

## 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.
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.<sup>1</sup>
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

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

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:

“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.”

## SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-273, div. C, title I, §11008(a), Nov. 2, 2002, 116 Stat. 1818, provided that: “This section [amending

this section, sections 115 and 876 of this title, and provisions set out as a note under section 994 of Title 28, [Judiciary and Judicial Procedure] may be cited as the ‘Federal Judiciary Protection Act of 2002’.”

**§ 112. Protection of foreign officials, official guests, and internationally protected persons**

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act 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.

(b) Whoever willfully—

(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

(A) a foreign government, including such use as a mission to an international organization;

(B) an international organization;

(C) a foreign official; or

(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;

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

(c) For the purpose of this section “foreign government”, “foreign official”, “internationally protected person”, “international organization”, “national of the United States”, and “official guest” shall have the same meanings as those provided in section 1116(b) of this title.

(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 88-493, § 1, Aug. 27, 1964, 78 Stat. 610; Pub. L. 92-539, title III, § 301, Oct. 24, 1972, 86 Stat. 1072; Pub. L. 94-467, § 5, Oct. 8, 1976, 90 Stat. 1999; Pub. L. 95-163, § 17(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, § 2(b), Oct. 24, 1978, 92 Stat. 1705; Pub. L. 100-690, title VI, § 6478, Nov. 18, 1988, 102 Stat. 4381; Pub. L. 103-272, § 5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title XXXII, § 320101(b), title XXXIII, § 330016(1)(G), (K), Sept. 13, 1994, 108 Stat. 2103, 2147; Pub. L. 104-132, title VII, § 721(d), Apr. 24, 1996, 110 Stat. 1298; Pub. L. 104-294, title VI, § 604(b)(12)(A), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on section 255 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. § 4062).

Punishment provision was rewritten to make it more definite by substituting a maximum of \$5,000 in lieu of the words “fined at the discretion of the court.” As thus revised this provision conforms with the first punishment provision of section 111 of this title. So, also, the greater punishment provided by the second paragraph of section 111 was added to this section for offenses involving the use of dangerous weapons.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 repealed Pub. L. 103-322, § 320101(b)(1). See 1994 Amendment note below.

Subsec. (c). Pub. L. 104-132, § 721(d)(1), inserted “national of the United States,” before “and ‘official guest’”.

Subsec. (e). Pub. L. 104-132, § 721(d)(2), inserted first sentence and struck out former first sentence which read as follows: “If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender.”

1994—Subsec. (a). Pub. L. 103-322, § 330016(1)(K), substituted “under this title” for “not more than \$5,000” before “or imprisoned not more than three years”.

Pub. L. 103-322, § 320101(b)(2), (3), inserted “, or inflicts bodily injury,” after “weapon” and substituted “under this title” for “not more than \$10,000” before “or imprisoned not more than ten years”.

Pub. L. 103-322, § 320101(b)(1), which provided for amendment identical to Pub. L. 103-322, § 330016(1)(K), above, was repealed by Pub. L. 104-294, § 604(b)(12)(A).

Subsec. (b). Pub. L. 103-322, § 330016(1)(G), in concluding provisions, substituted “under this title” for “not more than \$500”.

Subsec. (e). Pub. L. 103-272 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))”.

1988—Subsec. (b)(3). Pub. L. 100-690 struck out “but outside the District of Columbia” after “United States”.

1978—Subsec. (e). Pub. L. 95-504 substituted reference to section 101(38) of the Federal Aviation Act of 1958 for reference to section 101(35) of such Act.

1977—Subsec. (e). Pub. L. 95-163 substituted reference to section 101(35) of the Federal Aviation Act of 1958 for reference to section 101(34) of such Act.

1976—Pub. L. 94-467 substituted “official guests, and internationally protected persons” for “and official guests” in section catchline.

Subsec. (a). Pub. L. 94-467 substituted “official guest, or internationally protected person” for “or official guest” and inserted provision including any other violent attack on the person or the liberty of such official, guest, or protected person, his official premises, private accommodation, or means of transport, or any attempt thereof, as acts subject to fine or imprisonment.

