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

§ 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, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; 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.

(c) For purposes of this section—

(1) the term ''assault'' has the same meaning as given that term in section 113;

(2) the term ''child'' means a person who has not attained the age of 18 years and is—

(A) under the perpetrator's care or control; or

(B) at least six years younger than the perpetrator;

(3) the term ''child abuse'' means intentionally or knowingly causing death or serious bodily injury to a child;

(4) the term ''pattern or practice of assault or torture'' means assault or torture engaged in on at least two occasions;

(5) the term ''serious bodily injury'' has the meaning set forth in section 1365; and

(6) the term ''torture'' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 98–473, title II, § 1004, Oct. 12, 1984, 98 Stat. 2138; Pub. L. 99–646, § 87(c)(4), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99–654, § 3(a)(4), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 100–690, title VII, § 7025, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 103–322, title VI, § 60003(a)(4), Sept. 13, 1994, 108 Stat. 1969; Pub. L. 108–21, title I, § 102, Apr. 30, 2003, 117 Stat. 652.)

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

2003—Subsec. (a). Pub. L. 108–21, § 102(1), inserted ''child abuse,'' after ''or sexual abuse,'' and ''or perpetrated as part of a pattern or practice of assault or torture against a child or children;'' after ''robbery;''.

Subsec. (c). Pub. L. 108–21, § 102(2), added subsec. (c).

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.

§ 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 15 years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than 8 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 103–322, title XXXII, § 320102, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2109, 2147; Pub. L. 104–294, title VI, § 604(b)(13), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 110–177, title II, § 207, Jan. 7, 2008, 121 Stat. 2538.)

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 this title.