

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-177 inserted “or conspires” before “to do any of the aforesaid acts” in fourth par.

1995—Pub. L. 104-88 designated existing provisions as subsec. (a) and added subsec. (b).

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of Title 49, Transportation.

§ 34. Penalty when death results

Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

(Added July 14, 1956, ch. 595, §1, 70 Stat. 540; amended Pub. L. 103-322, title VI, §60003(a)(1), Sept. 13, 1994, 108 Stat. 1968.)

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1994—Pub. L. 103-322 substituted “imprisonment for life.” for “imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order.”

§ 35. Imparting or conveying false information

(a) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States.

(b) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title—shall be fined under this title, or imprisoned not more than five years, or both.

(Added July 14, 1956, ch. 595, §1, 70 Stat. 540; amended Pub. L. 87-338, Oct. 3, 1961, 75 Stat. 751; Pub. L. 89-64, July 7, 1965, 79 Stat. 210; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

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

1965—Subsec. (a). Pub. L. 89-64 substituted “subject to a civil penalty of not more than \$1,000 which shall be

recoverable in a civil action brought in the name of the United States” for “fined not more than \$1,000, or imprisoned not more than one year, or both”.

1961—Pub. L. 87-338 designated existing provisions as subsec. (a), struck out “willfully” before “imparts or conveys”, and added subsec. (b).

§ 36. Drive-by shooting

(a) DEFINITION.—In this section, “major drug offense” means—

(1) a continuing criminal enterprise punishable under section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c));

(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section¹ 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963); or

(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.

(Added Pub. L. 103-322, title VI, §60008(b), Sept. 13, 1994, 108 Stat. 1971; amended Pub. L. 104-294, title VI, §604(b)(30), Oct. 11, 1996, 110 Stat. 3508.)

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1996—Subsec. (a)(1), (2). Pub. L. 104-294 substituted “408(c)” for “403(c)” in par. (1) and “Export” for “Export Control” in par. (2).

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.

SHORT TITLE

Pub. L. 103-322, title VI, §60008(a), Sept. 13, 1994, 108 Stat. 1971, provided that: “This section [enacting this section] may be cited as the ‘Drive-By Shooting Prevention Act of 1994’.”

¹ So in original. Probably should be preceded by “or”.