Subsec. (b). Pub. L. 94-467 restructured subsec. (b) and added pars. (2) and (3).

Subsec. (c). Pub. L. 94-467 redesignated subsec. (d) as (c), inserted “internationally protected persons”, and struck out reference to section 1116(c) of this title. Former subsec. (c), which related to punishment for intimidating or harassing demonstrations against foreign officials or any combination of two or more persons for such purposes, within one hundred feet of any buildings or premises owned by a foreign government located within the United States but outside the District of Columbia, was struck out.

Subsecs. (d) to (f). Pub. L. 94-467 added subsecs. (e) and (f) and redesignated former subsecs. (d) and (e) as (c) and (d), respectively.

1972—Subsec. (a). Pub. L. 92-539 substituted “Protection of foreign officials and official guests” for “Assaulting certain foreign diplomatic and other official personnel” in section catchline, designated existing provisions as subsec. (a), and substituted “a foreign official or official guest” for “the person of a head of foreign state or foreign government, foreign minister, ambassador or other public minister” and “act” for “acts”.

Subsecs. (b) to (e). Pub. L. 92-539 added subsecs. (b) to (e).

1964—Pub. L. 88-493 included heads of foreign states or governments and foreign ministers.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

#### SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-467 provided: “That this Act [enacting section 878 of this title, amending this section and sections 11, 970, 1116, and 1201 of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons’.”

#### SHORT TITLE OF 1972 AMENDMENT

Section 1 of Pub. L. 92-539 provided: “That this Act [enacting sections 970, 1116, and 1117 of this title, amending this section and section 1201 of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Act for the Protection of Foreign Officials and Official Guests of the United States’.”

#### STATE AND LOCAL LAWS NOT SUPERSEDED

Section 10 of Pub. L. 94-467 provided that: “Nothing contained in this Act [see Short Title of 1976 Amendment note above] shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia, on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia, including the obligation of all persons having official law enforcement powers to take appropriate action, such as effecting arrests, for Federal as well as non-Federal violations.”

#### CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

Section 2 of Pub. L. 92-539 provided that:

“The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder,

kidnaping, and assault has resided in the several States, and that such power should remain with the States.

“The Congress finds, however, that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States or against official guests of the United States adversely affect the foreign relations of the United States.

“Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of foreign affairs.”

#### FEDERAL PREEMPTION

Section 3 of Pub. L. 92-539 provided that: “Nothing contained in this Act [see Short Title of 1972 Amendment note above] shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.”

#### IMMUNITY FROM CRIMINAL PROSECUTION

Section 5 of Pub. L. 88-493 provided that: “Nothing contained in this Act [amending this section and section 1114 of this title, and enacting section 170e-1 of former Title 5, Executive Departments and Government Officers and Employees] shall create immunity from criminal prosecution under any laws in any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.”

### § 113. Assaults within maritime and territorial jurisdiction

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

(1) Assault with intent to commit murder, by imprisonment for not more than twenty years.

(2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.

(3) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by a fine under this title or imprisonment for not more than ten years, or both.

(4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both.

(5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.

(6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.

(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.

(b) As used in this subsection—

(1) the term “substantial bodily injury” means bodily injury which involves—

(A) a temporary but substantial disfigurement; or

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

(2) the term “serious bodily injury” has the meaning given that term in section 1365 of this title.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 94-297, § 3, May 29, 1976, 90 Stat. 585; Pub. L. 99-646, § 87(c)(2), (3), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, § 3(a)(2), (3), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 103-322, title XVII, § 170201(a)-(d), title XXXII, § 320101(c), title XXXIII, § 330016(2)(B), Sept. 13, 1994, 108 Stat. 2042, 2043, 2108, 2148; Pub. L. 104-294, title VI, § 604(b)(7), (12)(B), Oct. 11, 1996, 110 Stat. 3507.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 455 (Mar. 4, 1909, ch. 321, § 276, 35 Stat. 1143).

Opening paragraph was added to preserve the jurisdictional limitation provided for by section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title. (See reviser’s note thereunder.)

Phraseology was simplified.

#### AMENDMENTS

1996—Pub. L. 104-294, § 604(b)(12)(B), repealed Pub. L. 103-322, § 320101(c)(1)(A), (2)(A). See 1994 Amendment note below.

Pub. L. 104-294, § 604(b)(7), repealed Pub. L. 103-322, § 170201(c)(1)-(3). See 1994 Amendment note below.

1994—Pub. L. 103-322, § 330016(2)(B), substituted “a fine under this title” for “fine of not more than” through the immediately following dollar amount wherever appearing.

Pub. L. 103-322, § 320101(c), as amended by Pub. L. 104-294, § 604(b)(12)(B), which directed the amendment of subsec. (c) by substituting “ten years” for “five years” and the amendment of subsec. (e) by substituting “six months” for “three months”, were executed by making the substitutions in subssecs. (a)(3) and (a)(5), respectively, to reflect the probable intent of Congress and the redesignation of subssecs. (c) and (e) as subssecs. (a)(3) and (a)(5), respectively. See below.

Pub. L. 103-322, § 170201(a)-(d), as amended by Pub. L. 104-294, § 604(b)(7), designated existing provisions as subsec. (a), redesignated former subssecs. (a) to (f) as pars. (1) to (6), respectively of subsec. (a) and realigned margins, inserted before period at end of par. (5) “, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both”, and added subssecs. (a)(7) and (b).

1986—Subsec. (a). Pub. L. 99-646, § 87(c)(2), and Pub. L. 99-654, § 3(a)(2), amended subsec. (a) identically, striking out “or rape” after “murder”.

Subsec. (b). Pub. L. 99-646, § 87(c)(3), and Pub. L. 99-654, § 3(a)(3), amended subsec. (b) identically, substituting “a felony under chapter 109A” for “rape”.

1976—Subsec. (f). Pub. L. 94-297 added subsec. (f).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

#### 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.

### § 114. Maiming within maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, and

with intent to torture (as defined in section 2340), maim, or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disables the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with like intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance—

Shall be fined under this title or imprisoned not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 689; May 24, 1949, ch. 139, § 3, 63 Stat. 90; Pub. L. 98-473, title II, § 1009A, Oct. 12, 1984, 98 Stat. 2141; Pub. L. 101-647, title XXXV, § 3507, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 103-322, title XXXIII, § 330016(1)(O), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104-132, title VII, § 705(a)(1), Apr. 24, 1996, 110 Stat. 1295.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 18, U.S.C., 1940 ed., § 462 (Mar. 4, 1909, ch. 321, § 283, 35 Stat. 1144).

The words “within the special maritime and territorial jurisdiction of the United States, and” were added to preserve jurisdictional limitation provided for by section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title. (See reviser’s note thereunder.)

Changes in phraseology were made.

##### 1949 ACT

This section [section 3] corrects a typographical error in section 114 of title 18, U.S.C.

#### AMENDMENTS

1996—Pub. L. 104-132 substituted “torture (as defined in section 2340), maim, or disfigure” for “maim or disfigure”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$25,000”.

1990—Pub. L. 101-647 substituted “or imprisoned” for “and imprisoned”.

1984—Pub. L. 98-473 substituted “and imprisoned” for “or imprisoned” and provisions raising maximum fine from \$1,000 to \$25,000 and raising maximum term of imprisonment from seven years to twenty years.

1949—Act May 24, 1949, corrected spelling of “maim”.

### § 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member

(a)(1) Whoever—

(A) assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title; or

(B) threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section,

with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer

on account of the performance of official duties, shall be punished as provided in subsection (b).

(2) Whoever assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or a member of the immediate family of any person who formerly served as a person designated in paragraph (1), with intent to retaliate against such person on account of the performance of official duties during the term of service of such person, shall be punished as provided in subsection (b).

(b)(1) The punishment for an assault in violation of this section is—

(A) a fine under this title; and

(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.

(2) A kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section shall be punished as provided in section 1201 of this title for the kidnapping or attempted kidnapping of, or a conspiracy to kidnap, a person described in section 1201(a)(5) of this title.

(3) A murder, attempted murder, or conspiracy to murder in violation of this section shall be punished as provided in sections 1111, 1113, and 1117 of this title.

(4) A threat made in violation of this section shall be punished by a fine under this title or imprisonment for a term of not more than 10 years, or both, except that imprisonment for a threatened assault shall not exceed 6 years.

(c) As used in this section, the term—

(1) “Federal law enforcement officer” means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

(2) “immediate family member” of an individual means—

(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

(B) any other person living in his household and related to him by blood or marriage;

(3) “United States judge” means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge; and

(4) “United States official” means the President, President-elect, Vice President, Vice

President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of the Central Intelligence Agency.

(d) This section shall not interfere with the investigative authority of the United States Secret Service, as provided under sections 3056, 871, and 879 of this title.

(Added Pub. L. 98-473, title II, §1008(a), Oct. 12, 1984, 98 Stat. 2140; amended Pub. L. 99-646, §§37(a), 60, Nov. 10, 1986, 100 Stat. 3599, 3613; Pub. L. 100-690, title VI, §6487(f)[b], Nov. 18, 1988, 102 Stat. 4386; Pub. L. 101-647, title XXXV, §3508, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title XXXIII, §§330016(2)(C), 330021(1), Sept. 13, 1994, 108 Stat. 2148, 2150; Pub. L. 104-132, title VII, §§723(a), 727(b), Apr. 24, 1996, 110 Stat. 1300, 1302; Pub. L. 107-273, div. B, title IV, §4002(b)(9), div. C, title I, §11008(c), Nov. 2, 2002, 116 Stat. 1808, 1818; Pub. L. 110-177, title II, §208(a), Jan. 7, 2008, 121 Stat. 2538.)

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-177 added par. (1) and struck out former par. (1) which read as follows: “An assault in violation of this section shall be punished as provided in section 111 of this title.”

2002—Subsec. (b)(2). Pub. L. 107-273, §4002(b)(9), substituted “or attempted kidnapping of, or a conspiracy to kidnap, a person” for “, attempted kidnapping, or conspiracy to kidnap of a person”.

Subsec. (b)(4). Pub. L. 107-273, §11008(c), substituted “10” for “five” and “6” for “three”.

1996—Subsec. (a)(1)(A). Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (a)(2). Pub. L. 104-132, §727(b)(1), which directed insertion of “, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or” after “assaults, kidnaps, or murders, or attempts to kidnap or murder”, was executed by making the substitution after “assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder” to reflect the probable intent of Congress and the amendment by Pub. L. 104-132, §723(a)(1). See below.

Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (b)(2). Pub. L. 104-132, §723(a)(2), substituted “, attempted kidnapping, or conspiracy to kidnap” for “or attempted kidnapping” in two places.

Subsec. (b)(3). Pub. L. 104-132, §723(a)(3), substituted “, attempted murder, or conspiracy to murder” and “, 1113, and 1117” for “or attempted murder” and “and 1113”, respectively.

Subsec. (d). Pub. L. 104-132, §727(b)(2), added subsec. (d).

1994—Subsec. (b)(2). Pub. L. 103-322, §330021(1), substituted “kidnapping” for “kidnaping” in two places.

Subsec. (b)(4). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$5,000”.

1990—Subsec. (c)(4). Pub. L. 101-647 substituted “the Central” for “The Central”.

1988—Subsec. (a). Pub. L. 100-690 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be

a crime under such section with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while engaged in or on account of the performance of official duties, shall be punished as provided in subsection (b)."

1986—Subsec. (a). Pub. L. 99-646, §60, substituted "section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section" for "18 U.S.C. 1114, as amended," "while engaged" for "while he is engaged", and "official duties" for "his official duties".

Subsec. (b)(2). Pub. L. 99-646, §37(a), inserted "for the kidnapping or attempted kidnapping of a person described in section 1201(a)(5) of this title".

#### CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

"United States magistrate judge" substituted for "United States magistrate" in subsec. (c)(3) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

#### TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 116. Female genital mutilation

(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

(b) A surgical operation is not a violation of this section if the operation is—

(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.

(Added Pub. L. 104-208, div. C, title VI, §645(b)(1), Sept. 30, 1996, 110 Stat. 3009-709.)

#### EFFECTIVE DATE

Section 645(c) of div. C of Pub. L. 104-208 provided that: "The amendments made by subsection (b) [enacting this section] shall take effect on the date that is 180 days after the date of the enactment of this Act [Sept. 30, 1996]."

#### CONGRESSIONAL FINDINGS

Section 645(a) of div. C of Pub. L. 104-208 provided that: "The Congress finds that—

"(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

"(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

"(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

"(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

"(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the first amendment to the Constitution or under any other law; and

"(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the fourteenth Amendment, as well as under the treaty clause, to the Constitution to enact such legislation."

### § 117. Domestic assault by an habitual offender

(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

(b) DOMESTIC ASSAULT DEFINED.—In this section, the term "domestic assault" means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.

(Added Pub. L. 109-162, title IX, §909, Jan. 5, 2006, 119 Stat. 3084.)

### § 118. Interference with certain protective functions

Any person who knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance

of the protective functions authorized under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title, imprisoned not more than 1 year, or both.

(Added Pub. L. 109-472, §4(a), Jan. 11, 2007, 120 Stat. 3555.)

### § 119. Protection of individuals performing certain official duties

(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

(b) DEFINITIONS.—In this section—

(1) the term “restricted personal information” means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

(2) the term “covered person” means—

(A) an individual designated in section 1114;

(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

(C) an informant or witness in a Federal criminal investigation or prosecution; or

(D) a State or local officer or employee whose restricted personal information is made publicly available because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;

(3) the term “crime of violence” has the meaning given the term in section 16; and

(4) the term “immediate family” has the meaning given the term in section 115(c)(2).

(Added Pub. L. 110-177, title II, §202(a), Jan. 7, 2008, 121 Stat. 2536.)

## CHAPTER 9—BANKRUPTCY

Sec.	
151.	Definition.
152.	Concealment of assets; false oaths and claims; bribery.
153.	Embezzlement against estate.
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155.	Fee agreements in cases under title 11 and receiverships.
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Sec.	
157.	Bankruptcy fraud.
158.	Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.

### AMENDMENTS

2005—Pub. L. 109-8, title II, §203(b)(2), Apr. 20, 2005, 119 Stat. 49, added item 158.

1994—Pub. L. 103-394, title III, §312(a)(2), Oct. 22, 1994, 108 Stat. 4140, substituted “against estate” for “by trustee or officer” in item 153 and added items 156 and 157.

1978—Pub. L. 95-598, title III, §314(b)(2), (d)(3), (e)(3), (f)(3), Nov. 6, 1978, 92 Stat. 2677, substituted in item 151 “Definition” for “Definitions”; struck from item 153 “, receiver” after “trustee” and from item 154 “referees and other” before “officers”; and substituted in item 155 “cases under title 11 and receiverships” for “bankruptcy proceedings”.

### § 151. Definition

As used in this chapter, the term “debtor” means a debtor concerning whom a petition has been filed under title 11.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 95-598, title III, §314(b)(1), Nov. 6, 1978, 92 Stat. 2676; Pub. L. 103-322, title XXXIII, §330008(5), Sept. 13, 1994, 108 Stat. 2143.)

### HISTORICAL AND REVISION NOTES

Based on section 52(f) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, §29f as added June 22, 1938, ch. 575, §1, 52 Stat. 857).

Definition of “bankruptcy” was added to avoid repetitive references to said title 11.

Minor changes in phraseology was made.

### AMENDMENTS

1994—Pub. L. 103-322 substituted “means” for “mean”.

1978—Pub. L. 95-598 substituted “Definition” for “Definitions” in section catchline, substituted definition of “debtor” as a debtor concerning whom a petition has been filed under title 11 for definition of “bankrupt” as a debtor by or against whom a petition has been filed under title 11, and struck out definition of “bankruptcy” as including any proceeding, arrangement, or plan pursuant to title 11.

### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

### SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

### § 152. Concealment of assets; false oaths and claims; bribery

A person who—

(1) knowingly and fraudulently conceals from a custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or, in connection with