

(B) The aggravating factor referred to in subparagraph (A) is that the offense—

- (i) results in death; or
- (ii) involves—
  - (I) an attempt to kill;
  - (II) kidnapping or an attempt to kidnap; or
  - (III) an offense under section 2241.

(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

(c) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

(e) In this section—

(1) the term “Federal law enforcement officer” has the meaning given the term in section 115(c);

(2) the term “heave to” means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

(3) the term “vessel subject to the jurisdiction of the United States” has the meaning given the term in section 70502 of title 46;

(4) the term “vessel of the United States” has the meaning given the term in section 70502 of title 46; and

(5) the term “transportation under inhumane conditions” means—

(A) transportation—

(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

(ii) at an excessive speed; or

(iii) of a number of persons in excess of the rated capacity of the vessel; or

(B) intentional grounding of a vessel in which persons are being transported.

(Added Pub. L. 109-177, title III, §303(a), Mar. 9, 2006, 120 Stat. 233; amended Pub. L. 111-281, title IX, §917, Oct. 15, 2010, 124 Stat. 3021.)

#### REFERENCES IN TEXT

Section 274 of the Immigration and Nationality Act, referred to in subsec. (b)(4), is classified to section 1324 of Title 8, Aliens and Nationality.

#### AMENDMENTS

2010—Subsec. (b). Pub. L. 111-281, §917(a), amended subsec. (b) generally. Prior to amendment subsec. (b) read as follows: “Any person who intentionally violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.”

Subsec. (e)(3). Pub. L. 111-281, §917(b)(1), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “the term ‘vessel subject to the jurisdiction of the United States’ has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and”.

Subsec. (e)(4). Pub. L. 111-281, §917(b)(2), substituted “section 70502 of title 46; and” for “section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).”

Subsec. (e)(5). Pub. L. 111-281, §917(b)(3), added par. (5).

#### CHAPTER 109A—SEXUAL ABUSE

Sec.

2241.	Aggravated sexual abuse.
2242.	Sexual abuse.
2243.	Sexual abuse of a minor or ward.
2244.	Abusive sexual contact.
2245.	Sexual abuse resulting in death. <sup>1</sup>
2246.	Definitions for chapter.
2247.	Repeat offenders.
2248.	Mandatory restitution.

#### 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—

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