

Shall be fined under this title, or imprisoned not more than six months, or both.

(Added Aug. 1, 1956, ch. 825, §1, 70 Stat. 797; amended Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

§ 47. Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes

(a) Whoever uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges shall be fined under this title, or imprisoned not more than six months, or both.

(b) Whoever pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a) of this section shall be fined under this title, or imprisoned not more than six months, or both.

(c) As used in subsection (a) of this section—

(1) The term “aircraft” means any contrivance used for flight in the air; and

(2) The term “motor vehicle” includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land.

(Added Pub. L. 86-234, §1(a), Sept. 8, 1959, 73 Stat. 470; amended Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

§ 48. Depiction of animal cruelty

(a) CREATION, SALE, OR POSSESSION.—Whoever knowingly creates, sells, or possesses a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) EXCEPTION.—Subsection (a) does not apply to any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.

(c) DEFINITIONS.—In this section—

(1) the term “depiction of animal cruelty” means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording of conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed, if such conduct is illegal under Federal law or the law of the State in which the creation, sale, or possession takes place, regardless of whether the maiming, mutilation, torture, wounding, or killing took place in the State; and

(2) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Common-

wealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(Added Pub. L. 106-152, §1(a), Dec. 9, 1999, 113 Stat. 1732.)

§ 49. Enforcement of animal fighting prohibitions

Whoever violates subsection (a), (b), (c), or (e) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

(Added Pub. L. 110-22, §2(a), May 3, 2007, 121 Stat. 88.)

REFERENCES IN TEXT

Section 26(a)–(c), (e) of the Animal Welfare Act, referred to in text, is section 2156(a)–(c), (e) of Title 7, Agriculture.

CHAPTER 5—ARSON

Sec.

81. Arson within special maritime and territorial jurisdiction.

§ 81. Arson within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously sets fire to or burns any building, structure or vessel, any machinery or building materials or supplies, military or naval stores, munitions of war, or any structural aids or appliances for navigation or shipping, or attempts or conspires to do such an act, shall be imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both.

If the building be a dwelling or if the life of any person be placed in jeopardy, he shall be fined under this title or imprisoned for any term of years or for life, or both.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 103-322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-132, title VII, §708(b), Apr. 24, 1996, 110 Stat. 1296; Pub. L. 107-56, title VIII, §§810(a), 811(a), Oct. 26, 2001, 115 Stat. 380, 381.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§464, 465 (Mar. 4, 1909, ch. 321, §§285, 286, 35 Stat. 1144).

Sections were consolidated and rewritten both as to form and substance and that part of each section relating to destruction of property by means other than burning constitutes section 1363 of this title.

The words “within the maritime and territorial jurisdiction of the United States” were added to preserve existing limitations of territorial applicability. (See section 7 of this title and note thereunder.)

The phrase “any building, structure, or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping” was substituted for “any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house”, in section 464 of title 18, U.S.C., 1940 ed., and “any arsenal, armory, magazine, rope walk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel, built, building, or undergoing repair, or any

lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval or victualing stores, arms, or other munitions of war", in section 465 of title 18, U.S.C., 1940 ed. The substituted phrase is a concise and comprehensive description of the things enumerated in both sections.

The punishment provisions are new and are graduated with some regard to the gravity of the offense. It was felt that a possible punishment of 20 years for burning a wood pile or injuring or destroying an out-building was disproportionate and not in harmony with recent legislation.

AMENDMENTS

2001—Pub. L. 107-56, in first par., struck out “. or attempts to set fire to or burn” after “maliciously sets fire to or burns” and inserted “or attempts or conspires to do such an act,” before “shall be imprisoned” and, in second par., substituted “for any term of years or for life” for “not more than twenty years”.

1996—Pub. L. 104-132, in first par., substituted “imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both” for “fined under this title or imprisoned not more than five years, or both”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in first par. and for “fined not more than \$5,000” in second par.

CHAPTER 7—ASSAULT

Sec.

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| 111. | Assaulting, resisting, or impeding certain officers or employees. |
| 112. | Protection of foreign officials, official guests, and internationally protected persons. |
| 113. | Assaults within maritime and territorial jurisdiction. |
| 114. | Maiming within maritime and territorial jurisdiction. |
| 115. | Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member. |
| 116. | Female genital mutilation. |
| 117. | Domestic assault by an habitual offender. ¹ |
| 118. | Interference with certain protective functions. |
| 119. | Protection of individuals performing certain official duties. |

AMENDMENTS

2008—Pub. L. 110-177, title II, §202(b), Jan. 7, 2008, 121 Stat. 2537, added item 119.

2007—Pub. L. 109-472, §4(b), Jan. 11, 2007, 120 Stat. 3555, added item 118.

1996—Pub. L. 104-208, div. C, title VI, §645(b)(2), Sept. 30, 1996, 110 Stat. 3009-709, added item 116.

1984—Pub. L. 98-473, title II, §1008(b), Oct. 12, 1984, 98 Stat. 2140, added item 115.

1976—Pub. L. 94-467, §6, Oct. 8, 1976, 90 Stat. 2000, substituted “official guests, and internationally protected persons” for “and official guests” in item 112.

1972—Pub. L. 92-539, title III, §302, Oct. 24, 1972, 86 Stat. 1073, substituted “Protection of foreign officials and official guests” for “Assaulting certain foreign diplomatic and other official personnel” in item 112.

1964—Pub. L. 88-493, §2, Aug. 27, 1964, 78 Stat. 610, substituted “certain foreign diplomatic and other official personnel” for “public minister” in item 112.

§ 111. Assaulting, resisting, or impeding certain officers or employees

(a) IN GENERAL.—Whoever—

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person's term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both.

(b) ENHANCED PENALTY.—Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 100-690, title VI, §6487(a), Nov. 18, 1988, 102 Stat. 4386; Pub. L. 103-322, title XXXII, §320101(a), Sept. 13, 1994, 108 Stat. 2108; Pub. L. 104-132, title VII, §727(c), Apr. 24, 1996, 110 Stat. 1302; Pub. L. 107-273, div. C, title I, §11008(b), Nov. 2, 2002, 116 Stat. 1818; Pub. L. 110-177, title II, §208(b), Jan. 7, 2008, 121 Stat. 2538.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§118, 254 (Mar. 4, 1909, ch. 321, §62, 35 Stat. 1100; May 18, 1934, ch. 299, §2, 48 Stat. 781).

This section consolidates sections 118 and 254 with changes in phraseology and substance necessary to effect the consolidation.

Also the words “Bureau of Animal Industry of the Department of Agriculture” appearing in section 118 of title 18, U.S.C., 1940 ed., were inserted in enumeration of Federal officers and employees in section 1114 of this title.

The punishment provision of section 254 of title 18, U.S.C., 1940 ed., was adopted as the latest expression of Congressional intent. This consolidation eliminates a serious incongruity in punishment and application.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-177 substituted “where such acts involve physical contact with the victim of that assault or the intent to commit another felony” for “in all other cases” in concluding provisions.

2002—Subsec. (a). Pub. L. 107-273, §11008(b)(1), substituted “8” for “three” in concluding provisions.

Subsec. (b). Pub. L. 107-273, §11008(b)(2), substituted “20” for “ten”.

1996—Subsec. (b). Pub. L. 104-132 inserted “(including a weapon intended to cause death or danger but that fails to do so by reason of a defective component)” after “deadly or dangerous weapon”.

1994—Subsec. (a). Pub. L. 103-322, §320101(a)(1), inserted “, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases,” after “shall” in concluding provisions.

Subsec. (b). Pub. L. 103-322, §320101(a)(2), inserted “or inflicts bodily injury” after “weapon”.

1988—Pub. L. 100-690 amended text generally. Prior to amendment, text read as follows:

¹Editorially supplied. Section 117 added by Pub. L. 109-162 without corresponding amendment of chapter analysis.