

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §316 (Mar. 4, 1909, ch. 321, §193, 35 Stat. 1125).

Reference to persons aiding or assisting was deleted as unnecessary because such persons are made principals by section 2 of this title.

Minor changes were made in phraseology.

## Editorial Notes

## AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$1,000”.

**§ 2117. Breaking or entering carrier facilities**

Whoever breaks the seal or lock of any railroad car, vessel, aircraft, motortruck, wagon or other vehicle or of any pipeline system, containing interstate or foreign shipments of freight or express or other property, or enters any such vehicle or pipeline system with intent in either case to commit larceny therein, shall be fined under this title or imprisoned not more than ten years, or both. If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

(June 25, 1948, ch. 645, 62 Stat. 797; May 24, 1949, ch. 139, §44, 63 Stat. 96; Pub. L. 89-654, §2(a)-(c), Oct. 14, 1966, 80 Stat. 904; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 112-186, §4(c), Oct. 5, 2012, 126 Stat. 1429.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 18, U.S.C., 1940 ed., §409 (Feb. 13, 1913, ch. 50, §1, 37 Stat. 670; Jan. 28, 1925, ch. 102, 43 Stat. 793; Jan. 21, 1933, ch. 16, 47 Stat. 773; July 24, 1946, ch. 606, 60 Stat. 656).

Other provisions of section 409 of title 18, U.S.C., 1940 ed., were incorporated in sections 659 and 660 of this title.

Minor changes were made in phraseology.

## 1949 ACT

This section [section 44] conforms section 2117 of title 18, U.S.C., more closely with the original law from which it was derived, and with section 659 of such title.

## Editorial Notes

## AMENDMENTS

2012—Pub. L. 112-186 inserted at end of first par. “If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense

under section 670 unless the punishment under this section is greater.”

1994—Pub. L. 103-322, which directed the amendment of section 2217 of this title by substituting “under this title” for “not more than \$5,000”, was executed by making the substitution in the first par. of this section, to reflect the probable intent of Congress, because this title does not contain a section 2217.

1966—Pub. L. 89-654 substituted “Breaking or entering carrier facilities” for “Railroad car entered or seal broken” as section catchline, inserted reference to “pipeline system”, substituted “freight or express or other property” for “freight or express”, and prohibited any construction which might indicate a Congressional intent to occupy the field or invalidate State law.

1949—Act May 24, 1949, inserted last par.

## Executive Documents

## EXECUTIVE ORDER NO. 11836

Ex. Ord. No. 11836, Jan. 27, 1975, 40 F.R. 4255, which assigned responsibilities to Federal departments and agencies with respect to the National Cargo Security Program, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

**§ 2118. Robberies and burglaries involving controlled substances**

(a) Whoever takes or attempts to take from the person or presence of another by force or violence or by intimidation any material or compound containing any quantity of a controlled substance belonging to or in the care, custody, control, or possession of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) shall, except as provided in subsection (c), be fined under this title or imprisoned not more than twenty years, or both, if (1) the replacement cost of the material or compound to the registrant was not less than \$500, (2) the person who engaged in such taking or attempted such taking traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such taking or attempt, or (3) another person was killed or suffered significant bodily injury as a result of such taking or attempt.

(b) Whoever, without authority, enters or attempts to enter, or remains in, the business premises or property of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance shall, except as provided in subsection (c), be fined under this title or imprisoned not more than twenty years, or both, if (1) the replacement cost of the controlled substance to the registrant was not less than \$500, (2) the person who engaged in such entry or attempted such entry or who remained in such premises or property traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such entry or attempt or to facilitate remaining in such premises or property, or (3) another person was killed or suffered significant bodily injury as a result of such entry or attempt.

(c)(1) Whoever in committing any offense under subsection (a) or (b) assaults any person, or puts in jeopardy the life of any person, by the use of a dangerous weapon or device shall be

fined under this title and imprisoned for not more than twenty-five years.

(2) Whoever in committing any offense under subsection (a) or (b) kills any person shall be fined under this title or imprisoned for any term of years or life, or both.

(d) If two or more persons conspire to violate subsection (a) or (b) of this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than ten years or both.

