

CHAPTER 109A—SEXUAL ABUSE

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CODIFICATION

Pub. L. 99-646 and Pub. L. 99-654 added identical chapters 109A.

AMENDMENTS

1994—Pub. L. 103-322, title IV, §§ 40111(c), 40113(a)(2), title VI, § 60010(b), Sept. 13, 1994, 108 Stat. 1903, 1907, 1973, redesignated item 2245 as 2246 and added items 2245, 2247, and 2248.

§ 2241. Aggravated sexual abuse

(a) **BY FORCE OR THREAT.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act—

(1) by using force against that other person; or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) **BY OTHER MEANS.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(c) **WITH CHILDREN.**—Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direc-

tion of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) **STATE OF MIND PROOF REQUIREMENT.**—In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

(Added Pub. L. 99-646, § 87(b), Nov. 10, 1986, 100 Stat. 3620, and Pub. L. 99-654, § 2, Nov. 14, 1986, 100 Stat. 3660; amended Pub. L. 103-322, title XXXIII, § 330021(1), Sept. 13, 1994, 108 Stat. 2150; Pub. L. 104-208, div. A, title I, § 101(a) [title I, § 1217(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-26, 3009-31; Pub. L. 105-314, title III, § 301(a), Oct. 30, 1998, 112 Stat. 2978; Pub. L. 109-162, title XI, § 1177(a)(1), (2), Jan. 5, 2006, 119 Stat. 3125; Pub. L. 109-248, title II, §§ 206(a)(1), 207(2), July 27, 2006, 120 Stat. 613, 615; Pub. L. 110-161, div. E, title V, § 554, Dec. 26, 2007, 121 Stat. 2082.)

CODIFICATION

Pub. L. 99-646 and Pub. L. 99-654 added identical sections 2241.

AMENDMENTS

2007—Subsecs. (a) to (c). Pub. L. 110-161 substituted “the head of any Federal department or agency” for “the Attorney General”.

2006—Subsecs. (a), (b). Pub. L. 109-248, § 207(2), inserted comma after “Attorney General” in introductory provisions.

Pub. L. 109-162, § 1177(a)(1), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in introductory provisions.

Subsec. (c). Pub. L. 109-248 inserted comma after “Attorney General” and substituted “and imprisoned for not less than 30 years or for life” for “, imprisoned for any term of years or life, or both” in first sentence.

Pub. L. 109-162, § 1177(a)(2), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in first sentence.

1998—Subsec. (c). Pub. L. 105-314 substituted “younger than the person so engaging” for “younger than that person”.

1996—Subsec. (c). Pub. L. 104-208 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.”

¹ Section catchline amended by Pub. L. 109-248 without corresponding amendment of chapter analysis.