

2001—Pub. L. 107–71, title I, § 114(b), Nov. 19, 2001, 115 Stat. 623, added item 46503 “Interference with security screening personnel”.

1994—Pub. L. 103–322, title VI, § 60003(b)(1), Sept. 13, 1994, 108 Stat. 1970, substituted “Repealed” for “Death penalty sentencing procedure for aircraft piracy” in item 46503.

§ 46501. Definitions

In this chapter—

(1) “aircraft in flight” means an aircraft from the moment all external doors are closed following boarding—

(A) through the moment when one external door is opened to allow passengers to leave the aircraft; or

(B) until, if a forced landing, competent authorities take over responsibility for the aircraft and individuals and property on the aircraft.

(2) “special aircraft jurisdiction of the United States” includes any of the following aircraft in flight:

(A) a civil aircraft of the United States.

(B) an aircraft of the armed forces of the United States.

(C) another aircraft in the United States.

(D) another aircraft outside the United States—

(i) that has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States;

(ii) on which an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) if the aircraft lands in the United States with the individual still on the aircraft; or

(iii) against which an individual commits an offense (as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) if the aircraft lands in the United States with the individual still on the aircraft.

(E) any other aircraft leased without crew to a lessee whose principal place of business is in the United States or, if the lessee does not have a principal place of business, whose permanent residence is in the United States.

(3) an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) when the individual, when on an aircraft in flight—

(A) by any form of intimidation, unlawfully seizes, exercises control of, or attempts to seize or exercise control of, the aircraft; or

(B) is an accomplice of an individual referred to in subclause (A) of this clause.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1240.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46501(1)	49 App.:1301(38) (words after 10th comma).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 101(38); added Oct. 14, 1970, Pub. L. 91–449, § 1(1), 84 Stat. 921; restated Aug. 5, 1974, Pub. L. 93–366, §§ 102, 206, 88 Stat. 409, 419; Nov. 9, 1977, Pub. L. 95–163, § 17(b)(1), 91 Stat. 1286; Oct. 24, 1978, Pub. L. 95–504, § 2(b), 92 Stat. 1705; Oct. 12, 1984, Pub. L. 98–473, § 2013(c), 98 Stat. 2189.
	49 App.:1472(n)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 902(n)(2), (4); added Aug. 5, 1974, Pub. L. 93–366, § 103(b), 88 Stat. 410, 411.
46501(2)	49 App.:1301(38) (words before 10th comma).	
46501(3)	49 App.:1472(n)(2).	

In clause (2), before subclause (A), the words “any of the following” are substituted for “includes” for clarity. In subclause (B), the words “armed forces” are substituted for “national defense forces” because of 10:101. In subclause (D)(i), the word “place” is substituted for “point” for consistency in the revised title. The word “actually” is omitted as surplus. In subclause (D)(ii), the words “on which an individual commits” are substituted for “having . . . committed aboard” for clarity. In subclause (D)(iii), the words “against which an individual commits” are substituted for “regarding which an offense . . . is committed” for clarity. The words “(Montreal, September 23, 1971)” are omitted as surplus. In subclause (E), the words “the lessee does not have a principal place of business” are substituted for “none” for clarity.

In clause (3), the words “by force or threat thereof, or . . . other” are omitted as surplus.

§ 46502. Aircraft piracy

(a) IN SPECIAL AIRCRAFT JURISDICTION.—(1) In this subsection—

(A) “aircraft piracy” means seizing or exercising control of an aircraft in the special aircraft jurisdiction of the United States by force, violence, threat of force or violence, or any form of intimidation, and with wrongful intent.

(B) an attempt to commit aircraft piracy is in the special aircraft jurisdiction of the United States although the aircraft is not in flight at the time of the attempt if the aircraft would have been in the special aircraft jurisdiction of the United States had the aircraft piracy been completed.

