

(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

(b) The provisions referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(c) Nothing in this section shall be construed to permit the prosecution—

(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

(3) of any woman with respect to her unborn child.

(d) As used in this section, the term “unborn child” means a child in utero, and the term “child in utero” or “child, who is in utero” means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

(Added Pub. L. 108–212, §2(a), Apr. 1, 2004, 118 Stat. 568.)

REFERENCES IN TEXT

Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283), referred to in subsec. (b)(3), probably means section 235 of the Atomic Energy Act of 1954, act Aug. 1, 1946, ch. 724, title I, as added by Pub. L. 96–295, title II, §202(a), June 30, 1980, 94 Stat. 786, which is classified to section 2283 of Title 42, The Public Health and Welfare. Section 202 of the Atomic Energy Act of 1954, which related to the authority of the Joint Committee on Atomic Energy, was classified to section 2252 of Title 42 and was repealed by act Aug. 1, 1946, ch. 724, title I, §302(a), as added Pub. L. 95–110, §1, Sept. 20, 1977, 91 Stat. 884; renumbered title I, Pub. L. 102–486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–212, §1, Apr. 1, 2004, 118 Stat. 568, provided that: “This Act [enacting this chapter and section 919a of Title 10, Armed Forces] may be cited as the ‘Unborn Victims of Violence Act of 2004’ or ‘Laci and Conner’s Law’.”

CHAPTER 91—PUBLIC LANDS

Sec.	
1851.	Coal depredations.
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1866.	Historic, archeologic, or prehistoric items and antiquities.

AMENDMENTS

2014—Pub. L. 113–287, §4(a)(2), Dec. 19, 2014, 128 Stat. 3261, added items 1865 and 1866.

1990—Pub. L. 101–647, title XXXV, §3554, Nov. 29, 1990, 104 Stat. 4927, struck out item 1862 “Trespass on Bull Run National Forest”.

1988—Pub. L. 100–690, title VI, §6254(g), Nov. 18, 1988, 102 Stat. 4367, added item 1864.

1949—Act May 24, 1949, ch. 139, §41, 63 Stat. 95, substituted in analysis “1859” for “1959”, and added item 1863.

§ 1851. Coal depredations

Whoever mines or removes coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of, or reserved to the United States, with intent wrongfully to appropriate, sell, or dispose of the same, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not interfere with any right or privilege conferred by existing laws of the United States.

(June 25, 1948, ch. 645, 62 Stat. 787; Pub. L. 104–294, title VI, §601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§103a, 103b (July 3, 1926, ch. 780, §§1, 2, 44 Stat. 891).

Section consolidates sections 103a and 103b of title 18, U.S.C., 1940 ed.

Words “deemed guilty of misdemeanor” were deleted as unnecessary in view of definitive section 1 of this title. (See also reviser’s note under section 212 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104–294 substituted “fined under this title” for “fined not more than \$1,000” in first par.

§ 1852. Timber removed or transported

Whoever cuts, or wantonly destroys any timber growing on the public lands of the United States; or

Whoever removes any timber from said public lands, with intent to export or to dispose of the same; or

Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber

so cut or removed from said lands, or lumber manufactured therefrom—

Shall be fined under this title or imprisoned not more than one year, or both.

This section shall not prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; nor shall it interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

(June 25, 1948, ch. 645, 62 Stat. 787; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §103 (Mar. 4, 1909, ch. 321, §49, 35 Stat. 1098).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Words "motor vehicle or aircraft" were inserted in third paragraph to remove any doubt as to scope of section in view of rapidly advancing methods of transportation.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$1,000" in fourth par.

§ 1853. Trees cut or injured

Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 787; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §104 (Mar. 4, 1909, ch. 321, §50, 35 Stat. 1098; June 25, 1910, ch. 431, §6, 36 Stat. 857).

Reference to persons aiding or procuring was deleted as unnecessary since such persons are made principals by section 2 of this title.

Maximum fine was increased from \$500 to \$1,000 to conform to other comparable sections of this chapter. (See sections 1851 and 1852 of this title.)

Minor changes were also made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$1,000".

§ 1854. Trees boxed for pitch or turpentine

Whoever cuts, chips, chops, or boxes any tree upon any lands belonging to the United States,

or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance; or

Whoever buys, trades for, or in any manner acquires any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, with knowledge that the same has been so unlawfully obtained—

Shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 788; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §105 (Mar. 4, 1909, ch. 321, §51, 35 Stat. 1098).

Reference to persons aiding, encouraging, or causing was deleted as unnecessary since such persons are made principals by section 2 of this title.

Maximum fine was increased from \$500 to \$1,000 to conform to other comparable sections of this chapter. (See sections 1851 and 1852 of this title.)

Minor changes also were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$1,000" in last par.

§ 1855. Timber set afire

Whoever, willfully and without authority, sets on fire any timber, underbrush, or grass or other inflammable material upon the public domain or upon any lands owned or leased by or under the partial, concurrent, or exclusive jurisdiction of the United States, or under contract for purchase or for the acquisition of which condemnation proceedings have been instituted, or upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined under this title or imprisoned not more than five years, or both.

This section shall not apply in the case of a fire set by an allottee in the reasonable exercise of his proprietary rights in the allotment.

(June 25, 1948, ch. 645, 62 Stat. 788; Pub. L. 100-690, title VI, § 6254(j), Nov. 18, 1988, 102 Stat. 4368.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §106 (Mar. 4, 1909, ch. 321, §52, 35 Stat. 1098; Nov. 15, 1941, ch. 472, §1, 55 Stat. 763).

Surplus verbiage and unnecessary enumerations were omitted.

Words "without authority" were inserted near beginning of section so as to remove any doubt as to scope or meaning of section.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Minor verbal changes were made.

AMENDMENTS

1988—Pub. L. 100-690 substituted "under this title" for "not more than \$5,000" in first par.