

(5) the term “national group” means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term “racial group” means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term “religious group” means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term “substantial part” means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

CHAPTER 51—HOMICIDE

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AMENDMENTS

1996—Pub. L. 104-294, title VI, §601(a)(6), Oct. 11, 1996, 110 Stat. 3498, added item 1122.

1994—Pub. L. 103-322, title VI, §§60005(b), 60009(b)(2), 60012(b), 60015(b), Sept. 13, 1994, 108 Stat. 1970, 1972-1974, added items 1118 to 1121.

1976—Pub. L. 94-467, §3, Oct. 8, 1976, 90 Stat. 1998, substituted “official guests, or internationally protected persons” for “or official guests” in item 1116.

1972—Pub. L. 92-539, title I, §102, Oct. 24, 1972, 86 Stat. 1071, added items 1116 and 1117.

CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of murder, see section 2516 of this title.

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(June 25, 1948, ch. 645, 62 Stat. 756; Oct. 12, 1984, Pub. L. 98-473, title II, §1004, 98 Stat. 2138; Nov. 10, 1986, Pub. L. 99-646, §87(c)(4), 100 Stat. 3623; Nov. 14, 1986, Pub. L. 99-654, §3(a)(4), 100 Stat. 3663; Nov. 18, 1988, Pub. L. 100-690, title VII, §7025, 102 Stat. 4397; Sept. 13, 1994, Pub. L. 103-322, title VI, §60003(a)(4), 108 Stat. 1969.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§452, 454, 567 (Mar. 4, 1909, ch. 321, §§273, 275, 330, 35 Stat. 1143, 1152).

Section consolidates the punishment provision of sections 454 and 567 of title 18, U.S.C., 1940 ed., with section 452 of title 18, U.S.C., 1940 ed.

The provision of said section 454 for the death penalty for first degree murder was consolidated with section 567 of said title 18, by adding the words “unless the jury qualifies its verdict by adding thereto ‘without capital punishment’ in which event he shall be sentenced to imprisonment for life”.

The punishment for second degree murder was changed and the phrase “for any term of years or for life” was substituted for the words “not less than ten years and may be imprisoned for life”. This change conforms to a uniform policy of omitting the minimum punishment.

Said section 567 was not included in section 2031 of this title since the rewritten punishment provision for rape removes the necessity for a qualified verdict.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 amended second par. generally. Prior to amendment, second par. read as follows: “Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto ‘without capital punishment’, in which event he shall be sentenced to imprisonment for life;”.

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after “arson”.

1986—Subsec. (a). Pub. L. 99-646 and Pub. L. 99-654 amended subsec. (a) identically, substituting “aggravated sexual abuse or sexual abuse” for “, rape”.

1984—Subsec. (a). Pub. L. 98-473 inserted “escape, murder, kidnapping, treason, espionage, sabotage,” after “arson”.

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.

CROSS REFERENCES

Actions aboard aircraft in special aircraft jurisdiction of United States in violation of this section punishable as provided herein, see section 46506 of Title 49, Transportation.

Assault with intent to murder, see section 113 of this title.

Bank robbery, murder in committing, see section 2113 of this title.

High seas, citizen committing murder as pirate, see section 1652 of this title.

Indian country—

Jurisdiction of offenses committed by Indians, see section 3242 of this title.

Law governing offenses, see section 1153 of this title.

Limitations, capital offenses, see section 3281 of this title.

Mailing matter of character tending to incite murder, see section 1461 of this title.

Railroads, entering train to commit murder, see section 1991 of this title.

Sentences, see section 3551 of this title.

Venue, see section 3236 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36, 115, 351, 924, 930, 1114, 1116, 1117, 1118, 1119, 1120, 1121, 1503, 1512, 1513, 1751, 1956, 2332, 3559, 5032 of this title; title 7 section 2146; title 15 section 1825; title 21 sections 461, 675, 1041; title 42 section 2283; title 49 section 46506.

§ 1112. Manslaughter

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds: Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than ten years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Sept. 13, 1994, Pub. L. 103-322, title XXXII, §320102, title XXXIII, §330016(1)(H), 108 Stat. 2109, 2147; Oct. 11, 1996, Pub. L. 104-294, title VI, §604(b)(13), 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§453, 454 (Mar. 4, 1909, ch. 321, §§274, 275, 35 Stat. 1143).

Section consolidates punishment provisions of sections 453 and 454 of title 18, U.S.C., 1940 ed.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-294 repealed Pub. L. 103-322, §320102(2). See 1994 Amendment note below.

1994—Subsec. (b). Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” in last par.

Pub. L. 103-322, §320102(3), substituted “six years” for “three years” in last par.

Pub. L. 103-322, §320102(2), which provided for amendment identical to Pub. L. 103-322, §330016(1)(H), above, was repealed by Pub. L. 104-294, §604(b)(13).

Pub. L. 103-322, §320102(1)(B), which directed the amendment of subsec. (b) by inserting “, or both” after “years”, was executed by inserting the material after “years” in second par., which was the first place the word appeared in text, to reflect the probable intent of Congress.

Pub. L. 103-322, §320102(1)(A), inserted “fined under this title or” after “shall be” in second par.

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.

CROSS REFERENCES

Actions aboard aircraft in special aircraft jurisdiction of United States in violation of this section punishable as provided herein, see section 46506 of Title 49, Transportation.

Indian country—

Jurisdiction of offenses committed by Indians, see section 3242 of this title.

Law governing offenses, see section 1153 of this title.

Venue, see section 3236 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351, 924, 930, 1114, 1116, 1119, 1120, 1503, 1512, 1513, 1751, 2332, 3559 of this title; title 15 section 1825; title 21 section 1041; title 42 section 2283; title 49 section 46506.

§ 1113. Attempt to commit murder or manslaughter

Except as provided in section 113 of this title, whoever, within the special maritime and territorial jurisdiction of the United States, attempts to commit murder or manslaughter, shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than seven years or fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Nov. 18, 1988, Pub. L. 100-690, title VII, §7058(c), 102 Stat. 4403; Nov. 29, 1990, Pub. L. 101-647, title XXXV, §3534, 104 Stat. 4925; Apr. 24, 1996, Pub. L. 104-132, title VII, §705(a)(5), 110 Stat. 1295.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §456 (Mar. 4, 1909, ch. 321, §277, 35 Stat. 1143).

Words “within the special maritime and territorial jurisdiction of the United States” were added in view of definitive section 7 of this title, and section was rearranged to more clearly express intent of existing law.

Mandatory punishment provision was rephrased in the alternative.

AMENDMENTS

1996—Pub. L. 104-132 substituted “seven years” for “three years”.

1990—Pub. L. 101-647 struck out final period at end.

1988—Pub. L. 100-690 substituted “shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both.” for “shall be fined not more than \$1,000 or imprisoned not more than three years, or both”.

CROSS REFERENCES

Actions aboard aircraft in special aircraft jurisdiction of United States in violation of this section punishable as provided herein, see section 46506 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 115, 930, 1114, 1116, 1119, 5032 of this title; title 49 section 46506.

§ 1114. Protection of officers and employees of the United States

Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed