

PRIOR PROVISIONS

A prior section 43, acts June 25, 1948, ch. 645, 62 Stat. 687; Sept. 2, 1960, Pub. L. 86-702, § 2, 74 Stat. 754; Dec. 5, 1969, Pub. L. 91-135, § 7(a), 83 Stat. 279, related to transportation of wildlife taken in violation of State, national, or foreign law, the receipt of such wildlife, and the making of false records in relation thereto, prior to repeal by Pub. L. 97-79, § 9(b)(2), Nov. 16, 1981, 95 Stat. 1079. See section 3372(a) of Title 16, Conservation.

SHORT TITLE

Section 1 of Pub. L. 102-346 provided that: "This Act [enacting this section and provisions set out below] may be cited as the 'Animal Enterprise Protection Act of 1992'."

STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL ENTERPRISES

Section 3 of Pub. L. 102-346 directed Attorney General and Secretary of Agriculture to jointly conduct a study on extent and effects of domestic and international terrorism on enterprises using animals for food or fiber production, agriculture, research, or testing, and, not later than 1 year after Aug. 26, 1992, submit a report that describes the results of the study together with any appropriate recommendations and legislation to Congress.

[§ 44. Repealed. Pub. L. 97-79, § 9(b)(2), Nov. 16, 1981, 95 Stat. 1079]

Section, acts June 25, 1948, ch. 645, 62 Stat. 687; Dec. 5, 1969, Pub. L. 91-135, § 8, 83 Stat. 281, related to marking of packages or containers used in the shipment of fish and wildlife. See section 3372(b) of Title 16, Conservation.

[§ 45. Repealed. Pub. L. 101-647, title XII, § 1206(a), Nov. 29, 1990, 104 Stat. 4832]

Section, act June 25, 1948, ch. 645, 62 Stat. 688, related to penalties for capturing or killing carrier pigeons.

§ 46. Transportation of water hyacinths

(a) Whoever knowingly delivers or receives for transportation, or transports, in interstate commerce, alligator grass (*alternanthera philoxeroides*), or water chestnut plants (*trapa natans*) or water hyacinth plants (*eichhornia crassipes*) or the seeds of such grass or plants; or

(b) Whoever knowingly sells, purchases, barter, exchanges, gives, or receives any grass, plant, or seed which has been transported in violation of subsection (a); or

(c) Whoever knowingly delivers or receives for transportation, or transports, in interstate commerce, an advertisement, to sell, purchase, barter, exchange, give, or receive alligator grass or water chestnut plants or water hyacinth plants or the seeds of such grass or plants—

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 Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(G), 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 kill-

ing, 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".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1338a.

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, or attempts to set fire to or burn 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, shall be fined under this title or imprisoned not more than five years, 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 not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 688; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(H), (K), 108 Stat. 2147.)

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

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.

CROSS REFERENCES

Setting fire to railroad tunnels, bridges, etc., see section 1992 of this title.

Special maritime and territorial jurisdiction of the United States defined, see section 7 of this title.

Vessel of foreign or United States registry, see section 2275 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5032 of this title.

CHAPTER 7—ASSAULT

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| Sec. | |
| 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 Federal member. |

AMENDMENTS

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 per-

formance 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 in all other cases, be fined under this title or imprisoned not more than three years, or both.

(b) ENHANCED PENALTY.—Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 688; Nov. 18, 1988, Pub. L. 100-690, title VI, §6487(a), 102 Stat. 4386; Sept. 13, 1994, Pub. L. 103-322, title XXXII, §320101(a), 108 Stat. 2108.)

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

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:

"Whoever 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 his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

"Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

CROSS REFERENCES

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

Indians—

Assault by Indian in Indian country, see section 1153 of this title.

Jurisdiction of offenses by Indians in Indian country, see section 3242 of this title.

Mail clerk or custodian, assault on, see sections 2114 and 2116 of this title.

Persons authorized to serve or execute warrants or to make searches and seizures, assault on, see section 2231 of this title.

Piracy, assault on commander as, see section 1655 of this title.

Process server, assault on, see section 1501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 115, 3050 of this title; title 7 sections 84, 87c; title 16 section 742f; title