

117TH CONGRESS  
1ST SESSION

# H. R. 97

To abolish the death penalty under Federal law.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. ESPAILLAT (for himself, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. OMAR, Ms. LEE of California, Ms. TLAIB, Mr. MCGOVERN, Ms. VELÁZQUEZ, Ms. BARRAGÁN, Mr. GARCÍA of Illinois, Ms. BROWNLEY, Mr. SUOZZI, Mr. SARBANES, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To abolish the death penalty under Federal law.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Death Penalty  
5 Abolition Act of 2021”.

6 **SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE**  
7 **DEATH PENALTY.**

8 (a) HOMICIDE-RELATED OFFENSES.—

1           (1) MURDER RELATED TO THE SMUGGLING OF  
2           ALIENS.—Section 274(a)(1)(B)(iv) of the Immigra-  
3           tion and Nationality Act (8 U.S.C.  
4           1324(a)(1)(B)(iv)) is amended by striking “punished  
5           by death or”.

6           (2) DESTRUCTION OF AIRCRAFT, MOTOR VEHI-  
7           CLES, OR RELATED FACILITIES RESULTING IN  
8           DEATH.—Section 34 of title 18, United States Code,  
9           is amended by striking “to the death penalty or”.

10          (3) MURDER COMMITTED DURING A DRUG-RE-  
11          LATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A)  
12          of title 18, United States Code, is amended by strik-  
13          ing “death or”.

14          (4) MURDER COMMITTED AT AN AIRPORT SERV-  
15          ING INTERNATIONAL CIVIL AVIATION.—Section  
16          37(a) of title 18, United States Code, is amended,  
17          in the matter following paragraph (2), by striking  
18          “punished by death or”.

19          (5) MURDER COMMITTED USING CHEMICAL  
20          WEAPONS.—Section 229A(a)(2) of title 18, United  
21          States Code, is amended—

22                (A) in the paragraph heading, by striking  
23                “DEATH PENALTY” and inserting “CAUSING  
24                DEATH”; and

25                (B) by striking “punished by death or”.

1           (6) CIVIL RIGHTS OFFENSES RESULTING IN  
2       DEATH.—Chapter 13 of title 18, United States  
3       Code, is amended—

4           (A) in section 241, by striking “, or may  
5       be sentenced to death”;

6           (B) in section 242, by striking “, or may  
7       be sentenced to death”;

8           (C) in section 245(b), by striking “, or  
9       may be sentenced to death”; and

10          (D) in section 247(d)(1), by striking “, or  
11       may be sentenced to death”.

12          (7) MURDER OF A MEMBER OF CONGRESS, AN  
13       IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME  
14       COURT JUSTICE.—Section 351 of title 18, United  
15       States Code, is amended—

16          (A) in subsection (b)—

17           (i) by striking “(1)”; and

18           (ii) by striking “, or (2) by death”  
19       and all that follows through the end of the  
20       subsection and inserting a period; and

21          (B) in subsection (d)—

22           (i) by striking “(1)”; and

23           (ii) by striking “, or (2) by death”  
24       and all that follows through the end of the  
25       subsection and inserting a period.

1           (8) DEATH RESULTING FROM OFFENSES IN-  
2       VOLVING TRANSPORTATION OF EXPLOSIVES, DE-  
3       STRUCTION OF GOVERNMENT PROPERTY, OR DE-  
4       STRUCTION OF PROPERTY RELATED TO FOREIGN OR  
5       INTERSTATE COMMERCE.—Section 844 of title 18,  
6       United States Code, is amended—

7           (A) in subsection (d), by striking “or to  
8       the death penalty”;

9           (B) in subsection (f)(3), by striking “sub-  
10      ject to the death penalty, or”;

11          (C) in subsection (i), by striking “or to the  
12      death penalty”; and

13          (D) in subsection (n), by striking “(other  
14      than the penalty of death)”.

15       (9) MURDER COMMITTED BY USE OF A FIRE-  
16      ARM OR ARMOR PIERCING AMMUNITION DURING  
17      COMMISSION OF A CRIME OF VIOLENCE OR A DRUG  
18      TRAFFICKING CRIME.—Section 924 of title 18,  
19      United States Code, is amended—

20          (A) in subsection (c)(5)(B)(i), by striking  
21      “punished by death or”; and

22          (B) in subsection (j)(1), by striking “by  
23      death or”.

1           (10) GENOCIDE.—Section 1091(b)(1) of title  
2       18, United States Code, is amended by striking  
3       “death or”.

4           (11) FIRST DEGREE MURDER.—Section  
5       1111(b) of title 18, United States Code, is amended  
6       by striking “by death or”.

7           (12) MURDER BY A FEDERAL PRISONER.—Sec-  
8       tion 1118 of title 18, United States Code, is amend-  
9       ed—

10               (A) in subsection (a), by striking “by  
11       death or”; and

12               (B) in subsection (b), in the third undesig-  
13       nated paragraph—

14                       (i) by inserting “or” before “an inde-  
15       terminate”; and

16                       (ii) by striking “, or an unexecuted  
17       sentence of death”.

18           (13) MURDER OF A STATE OR LOCAL LAW EN-  
19       FORCEMENT OFFICIAL OR OTHER PERSON AIDING IN  
20       A FEDERAL INVESTIGATION; MURDER OF A STATE  
21       CORRECTIONAL OFFICER.—Section 1121 of title 18,  
22       United States Code, is amended—

23               (A) in subsection (a), by striking “by sen-  
24       tence of death or”; and

1 (B) in subsection (b)(1), by striking “or  
2 death”.

3 (14) MURDER DURING A KIDNAPPING.—Section  
4 1201(a) of title 18, United States Code, is amended  
5 by striking “death or”.

6 (15) MURDER DURING A HOSTAGE-TAKING.—  
7 Section 1203(a) of title 18, United States Code, is  
8 amended by striking “death or”.

9 (16) MURDER WITH THE INTENT OF PRE-  
10 VENTING TESTIMONY BY A WITNESS, VICTIM, OR IN-  
11 FORMANT.—Section 1512(a)(2)(A) of title 18,  
12 United States Code, is amended by striking “the  
13 death penalty or”.

14 (17) MAILING OF INJURIOUS ARTICLES WITH  
15 INTENT TO KILL OR RESULTING IN DEATH.—Section  
16 1716(j)(3) of title 18, United States Code, is amend-  
17 ed by striking “to the death penalty or”.

18 (18) ASSASSINATION OR KIDNAPPING RESULT-  
19 ING IN THE DEATH OF THE PRESIDENT OR VICE  
20 PRESIDENT.—Section 1751 of title 18, United  
21 States Code, is amended—

22 (A) in subsection (b)—

23 (i) by striking “(1)”; and

1 (ii) by striking “, or (2) by death”  
 2 and all that follows through the end of the  
 3 subsection and inserting a period; and  
 4 (B) in subsection (d)—  
 5 (i) by striking “(1)”; and  
 6 (ii) by striking “, or (2) by death”  
 7 and all that follows through the end of the  
 8 subsection and inserting a period.

9 (19) MURDER FOR HIRE.—Section 1958(a) of  
 10 title 18, United States Code, is amended by striking  
 11 “death or”.

12 (20) MURDER INVOLVED IN A RACKETEERING  
 13 OFFENSE.—Section 1959(a)(1) of title 18, United  
 14 States Code, is amended by striking “death or”.

15 (21) WILLFUL WRECKING OF A TRAIN RESULT-  
 16 ING IN DEATH.—Section 1992 of title 18, United  
 17 States Code, is amended—

18 (A) in subsection (a), in the matter fol-  
 19 lowing paragraph (10), by striking “or subject  
 20 to death,”; and

21 (B) in subsection (b), in the matter fol-  
 22 lowing paragraph (3), by striking “, and if the  
 23 offense resulted in the death of any person, the  
 24 person may be sentenced to death”.

1           (22) BANK ROBBERY-RELATED MURDER OR  
2 KIDNAPPING.—Section 2113(e) of title 18, United  
3 States Code, is amended by striking “death or”.

4           (23) MURDER RELATED TO A CARJACKING.—  
5 Section 2119(3) of title 18, United States Code, is  
6 amended by striking “, or sentenced to death”.

7           (24) MURDER RELATED TO AGGRAVATED  
8 CHILD SEXUAL ABUSE.—Section 2241(c) of title 18,  
9 United States Code, is amended by striking “unless  
10 the death penalty is imposed,”.

11           (25) MURDER RELATED TO SEXUAL ABUSE.—  
12 Section 2245 of title 18, United States Code, is  
13 amended by striking “punished by death or”.

14           (26) MURDER RELATED TO SEXUAL EXPLOI-  
15 TATION OF CHILDREN.—Section 2251(e) of title 18,  
16 United States Code, is amended by striking “pun-  
17 ished by death or”.

18           (27) MURDER COMMITTED DURING AN OF-  
19 FENSE AGAINST MARITIME NAVIGATION.—Section  
20 2280(a)(1) of title 18, United States Code, is  
21 amended by striking “punished by death or”.

22           (28) MURDER COMMITTED DURING AN OF-  
23 FENSE AGAINST A MARITIME FIXED PLATFORM.—  
24 Section 2281(a)(1) of title 18, United States Code,  
25 is amended by striking “punished by death or”.



1           (29) MURDER USING DEVICES OR DANGEROUS  
2           SUBSTANCES IN WATERS OF THE UNITED STATES.—  
3           Section 2282A of title 18, United States Code, is  
4           amended—

5                     (A) by striking subsection (b); and

6                     (B) by redesignating subsections (c) and  
7           (d) as subsections (b) and (c), respectively.

8           (30) MURDER INVOLVING THE TRANSPORTATION OF  
9           EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR  
10          RADIOACTIVE OR NUCLEAR MATERIALS.—Section  
11          2283 of title 18, United States Code, is amended—

12                    (A) by striking subsection (b); and

13                    (B) by redesignating subsection (c) as sub-  
14          section (b).

15          (31) MURDER INVOLVING THE DESTRUCTION  
16          OF VESSEL OR MARITIME FACILITY.—Section  
17          2291(d) of title 18, United States Code, is amended  
18          by striking “to the death penalty or”.

19          (32) MURDER OF A UNITED STATES NATIONAL  
20          IN ANOTHER COUNTRY.—Section 2332(a)(1) of title  
21          18, United States Code, is amended by striking  
22          “death or”.

23          (33) MURDER BY THE USE OF A WEAPON OF  
24          MASS DESTRUCTION.—Section 2332a of title 18,  
25          United States Code, is amended—

1 (A) in subsection (a), in the matter fol-  
2 lowing paragraph (4), by striking “, and if  
3 death results shall be punished by death” and  
4 all that follows through the end of the sub-  
5 section and inserting a period; and

6 (B) in subsection (b), by striking “, and if  
7 death results shall be punished by death” and  
8 all that follows through the end of the sub-  
9 section and inserting a period.

10 (34) MURDER BY ACT OF TERRORISM TRAN-  
11 SCENDING NATIONAL BOUNDARIES.—Section  
12 2332b(c)(1)(A) of title 18, United States Code, is  
13 amended by striking “by death, or”.

14 (35) MURDER INVOLVING TORTURE.—Section  
15 2340A(a) of title 18, United States Code, is amend-  
16 ed by striking “punished by death or”.

17 (36) MURDER INVOLVING A WAR CRIME.—Sec-  
18 tion 2441(a) of title 18, United States Code, is  
19 amended by striking “, and if death results to the  
20 victim, shall also be subject to the penalty of death”.

21 (37) MURDER RELATED TO A CONTINUING  
22 CRIMINAL ENTERPRISE OR RELATED MURDER OF A  
23 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT  
24 OFFICER.—Section 408(e) of the Controlled Sub-  
25 stances Act (21 U.S.C. 848(e)) is amended—

1 (A) in the subsection heading, by striking  
2 “DEATH PENALTY” and inserting “INTEN-  
3 TIONAL KILLING”; and

4 (B) in paragraph (1)—

5 (i) subparagraph (A), by striking “, or  
6 may be sentenced to death”; and

7 (ii) in subparagraph (B), by striking  
8 “, or may be sentenced to death”.

9 (38) DEATH RESULTING FROM AIRCRAFT HI-  
10 JACKING.—Section 46502 of title 49, United States  
11 Code, is amended—

12 (A) in subsection (a)(2)(B), by striking  
13 “put to death or”; and

14 (B) in subsection (b)(1)(B), by striking  
15 “put to death or”.

16 (b) NON-HOMICIDE RELATED OFFENSES.—

17 (1) ESPIONAGE.—Section 794(a) of title 18,  
18 United States Code, is amended by striking “pun-  
19 ished by death or” and all that follows before the pe-  
20 riod and inserting “imprisoned for any term of years  
21 or for life”.

22 (2) TREASON.—Section 2381 of title 18, United  
23 States Code, is amended by striking “shall suffer  
24 death, or”.

25 (c) TITLE 10.—

1           (1) IN GENERAL.—Section 856 of title 10 is  
2       amended by inserting before the period at the end  
3       the following: “, except that the punishment may not  
4       include death”.

5           (2) OFFENSES.—

6           (A) CONSPIRACY.—Section 881(b) of title  
7       10, United States Code (article 81(b) of the  
8       Uniform Code of Military Justice), is amended  
9       by striking “, if death results” and all that fol-  
10      lows through the end and inserting “as a court-  
11      martial or military commission may direct.”.

12          (B) DESERTION.—Section 885(c) of title  
13      10, United States Code (article 85(c)), is  
14      amended by striking “, if the offense is com-  
15      mitted in time of war” and all that follows  
16      through the end and inserting “as a court-mar-  
17      tial may direct.”.

18          (C) ASSAULTING OR WILLFULLY DIS-  
19      OBEYING SUPERIOR COMMISSIONED OFFICER.—  
20      Section 890 of title 10, United States Code (ar-  
21      ticle 90), is amended by striking “, if the of-  
22      fense is committed in time of war” and all that  
23      follows and inserting “as a court-martial may  
24      direct.”.

1 (D) MUTINY OR SEDITION.—Section  
2 894(b) of title 10, United States Code (article  
3 94(b)), is amended by striking “by death or  
4 such other punishment”.

5 (E) MISBEHAVIOR BEFORE THE ENEMY.—  
6 Section 899 of title 10, United States Code (ar-  
7 ticle 99), is amended by striking “by death or  
8 such other punishment”.

9 (F) SUBORDINATE COMPELLING SUR-  
10 RENDER.—Section 900 of title 10, United  
11 States Code (article 100), is amended by strik-  
12 ing “by death or such other punishment”.

