes.
2442.	Recruitment or use of child soldiers.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-340, §2(a)(3)(A), Oct. 3, 2008, 122 Stat. 3736, added item 2442.

1996—Pub. L. 104-294, title VI, §605(p)(2), Oct. 11, 1996, 110 Stat. 3510, redesignated item 2401 as 2441.

§ 2441. War crimes

(a) **OFFENSE.**—Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

(b) **JURISDICTION.**—There is jurisdiction over an offense described in subsection (a) if—

(1) the offense occurs in whole or in part within the United States; or

(2) regardless of where the offense occurs—

(A) the victim or offender is—

(i) a national of the United States or an alien lawfully admitted for permanent residence; or

(ii) a member of the Armed Forces of the United States, regardless of nationality; or

(B) the offender is present in the United States, regardless of the nationality of the victim or offender.

(c) **DEFINITION.**—As used in this section the term “war crime” means any conduct—

(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

(2) prohibited by Article 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or

(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol,