

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, referred to in subsec. (d), is the date of enactment of Pub. L. 115-299, which was approved Dec. 7, 2018.

§ 2260. Production of sexually explicit depictions of a minor for importation into the United States

(a) **USE OF MINOR.**—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, intending that the visual depiction will be imported or transmitted into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

(b) **USE OF VISUAL DEPICTION.**—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

(c) **PENALTIES.**—

(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.

(Added Pub. L. 103-322, title XVI, §160001(a), Sept. 13, 1994, 108 Stat. 2036, §2258; renumbered §2260, Pub. L. 104-294, title VI, §601(i)(1), Oct. 11, 1996, 110 Stat. 3501; amended Pub. L. 109-248, title II, §206(b)(5), July 27, 2006, 120 Stat. 614; Pub. L. 110-401, title III, §303, Oct. 13, 2008, 122 Stat. 4242.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-401 inserted “or for the purpose of transmitting a live visual depiction of such conduct” after “for the purpose of producing any visual depiction of such conduct” and “or transmitted” after “imported”.

2006—Subsec. (c). Pub. L. 109-248 amended subsec. (c) generally. Prior to amendment, text read as follows: “A person who violates subsection (a) or (b), or conspires or attempts to do so—

“(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

“(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.”

1996—Pub. L. 104-294 renumbered section 2258, relating to production of sexually explicit depictions of minor, as this section.

§ 2260A. Penalties for registered sex offenders

Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.

(Added Pub. L. 109-248, title VII, §702(a), July 27, 2006, 120 Stat. 648.)

CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

Sec.

2261.	Interstate domestic violence.
2261A.	Interstate stalking. ¹
2261B.	Enhanced penalty for stalkers of children.
2262.	Interstate violation of protection order.
2263.	Pretrial release of defendant.
2264.	Restitution.
2265.	Full faith and credit given to protection orders.
2265A	Repeat offenders. ²
2266.	Definitions.

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-249, §2(b), Dec. 22, 2020, 134 Stat. 1126, added item 2261B.

1996—Pub. L. 104-294, title VI, §604(a)(1), Oct. 11, 1996, 110 Stat. 3506, amended analysis by inserting “Sec.” above section numbers.

Pub. L. 104-201, div. A, title X, §1069(b)(3), (c), Sept. 23, 1996, 110 Stat. 2656, inserted “AND STALKING” after “VIOLENCE” in chapter heading and added item 2261A.

§ 2261. Interstate domestic violence

(a) **OFFENSES.**—

(1) **TRAVEL OR CONDUCT OF OFFENDER.**—A person who travels in interstate or foreign commerce or enters or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States with the intent to kill, injure, harass, or intimidate a spouse, intimate partner, or dating partner, and who, in the course of or as a result of such travel or presence, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner, shall be punished as provided in subsection (b).

¹Section catchline amended by Pub. L. 109-162 without corresponding amendment of chapter analysis.

²Editorially supplied. Section 2265A added by Pub. L. 109-162 without corresponding amendment of chapter analysis.

(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse, intimate partner, or dating partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner, shall be punished as provided in subsection (b).

(b) PENALTIES.—A person who violates this section or section 2261A shall be fined under this title, imprisoned—

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5) for not more than 5 years, in any other case,

or both fined and imprisoned.

(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.

(Added Pub. L. 103-322, title IV, §40221(a), Sept. 13, 1994, 108 Stat. 1926; amended Pub. L. 104-201, div. A, title X, §1069(b)(1), (2), Sept. 23, 1996, 110 Stat. 2656; Pub. L. 106-386, div. B, title I, §1107(a), Oct. 28, 2000, 114 Stat. 1497; Pub. L. 109-162, title I, §§114(b), 116(a), 117(a), Jan. 5, 2006, 119 Stat. 2988, 2989; Pub. L. 113-4, title I, §107(a), Mar. 7, 2013, 127 Stat. 77.)

Editorial Notes

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4 inserted “is present” after “Indian country or” and “or presence” after “as a result of such travel”.

2006—Subsec. (a)(1). Pub. L. 109-162, §117(a), inserted “or within the special maritime and territorial jurisdiction of the United States” after “Indian country”.

Pub. L. 109-162, §116(a)(1), which directed substitution of “, intimate partner, or dating partner” for “or intimate partner”, was executed by making the substitution in two places to reflect the probable intent of Congress.

Subsec. (a)(2). Pub. L. 109-162, §116(a)(2), which directed substitution of “, intimate partner, or dating partner” for “or intimate partner”, was executed by making the substitution in two places to reflect the probable intent of Congress.

Subsec. (b)(6). Pub. L. 109-162, §114(b), added par. (6).

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country

with the intent to injure, harass, or intimidate that person’s spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person’s spouse or intimate partner, shall be punished as provided in subsection (b).”

1996—Subsec. (b). Pub. L. 104-201 inserted “or section 2261A” after “this section” in introductory provisions and substituted “victim” for “offender’s spouse or intimate partner” in pars. (1) to (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-4, §4, Mar. 7, 2013, 127 Stat. 64, provided that: “Except as otherwise specifically provided in this Act [see Tables for classification], the provisions of titles I, II, III, IV, VII, and sections 3, 602, 901, and 902 of this Act shall not take effect until the beginning of the fiscal year following the date of enactment of this Act [Mar. 7, 2013].”

§ 2261A. Stalking

Whoever—

(1) travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that—

(A) places that person in reasonable fear of the death of, or serious bodily injury to—

(i) that person;

(ii) an immediate family member (as defined in section 115) of that person;

(iii) a spouse or intimate partner of that person; or

(iv) the pet, service animal, emotional support animal, or horse of that person; or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or

(2) with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person, a pet, a service animal, an emotional support animal, or a horse described in clause (i), (ii), (iii), or (iv) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),