13 (G) IMPROPER USE OF COUNTERSIGN.—  
14 Section 901 of title 10, United States Code (ar-  
15 ticle 101), is amended by striking “by death or  
16 such other punishment”.

17 (H) FORCING A SAFEGUARD.—Section 902  
18 of title 10, United States Code (article 102), is  
19 amended by striking “suffer death” and all that  
20 follows and inserting “be punished as a court-  
21 martial may direct.”.

22 (I) AIDING THE ENEMY.—Section 904 of  
23 title 10, United States Code (article 104), is  
24 amended by striking “suffer death or such  
25 other punishment as a court-martial or military

1 commission may direct” and inserting “be pun-  
2 ished as a court-martial or military commission  
3 may direct”.

4 (J) SPIES.—Section 906 of title 10, United  
5 States Code (article 106), is amended by strik-  
6 ing “by death” and inserting “by imprisonment  
7 for life”.

8 (K) ESPIONAGE.—Section 906a of title 10,  
9 United States Code (article 106a), is amend-  
10 ed—

11 (i) by striking subsections (b) and (c);

12 (ii) by redesignating paragraphs (2)  
13 and (3) of subsection (a) as subsections (b)  
14 and (c), respectively;

15 (iii) in subsection (a)—

16 (I) by striking “(1)”;

17 (II) by striking “paragraph (2)”  
18 and inserting “subsection (b)”;

19 (III) by striking “paragraph (3)”  
20 and inserting “subsection (c)”;

21 (IV) by striking “as a court-mar-  
22 tial may direct,” and all that follows  
23 and inserting “as a court-martial may  
24 direct.”;

1 (iv) in subsection (b), as so redesign-  
2 nated—

3 (I) by striking “paragraph (1)”  
4 and inserting “subsection (a)”; and

5 (II) by redesignating subpara-  
6 graphs (A), (B), and (C) as para-  
7 graphs (1), (2), and (3), respectively;  
8 and

9 (v) in subsection (c), as so redesign-  
10 nated, by striking “paragraph (1)” and in-  
11 serting “subsection (a)”.

12 (L) IMPROPER HAZARDING OF VESSEL.—

13 The text of section 910 of title 10, United  
14 States Code (article 110), is amended to read  
15 as follows:

16 “Any person subject to this chapter who willfully and  
17 wrongfully, or negligently, hazards or suffers to be haz-  
18 arded any vessel of the Armed Forces shall be punished  
19 as a court-martial may direct.”.

20 (M) MISBEHAVIOR OF SENTINEL.—Section  
21 913 of title 10, United States Code (article  
22 113), is amended by striking “, if the offense  
23 is committed in time of war” and all that fol-  
24 lows and inserting “as a court-martial may di-  
25 rect.”.

1 (N) MURDER.—Section 918 of title 10,  
2 United States Code (article 118), is amended  
3 by striking “death or imprisonment for life as  
4 a court-martial may direct” and inserting “im-  
5 prisonment for life”.

6 (O) DEATH OR INJURY OF AN UNBORN  
7 CHILD.—Section 919a(a) of title 10, United  
8 States Code, is amended—

9 (i) in paragraph (1), by striking “,  
10 other than death,”; and

11 (ii) by striking paragraph (4).

12 (P) CRIMES TRIABLE BY MILITARY COM-  
13 MISSION.—Section 950v(b) of title 10, United  
14 States Code, is amended—

15 (i) in paragraph (1), by striking “by  
16 death or such other punishment”;

17 (ii) in paragraph (2), by striking “, if  
18 death results” and all that follows and in-  
19 serting “as a military commission under  
20 this chapter may direct.”;

21 (iii) in paragraph (7), by striking “, if  
22 death results” and all that follows and in-  
23 serting “as a military commission under  
24 this chapter may direct.”;



1 (iv) in paragraph (8), by striking “, if  
2 death results” and all that follows and in-  
3 serting “as a military commission under  
4 this chapter may direct.”;

5 (v) in paragraph (9), by striking “, if  
6 death results” and all that follows and in-  
7 serting “as a military commission under  
8 this chapter may direct.”;

9 (vi) in paragraph (11)(A), by striking  
10 “, if death results” and all that follows and  
11 inserting “as a military commission under  
12 this chapter may direct.”;

13 (vii) in paragraph (12)(A), by striking  
14 “, if death results” and all that follows and  
15 inserting “as a military commission under  
16 this chapter may direct.”;

17 (viii) in paragraph (13)(A), by strik-  
18 ing “, if death results” and all that follows  
19 and inserting “as a military commission  
20 under this chapter may direct.”;

21 (ix) in paragraph (14), by striking “,  
22 if death results” and all that follows and  
23 inserting “as a military commission under  
24 this chapter may direct.”;

1 (x) in paragraph (15), by striking “by  
2 death or such other punishment”;

3 (xi) in paragraph (17), by striking “,  
4 if death results” and all that follows and  
5 inserting “as a military commission under  
6 this chapter may direct.”;

7 (xii) in paragraph (23), by striking “,  
8 if death results” and all that follows and  
9 inserting “as a military commission under  
10 this chapter may direct.”;

11 (xiii) in paragraph (24), by striking “,  
12 if death results” and all that follows and  
13 inserting “as a military commission under  
14 this chapter may direct.”;

15 (xiv) in paragraph (27), by striking  
16 “by death or such other punishment”; and

17 (xv) in paragraph (28), by striking “,  
18 if death results” and all that follows and  
19 inserting “as a military commission under  
20 this chapter may direct.”.

