

shall be fined under this title, imprisoned not more than ten years, or both;

(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;

(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; or

(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.

(b) IN OTHER CIRCUMSTANCES.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than two years, or both.

(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section (other than subsection (a)(5)) is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

(Added Pub. L. 99-646, §87(b), Nov. 10, 1986, 100 Stat. 3622, and Pub. L. 99-654, §2, Nov. 14, 1986, 100 Stat. 3661; amended Pub. L. 100-690, title VII, §7058(a), Nov. 18, 1988, 102 Stat. 4403; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 105-314, title III, §302, Oct. 30, 1998, 112 Stat. 2979; Pub. L. 109-162, title XI, §1177(a)(5), (b)(2), Jan. 5, 2006, 119 Stat. 3125; Pub. L. 109-248, title II, §§206(a)(2), 207(2), July 27, 2006, 120 Stat. 613, 615; Pub. L. 110-161, div. E, title V, §554, Dec. 26, 2007, 121 Stat. 2082.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 99-646 and Pub. L. 99-654 added identical sections 2244.

##### AMENDMENTS

2007—Subsecs. (a), (b). Pub. L. 110-161 substituted “the head of any Federal department or agency” for “the Attorney General”.

2006—Subsec. (a). Pub. L. 109-248, §207(2), inserted comma after “Attorney General” in introductory provisions.

Pub. L. 109-162, §1177(a)(5), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in introductory provisions.

Subsec. (a)(1). Pub. L. 109-248, §206(a)(2)(A)(i), inserted “subsection (a) or (b) of” before “section 2241 of this title”.

Subsec. (a)(4). Pub. L. 109-162, §1177(b)(2), substituted “two years” for “six months”.

Subsec. (a)(5). Pub. L. 109-248, §206(a)(2)(A)(ii)-(iv), added par. (5).

Subsec. (b). Pub. L. 109-248, §207(2), inserted comma after “Attorney General”.

Pub. L. 109-162, §1177(a)(5), (b)(2), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” and substituted “two years” for “six months”.

Subsec. (c). Pub. L. 109-248, §206(a)(2)(B), inserted “(other than subsection (a)(5))” after “violates this section”.

1998—Subsec. (c). Pub. L. 105-314 added subsec. (c).

1994—Subsecs. (a)(4), (b). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

1988—Subsec. (a). Pub. L. 100-690 substituted “ten years” for “five years” in par. (1) and “two years” for “one year” in par. (3).

#### § 2245. Offenses resulting in death

(a)<sup>1</sup> IN GENERAL.—A person who, in the course of an offense under this chapter, or section 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.

(Added Pub. L. 103-322, title VI, §60010(a)(2), Sept. 13, 1994, 108 Stat. 1972; amended Pub. L. 109-248, title II, §206(a)(3), July 27, 2006, 120 Stat. 613.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2245 was renumbered section 2246 of this title.

##### AMENDMENTS

2006—Pub. L. 109-248 amended section catchline and text generally. Prior to amendment, text read as follows: “A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.”

#### § 2246. Definitions for chapter

As used in this chapter—

(1) the term “prison” means a correctional, detention, or penal facility;

(2) the term “sexual act” means—

(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term “sexual contact” means the intentional touching, either directly or through

<sup>1</sup> So in original. No subsec. (b) has been enacted.

the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(5) the term “official detention” means—

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation;

but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; and

(6) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.

(Added Pub. L. 99-646, § 87(b), Nov. 10, 1986, 100 Stat. 3622, § 2245, and Pub. L. 99-654, § 2, Nov. 14, 1986, 100 Stat. 3662, § 2245; renumbered § 2246 and amended Pub. L. 103-322, title IV, § 40502, title VI, § 60010(a)(1), Sept. 13, 1994, 108 Stat. 1945, 1972; Pub. L. 105-314, title III, § 301(c), Oct. 30, 1998, 112 Stat. 2979.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 99-646 and Pub. L. 99-654 added identical sections.

##### AMENDMENTS

1998—Par. (6). Pub. L. 105-314 added par. (6).

1994—Pub. L. 103-322, § 60010(a)(1), renumbered section 2245 of this title as this section.

Par. (2)(D). Pub. L. 103-322, § 40502, added subpar. (D).

#### § 2247. Repeat offenders

(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter, unless section 3559(e) applies.

(b) **PRIOR SEX OFFENSE CONVICTION DEFINED.**—In this section, the term “prior sex offense conviction” has the meaning given that term in section 2426(b).

(Added Pub. L. 103-322, title IV, § 4011(a), Sept. 13, 1994, 108 Stat. 1903; amended Pub. L. 105-314, title III, § 303, Oct. 30, 1998, 112 Stat. 2979; Pub. L. 108-21, title I, § 106(b), Apr. 30, 2003, 117 Stat. 655.)

#### Editorial Notes

##### AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21 inserted “, unless section 3559(e) applies” before period at end.

1998—Pub. L. 105-314 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.”

#### § 2248. Mandatory restitution

(a) **IN GENERAL.**—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b) **SCOPE AND NATURE OF ORDER.**—

(1) **DIRECTIONS.**—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).

(2) **ENFORCEMENT.**—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) **DEFINITION.**—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred by the victim for—

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income;

(E) attorneys’ fees, plus any costs incurred in obtaining a civil protection order; and

(F) any other losses suffered by the victim as a proximate result of the offense.

(4) **ORDER MANDATORY.**—(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

(i) the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) **DEFINITION.**—For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, an-