

**Editorial Notes**

## CODIFICATION

Another section 1365 was renumbered section 1366 of this title.

## AMENDMENTS

2002—Subsecs. (f) to (h). Pub. L. 107-307 added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

1994—Subsec. (a)(1). Pub. L. 103-322, § 330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

Subsec. (a)(2), (3). Pub. L. 103-322, § 330016(1)(S), substituted “fined under this title” for “fined not more than \$100,000”.

Subsec. (a)(4). Pub. L. 103-322, § 330016(1)(Q), substituted “fined under this title” for “fined not more than \$50,000”.

Subsec. (b). Pub. L. 103-322, § 330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000”.

Subsecs. (c)(1), (d), (e). Pub. L. 103-322, § 330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

1990—Subsec. (g)(1)(A). Pub. L. 101-647 inserted opening quotation marks before “device”.

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-307, § 1, Dec. 2, 2002, 116 Stat. 2445, provided that: “This Act [amending this section] may be cited as the ‘Product Packaging Protection Act of 2002.’”

## SHORT TITLE

Pub. L. 98-127, § 1, Oct. 13, 1983, 97 Stat. 831, provided: “That this Act [enacting this section and section 155A of Title 35, Patents] may be cited as the ‘Federal Anti-Tampering Act.’”

**§ 1366. Destruction of an energy facility**

(a) Whoever knowingly and willfully damages or attempts or conspires to damage the property of an energy facility in an amount that in fact exceeds or would if the attempted offense had been completed, or if the object of the conspiracy had been achieved, have exceeded \$100,000, or damages or attempts or conspires to damage the property of an energy facility in any amount and causes or attempts or conspires to cause a significant interruption or impairment of a function of an energy facility, shall be punishable by a fine under this title or imprisonment for not more than 20 years, or both.

(b) Whoever knowingly and willfully damages or attempts to damage the property of an energy facility in an amount that in fact exceeds or would if the attempted offense had been completed have exceeded \$5,000 shall be punishable by a fine under this title, or imprisonment for not more than five years, or both.

(c) For purposes of this section, the term “energy facility” means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except a facility subject to the jurisdiction, administration, or in the custody of the Nuclear Regulatory Commission or an interstate gas pipeline facility as defined in section 60101 of title 49.

(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.

(Added Pub. L. 98-473, title II, § 1011(a), Oct. 12, 1984, 98 Stat. 2141, § 1365; renumbered § 1366, Pub. L. 99-646, § 29(a), Nov. 10, 1986, 100 Stat. 3598; amended Pub. L. 101-647, title XXXV, §§ 3545, 3546, Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103-272, § 5(e)(9), July 5, 1994, 108 Stat. 1374; Pub. L. 103-322, title XXXII, § 320903(d)(3), title XXXIII, § 330016(2)(C), Sept. 13, 1994, 108 Stat. 2125, 2148; Pub. L. 107-56, title VIII, § 810(b), Oct. 26, 2001, 115 Stat. 380; Pub. L. 109-177, title IV, § 406(c)(2), Mar. 9, 2006, 120 Stat. 245.)

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## AMENDMENTS

2006—Subsec. (a). Pub. L. 109-177 substituted “attempts or conspires” for “attempts” wherever appearing and inserted “, or if the object of the conspiracy had been achieved,” after “the attempted offense had been completed”.

2001—Subsec. (a). Pub. L. 107-56, § 810(b)(1), substituted “20 years” for “ten years”.

Subsec. (d). Pub. L. 107-56, § 810(b)(2), added subsec. (d).

1994—Subsec. (a). Pub. L. 103-322, § 330016(2)(C), substituted “fine under this title” for “fine of not more than \$50,000”.

Pub. L. 103-322, § 320903(d)(3), inserted “or attempts to damage” after “damages” in two places, “or would if the attempted offense had been completed have exceeded” after “exceeds”, and “or attempts to cause” after “causes”.

Subsec. (b). Pub. L. 103-322, § 330016(2)(C), substituted “fine under this title” for “fine of not more than \$25,000”.

Pub. L. 103-322, § 320903(d)(3)(A), (C), inserted “or attempts to damage” after “damages” and “or would if the attempted offense had been completed have exceeded” after “exceeds”.

Subsec. (c). Pub. L. 103-272 substituted “an interstate gas pipeline facility as defined in section 60101 of title 49” for “interstate transmission facilities, as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968”.

