



UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART I--CRIMES
CHAPTER 113B--TERRORISM
§ 2332. Criminal penalties

(a) Homicide.--Whoever kills a national of the United States, while such national is outside the United States, shall--

- (1) if the killing is murder (as defined in section 1111(a)), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;
- (2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and
- (3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.

(b) Attempt or conspiracy with respect to homicide.--Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall--

- (1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and
- (2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

(c) Other conduct.--Whoever outside the United States engages in physical violence--

- (1) with intent to cause serious bodily injury to a national of the United States; or
- (2) with the result that serious bodily injury is caused to a national of the United States;

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

(d) Limitation on prosecution.--No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.

CREDIT(S)

(Added [Pub.L. 99-399, Title XII, § 1202\(a\)](#), Aug. 27, 1986, 100 Stat. 896, § 2331, and amended [Pub.L. 102-572, Title X, § 1003\(a\)\(1\)](#), Oct. 29, 1992, 106 Stat. 4521; renumbered § 2332 and amended [Pub.L. 102-572, Title X, § 1003\(a\)\(2\)](#), Oct. 29, 1992, 106 Stat. 4521; [Pub.L. 103-322, Title VI, § 60022](#), Sept. 13, 1994, 108 Stat. 1980; [Pub.L. 104-132, Title VII, § 705\(a\)\(6\)](#), Apr. 24, 1996, 110 Stat. 1295.)

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1986 Acts. [House Report No. 99-494](#), [House Conference Report No. 99-783](#), and Statement by President, see 1986 U.S. Code Cong. and Adm. News, p. 1865.

1992 Acts. [House Report No. 102-1006](#) and Statement by President, see 1992 U.S. Code Cong. and Adm. News, p. 3921.

1994 Acts. [House Report Nos. 103-324](#) and [103-489](#), and House Conference Report No. 103-711, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

1996 Acts. [Senate Report No. 104-179](#) and House Conference Report No. 104- 518, see 1996 U.S. Code Cong. and Adm. News, p. 924.

Amendments

1996 Amendments. Subsec. (c). [Pub.L. 104-132, § 705\(a\)\(6\)](#), substituted "ten" for "five".

1994 Amendments. Subsec. (a)(1). [Pub.L. 103-322, § 60022](#), revised par. (1). Prior to revision par. (1) read as follows: "if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;"

1992 Amendments. Catchline. [Pub.L. 102-572, § 1003\(a\)\(2\)](#), substituted "Criminal penalties" for "Terrorist acts abroad against United States nationals".

Subsec. (d). [Pub.L. 102-572, § 1003\(a\)\(1\)](#), struck out former subsec. (d), which defined term "national of the United States" for this section as having meaning given such term in section 1101(a)(22) of Title 8, Aliens and Nationality, and redesignated subsec. (e) as (d).

Subsec. (e). [Pub.L. 102-572, § 1003\(a\)\(1\)](#), redesignated subsec. (e) as (d).

Effective and Applicability Provisions

1992 Acts. Amendment by [Pub.L. 102-572](#) applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see [section 1003\(c\) of Pub.L. 102-572](#), set out as a note under section 2331 of this title.

Prior Provisions

Prior section 2332, which, prior to being renumbered by [Pub.L. 101-519, § 132\(b\)\(2\)](#), Nov. 5, 1990, 104 Stat. 2250, had been set out as § 2331, was returned to its § 2331 designation pursuant to the repeal of [section 132 of Pub.L. 101-519](#).

Repeal of "Antiterrorism Act of 1990"

[Section 402 of Pub.L. 102-27](#), as amended [Pub.L. 102-136, § 126](#), Oct. 25, 1991, 105 Stat. 643, provided:

"(a)In [Public Law 101-519](#), the Military Construction Appropriations Act, 1991, sections 131 [which enacted provisions set out as a note under section 1701 of Title 50, War and National Defense] and 132 [which enacted sections 1331 and 1333 to 1338 of this title, amended and renumbered as section 1332 former section 1331 of this title, and enacted provisions formerly set out under this section as notes authorizing the citation of [section 132 of Pub.L. 101-519](#) as the 'Antiterrorism Act of 1990' and setting the effective date of the amendments made by that section as applying to pending cases and causes of action arising on or after 3 years before Nov. 5, 1990] are repealed effective November 5, 1990.

"(b)Effective November 5, 1990, chapter 113A of title 18, United States Code (this chapter) is amended to read as if [section 132 of Public Law 101- 519](#) had not been enacted."

CROSS REFERENCES

Death during commission of offense under this section aggravating factor to be considered in determining whether a sentence of death is justified, see [18 USCA § 3592](#).

American Digest System

Homicide [§§354-357](#).

Key Number System Topic No. 203.

Encyclopedias

Law Review and Journal Commentaries

NOTES OF DECISIONS

Constitutionality 1

Extraterritorial application 2

Indictment 3

1. Constitutionality

Version of statute proscribing use weapon of mass destruction against person in United States was proper exercise of Congress' power under Commerce Clause, given that, in enacting statute, Congress made explicit findings that proscribed activity substantially affected interstate commerce. [U.S. v. Viscome, C.A.11 \(Fla.\) 1998, 144 F.3d 1365](#), certiorari denied [119 S.Ct. 362, 525 U.S. 941, 142 L.Ed.2d 299](#), certiorari denied [119 S.Ct. 435, 525 U.S. 977, 142 L.Ed.2d 354](#). Commerce [§ 82.6](#); Explosives [§ 2](#)

2. Extraterritorial application

Palestinian Authority (PA) and Palestine Liberation Organization (PLO) had sufficient minimum contacts with United States to justify exercise of personal jurisdiction by district court in Rhode Island in suit against PA and PLO under Antiterrorism Act; PLO maintained office in Washington, D.C., headed by Chief Representative of both PA and PLO, which employed nine staff members and spent over \$200,000 in six month period on activities conducted in U.S., PLO maintained Observer Mission to United Nations in New York which engaged in fundraising activities and speaking engagements, PA employed lobbying firm in U.S., and PLO and PA maintained several bank accounts in New York. [Estates of Ungar ex rel. Strachman v. Palestinian Authority, D.R.I.2001, 153 F.Supp.2d 76](#). Federal Courts [§ 86](#)

Statute which proscribes conspiracy to kill United States citizens abroad applies extraterritorially. [U.S. v. Yousef, S.D.N.Y.1996, 927 F.Supp. 673](#). Conspiracy [§ 28\(3\)](#)

3. Indictment

Indictment sufficiently alleged that United States nationals and other United States interests were targets of alleged conspiracy to kill United States nationals abroad and to use weapon of mass destruction against United States nationals in connection with alleged plot to bomb aircraft, to provide district court with jurisdiction, where, as part of overt acts listed in indictment, government alleged defendants were in possession of letter that specifically threatened United States civilians, all of the aircraft targeted in alleged plot were United States carriers, all but one were schedule to make stops in United States, at the very least some members of the flight crew were United States nationals. [U.S. v. Yousef, S.D.N.Y.1996, 927 F.Supp. 673](#). Indictment And Information [§ 71.4\(3\)](#)

18 U.S.C.A. § 2332, 18 USCA § 2332

Current through P.L. 108-144 (excluding P.L. 108-136, 108-137) approved 12-02-03

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