

a misdemeanor by providing for fines varying from \$500 to \$1,000 and terms of imprisonment varying from 6 months to 1 year. Said section 252, representing the latest expression by Congress, provided for 10 years' imprisonment.

The punishment provision was adopted from section 751 of this title, which makes it unlawful for a prisoner to escape from his place of confinement. Thus the same punishment would apply to the person aiding in an escape as to the person escaping.

The language of this section reconciles the conflict by adopting a penalty which is a compromise between the varying provisions.

Reference to "extradition" was inserted to avoid ambiguity and to harmonize section with section 751 of this title.

References to "force" were omitted as well as those to "officer" or "custody." See definition of "Rescue," Black's Law Dictionary, citing 4 Bl. Comm. 131.

Changes were made in phraseology.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 substituted "or conviction of any offense, be fined under this title" for "or conviction of any offense, be fined not more than \$5,000".

1994—Subsecs. (a), (b). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000".

1988—Subsec. (a). Pub. L. 100-690 inserted ", or for exclusion or expulsion proceedings under the immigration laws," after "extradition".

1965—Pub. L. 89-176 inserted "or facility" after "institution".

1963—Pub. L. 88-251 designated existing provisions as subsec. (a) and added subsec. (b).

1956—Act May 28, 1956, inserted ", or attempt to escape," after "escape".

§ 753. Rescue to prevent execution

Whoever, by force, sets at liberty or rescues any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined under this title or imprisoned not more than twenty-five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 103-322, title XXXIII, § 330016(1)(O), Sept. 13, 1994, 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 248 (Mar. 4, 1909, ch. 321, § 142, 35 Stat. 1114).

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$25,000".

[§ 754. Repealed. Pub. L. 103-322, title XXXIII, § 330004(5), Sept. 13, 1994, 108 Stat. 2141]

Section, acts June 25, 1948, ch. 645, 62 Stat. 735; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(B), 108 Stat. 2146, related to rescue of bodies of executed offenders.

§ 755. Officer permitting escape

Whoever, having in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or magistrate judge, voluntarily suffers such prisoner to escape, shall be fined under this title or imprisoned not more than 5 years, or both; or if he

negligently suffers such person to escape, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title XXXIII, § 330016(1)(G), (I), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-132, title VII, § 705(a)(2), Apr. 24, 1996, 110 Stat. 1295.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 244, 662e, 665 (Feb. 6, 1905, ch. 454, § 2, 33 Stat. 698; Mar. 4, 1909, ch. 321, §§ 138, 139, 35 Stat. 1113; Mar. 22, 1934, ch. 73, § 4, 48 Stat. 456).

Sections 244, 662e and 665 of title 18, U.S.C., 1940 ed., were consolidated. The two latter sections merely extended application of the former. This section has been greatly condensed by changes in phraseology which do not affect the substance.

Enumeration of "marshal, deputy marshal, ministerial officer, or other person," was omitted as surplusage.

Provision making section applicable to cases of prisoners in custody pending extradition or removal proceedings as well as prisoners convicted of offenses against the United States was likewise omitted as unnecessary.

Changes in phraseology were made.

SENATE REVISION AMENDMENT

The text of this section was changed by Senate amendment in view of the act of June 21, 1947, ch. 111, 61 Stat. 134, which, by amending section 244 of Title 18, U.S.C., became an additional source of this section. The amendment constitutes the last clause of this section. See Senate Report No. 1620, amendment No. 8, 80th Cong.

AMENDMENTS

1996—Pub. L. 104-132 substituted "5 years" for "two years".

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$2,000" after "escape, shall be" and for "fined not more than \$500" after "he shall be".

CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "magistrate" substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 756. Internee of belligerent nation

Whoever, within the jurisdiction of the United States, aids or entices any person belonging to the armed forces of a belligerent nation or faction who is interned in the United States in accordance with the law of nations, to escape or attempt to escape from the jurisdiction of the United States or from the limits of internment prescribed, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-132, title VII, § 705(a)(3), Apr. 24, 1996, 110 Stat. 1295.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 37 (June 15, 1917, ch. 30, title V, § 7, 40 Stat. 223).