

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 931, 1956, 3181, 3663A of this title; title 2 sections 1961, 1967; title 8 sections 1101, 1227; title 20 sections 1232g, 6736; title 21 section 841; title 22 sections 2728, 4304b; title 42 sections 1437f, 3796II-3, 13981, 14135a, 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.

(Added Pub. L. 99-646, §38(a), Nov. 10, 1986, 100 Stat. 3599; amended Pub. L. 100-185, §4(c), Dec. 11, 1987, 101 Stat. 1279; Pub. L. 100-690, title VII, §7012, Nov. 18, 1988, 102 Stat. 4395.)

AMENDMENTS

1988—Pub. L. 100-690 made technical correction of directory language of Pub. L. 99-646, §38(a), similar to that made by Pub. L. 100-185.

1987—Pub. L. 100-185 made technical correction in directory language of Pub. L. 99-646, §38(a).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 976.

§ 19. Petty offense defined

As used in this title, the term “petty offense” means a Class B misdemeanor, a Class C misdemeanor, or an infraction, for which the maximum fine is no greater than the amount set forth for such an offense in section 3571(b)(6) or (7) in the case of an individual or section 3571(c)(6) or (7) in the case of an organization.

(Added Pub. L. 100-185, §4(a), Dec. 11, 1987, 101 Stat. 1279; amended Pub. L. 100-690, title VII, §7089(a), Nov. 18, 1988, 102 Stat. 4409.)

AMENDMENTS

1988—Pub. L. 100-690 inserted “, for which the maximum fine is no greater than the amount set forth for such an offense in section 3571(b)(6) or (7) in the case of an individual or section 3571(c)(6) or (7) in the case of an organization” after “infraction”.

§ 20. Financial institution defined

As used in this title, the term “financial institution” means—

(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);

(2) a credit union with accounts insured by the National Credit Union Share Insurance Fund;

(3) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system;

(4) a System institution of the Farm Credit System, as defined in section 5.35(3) of the Farm Credit Act of 1971;

(5) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(6) a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act);

(7) a Federal Reserve bank or a member bank of the Federal Reserve System;

(8) an organization operating under section 25 or section 25(a)¹ of the Federal Reserve Act; or

(9) a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978).

(Added Pub. L. 98-473, title II, §1107(a), Oct. 12, 1984, 98 Stat. 2145, §215(b); amended Pub. L. 99-370, §2, Aug. 4, 1986, 100 Stat. 779; renumbered §20 and amended Pub. L. 101-73, title IX, §962(e)(1), (2), Aug. 9, 1989, 103 Stat. 503; Pub. L. 101-647, title XXV, §2597(a), Nov. 29, 1990, 104 Stat. 4908.)

REFERENCES IN TEXT

Section 3 of the Federal Deposit Insurance Act, referred to in pars. (1) and (6), is classified to section 1813 of Title 12, Banks and Banking.

Section 5.35(3) of the Farm Credit Act of 1971, referred to in par. (4), is classified to section 2271(3) of Title 12.

Section 25 of the Federal Reserve Act, referred to in par. (8), is classified to subchapter I (§601 et seq.) of chapter 6 of Title 12. Section 25(a) of the Federal Reserve Act, which is classified to subchapter II (§611 et seq.) of chapter 6 of Title 12, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281.

Section 1(b) of the International Banking Act of 1978, referred to in par. (9), is classified to section 3101 of Title 12.

PRIOR PROVISIONS

A prior section 20 was renumbered section 17 of this title.

AMENDMENTS

1990—Pars. (7) to (9). Pub. L. 101-647 added pars. (7) to (9).

1989—Pub. L. 101-73, §962(e)(1), (2)(A)–(C), redesignated subsec. (b) of section 215 of this title as this section, inserted section catchline, struck out subsec. (b) designation before “As used”, and substituted “used in this title” for “used in this section”.

Par. (1). Pub. L. 101-73, §962(e)(2)(D), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “a bank with deposits insured by the Federal Deposit Insurance Corporation;”.

¹ See References in Text note below.