(2) An individual committing or attempting or conspiring to commit aircraft piracy—

(A) shall be imprisoned for at least 20 years; or

(B) notwithstanding section 3559(b) of title 18, if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(b) OUTSIDE SPECIAL AIRCRAFT JURISDICTION.—(1) An individual committing or conspiring to commit an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) on an aircraft in flight outside the special aircraft jurisdiction of the United States—

(A) shall be imprisoned for at least 20 years; or

(B) notwithstanding section 3559(b) of title 18, if the death of another individual results

from the commission or attempt, shall be put to death or imprisoned for life.

(2) There is jurisdiction over the offense in paragraph (1) if—

(A) a national of the United States was aboard the aircraft;

(B) an offender is a national of the United States; or

(C) an offender is afterwards found in the United States.

(3) For purposes of this subsection, the term “national of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1241; Pub. L. 103-429, §6(61), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104-132, title VII, §§721(a), 723(b), Apr. 24, 1996, 110 Stat. 1298, 1300.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46502(a)(1) ..	49 App.:1472(i)(2), (3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(i); added Sept. 5, 1961, Pub. L. 87-197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91-449, §1(3), 84 Stat. 921; Aug. 5, 1974, Pub. L. 93-366, §§103(a), 104, 88 Stat. 410, 411.
46502(a)(2) ..	49 App.:1472(i)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(n)(1), (3); added Aug. 5, 1974, Pub. L. 93-366, §103(b), 88 Stat. 410.
46502(b)(1) ..	49 App.:1472(n)(1).	
46502(b)(2) ..	49 App.:1472(n)(3).	

In subsection (a)(1)(B), the words “offense of” are omitted as surplus.

In subsection (a)(2), the words “as herein defined” are omitted as surplus.

In subsection (b)(2), the words “the place of actual” are omitted as surplus. The words “as defined in paragraph (2) of this subsection” are omitted because of the restatement. The word “country” is substituted for “State” for consistency in the revised title and with other titles of the United States Code.

PUB. L. 103-429

This amends 49:46502(a)(2)(B) and (b)(1)(B) to clarify the restatement of 49 App.:1472(i)(1)(B) and (n)(1)(B) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1241, 1242).

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-132, §723(b)(1), inserted “or conspiring” after “attempting”.

Subsec. (b)(1). Pub. L. 104-132, §§721(a)(1), 723(b)(2), in introductory provisions, inserted “or conspiring to commit” after “committing” and struck out “and later found in the United States” after “jurisdiction of the United States”.

Subsec. (b)(2). Pub. L. 104-132, §721(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “This subsection applies only if the place of take-off or landing of the aircraft on which the individual commits the offense is located outside the territory of the country of registration of the aircraft.”

Subsec. (b)(3). Pub. L. 104-132, §721(a)(3), added par. (3).

1994—Subsecs. (a)(2)(B), (b)(1)(B). Pub. L. 103-429 inserted “notwithstanding section 3559(b) of title 18,” before “if the death”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994

Pub. L. 109-177, title II, §211, Mar. 9, 2006, 120 Stat. 230, provided that:

“(a) IN GENERAL.—Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended, as of the time of its enactment [Sept. 13, 1994], by adding at the end the following:

“(c) [Omitted, see below.]”.

“(b) SEVERABILITY CLAUSE.—If any provision of section 60003(b)(2) of the Violent Crime and Law Enforcement Act of 1994 (Public Law 103-322) [repealed section 46503 of this title], or the application thereof to any person or any circumstance is held invalid, the remainder of such section and the application of such section to other persons or circumstances shall not be affected thereby.”

Pub. L. 103-322, title VI, §60003(c), as added by Pub. L. 109-177, title II, §211(a), Mar. 9, 2006, 120 Stat. 230, provided that:

“(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) [Sept. 13, 1994], but after the enactment of the Antihijacking Act of 1974 (Public Law 93-366) [Aug. 5, 1974], it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term ‘especially heinous, cruel, or depraved’, as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language ‘in that it involved torture or serious physical abuse to the victim’, and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.”

AIRCRAFT PIRACY

The United States is a party to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, Dec. 16, 1970, entered into force as to the United States, Oct. 14, 1971, 22 UST 1641.

§ 46503. Interference with security screening personnel

An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment.