

bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine under this title, or both, if—

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

(B) For the purposes of subparagraph (A), the term “minor” means a person less than 18 years of age.

(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed, for purposes of subsection (a), to lie within the area of the State, Commonwealth, territory, possession, or district that it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 100-690, title VI, § 6477(a), Nov. 18, 1988, 102 Stat. 4381; Pub. L. 103-322, title X, § 100002, Sept. 13, 1994, 108 Stat. 1996; Pub. L. 104-132, title IX, § 901(b), Apr. 24, 1996, 110 Stat. 1317; Pub. L. 104-294, title VI, § 604(b)(32), Oct. 11, 1996, 110 Stat. 3508.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 468 (Mar. 4, 1909, ch. 321, § 289, 35 Stat. 1145; June 15, 1933, ch. 85, 48 Stat. 152; June 20, 1935, ch. 284, 49 Stat. 394; June 6, 1940, ch. 241, 54 Stat. 234).

Act March 4, 1909, § 289 used the words “now in force” when referring to the laws of any State, organized Territory or district, to be considered in force.

As amended on June 15, 1933, the words “by the laws thereof in force on June 1, 1933, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal,” were used.

The amendment of June 20, 1935, extended the date to “April 1, 1935,” and the amendment of June 6, 1940, extended the date to “February 1, 1940”.

The revised section omits the specification of any date as unnecessary in a revision, which speaks from the date of its enactment. Such omission will not only make effective within Federal reservations, the local State laws in force on the date of the enactment of the revision, but will authorize the Federal courts to apply the same measuring stick to such offenses as is applied in the adjoining State under future changes of the State law and will make unnecessary periodic pro forma amendments of this section to keep abreast of changes of local laws. In other words, the revised section makes applicable to offenses committed on such reservations, the law of the place that would govern if the reservation had not been ceded to the United States.

The word “Possession” was inserted to clarify scope of section.

Minor changes were made in phraseology.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132, § 901(b)(1), inserted “or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of

any State, Commonwealth, territory, possession, or district” after “section 7 of this title.”.

Subsec. (b)(2)(A). Pub. L. 104-294 substituted “under this title” for “of not more than \$1,000”.

Subsec. (c). Pub. L. 104-132, § 901(b)(2), added subsec. (c).

1994—Subsec. (b). Pub. L. 103-322 designated existing provisions as par. (1), substituted “Subject to paragraph (2) and for purposes” for “For purposes”, and added par. (2).

1988—Pub. L. 100-690 designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 604(d) of Pub. L. 104-294 provided that: “The amendments made by this section [amending this section, sections 36, 112, 113, 241, 242, 245, 351, 511, 542, 544, 545, 668, 704, 709, 794, 1014, 1030, 1112, 1169, 1512, 1515, 1516, 1751, 1956, 1961, 2114, 2311, 2339A, 2423, 2511, 2512, 2721, 3059A, 3561, 3582, 3592, and 5037 of this title, section 802 of Title 21, Food and Drugs, sections 540A and 991 of Title 28, Judiciary and Judicial Procedure, and sections 3631, 5633, 10604, and 14011 of Title 42, The Public Health and Welfare, and amending provisions set out as notes under sections 1001, 1169, and 2325 of this title and section 994 of Title 28] shall take effect on the date of enactment of Public Law 103-322 [Sept. 13, 1994].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3013, 3551 of this title.

### § 14. Applicability to Canal Zone; definition

(a) In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title, as amended from time to time, apply to and within the Canal Zone: 6, 8, 11, 201, 202, 203, 205, 207, 208, 209, 210, 211, 218, 287, 331, 371, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 505, 506, 507, 508, 509, 594, 595, 598, 600, 601, 604, 605, 703, 752, 755, 756, 792, 793, 794, 795, 796, 797, 798, 798A, 799, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1001, 1017, 1024, 1073, 1301, 1364, 1381, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1991, 2151, 2152, 2153, 2154, 2155, 2156, 2157,<sup>1</sup> 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3042, 3059, 3105, 3109, 3187, 3195, 3500.

(b) The term “Canal Zone”, as used in the sections of this title which by their terms apply to and within the Canal Zone, and as used in subsection (a) of this section, includes the area designated as the Canal Zone by sections 1 and 2 of Title 2, Canal Zone Code; and it also includes the corridor over which the United States of America exercises jurisdiction pursuant to the provisions of Article IX of the General Treaty of Friendship and Cooperation between the United States of America and the Republic of Panama, signed March 2, 1936, to the extent that the application, to the corridor, of the sections mentioned in this subsection, and of those specified in subsection (a) of this section, is consistent with the nature of the rights of the United States in the corridor as provided by treaty.

(c) The definitions of the terms prescribed by sections 5 and 10, or other sections of this title, are modified to effectuate the applicability of the sections enumerated by subsection (a) of this section to and within the Canal Zone.

<sup>1</sup> See References in Text note below.

(June 25, 1948, ch. 645, 62 Stat. 686; Aug. 5, 1953, ch. 325, 67 Stat. 366; Pub. L. 87-845, §3(a), Oct. 18, 1962, 76A Stat. 698; Pub. L. 90-357, §59, June 22, 1968, 82 Stat. 248; Pub. L. 101-647, title XXXV, §3519(c), Nov. 29, 1990, 104 Stat. 4923; Pub. L. 103-322, title XXXIII, §330010(9), Sept. 13, 1994, 108 Stat. 2143.)