(e) For purposes of this section—

(1) the term “controlled substance” has the meaning prescribed for that term by section 102 of the Controlled Substances Act;

(2) the term “business premises or property” includes conveyances and storage facilities; and

(3) the term “significant bodily injury” means bodily injury which involves a risk of death, significant physical pain, protracted and obvious disfigurement, or a protracted loss or impairment of the function of a bodily member, organ, or mental or sensory faculty.

(Added Pub. L. 98-305, § 2, May 31, 1984, 98 Stat. 221; amended Pub. L. 103-322, title XXXIII, § 330016(1)(O)–(Q), Sept. 13, 1994, 108 Stat. 2148.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 102 of the Controlled Substances Act, referred to in subsec. (e)(1), is classified to section 802 of Title 21, Food and Drugs.

##### AMENDMENTS

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

Subsec. (c)(1). Pub. L. 103-322, § 330016(1)(P), substituted “fined under this title” for “fined not more than \$35,000”.

Subsec. (c)(2). Pub. L. 103-322, § 330016(1)(Q), substituted “fined under this title” for “fined not more than \$50,000”.

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

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 98-305, § 1, May 31, 1984, 98 Stat. 221, provided: “That this Act [enacting this section and provisions set out as a note under section 522 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Controlled Substance Registrant Protection Act of 1984’.”

##### REPORT TO CONGRESS

Attorney General, for first three years after May 31, 1984, to submit to Congress an annual report with respect to enforcement activities relating to offenses under this section, see section 4 of Pub. L. 98-305, set out as a note under section 522 of Title 28, Judiciary and Judicial Procedure.

#### § 2119. Motor vehicles

Whoever, with the intent to cause death or serious bodily harm<sup>1</sup> takes a motor vehicle that has been transported, shipped, or received in

interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempts to do so, shall—

(1) be fined under this title or imprisoned not more than 15 years, or both,

(2) if serious bodily injury (as defined in section 1365 of this title, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) results, be fined under this title or imprisoned not more than 25 years, or both, and

(3) if death results, be fined under this title or imprisoned for any number of years up to life, or both, or sentenced to death.

(Added Pub. L. 102-519, title I, § 101(a), Oct. 25, 1992, 106 Stat. 3384; amended Pub. L. 103-322, title VI, § 60003(a)(14), Sept. 13, 1994, 108 Stat. 1970; Pub. L. 104-217, § 2, Oct. 1, 1996, 110 Stat. 3020.)

#### Editorial Notes

##### AMENDMENTS

1996—Par. (2). Pub. L. 104-217 inserted “, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title” after “section 1365 of this title”.

1994—Pub. L. 103-322, § 60003(a)(14), which directed the amendment of section 2119(3) of title 18 by substituting “, with the intent to cause death or serious bodily harm” for “, possessing a firearm as defined in section 921 of this title,” was executed by making the substitution in introductory provisions rather than in par. (3), to reflect the probable intent of Congress.

Par. (3). Pub. L. 103-322, § 60003(a)(14), inserted before period at end “, or sentenced to death”.

#### Statutory Notes and Related Subsidiaries

##### FEDERAL COOPERATION TO PREVENT “CARJACKING” AND MOTOR VEHICLE THEFT

Pub. L. 102-519, title I, § 101(b), Oct. 25, 1992, 106 Stat. 3384, provided that: “In view of the increase of motor vehicle theft with its growing threat to human life and to the economic well-being of the Nation, the Attorney General, acting through the Federal Bureau of Investigation and the United States Attorneys, is urged to work with State and local officials to investigate car thefts, including violations of section 2119 of title 18, United States Code, for armed carjacking, and as appropriate and consistent with prosecutorial discretion, prosecute persons who allegedly violate such law and other relevant Federal statutes.”

#### CHAPTER 105—SABOTAGE

Sec.	Definitions.
2151.	Fortifications, harbor defenses, or defensive sea areas.
2152.	Destruction of war material, war premises or war utilities. <sup>1</sup>
2153.	Production of defective war material, war premises or war utilities. <sup>1</sup>
2154.	Destruction of national-defense materials, national-defense premises, or national-defense utilities.
2155.	Production of defective national-defense material, national-defense premises, or national-defense utilities.
2156.	Repealed.]

<sup>1</sup> So in original. Probably should be followed by a comma.

<sup>1</sup> So in original. Does not conform to section catchline.