21 (3) JURISDICTIONAL AND PROCEDURAL MAT-  
22 TERS.—

23 (A) DISMISSED OFFICER’S RIGHT TO TRIAL  
24 BY COURT-MARTIAL.—Section 804(a) of title  
25 10, United States Code (article 4(a) of the Uni-

1 form Code of Military Justice), is amended by  
2 striking “or death”.

3 (B) COURTS-MARTIAL CLASSIFIED.—Sec-  
4 tion 816(1)(A) of title 10, United States Code  
5 (article 10(1)(A)), is amended by striking “or,  
6 in a case in which the accused may be sen-  
7 tenced to a penalty of death” and all that fol-  
8 lows through “(article 25a)”.

9 (C) JURISDICTION OF GENERAL COURTS-  
10 MARTIAL.—Section 818 of title 10, United  
11 States Code (article 18), is amended—

12 (i) in the first sentence by striking  
13 “including the penalty of death when spe-  
14 cifically authorized by this chapter” and  
15 inserting “except death”; and

16 (ii) by striking the third sentence.

17 (D) JURISDICTION OF SPECIAL COURTS-  
18 MARTIAL.—Section 819 of title 10, United  
19 States Code (article 19), is amended in the first  
20 sentence by striking “for any noncapital of-  
21 fense” and all that follows and inserting “for  
22 any offense made punishable by this chapter.”.

23 (E) JURISDICTION OF SUMMARY COURTS-  
24 MARTIAL.—Section 820 of title 10, United

1 States Code (article 20), is amended in the first  
2 sentence by striking “noncapital”.

3 (F) NUMBER OF MEMBERS IN CAPITAL  
4 CASES.—

5 (i) IN GENERAL.—Section 825a of  
6 title 10, United States Code (article 25a),  
7 is repealed.

8 (ii) CLERICAL AMENDMENT.—The  
9 table of sections at the beginning of sub-  
10 chapter V of chapter 47 of title 10, United  
11 States Code, is amended by striking the  
12 item relating to section 825a (article 25a).

13 (G) ABSENT AND ADDITIONAL MEM-  
14 BERS.—Section 829(b)(2) of title 10, United  
15 States Code (article 29(b)(2)), is amended by  
16 striking “or, in a case in which the death pen-  
17 alty may be adjudged” and all that follows and  
18 inserting a period.

19 (H) STATUTE OF LIMITATIONS.—Sub-  
20 section (a) of section 843 of title 10, United  
21 States Code (article 43), is amended to read as  
22 follows:

23 “(a)(1) A person charged with an offense described  
24 in paragraph (2) may be tried and punished at any time  
25 without limitation.

1       “(2) An offense described in this paragraph is any  
2 offense as follows:

3           “(A) Absence without leave or missing move-  
4 ment in time of war.

5           “(B) Murder.

6           “(C) Rape.

7           “(D) A violation of section 881 of this title (ar-  
8 ticle 81) that results in death to one or more of the  
9 victims.

10          “(E) Desertion or attempt to desert in time of  
11 war.

12          “(F) A violation of section 890 of this title (ar-  
13 ticle 90) committed in time of war.

14          “(G) Attempted mutiny, mutiny, sedition, or  
15 failure to suppress or report a mutiny or sedition.

16          “(H) A violation of section 899 of this title (ar-  
17 ticle 99).

18          “(I) A violation of section 900 of this title (arti-  
19 cle 100).

20          “(J) A violation of section 901 of this title (ar-  
21 ticle 101).

22          “(K) A violation of section 902 of this title (ar-  
23 ticle 102).

24          “(L) A violation of section 904 of this title (ar-  
25 ticle 104).

1           “(M) A violation of section 906 of this title (ar-  
2       ticle 106).

3           “(N) A violation of section 906a of this title  
4       (article 106a).

5           “(O) A violation of section 910 of this title (ar-  
6       ticle 110) in which the person subject to this chapter  
7       willfully and wrongfully hazarded or suffered to be  
8       hazarded any vessel of the Armed Forces.

9           “(P) A violation of section 913 of this title (ar-  
10      ticle 113) committed in time of war.”.

11           (I) PLEAS OF ACCUSED.—Section 845(b)  
12      of title 10, United States Code (article 45(b)),  
13      is amended—

14                   (i) by striking the first sentence; and

15                   (ii) by striking “With respect to any  
16                   other charge” and inserting “With respect  
17                   to any charge”.

