

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of this title.

§ 2261B. Enhanced penalty for stalkers of children

(a) IN GENERAL.—Except as provided in subsection (b), if the victim of an offense under section 2261A is under the age of 18 years, the maximum imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.

(b) LIMITATION.—Subsection (a) shall not apply to a person who violates section 2261A if—

(1) the person is subject to a sentence under section 2261(b)(5); and

(2)(A) the person is under the age of 18 at the time the offense occurred; or

(B) the victim of the offense is not less than 15 nor more than 17 years of age and not more than 3 years younger than the person who committed the offense at the time the offense occurred.

(Added Pub. L. 116-249, §2(a), Dec. 22, 2020, 134 Stat. 1126.)

§ 2262. Interstate violation of protection order

(a) OFFENSES.—

(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).

(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5) for not more than 5 years, in any other case, including any case in which the offense is committed against a pet, service animal, emotional support animal, or horse,

or both fined and imprisoned.

(Added Pub. L. 103-322, title IV, §40221(a), Sept. 13, 1994, 108 Stat. 1927; amended Pub. L. 104-201, div. A, title X, §1069(b)(2), Sept. 23, 1996, 110 Stat. 2656; Pub. L. 104-294, title VI, §605(d), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 106-386, div. B, title I, §1107(c), Oct. 28, 2000, 114 Stat. 1498; Pub. L. 109-162, title I, §117(b), Jan. 5, 2006, 119 Stat. 2989; Pub. L. 113-4, title I, §107(c), Mar. 7, 2013, 127 Stat. 78; Pub. L. 115-334, title XII, §12502(a)(2), Dec. 20, 2018, 132 Stat. 4982.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-334, §12502(a)(2)(A)(i), inserted “or the pet, service animal, emotional support animal, or horse of that person” after “another person”.

Subsec. (a)(2). Pub. L. 115-334, §12502(a)(2)(A)(ii), inserted “or the pet, service animal, emotional support animal, or horse of that person” after “proximity to, another person”.

Subsec. (b)(5). Pub. L. 115-334, §12502(a)(2)(B), inserted “including any case in which the offense is committed against a pet, service animal, emotional support animal, or horse,” after “in any other case.”

2013—Subsec. (a)(1). Pub. L. 113-4, which directed amendment of subsec. (a)(2) by inserting “is present” after “Indian country or”, was executed by making the insertion in subsec. (a)(1) to reflect the probable intent of Congress.

2006—Subsec. (a)(1). Pub. L. 109-162 inserted “or within the special maritime and territorial jurisdiction of the United States” after “Indian country”.

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

“(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

“(ii) would violate this subparagraph if the conduct occurred in the jurisdiction in which the order was issued; and

“(B) subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course of or as a result of that conduct, intentionally commits an act that injures the person’s spouse or intimate partner in vio-

lation of a valid protection order issued by a State shall be punished as provided in subsection (b).”

1996—Subsec. (a)(1)(A)(ii). Pub. L. 104-294 substituted “violate this subparagraph” for “violate subparagraph (A)”.

Subsec. (b)(1) to (3). Pub. L. 104-201 substituted “victim” for “offender’s spouse or intimate partner”.

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§ 2263. Pretrial release of defendant

In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

(Added Pub. L. 103-322, title IV, § 40221(a), Sept. 13, 1994, 108 Stat. 1928.)

§ 2264. 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 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;

(F) veterinary services relating to physical care for the victim’s pet, service animal, emotional support animal, or horse; and

(G) 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) VICTIM DEFINED.—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, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

(Added Pub. L. 103-322, title IV, § 40221(a), Sept. 13, 1994, 108 Stat. 1928; amended Pub. L. 104-132, title II, § 205(d), Apr. 24, 1996, 110 Stat. 1231; Pub. L. 115-334, title XII, § 12502(a)(3), Dec. 20, 2018, 132 Stat. 4983.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(3)(F), (G). Pub. L. 115-334 added subpar. (F) and redesignated former subpar. (F) as (G).

1996—Subsec. (a). Pub. L. 104-132, § 205(d)(1), inserted “or 3663A” after “3663”.

Subsec. (b)(1). Pub. L. 104-132, § 205(d)(2)(A), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The order of restitution under this section shall direct that—

“(A) the defendant 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 (3); and

“(B) the United States Attorney enforce the restitution order by all available and reasonable means.”

Subsec. (b)(2). Pub. L. 104-132, § 205(d)(2)(B), struck out “by victim” after “Enforcement” in heading and amended text generally. Prior to amendment, text read as follows: “An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.”

Subsec. (b)(4)(C), (D). Pub. L. 104-132, § 205(d)(2)(C), struck out subpars. (C) and (D), which related to court’s consideration of economic circumstances of defendant in determining schedule of payment of restitution orders, and court’s entry of nominal restitution awards where economic circumstances of defendant do not allow for payment of restitution, respectively.

Subsec. (b)(5) to (10). Pub. L. 104-132, § 205(d)(2)(D), struck out pars. (5) to (10), which related, respectively, to more than 1 offender, more than 1 victim, payment schedule, setoff, effect on other sources of compensation, and condition of probation or supervised release.

Subsec. (c). Pub. L. 104-132, § 205(d)(3), (4), added subsec. (c) and struck out former subsec. (c) which read as follows: “AFFIDAVIT.—Within 60 days after conviction and, in any event, not later than 10 days before sentencing, the United States Attorney (or such Attorney’s delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of the affidavit.”

Subsecs. (d) to (g). Pub. L. 104-132, § 205(d)(3), struck out subsecs. (d) to (g), which related, respectively, to objection, additional documentation and testimony, final determination of losses, and restitution in addition to punishment.