

## AMENDMENTS

1988—Pub. L. 100-690 inserted “locomotive, a” after “means a”.

**§ 342. Operation of a common carrier under the influence of alcohol or drugs**

Whoever operates or directs the operation of a common carrier while under the influence of alcohol or any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), shall be imprisoned not more than fifteen years or fined under this title, or both.

(Added Pub. L. 99-570, title I, §1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, §§6473(a), (b), 6482(b), Nov. 18, 1988, 102 Stat. 4379, 4382.)

## AMENDMENTS

1988—Pub. L. 100-690 substituted “any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))” for “drugs”, “fifteen” for “five”, and “fined under this title” for “fined not more than \$10,000”.

**§ 343. Presumptions**

For purposes of this chapter—

(1) an individual with a blood alcohol content of .10 percent or more shall be presumed to be under the influence of alcohol; and

(2) an individual shall be presumed to be under the influence of drugs if the quantity of the drug in the system of the individual would be sufficient to impair the perception, mental processes, or motor functions of the average individual.

(Added Pub. L. 99-570, title I, §1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, §6473(c), Nov. 18, 1988, 102 Stat. 4379.)

## AMENDMENTS

1988—Par. (1). Pub. L. 100-690, §6473(c)(1), substituted “.10 percent” for “.10” and struck out “conclusively” after “shall be”.

Par. (2). Pub. L. 100-690, §6473(c)(2), struck out “conclusively” after “shall be”.

**CHAPTER 18—CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPPING, AND ASSAULT**

Sec.

351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties.

## AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150, which directed the amendment of this title “by striking ‘kidnaping’ each place it appears and inserting ‘kidnapping’”, was executed by substituting “KIDNAPPING” for “KIDNAPING” in chapter heading, to reflect the probable intent of Congress.

Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150, substituted “kidnapping” for “kidnaping” in item 351.

1982—Pub. L. 97-285, §2(b), (c), Oct. 6, 1982, 96 Stat. 1219, substituted “CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPING, AND ASSAULT” for “CONGRESSIONAL ASSASSINATION, KIDNAPING, AND ASSAULT” as chapter heading and substituted “Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties” for “Congressional assassination, kidnaping, and assault; penalties” in item 351.

1971—Pub. L. 91-644, title IV, §15, Jan. 2, 1971, 84 Stat. 1891, added chapter 18 and item 351.

**§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties**

(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Principal Deputy Director of National Intelligence, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of the Central Intelligence Agency, a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title), or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a) of this section shall be fined under this title, or imprisoned not more than one year, or both; and if the assault involved the use of a dangerous weapon, or personal injury results, shall be fined under this title, or imprisoned not more than ten years, or both.

(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an individual protected by this section.

(i) There is extraterritorial jurisdiction over the conduct prohibited by this section.

(Added Pub. L. 91-644, title IV, §15, Jan. 2, 1971, 84 Stat. 1891; amended Pub. L. 97-285, §§1, 2(a),