

assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees”, “death or which is a felony under the laws of such place, or which in the case of New Jersey, is a high misdemeanor under the laws of said State,” for “imprisonment in a penitentiary”, and required that prosecutions must be upon the formal written approval of the Attorney General or an Assistant Attorney General, which function may not be delegated.

1956—Act Apr. 6, 1956, inserted “, arson punishable as a felony” after “assault with a dangerous weapon”.

EFFECTIVE DATE OF 1956 AMENDMENT

Act Apr. 6, 1956, ch. 177, § 2, 70 Stat. 100, provided that: “The amendment made by the first section of this Act [amending this section] shall take effect on the thirtieth day after the date of enactment of this Act [April 6, 1956].”

PARENTAL KIDNAPING AND INTERSTATE OR INTERNATIONAL FLIGHT TO AVOID PROSECUTION UNDER APPLICABLE STATE FELONY STATUTES

Pub. L. 96-611, § 10, Dec. 28, 1980, 94 Stat. 3573, provided that:

“(a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act set forth in section 302 [probably means section 7 of Pub. L. 96-611, set out as a note under section 1738A of Title 28, Judiciary and Judicial Procedure], the Congress hereby expressly declares its intent that section 1073 of title 18, United States Code, apply to cases involving parental kidnapping and interstate or international flight to avoid prosecution under applicable State felony statutes.

“(b) The Attorney General of the United States, not later than 120 days after the date of the enactment of this section [Dec. 28, 1980] (and once every 6 months during the 3-year period following such 120-day period), shall submit a report to the Congress with respect to steps taken to comply with the intent of the Congress set forth in subsection (a). Each such report shall include—

“(1) data relating to the number of applications for complaints under section 1073 of title 18, United States Code in cases involving parental kidnapping;

“(2) data relating to the number of complaints issued in such cases; and

“(3) such other information as may assist in describing the activities of the Department of Justice in conformance with such intent.”

§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property

(a) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined under this title or imprisoned not more than five years, or both.

(b) Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any

State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section.

(Added Pub. L. 86-449, title II, § 201, May 6, 1960, 74 Stat. 86; amended Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

CHAPTER 50—GAMBLING

Sec.	
1081.	Definitions.
1082.	Gambling ships.
1083.	Transportation between shore and ship; penalties.
1084.	Transmission of wagering information; penalties.

HISTORICAL AND REVISION NOTES

This section [section 23 of act May 24, 1949] inserts a new chapter 50 (secs. 1081-1083) in title 18, U.S.C., incorporating, with slight changes in phraseology, most of the provisions of act of April 27, 1948 (ch. 235, 62 Stat. 200), which was not incorporated in title 18 when the revision was enacted. Subsection (e) of section 1 of such act, defining “United States”, when used in a geographical sense, was omitted as covered by section 5 of such title 18. Section 4 of such act, which provided that nothing in such act “shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof, or to preclude action, otherwise valid, by any State or Territory with respect to the navigable waters within the boundaries of such State or Territory”, was omitted as surplusage and unnecessary.

AMENDMENTS

1961—Pub. L. 87-216, § 3, Sept. 13, 1961, 75 Stat. 491, added item 1084.

1949—Act May 24, 1949, ch. 139, § 23, 63 Stat. 92, added chapter 50 and items 1081 to 1083.

§ 1081. Definitions

As used in this chapter:

The term “gambling ship” means a vessel used principally for the operation of one or more gambling establishments. Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986 as in effect on January 1, 1994).

The term “gambling establishment” means any common gaming or gambling establishment operated for the purpose of gaming or gambling, including accepting, recording, or registering bets, or carrying on a policy game or any other lottery, or playing any game of chance, for money or other thing of value.

The term “vessel” includes every kind of water and air craft or other contrivance used or capable of being used as a means of transportation on water, or on water and in the air, as well as any ship, boat, barge, or other water craft or any structure capable of floating on the water.

The term “American vessel” means any vessel documented or numbered under the laws of the United States; and includes any vessel which is