

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §461 (Mar. 4, 1909, ch. 321, §282, 35 Stat. 1144).

Section restores the intent of the original enactments, R.S. §5344, and act Mar. 3, 1905, ch. 1454, §5, 33 Stat. 1025, and makes this section one of general application. In the Criminal Code of 1909, by placing it in chapter 11, limited to places within the special maritime and territorial jurisdiction of the United States, such original intent was inadvertently lost as indicated by the entire absence of report or comment on such limitation.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in two places.

§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title.

(b) For the purposes of this section:

(1) “Family” includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

(2) “Foreign government” means the government of a foreign country, irrespective of recognition by the United States.

(3) “Foreign official” means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

(4) “Internationally protected person” means—

(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

(5) “International organization” means a public international organization designated

as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

(6) “Official guest” means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

(7) “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)).

(c) 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.

(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, 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.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 94-467, §2, Oct. 8, 1976, 90 Stat. 1997; 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. 97-351, §3, Oct. 18, 1982, 96 Stat. 1666; Pub. L. 103-272, §5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title VI, §60003(a)(5), title XXXIII, §330006, Sept. 13, 1994, 108 Stat. 1969, 2142; Pub. L. 104-132, title VII, §721(c), Apr. 24, 1996, 110 Stat. 1298; Pub. L. 104-294, title VI, §601(g)(2), Oct. 11, 1996, 110 Stat. 3500.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 struck out “, except that” at end.

Subsec. (b)(7). Pub. L. 104-132, §721(c)(1), added par. (7).

Subsec. (c). Pub. L. 104-132, §721(c)(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, §330006, which directed the striking of “, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years” before period at end, was executed by striking text which did not include “, and”, to reflect the probable intent of Congress and the prior amendment by Pub. L. 103-322, §60003(a)(5). See below.

Pub. L. 103-322, §60003(a)(5), struck out “any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and” after “title, except that”.

Subsec. (c). Pub. L. 103-272 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))”.

1982—Subsec. (b)(5). Pub. L. 97-351 inserted provision relating to a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of foreign affairs.

1978—Subsec. (c). Pub. L. 95-504 substituted reference to section 101(38) of the Federal Aviation Act of 1958 for reference to section 101(35) of such Act.

1977—Subsec. (c). Pub. L. 95-163 substituted reference to section 101(35) of the Federal Aviation Act of 1958 for reference to section 101(34) of such Act.

1976—Catchline. Pub. L. 94-467 substituted “official guests, or internationally protected persons” for “or official guests”.

Subsec. (a). Pub. L. 94-467 inserted reference to internationally protected persons, section 1113 of this title, and the punishment for a person convicted of attempted murder.

Subsec. (b). Pub. L. 94-467 designated existing provision, relating to definition of “foreign official” as par. (3)(A), (B), and added pars. (1), (2), (4), (5) and (6).

Subsec. (c). Pub. L. 94-467 substituted provision permitting the United States to exercise jurisdiction over an offense if the victim is an internationally protected person and the alleged offender is present within the United States for provision which defined “foreign government”, “international organization”, “family”, and “official guest”.

Subsec. (d). Pub. L. 94-467 added subsec. (d).

§ 1117. Conspiracy to murder

If two or more persons conspire to violate section 1111, 1114, 1116, or 1119 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 103-322, title VI, §60009(b)(1), Sept. 13, 1994, 108 Stat. 1972.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “1116, or 1119” for “or 1116”.

§ 1118. Murder by a Federal prisoner

(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

(b) DEFINITIONS.—In this section—

“Federal correctional institution” means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

“murder” means a first degree or second degree murder (as defined in section 1111).

“term of life imprisonment” means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.

(Added Pub. L. 103-322, title VI, §60005(a), Sept. 13, 1994, 108 Stat. 1970.)

CODIFICATION

Another section 1118 was renumbered section 1122 of this title.

§ 1119. Foreign murder of United States nationals

(a) DEFINITION.—In this section, “national of the United States” has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person’s return. A determination by the Attorney General under this paragraph is not subject to judicial review.

(Added Pub. L. 103-322, title VI, §60009(a), Sept. 13, 1994, 108 Stat. 1972.)

§ 1120. Murder by escaped prisoners

(a) DEFINITION.—In this section, “Federal correctional institution” and “term of life imprisonment” have the meanings stated in section 1118.

(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal correctional institution where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.

(Added Pub. L. 103-322, title VI, §60012(a), Sept. 13, 1994, 108 Stat. 1973; amended Pub. L. 104-294, title VI, §601(c)(2), Oct. 11, 1996, 110 Stat. 3499.)

AMENDMENTS

1996—Subsecs. (a), (b). Pub. L. 104-294 substituted “Federal correctional institution” for “Federal prison”.

§ 1121. Killing persons aiding Federal investigations or State correctional officers

(a) Whoever intentionally kills—

(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

(A) while the victim is engaged in the performance of official duties;

(B) because of the performance of the victim’s official duties; or