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2291.	Destruction of vessel or maritime facility.
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§ 2290. Jurisdiction and scope

(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

(1) within the United States and within waters subject to the jurisdiction of the United States; or

(2) outside United States and—

(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));¹

(B) the activity involves a vessel in which a national of the United States was on board; or

(C) the activity involves a vessel of the United States (as that term is defined under section 2² of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903)).¹

(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

(Added Pub. L. 109-177, title III, §306(a), Mar. 9, 2006, 120 Stat. 237.)

REFERENCES IN TEXT

Section 2 of the Maritime Drug Law Enforcement Act, referred to in subsec. (a)(2)(C), probably means section 3 of the Maritime Drug Law Enforcement Act, Pub. L. 96-350, which was classified to section 1903 of former Title 46, Appendix, Shipping, and was repealed and restated in sections 70502 to 70506 of Title 46, Shipping, by Pub. L. 109-304, §§10(2), 19, Oct. 6, 2006, 120 Stat. 1683, 1710. Section 70502(b) of Title 46 defines “vessel of the United States”.

§ 2291. Destruction of vessel or maritime facility

(a) OFFENSE.—Whoever knowingly—

(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel

traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8),

shall be fined under this title or imprisoned not more than 20 years, or both.

(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))¹ or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)),¹ shall be fined under this title, imprisoned for a term up to life, or both.

(d) PENALTY WHEN DEATH RESULTS.—Whoever is convicted of any crime prohibited by subsection (a) and intended to cause death by the prohibited conduct, if the conduct resulted in the death of any person, shall be subject also to the death penalty or to a term of imprisonment for a period up to life.

(e) THREATS.—Whoever knowingly and intentionally imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

¹Editorially supplied. Section 2293 added by Pub. L. 109-177 without corresponding amendment of chapter analysis.

¹So in original. There probably should be an additional closing parenthesis.

²See References in Text note below.

¹So in original. There probably should be an additional closing parenthesis.

(Added Pub. L. 109-177, title III, §306(a), Mar. 9, 2006, 120 Stat. 237.)

§ 2292. Imparting or conveying false information

(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than \$5,000, which shall be recoverable in a civil action brought in the name of the United States.

(b) MALICIOUS CONDUCT.—Whoever knowingly, intentionally, maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title or imprisoned not more than 5 years.

(c) JURISDICTION.—

(1) IN GENERAL.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 111 of this title, to which the imparted or conveyed false information relates, as applicable.

(Added Pub. L. 109-177, title III, §306(a), Mar. 9, 2006, 120 Stat. 239.)

§ 2293. Bar to prosecution

(a) IN GENERAL.—It is a bar to prosecution under this chapter if—

(1) the conduct in question occurred within the United States in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed; or

(2) such conduct is prohibited as a misdemeanor, and not as a felony, under the law of the State in which it was committed.

(b) DEFINITIONS.—In this section:

(1) LABOR DISPUTE.—The term “labor dispute” has the same meaning given that term in section 13(c) of the Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes (29 U.S.C. 113(c), commonly known as the Norris-LaGuardia Act).

(2) STATE.—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. 109-177, title III, §306(a), Mar. 9, 2006, 120 Stat. 239.)

CHAPTER 113—STOLEN PROPERTY

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2318.	Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.
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2319A.	Unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances.
2319B.	Unauthorized recording of motion pictures in a motion picture exhibition facility. ¹
2320.	Trafficking in counterfeit goods or services.
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2323.	Forfeiture, destruction, and restitution.

AMENDMENTS

2008—Pub. L. 110-403, title II, §206(b), Oct. 13, 2008, 122 Stat. 4263, added item 2323.

2005—Pub. L. 109-9, title I, §102(b), Apr. 27, 2005, 119 Stat. 220, added item 2319B.

2004—Pub. L. 108-482, title I, §102(c), Dec. 23, 2004, 118 Stat. 3915, substituted “Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging” for “Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging” in item 2318.

1996—Pub. L. 104-153, §4(b)(2), July 2, 1996, 110 Stat. 1387, substituted “Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging” for “Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works” in item 2318.

1994—Pub. L. 103-465, title V, §513(b), Dec. 8, 1994, 108 Stat. 4976, added item 2319A.

1992—Pub. L. 102-519, title I, §105(b), Oct. 25, 1992, 106 Stat. 3386, added item 2322.

1986—Pub. L. 99-646, §42(b), Nov. 10, 1986, 100 Stat. 3601, renumbered item 2320 relating to trafficking in certain motor vehicles or motor vehicle parts as item 2321.

1984—Pub. L. 98-547, title II, §204(b), Oct. 25, 1984, 98 Stat. 2770, added item 2320 relating to trafficking in certain motor vehicles or motor vehicle parts.

Pub. L. 98-473, title II, §§1115, 1502(b), Oct. 12, 1984, 98 Stat. 2149, 2179, substituted “livestock” for “cattle” in items 2316 and 2317 and added item 2320 relating to trafficking in counterfeit goods or services.

1982—Pub. L. 97-180, §4, May 24, 1982, 96 Stat. 92, substituted “Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works” for “Transportation, sale, or receipt of phonograph records bearing forged or counterfeit labels” in item 2318 and added item 2319.

1962—Pub. L. 87-773, §2, Oct. 9, 1962, 76 Stat. 775, added item 2318.

1961—Pub. L. 87-371, §4, Oct. 4, 1961, 75 Stat. 802, inserted “fraudulent State tax stamps,” in item 2314, and substituted “moneys, or fraudulent State tax stamps” for “or monies” in item 2315.

§ 2311. Definitions

As used in this chapter:
“Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air;

¹ So in original. Does not conform to section catchline.