

## SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-467, §1, Oct. 8, 1976, 90 Stat. 1997, provided: "That this Act [enacting section 878 of this title, amending this section and sections 11, 970, 1116, and 1201 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons'."

## SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-539, §1, Oct. 24, 1972, 86 Stat. 1070, provided: "That this Act [enacting sections 970, 1116, and 1117 of this title, amending this section and section 1201 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Act for the Protection of Foreign Officials and Official Guests of the United States'."

## STATE AND LOCAL LAWS NOT SUPERSEDED

Pub. L. 94-467, §10, Oct. 8, 1976, 90 Stat. 2001, provided that: "Nothing contained in this Act [see Short Title of 1976 Amendment note above] shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia, on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia, including the obligation of all persons having official law enforcement powers to take appropriate action, such as effecting arrests, for Federal as well as non-Federal violations."

## CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

Pub. L. 92-539, §2, Oct. 24, 1972, 86 Stat. 1070, provided that:

"The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder, kidnaping, and assault has resided in the several States, and that such power should remain with the States.

"The Congress finds, however, that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States or against official guests of the United States adversely affect the foreign relations of the United States.

"Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of foreign affairs."

## FEDERAL PREEMPTION

Pub. L. 92-539, §3, Oct. 24, 1972, 86 Stat. 1073, provided that: "Nothing contained in this Act [see Short Title of 1972 Amendment note above] shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia."

## IMMUNITY FROM CRIMINAL PROSECUTION

Pub. L. 88-493, §5, Aug. 27, 1964, 78 Stat. 610, provided that: "Nothing contained in this Act [amending this section and section 1114 of this title, and enacting section 170e-1 of former Title 5, Executive Departments and Government Officers and Employees] shall create immunity from criminal prosecution under any laws in any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia."

**§ 113. Assaults within maritime and territorial jurisdiction**

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

(1) Assault with intent to commit murder or a violation of section 2241 or 2242, by a fine under this title, imprisonment for not more than 20 years, or both.

(2) Assault with intent to commit any felony, except murder or a violation of section 2241 or 2242, by a fine under this title or imprisonment for not more than ten years, or both.

(3) Assault with a dangerous weapon, with intent to do bodily harm, by a fine under this title or imprisonment for not more than ten years, or both.

(4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than 1 year, or both.

(5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.

(6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.

(7) Assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than 5 years, or both.

(8) Assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title, imprisonment for not more than 10 years, or both.

(b) DEFINITIONS.—In this section—

(1) the term "substantial bodily injury" means bodily injury which involves—

(A) a temporary but substantial disfigurement; or

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty;

(2) the term "serious bodily injury" has the meaning given that term in section 1365 of this title;

(3) the terms "dating partner" and "spouse or intimate partner" have the meanings<sup>1</sup> given those terms in section 2266;

(4) the term "strangling" means intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim; and

(5) the term "suffocating" means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the per-

<sup>1</sup> So in original. Probably should be "meaning".

son, or both, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 94-297, § 3, May 29, 1976, 90 Stat. 585; Pub. L. 99-646, § 87(c)(2), (3), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, § 3(a)(2), (3), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 103-322, title XVII, § 170201(a)-(d), title XXXII, § 320101(c), title XXXIII, § 330016(2)(B), Sept. 13, 1994, 108 Stat. 2042, 2043, 2108, 2148; Pub. L. 104-294, title VI, § 604(b)(7), (12)(B), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 113-4, title IX, § 906(a), Mar. 7, 2013, 127 Stat. 124.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 455 (Mar. 4, 1909, ch. 321, § 276, 35 Stat. 1143).

Opening paragraph was added to preserve the jurisdictional limitation provided for by section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title. (See reviser's note thereunder.)

Phraseology was simplified.

#### Editorial Notes

##### AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4, § 906(a)(1)(A), added par. (1) and struck out former par. (1) which read as follows: "Assault with intent to commit murder, by imprisonment for not more than twenty years."