18           (J) DEPOSITIONS.—Section 849 of title  
19      10, United States Code (article 49), is amend-  
20      ed—

21                   (i) in subsection (d), by striking “in  
22                   any case not capital”; and

23                   (ii) by striking subsections (e) and (f).

1 (K) ADMISSIBILITY OF RECORDS OF  
2 COURTS OF INQUIRY.—Section 850 of title 10,  
3 United States Code (article 50), is amended—

4 (i) in subsection (a), by striking “not  
5 capital and”; and

6 (ii) in subsection (b), by striking  
7 “capital cases or”.

8 (L) NUMBER OF VOTES REQUIRED FOR  
9 CONVICTION AND SENTENCING BY COURT-MAR-  
10 TIAL.—Section 852 of title 10, United States  
11 Code (article 52), is amended—

12 (i) in subsection (a)—

13 (I) by striking paragraph (1);

14 (II) by redesignating paragraph  
15 (2) as subsection (a); and

16 (III) by striking “any other of-  
17 fense” and inserting “any offense”;  
18 and

19 (ii) in subsection (b)—

20 (I) by striking paragraph (1);  
21 and

22 (II) by redesignating paragraphs  
23 (2) and (3) as paragraphs (1) and  
24 (2), respectively.

1 (M) RECORD OF TRIAL.—Section  
2 854(c)(1)(A) of title 10, United States Code  
3 (article 54(c)(1)(A)), is amended by striking  
4 “death,”.

5 (N) FORFEITURE OF PAY AND ALLOW-  
6 ANCES DURING CONFINEMENT.—Section  
7 858b(a)(2)(A) of title 10, United States Code  
8 (article 58b(a)(2)(A)), is amended by striking  
9 “or death”.

10 (O) WAIVER OR WITHDRAWAL OF AP-  
11 PEAL.—Section 861 of title 10, United States  
12 Code (article 61), is amended—

13 (i) in subsection (a), by striking “ex-  
14 cept a case in which the sentence as ap-  
15 proved under section 860(c) of this title  
16 (article 60(c)) includes death,”; and

17 (ii) in subsection (b), by striking “Ex-  
18 cept in a case in which the sentence as ap-  
19 proved under section 860(c) of this title  
20 (article 60(c)) includes death, the accused”  
21 and inserting “The accused”.

22 (P) REVIEW BY COURT OF CRIMINAL AP-  
23 PEALS.—Section 866(b) of title 10, United  
24 States Code (article 66(b)), is amended—



1 (i) in the matter preceding paragraph  
2 (1), by inserting “in which” after “court-  
3 martial”;

4 (ii) in paragraph (1), by striking “in  
5 which the sentence, as approved, extends  
6 to death,” and inserting “the sentence, as  
7 approved, extends to”; and

8 (iii) in paragraph (2), by striking “ex-  
9 cept in the case of a sentence extending to  
10 death,”.

11 (Q) REVIEW BY COURT OF APPEALS FOR  
12 THE ARMED FORCES.—Section 867(a) of title  
13 10, United States Code (article 67(a)), is  
14 amended—

15 (i) by striking paragraph (1); and

16 (ii) by redesignating paragraphs (2)  
17 and (3) as paragraphs (1) and (2), respec-  
18 tively.

19 (R) EXECUTION OF SENTENCE.—Section  
20 871 of title 10, United States Code (article 71),  
21 is amended—

22 (i) by striking subsection (a);

23 (ii) by redesignating subsection (b) as  
24 subsection (a);

1 (iii) by striking subsection (c) and in-  
2 serting the following:

3 “(b)(1) If a sentence extends to dismissal or a dishon-  
4 orable or bad conduct discharge and if the right of the  
5 accused to appellate review is not waived, and an appeal  
6 is not withdrawn, under section 861 of this title (article  
7 61), that part of the sentence extending to dismissal or  
8 a dishonorable or bad conduct discharge may not be exe-  
9 cuted until there is a final judgment as to the legality of  
10 the proceedings (and with respect to dismissal, approval  
11 under subsection (a)). A judgment as to legality of the  
12 proceedings is final in such cases when review is completed  
13 by a Court of Criminal Appeals and—

14 “(A) the time for the accused to file a petition  
15 for review by the Court of Appeals for the Armed  
16 Forces has expired and the accused has not filed a  
17 timely petition for such review and the case is not  
18 otherwise under review by that Court;

19 “(B) such a petition is rejected by the Court of  
20 Appeals for the Armed Forces; or

21 “(C) review is completed in accordance with the  
22 judgment of the Court of Appeals for the Armed  
23 Forces and—

1                   “(i) a petition for a writ of certiorari is not  
2                   filed within the time limits prescribed by the  
3                   Supreme Court;

4                   “(ii) such a petition is rejected by the Su-  
5                   preme Court; or

6                   “(iii) review is otherwise completed in ac-  
7                   cordance with the judgment of the Supreme  
8                   Court.