1990—Subsec. (c). Pub. L. 101-647, § 3545, substituted “section 2 of the Natural Gas Pipeline Safety Act of 1968” for “49 U.S.C. 1671”.

Subsec. (d). Pub. L. 101-647, § 3546, struck out subsec. (d) which read as follows: “The table of contents for chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following new item: ‘1365 Destruction of an energy facility.’”

**§ 1367. Interference with the operation of a satellite**

(a) Whoever, without the authority of the satellite operator, intentionally or maliciously interferes with the authorized operation of a communications or weather satellite or obstructs or hinders any satellite transmission shall be fined in accordance with this title or imprisoned not more than ten years or both.

(b) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency or of an intelligence agency of the United States.

(Added Pub. L. 99-508, title III, § 303(a), Oct. 21, 1986, 100 Stat. 1872.)

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Section effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 302 of Pub. L. 99-508, set out as a note under section 3121 of this title.

**§ 1368. Harming animals used in law enforcement**

(a) Whoever willfully and maliciously harms any police animal, or attempts or conspires to do so, shall be fined under this title and imprisoned not more than 1 year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury to or the death of the animal, the maximum term of imprisonment shall be 10 years.

(b) In this section, the term “police animal” means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.

(Added Pub. L. 106-254, §2(a), Aug. 2, 2000, 114 Stat. 638; amended Pub. L. 107-273, div. B, title IV, §4003(a)(4), Nov. 2, 2002, 116 Stat. 1811.)

**Editorial Notes**

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 inserted “to” after “serious bodily injury”.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-254, §1, Aug. 2, 2000, 114 Stat. 638, provided that: “This Act [enacting this section] may be cited as the ‘Federal Law Enforcement Animal Protection Act of 2000.’”

**§ 1369. Destruction of veterans’ memorials**

(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

(b) A circumstance described in this subsection is that—

(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.

(Added Pub. L. 108-29, §2(a), May 29, 2003, 117 Stat. 772.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-29, §1, May 29, 2003, 117 Stat. 772, provided that: “This Act [enacting this section and provisions

set out as a note under section 109 of Title 23, Highways] may be cited as the ‘Veterans’ Memorial Preservation and Recognition Act of 2003.’”

**CHAPTER 67—MILITARY AND NAVY**

- Sec. 1381. Enticing desertion and harboring deserters.
- 1382. Entering military, naval, or Coast Guard property.
- [1383. Repealed.]
- 1384. Prostitution near military and naval establishments.
- 1385. Use of Army and Air Force as posse comitatus.
- 1386. Keys and keyways used in security applications by the Department of Defense.
- 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.
- 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.
- 1389. Prohibition on attacks on United States servicemen on account of service.

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AMENDMENTS

2009—Pub. L. 111-84, div. E, §4712(b), Oct. 28, 2009, 123 Stat. 2843, added item 1389.

2006—Pub. L. 109-464, §1(b), Dec. 22, 2006, 120 Stat. 3481, added item 1388.

Pub. L. 109-228, §3(b), May 29, 2006, 120 Stat. 389, added item 1387.

1991—Pub. L. 102-190, div. A, title X, §1090(b), Dec. 5, 1991, 105 Stat. 1486, added item 1386.

1990—Pub. L. 101-647, title XXXV, §3547, Nov. 29, 1990, 104 Stat. 4926, struck out item 1383 “Restrictions in military areas and zones”.

1956—Act Aug. 10, 1956, ch. 1041, §18(b), 70A Stat. 626, inserted item 1385.

**§ 1381. Enticing desertion and harboring deserters**

Whoever entices or procures, or attempts or endeavors to entice or procure any person in the Armed Forces of the United States, or who has been recruited for service therein, to desert therefrom, or aids any such person in deserting or in attempting to desert from such service; or

Whoever harbors, conceals, protects, or assists any such person who may have deserted from such service, knowing him to have deserted therefrom, or refuses to give up and deliver such person on the demand of any officer authorized to receive him—

Shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §94 (Mar. 4, 1909, ch. 321, §42, 35 Stat. 1097).

Mandatory punishment provisions were changed to alternative.

Words “armed forces” were substituted for repeated references to military service, naval service, soldier and seamen.

Minor changes were made in phraseology.

**Editorial Notes**

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in last par.