

stituted for “any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house”, in section 464 of title 18, U.S.C., 1940 ed., and “any arsenal, armory, magazine, rope walk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel, built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval or victualing stores, arms, or other munitions of war”, in section 465 of title 18, U.S.C., 1940 ed. The substituted phrase is a concise and comprehensive description of the things enumerated in both sections.

The punishment provisions are new and are graduated with some regard to the gravity of the offense. It was felt that a possible punishment of 20 years for burning a wood pile or injuring or destroying an outbuilding was disproportionate and not in harmony with recent legislation.

AMENDMENTS

2001—Pub. L. 107-56, in first par., struck out “, or attempts to set fire to or burn” after “maliciously sets fire to or burns” and inserted “or attempts or conspires to do such an act,” before “shall be imprisoned” and, in second par., substituted “for any term of years or for life” for “not more than twenty years”.

1996—Pub. L. 104-132, in first par., substituted “imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both” for “fined under this title or imprisoned not more than five years, or both”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in first par. and for “fined not more than \$5,000” in second par.

CHAPTER 7—ASSAULT

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| Sec.
111. | Assaulting, resisting, or impeding certain officers or employees. |
| 112. | Protection of foreign officials, official guests, and internationally protected persons. |
| 113. | Assaults within maritime and territorial jurisdiction. |
| 114. | Maiming within maritime and territorial jurisdiction. |
| 115. | Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member. |
| 116. | Female genital mutilation. |
| 117. | Domestic assault by an habitual offender. ¹ |
| 118. | Interference with certain protective functions. |
| 119. | Protection of individuals performing certain official duties. |

AMENDMENTS

2008—Pub. L. 110-177, title II, §202(b), Jan. 7, 2008, 121 Stat. 2537, added item 119.

2007—Pub. L. 109-472, §4(b), Jan. 11, 2007, 120 Stat. 3555, added item 118.

1996—Pub. L. 104-208, div. C, title VI, §645(b)(2), Sept. 30, 1996, 110 Stat. 3009-709, added item 116.

1984—Pub. L. 98-473, title II, §1008(b), Oct. 12, 1984, 98 Stat. 2140, added item 115.

1976—Pub. L. 94-467, §6, Oct. 8, 1976, 90 Stat. 2000, substituted “official guests, and internationally protected persons” for “and official guests” in item 112.

1972—Pub. L. 92-539, title III, §302, Oct. 24, 1972, 86 Stat. 1073, substituted “Protection of foreign officials and official guests” for “Assaulting certain foreign diplomatic and other official personnel” in item 112.

¹Editorially supplied. Section 117 added by Pub. L. 109-162 without corresponding amendment of chapter analysis.

1964—Pub. L. 88-493, §2, Aug. 27, 1964, 78 Stat. 610, substituted “certain foreign diplomatic and other official personnel” for “public minister” in item 112.

§ 111. Assaulting, resisting, or impeding certain officers or employees

(a) IN GENERAL.—Whoever—

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person’s term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both.

(b) ENHANCED PENALTY.—Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 100-690, title VI, §6487(a), Nov. 18, 1988, 102 Stat. 4386; Pub. L. 103-322, title XXXII, §320101(a), Sept. 13, 1994, 108 Stat. 2108; Pub. L. 104-132, title VII, §727(c), Apr. 24, 1996, 110 Stat. 1302; Pub. L. 107-273, div. C, title I, §11008(b), Nov. 2, 2002, 116 Stat. 1818; Pub. L. 110-177, title II, §208(b), Jan. 7, 2008, 121 Stat. 2538.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§118, 254 (Mar. 4, 1909, ch. 321, §62, 35 Stat. 1100; May 18, 1934, ch. 299, §2, 48 Stat. 781).

This section consolidates sections 118 and 254 with changes in phraseology and substance necessary to effect the consolidation.