9           “(2) If a sentence extends to dismissal or a dishonor-  
10   able or bad conduct discharge and if the right of the ac-  
11   cused to appellate review is waived, or an appeal is with-  
12   drawn, under section 861 of this title (article 61), that  
13   part of the sentence extending to dismissal or a bad con-  
14   duct or dishonorable discharge may not be executed until  
15   review of the case by a judge advocate (and any action  
16   on that review) under section 864 of this title (article 64)  
17   is completed. Any other part of a court-martial sentence  
18   may be ordered executed by the convening authority or  
19   other person acting on the case under section 860 of this  
20   title (article 60) when approved by him under that sec-  
21   tion.”;

22                   (iv) by redesignating subsection (d) as  
23                   subsection (c); and

1 (v) in subsection (c), as so redesign-  
 2 nated, by striking “, except a sentence of  
 3 death”.

4 (S) GENERAL ARTICLE.—Section 934 of  
 5 title 10, United States Code (article 134), is  
 6 amended by striking “crimes and offenses not  
 7 capital” and inserting “crimes and offenses”.

8 (T) JURISDICTION OF MILITARY COMMIS-  
 9 SIONS.—Section 948d of title 10, United States  
 10 Code, is amended by striking “including the  
 11 penalty of death” and all that follows and in-  
 12 serting “except death.”.

13 (U) NUMBER OF MEMBERS OF MILITARY  
 14 COMMISSIONS.—Subsection (a) of section 948m  
 15 of title 10, United States Code, is amended to  
 16 read as follows:

17 “(a) NUMBER OF MEMBERS.—A military commission  
 18 under this chapter shall have at least 5 members.”.

19 (V) NUMBER OF VOTES REQUIRED FOR  
 20 SENTENCING BY MILITARY COMMISSION.—Sec-  
 21 tion 949m of title 10, United States Code, is  
 22 amended—

23 (i) in subsection (b)—

24 (I) by striking paragraph (1);

25 and

1 (II) by redesignating paragraphs  
 2 (2) and (3) as paragraphs (1) and  
 3 (2), respectively; and  
 4 (ii) by striking subsection (c).

5 (W) APPELLATE REFERRAL FOR MILITARY  
 6 COMMISSIONS.—Section 950c of title 10, United  
 7 States Code, is amended—

8 (i) in subsection (b)(1), by striking  
 9 “Except a case in which the sentence as  
 10 approved under section 950b of this title  
 11 extends to death, an accused” and insert-  
 12 ing “An accused”; and

13 (ii) in subsection (c), by striking “Ex-  
 14 cept in a case in which the sentence as ap-  
 15 proved under section 950b of this title ex-  
 16 tends to death, the accused” and inserting  
 17 “The accused”.

18 (X) EXECUTION OF SENTENCE BY MILI-  
 19 TARY COMMISSIONS.—

20 (i) IN GENERAL.—Section 950i of title  
 21 10, United States Code, is amended—

22 (I) in the section heading, by  
 23 striking “**Execution of sentence;**  
 24 **suspension**” and inserting “**Sus-**  
 25 **pension**”;

1 (II) by striking subsections (b)  
 2 and (c);  
 3 (III) by redesignating subsection  
 4 (d) as subsection (b); and  
 5 (IV) in subsection (b), as so re-  
 6 designated, by striking “, except a  
 7 sentence of death”.

8 (ii) CLERICAL AMENDMENT.—The  
 9 table of sections at the beginning of sub-  
 10 chapter VI of chapter 47A of title 10,  
 11 United States Code, is amended by strik-  
 12 ing the item relating to section 950i and  
 13 inserting the following new item:

“950i. Execution of sentence.”.

14 (d) CONFORMING AMENDMENTS.—

15 (1) REPEAL OF CRIMINAL PROCEDURES RELAT-  
 16 ING TO IMPOSITION OF DEATH SENTENCE.—

17 (A) IN GENERAL.—Chapter 228 of title  
 18 18, United States Code, is repealed.

19 (B) CLERICAL AMENDMENT.—The table of  
 20 chapters for part II of title 18, United States  
 21 Code, is amended by striking the item relating  
 22 to chapter 228.

23 (2) OTHER PROVISIONS.—

24 (A) INTERCEPTION OF WIRE, ORAL, OR  
 25 ELECTRONIC COMMUNICATIONS.—Section

1           2516(1)(a) of title 18, United States Code, is  
2           amended by striking “by death or”.

3           (B) RELEASE AND DETENTION PENDING  
4           JUDICIAL PROCEEDINGS.—Chapter 207 of title  
5           18, United States Code, is amended—

6                   (i) in section 3142(f)(1)(B), by strik-  
7                   ing “or death”; and

8                   (ii) in section 3146(b)(1)(A)(i), by  
9                   striking “death, life imprisonment,” and  
10                  inserting “life imprisonment”.

11          (C) VENUE IN CAPITAL CASES.—Chapter  
12          221 of title 18, United States Code, is amend-  
13          ed—

14                   (i) by striking section 3235; and

15                   (ii) in the table of sections, by striking  
16                  the item relating to section 3235.