Subsec. (a)(2). Pub. L. 113-4, § 906(a)(1)(B), substituted "violation of section 2241 or 2242" for "felony under chapter 109A".

Subsec. (a)(3). Pub. L. 113-4, § 906(a)(1)(C), struck out "and without just cause or excuse," after "bodily harm."

Subsec. (a)(4). Pub. L. 113-4, § 906(a)(1)(D), substituted "1 year" for "six months".

Subsec. (a)(7). Pub. L. 113-4, § 906(a)(1)(E), substituted "substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years" for "substantial bodily injury to an individual who has not attained the age of 16 years" and "a fine" for "fine".

Subsec. (a)(8). Pub. L. 113-4, § 906(a)(1)(F), added par. (8).

Subsec. (b). Pub. L. 113-4, § 906(a)(2), inserted heading, substituted "In this section—" for "As used in this subsection—", and added pars. (3) to (5).

1996—Pub. L. 104-294, § 604(b)(12)(B), repealed Pub. L. 103-322, § 320101(c)(1)(A), (2)(A). See 1994 Amendment note below.

Pub. L. 104-294, § 604(b)(7), repealed Pub. L. 103-322, § 170201(c)(1)-(3). See 1994 Amendment note below.

1994—Pub. L. 103-322, § 330016(2)(B), substituted "a fine under this title" for "fine of not more than" through the immediately following dollar amount wherever appearing.

Pub. L. 103-322, § 320101(c), as amended by Pub. L. 104-294, § 604(b)(12)(B), which directed the amendment of subsec. (c) by substituting "ten years" for "five years" and the amendment of subsec. (e) by substituting "six months" for "three months", were executed by making the substitutions in subssecs. (a)(3) and (a)(5), respectively, to reflect the probable intent of Congress and the redesignation of subssecs. (c) and (e) as subssecs. (a)(3) and (a)(5), respectively. See below.

Pub. L. 103-322, § 170201(a)-(d), as amended by Pub. L. 104-294, § 604(b)(7), designated existing provisions as subsec. (a), redesignated former subssecs. (a) to (f) as pars. (1) to (6), respectively of subsec. (a) and realigned margins, inserted before period at end of par. (5) " , or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both", and added subssecs. (a)(7) and (b).

1986—Subsec. (a). Pub. L. 99-646, § 87(c)(2), and Pub. L. 99-654, § 3(a)(2), amended subsec. (a) identically, striking out "or rape" after "murder".

Subsec. (b). Pub. L. 99-646, § 87(c)(3), and Pub. L. 99-654, § 3(a)(3), amended subsec. (b) identically, substituting "a felony under chapter 109A" for "rape".

1976—Subsec. (f). Pub. L. 94-297 added subsec. (f).

#### 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.

##### EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective respectively 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

#### § 114. Maiming within maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, and with intent to torture (as defined in section 2340), maim, or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disables the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with like intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance—

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

(June 25, 1948, ch. 645, 62 Stat. 689; May 24, 1949, ch. 139, § 3, 63 Stat. 90; Pub. L. 98-473, title II, § 1009A, Oct. 12, 1984, 98 Stat. 2141; Pub. L. 101-647, title XXXV, § 3507, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 103-322, title XXXIII, § 330016(1)(O), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104-132, title VII, § 705(a)(1), Apr. 24, 1996, 110 Stat. 1295.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 18, U.S.C., 1940 ed., § 462 (Mar. 4, 1909, ch. 321, § 283, 35 Stat. 1144).

The words "within the special maritime and territorial jurisdiction of the United States, and" were added to preserve jurisdictional limitation provided for by section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title. (See reviser's note thereunder.)

Changes in phraseology were made.

##### 1949 ACT

This section [section 3] corrects a typographical error in section 114 of title 18, U.S.C.

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104-132 substituted "torture (as defined in section 2340), maim, or disfigure" for "maim or disfigure".

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$25,000".

1990—Pub. L. 101-647 substituted "or imprisoned" for "and imprisoned".

1984—Pub. L. 98-473 substituted "and imprisoned" for "or imprisoned" and provisions raising maximum fine