#### SENATE REVISION AMENDMENT

This amendment, adding a new section 14, together with amended section 5 will clarify the applicability of Federal criminal statutes within the Canal Zone. It was particularly desired by the Governor of the Canal Zone and the compiler of the Canal Zone Code. The Governor of the Canal Zone, in a letter dated September 22, 1945, and filed with the House Judiciary Committee, advised:

"General criminal laws of the United States are now applicable to the Canal Zone only if applicability is indicated by language expressly referring to the Canal Zone, or to possessions of the United States, or to territory subject to the jurisdiction of the United States, etc. \* \* \* The bill in its present form would have undesirable effects insofar as concerns the continued operation of the Canal Zone Criminal Code and Code of Criminal Procedure, established by Congress as titles 5 and 6 of the Canal Zone Code, enacted by act of June 19, 1934 (ch. 667, 48 Stat. 1122), and also would perhaps have undesirable effects insofar as concerns the continued applicability to the Canal Zone of the body of general criminal laws which are now applicable."

#### REFERENCES IN TEXT

Among the sections of this title, referred to in text, as being by their terms applicable to and within the Canal Zone are: section 1261 making Liquor Traffic provisions of sections 1261 to 1265 inapplicable to Canal Zone; section 3183, relating to extradition of fugitives from state, territory or possession into Canal Zone; sections 3241 relating to jurisdiction of offenses under certain sections; sections 3771 and 3772, relating to power of Supreme Court to prescribe rules of procedure in a criminal case to and including the verdict and after the verdict.

Section 2157 of this title, referred to in subsec. (a), was repealed by Pub. L. 103-322, title XXXIII, §330004(13), Sept. 13, 1994, 108 Stat. 2142.

The Canal Zone Code, referred to in subsec. (b), was enacted by Pub. L. 87-845, §1, Oct. 18, 1962, 76A Stat. 1, redesignated the Panama Canal Code by Pub. L. 96-70, title III, §3303(b), Sept. 27, 1979, 93 Stat. 499, and repealed by Pub. L. 104-201, div. C, title XXXV, §3549, Sept. 23, 1996, 110 Stat. 2870.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 struck out "45," after "11," and "608, 611, 612," after "605,".

1990—Subsec. (a). Pub. L. 101-647 substituted "798, 798A, 799" for "798, as added by section 24(a) of the Act of October 31, 1951 (chapter 655, 65 Stat. 719), 798, as added by section 4 of the Act of June 30, 1953 (chapter 175, 67 Stat. 133), 799".

1968—Subsec. (a). Pub. L. 90-357 inserted "as amended from time to time," after "title" and before "apply", included references in sections 203, 205, 207, 208, 209, 210, 211, and 218, and struck out reference to section 1914.

1962—Pub. L. 87-845 inserted "definition" in section catchline, designated existing provisions of section as subsec. (a) and included references to sections 45, 201, 202, 287, 471, 473, 475, 476, 477, 484, 486, 487, 490 to 498, 505, 507 to 509, 752, 755, 798 as added by act of Oct. 31, 1951, 798 as added by act of June 30, 1953, 799, 1001, 1024, 1381, 1991, 2157, 2381 to 2383, 2387, 3042, 3187 and 3195, struck out references to sections 502, 791 and 1362, and added subsecs. (b) and (c).

1953—Act Aug. 5, 1953, inserted "1362" after "1301".

#### EFFECTIVE DATE OF 1962 AMENDMENT

Section 25 of Pub. L. 87-845 provided that: "This Act [enacting section 4210 of this title and section 858 of

Title 50, War and National Defense, and amending this section, section 1934 of Title 22, Foreign Relations and Intercourse, section 196 of Title 24, Hospitals and Asylums, sections 414, 547, 1404, and 1406 of Title 28, Judiciary and Judicial Procedure, and sections 191a and 191b of Title 50] takes effect January 2, 1963. Laws enacted after January 9, 1962, that are inconsistent with this Act, supersede it to the extent of the inconsistency."

#### FEDERAL RULES OF CRIMINAL PROCEDURE

Applicability of rules, see rule 54, Appendix to this title.

#### CROSS REFERENCES

Extradition of fugitives from Canal Zone into extra-territorial jurisdiction of United States, see section 3183 of this title.

Liquor traffic provisions inapplicable to Canal Zone, see section 1261 of this title.

Term United States as not including Canal Zone, see section 5 of this title.

### § 15. Obligation or other security of foreign government defined

The term "obligation or other security of any foreign government" includes, but is not limited to, uncanceled stamps, whether or not demone-tized.

(Added Pub. L. 85-921, §3, Sept. 2, 1958, 72 Stat. 1771.)

### § 16. Crime of violence defined

The term "crime of violence" means—

(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(Added Pub. L. 98-473, title II, §1001(a), Oct. 12, 1984, 98 Stat. 2136.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3181, 3663A of this title; title 8 sections 1101, 1227; title 20 section 1232g; title 21 section 841; title 22 sections 2728, 4304b; title 40 sections 212a, 212a-3; title 42 sections 1437f, 13981, 14503.

### § 17. Insanity defense

(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

(b) BURDEN OF PROOF.—The defendant has the burden of proving the defense of insanity by clear and convincing evidence.

(Added Pub. L. 98-473, title II, §402(a), Oct. 12, 1984, 98 Stat. 2057, §20; renumbered §17, Pub. L. 99-646, §34(a), Nov. 10, 1986, 100 Stat. 3599.)

### § 18. Organization defined

As used in this title, the term "organization" means a person other than an individual.