17          (D) PERIOD OF LIMITATIONS.—

18                   (i) IN GENERAL.—Chapter 213 of title  
19                  18, United States Code, is amended by  
20                  striking section 3281 and inserting the fol-  
21                  lowing:

22       **“§ 3281. Offenses with no period of limitations**

23           “An indictment may be found at any time without  
24       limitation for the following offenses:

1 “(1) A violation of section 274(a)(1)(A) of the  
2 Immigration and Nationality Act (8 U.S.C.  
3 1324(a)(1)(A)) resulting in the death of any person.

4 “(2) A violation of section 34 of this title.

5 “(3) A violation of section 36(b)(2)(A) of this  
6 title.

7 “(4) A violation of section 37(a) of this title  
8 that results in the death of any person.

9 “(5) A violation of section 229A(a)(2) of this  
10 title.

11 “(6) A violation of section 241, 242, 245(b), or  
12 247(a) of this title that—

13 “(A) results in death; or

14 “(B) involved kidnapping or an attempt to  
15 kidnap, aggravated sexual abuse or an attempt  
16 to commit aggravated sexual abuse, or an at-  
17 tempt to kill.

18 “(7) A violation of subsection (b) or (d) of sec-  
19 tion 351 of this title.

20 “(8) A violation of section 794(a) of this title.

21 “(9) A violation of subsection (d), (f), or (i) of  
22 section 844 of this title that results in the death of  
23 any person (including any public safety officer per-  
24 forming duties as a direct or proximate result of  
25 conduct prohibited by such subsection).



1           “(10) An offense punishable under subsection  
2           (c)(5)(B)(i) or (j)(1) of section 924 of this title.

3           “(11) An offense punishable under section  
4           1091(b)(1) of this title.

5           “(12) A violation of section 1111 of this title  
6           that is murder in the first degree.

7           “(13) A violation of section 1118 of this title.

8           “(14) A violation of subsection (a) or (b) of sec-  
9           tion 1121 of this title.

10          “(15) A violation of section 1201(a) of this title  
11          that results in the death of any person.

12          “(16) A violation of section 1203(a) of this title  
13          that results in the death of any person.

14          “(17) An offense punishable under section  
15          1512(a)(3) of this title that is murder (as that term  
16          is defined in section 1111 of this title).

17          “(18) An offense punishable under section  
18          1716(j)(3) of this title.

19          “(19) A violation of subsection (b) or (d) of sec-  
20          tion 1751 of this title.

21          “(20) A violation of section 1958(a) of this title  
22          that results in death.

23          “(21) A violation of section 1959(a) of this title  
24          that is murder.

1           “(22) A violation of subsection (a) (except for  
2           a violation of paragraph (8), (9), or (10) of such  
3           subsection) or (b) of section 1992 of this title that  
4           results in the death of any person.

5           “(23) A violation of section 2113(e) of this title  
6           that results in death.

7           “(24) An offense punishable under section  
8           2119(3) of this title.

9           “(25) An offense punishable under section  
10          2245(a) of this title.

11          “(26) A violation of section 2251 of this title  
12          that results in the death of a person.

13          “(27) A violation of section 2280(a)(1) of this  
14          title that results in the death of any person.

15          “(28) A violation of section 2281(a)(1) of this  
16          title that results in the death of any person.

17          “(29) A violation of section 2282A(a) of this  
18          title that causes the death of any person.

19          “(30) A violation of section 2283(a) of this title  
20          that causes the death of any person.

21          “(31) An offense punishable under section  
22          2291(d) of this title.

23          “(32) An offense punishable under section  
24          2332(a)(1) of this title.

1 “(33) A violation of subsection (a) or (b) of sec-  
2 tion 2332a of this title that results in death.

3 “(34) An offense punishable under section  
4 2332b(c)(1)(A) of this title.

5 “(35) A violation of section 2340A(a) of this  
6 title that results in the death of any person.

7 “(36) A violation of section 2381 of this title.

8 “(37) A violation of section 2441(a) of this title  
9 that results in the death of the victim.

10 “(38) A violation of section 408(e) of the Con-  
11 trolled Substances Act (21 U.S.C. 848(e)).

12 “(39) An offense punishable under subsection  
13 (a)(2)(B) or (b)(1)(B) of section 46502 of title 49.”.

14 (ii) CLERICAL AMENDMENT.—The  
15 table of sections for chapter 213 of title  
16 18, United States Code, is amended by  
17 striking the item relating to section 3281  
18 and inserting the following:

“3281. Offenses with no period of limitations.”.

19 **SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SEN-**  
20 **TENCE.**

21 (a) IN GENERAL.—Notwithstanding any other provi-  
22 sion of law, no person may be sentenced to death or put  
23 to death on or after the date of enactment of this Act  
24 for any violation of Federal law.

1       (b) PERSONS SENTENCED BEFORE DATE OF ENACT-  
2   MENT.—Notwithstanding any other provision of law, any  
3   person sentenced to death before the date of enactment  
4   of this Act for any violation of Federal law shall be resen-  
5   tenced.