Also the words “Bureau of Animal Industry of the Department of Agriculture” appearing in section 118 of title 18, U.S.C., 1940 ed., were inserted in enumeration of Federal officers and employees in section 1114 of this title.

The punishment provision of section 254 of title 18, U.S.C., 1940 ed., was adopted as the latest expression of Congressional intent. This consolidation eliminates a serious incongruity in punishment and application.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-177 substituted “where such acts involve physical contact with the victim of that assault or the intent to commit another felony” for “in all other cases” in concluding provisions.

2002—Subsec. (a). Pub. L. 107-273, §11008(b)(1), substituted “8” for “three” in concluding provisions.

Subsec. (b). Pub. L. 107-273, §11008(b)(2), substituted “20” for “ten”.

1996—Subsec. (b). Pub. L. 104-132 inserted “(including a weapon intended to cause death or danger but that fails to do so by reason of a defective component)” after “deadly or dangerous weapon”.

1994—Subsec. (a). Pub. L. 103-322, §320101(a)(1), inserted “, where the acts in violation of this section

constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall" in concluding provisions.

Subsec. (b). Pub. L. 103-322, §320101(a)(2), inserted "or inflicts bodily injury" after "weapon".

1988—Pub. L. 100-690 amended text generally. Prior to amendment, text read as follows:

"Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

"Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-273, div. C, title I, §11008(a), Nov. 2, 2002, 116 Stat. 1818, provided that: "This section [amending this section, sections 115 and 876 of this title, and provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Federal Judiciary Protection Act of 2002'."

§ 112. Protection of foreign officials, official guests, and internationally protected persons

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

(b) Whoever willfully—

(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

(A) a foreign government, including such use as a mission to an international organization;

(B) an international organization;

(C) a foreign official; or

(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;

shall be fined under this title or imprisoned not more than six months, or both.

(c) For the purpose of this section "foreign government", "foreign official", "internationally protected person", "international organization", "national of the United States", and "of-

ficial guest" shall have the same meanings as those provided in section 1116(b) of this title.

(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 88-493, §1, Aug. 27, 1964, 78 Stat. 610; Pub. L. 92-539, title III, §301, Oct. 24, 1972, 86 Stat. 1072; Pub. L. 94-467, §5, Oct. 8, 1976, 90 Stat. 1999; Pub. L. 95-163, §17(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, §2(b), Oct. 24, 1978, 92 Stat. 1705; Pub. L. 100-690, title VI, §6478, Nov. 18, 1988, 102 Stat. 4381; Pub. L. 103-272, §5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title XXXII, §320101(b), title XXXIII, §330016(1)(G), (K), Sept. 13, 1994, 108 Stat. 2108, 2147; Pub. L. 104-132, title VII, §721(d), Apr. 24, 1996, 110 Stat. 1298; Pub. L. 104-294, title VI, §604(b)(12)(A), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on section 255 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. §4062).

Punishment provision was rewritten to make it more definite by substituting a maximum of \$5,000 in lieu of the words "fined at the discretion of the court." As thus revised this provision conforms with the first punishment provision of section 111 of this title. So, also, the greater punishment provided by the second paragraph of section 111 was added to this section for offenses involving the use of dangerous weapons.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 repealed Pub. L. 103-322, §320101(b)(1). See 1994 Amendment note below.

Subsec. (c). Pub. L. 104-132, §721(d)(1), inserted "'national of the United States,'" before "and 'official guest'".

Subsec. (e). Pub. L. 104-132, §721(d)(2), inserted first sentence and struck out former first sentence which read as follows: "If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender."

1994—Subsec. (a). Pub. L. 103-322, §330016(1)(K), substituted "under this title" for "not more than \$5,000" before "or imprisoned not more than three years".

Pub. L. 103-322, §320101(b)(2), (3), inserted "or inflicts bodily injury," after "weapon" and substituted "under this title" for "not more than \$10,000" before "or imprisoned not more than ten years".