

**§ 2245. Offenses resulting in death**

(a)<sup>1</sup> IN GENERAL.—A person who, in the course of an offense under this chapter, or section 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.

(Added Pub. L. 103-322, title VI, §60010(a)(2), Sept. 13, 1994, 108 Stat. 1972; amended Pub. L. 109-248, title II, §206(a)(3), July 27, 2006, 120 Stat. 613.)

**PRIOR PROVISIONS**

A prior section 2245 was renumbered section 2246 of this title.

**AMENDMENTS**

2006—Pub. L. 109-248 amended section catchline and text generally. Prior to amendment, text read as follows: “A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.”

**§ 2246. Definitions for chapter**

As used in this chapter—

(1) the term “prison” means a correctional, detention, or penal facility;

(2) the term “sexual act” means—

(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(5) the term “official detention” means—

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commit-

ment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation;

but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; and

(6) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.

(Added Pub. L. 99-646, §87(b), Nov. 10, 1986, 100 Stat. 3622, §2245, and Pub. L. 99-654, §2, Nov. 14, 1986, 100 Stat. 3662, §2245; renumbered §2246 and amended Pub. L. 103-322, title IV, §40502, title VI, §60010(a)(1), Sept. 13, 1994, 108 Stat. 1945, 1972; Pub. L. 105-314, title III, §301(c), Oct. 30, 1998, 112 Stat. 2979.)

**CODIFICATION**

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

**AMENDMENTS**

1998—Par. (6). Pub. L. 105-314 added par. (6).

1994—Pub. L. 103-322, §60010(a)(1), renumbered section 2245 of this title as this section.

Par. (2)(D). Pub. L. 103-322, §40502, added subpar. (D).

**§ 2247. Repeat offenders**

(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter, unless section 3559(e) applies.

(b) PRIOR SEX OFFENSE CONVICTION DEFINED.—In this section, the term “prior sex offense conviction” has the meaning given that term in section 2426(b).

(Added Pub. L. 103-322, title IV, §4011(a), Sept. 13, 1994, 108 Stat. 1903; amended Pub. L. 105-314, title III, §303, Oct. 30, 1998, 112 Stat. 2979; Pub. L. 108-21, title I, §106(b), Apr. 30, 2003, 117 Stat. 655.)

**AMENDMENTS**

2003—Subsec. (a). Pub. L. 108-21 inserted “, unless section 3559(e) applies” before period at end.

1998—Pub. L. 105-314 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.”

**§ 2248. Mandatory restitution**

(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or

<sup>1</sup> So in original. No subsec. (b) has been enacted.