

recoverable in a civil action brought in the name of the United States” for “fined not more than \$1,000, or imprisoned not more than one year, or both”.

1961—Pub. L. 87-338 designated existing provisions as subsec. (a), struck out “willfully” before “imparts or conveys”, and added subsec. (b).

§ 36. Drive-by shooting

(a) DEFINITION.—In this section, “major drug offense” means—

(1) a continuing criminal enterprise punishable under section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c));

(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section¹ 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963); or

(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.

(Added Pub. L. 103-322, title VI, §60008(b), Sept. 13, 1994, 108 Stat. 1971; amended Pub. L. 104-294, title VI, §604(b)(30), Oct. 11, 1996, 110 Stat. 3508.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(1), (2). Pub. L. 104-294 substituted “408(c)” for “403(c)” in par. (1) and “Export” for “Export Control” in par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

SHORT TITLE

Pub. L. 103-322, title VI, §60008(a), Sept. 13, 1994, 108 Stat. 1971, provided that: “This section [enacting this section] may be cited as the ‘Drive-By Shooting Prevention Act of 1994.’”

¹ So in original. Probably should be preceded by “or”.

§ 37. Violence at international airports

(a) OFFENSE.—A person who unlawfully and intentionally, using any device, substance, or weapon—

(1) performs an act of violence against a person at an airport serving international civil aviation that causes or is likely to cause serious bodily injury (as defined in section 1365 of this title) or death; or

(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (a) if—

(1) the prohibited activity takes place in the United States; or

(2) the prohibited activity takes place outside the United States and (A) the offender is later found in the United States; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).

(c) BAR TO PROSECUTION.—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term “labor dispute” has the meaning set forth in section 2(c)¹ of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)), and the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 103-322, title VI, §60021(a), Sept. 13, 1994, 108 Stat. 1979; amended Pub. L. 104-132, title VII, §§721(g), 723(a)(1), Apr. 24, 1996, 110 Stat. 1299, 1300; Pub. L. 104-294, title VI, §§601(q), 607(o), Oct. 11, 1996, 110 Stat. 3502, 3512.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts” in concluding provisions.

Subsec. (b)(2). Pub. L. 104-132, §721(g), inserted subpar. (A) designation and added subpar. (B).

Subsec. (c). Pub. L. 104-294 inserted heading and inserted “”, and the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States” before period at end.

¹ So in original. Probably should be section “13(c)”.