

–CITE–

18 USC CHAPTER 97 – RAILROADS 01/06/03

–EXPCITE–

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 97 – RAILROADS

.

–HEAD–

CHAPTER 97 – RAILROADS

–MISC1–

Sec.

1991. Entering train to commit crime.

1992. Wrecking trains.

1993. Terrorist attacks and other acts of violence against mass transportation systems.

HISTORICAL AND REVISION NOTES

This chapter does not include motor busses, interstate trucking facilities or airplanes within the protection of existing law.

Motor busses and trucks already carry a huge amount of interstate commerce. It is reasonable to presume that much interstate freight and express will soon be carried by air.

Attention is directed to the consideration of the extension of the laws now applicable only to railroads to these other interstate facilities. 80th Congress House Report No. 304.

AMENDMENTS

2001 – Pub. L. 107–56, title VIII, Sec. 801(f), Oct. 26, 2001,

115 Stat. 376, added item 1993.

–SECREf–

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 35 of this title.

–CITE–

18 USC Sec. 1991 01/06/03

–EXPCITE–

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 97 – RAILROADS

–HEAD–

Sec. 1991. Entering train to commit crime

–STATUTE–

Whoever, in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder or robbery, shall be fined under this title or imprisoned not more than twenty years, or both.

Whoever, within such jurisdiction, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon

or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined under this title or imprisoned not more than one year, or both.

Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

–SOURCE–

(June 25, 1948, ch. 645, 62 Stat. 794; Pub. L. 103–322, title XXXIII, Sec. 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104–294, title VI, Sec. 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

–MISC1–

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., Sec. 522 (Mar. 4, 1909, ch. 321, Sec. 322, 35 Stat. 1150).

After the word "Whoever" the following was inserted: "in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States" as based upon the express provisions of title 18, U.S.C., 1940 ed., Sec. 511, wherein this section is made applicable only "in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States."

Words "whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall

be deemed to be a principal therein" were omitted as unnecessary.

Such persons are made principals by section 2 of this title.

Minor changes also were made in phraseology.

AMENDMENTS

1996 – Pub. L. 104–294 substituted "fined under this title" for "fined not more than \$1,000" in second par.

1994 – Pub. L. 103–322 substituted "fined under this title" for "fined not more than \$5,000" in first par.

–CITE–

18 USC Sec. 1992 01/06/03

–EXPCITE–

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 97 – RAILROADS

–HEAD–

Sec. 1992. Wrecking trains

–STATUTE–

(a) Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or

Whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal,

station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce; or

Whoever willfully attempts to do any of the aforesaid acts or things –

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

(b) Whoever is convicted of a violation of subsection (a) that has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

Whoever is convicted of any such violation involving a train that, at the time the violation occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be fined under this title and imprisoned for any term of years not less than 30, or for life.

(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.

–SOURCE–

(June 25, 1948, ch. 645, 62 Stat. 794; Pub. L. 103–322, title VI,

Sec. 60003(a)(8), title XXXIII, Sec. 330016(1)(L), Sept. 13, 1994,
108 Stat. 1969, 2147; Pub. L. 104–88, title IV, Sec. 402(b), Dec.
29, 1995, 109 Stat. 955; Pub. L. 107–56, title VIII, Sec. 811(e),
Oct. 26, 2001, 115 Stat. 381; Pub. L. 107–273, div. B, title IV,
Sec. 4002(a)(6), Nov. 2, 2002, 116 Stat. 1807.)

–MISC1–

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., Sec. 412a (June 8, 1940, ch.
286, 54 Stat. 255).

First clause in second paragraph of said section 412a of title
18, U.S.C., 1940 ed., was omitted as covered by section 3231 of
this title.

Words "and on conviction thereof" were omitted as surplusage
since punishment cannot be imposed until a conviction is secured.

AMENDMENTS

2002 – Subsec. (b). Pub. L. 107–273 substituted "term of years"
for "term or years" in last par.

2001 – Subsec. (c). Pub. L. 107–56 added subsec. (c).

1995 – Pub. L. 104–88, Sec. 402(b)(5), which directed amendment
of section by inserting "(c)" before "A judgment", could not be
executed because phrase "A judgment" did not appear subsequent to
amendment by Pub. L. 103–322, Sec. 60003(a)(8). See 1994 Amendment
note below.

Pub. L. 104–88, Sec. 402(b)(1)–(4), inserted "(a)" before
"Whoever willfully derails" and "(b)" before "Whoever is
convicted", substituted "a violation of subsection (a) that" for

"any such crime, which", and inserted last par.

1994 – Pub. L. 103–322, Sec. 330016(1)(L), substituted "fined under this title" for "fined not more than \$10,000" in fourth par.

Pub. L. 103–322, Sec. 60003(a)(8), substituted a period for the comma after "imprisonment for life" in penultimate par., and struck out remainder of penultimate par. and last par. which read as follows: "if the jury shall in its discretion so direct, or, in the case of a plea of guilty, if the court in its discretion shall so order.

"A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts."

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2332b, 2339A, 2516, 3592 of this title.

–CITE–

18 USC Sec. 1993 01/06/03

–EXPCITE–

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 97 – RAILROADS

–HEAD–

Sec. 1993. Terrorist attacks and other acts of violence against mass transportation systems

–STATUTE–

(a) General Prohibitions. – Whoever willfully –

(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a

train control system, centralized dispatching system, or rail grade crossing warning signal without authorization from the mass transportation provider;

(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line

in order to commit such act, or transports materials across a State line in aid of the commission of such act.

(b) Aggravated Offense. – Whoever commits an offense under subsection (a) in a circumstance in which –

(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

(c) Definitions. – In this section –

(1) the term "biological agent" has the meaning given to that term in section 178(1) of this title;

(2) the term "dangerous weapon" has the meaning given to that term in section 930 of this title;

(3) the term "destructive device" has the meaning given to that term in section 921(a)(4) of this title;

(4) the term "destructive substance" has the meaning given to that term in section 31 of this title;

(5) the term "mass transportation" has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

(6) the term "serious bodily injury" has the meaning given to that term in section 1365 of this title;

(7) the term "State" has the meaning given to that term in

section 2266 of this title; and

(8) the term "toxin" has the meaning given to that term in section 178(2) of this title.

~~—SOURCE—~~

(Added Pub. L. 107–56, title VIII, Sec. 801, Oct. 26, 2001, 115 Stat. 374.)

~~—SECREP—~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2332b, 2339A of this title.

~~—CITE—~~