

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 109A - SEXUAL ABUSE

§ 2241. Aggravated sexual abuse

(a) **By Force or Threat.**— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act—

- (1) by using force against that other person; or
- (2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) **By Other Means.**— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

- (1) renders another person unconscious and thereby engages in a sexual act with that other person; or
- (2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—
 - (A) substantially impairs the ability of that other person to appraise or control conduct; and
 - (B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(c) **With Children.**— Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) **State of Mind Proof Requirement.**— In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

(Added Pub. L. 99–646, § 87(b), Nov. 10, 1986, 100 Stat. 3620, and Pub. L. 99–654, § 2, Nov. 14, 1986, 100 Stat. 3660; amended Pub. L. 103–322, title XXXIII, § 330021(1), Sept. 13, 1994, 108 Stat. 2150; Pub. L. 104–208, div. A, title I, § 101(a) [title I, § 121[7(b)]], Sept. 30, 1996, 110 Stat. 3009, 3009–26, 3009–31; Pub. L. 105–314, title III, § 301(a), Oct. 30, 1998, 112 Stat. 2978; Pub. L. 109–162, title XI, § 1177(a)(1), (2), Jan. 5, 2006, 119 Stat. 3125; Pub. L. 109–248, title II, §§ 206(a)(1), 207 (2), July 27, 2006, 120 Stat. 613, 615; Pub. L. 110–161, div. E, title V, § 554, Dec. 26, 2007, 121 Stat. 2082.)

Codification

Pub. L. 99–646 and Pub. L. 99–654 added identical sections 2241.

Amendments

2007—Subsecs. (a) to (c). Pub. L. 110–161 substituted “the head of any Federal department or agency” for “the Attorney General”.

2006—Subsecs. (a), (b). Pub. L. 109–248, § 207(2), inserted comma after “Attorney General” in introductory provisions.

Pub. L. 109–162, § 1177(a)(1), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in introductory provisions.

Subsec. (c). Pub. L. 109–248 inserted comma after “Attorney General” and substituted “and imprisoned for not less than 30 years or for life” for “, imprisoned for any term of years or life, or both” in first sentence.

Pub. L. 109–162, § 1177(a)(2), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in first sentence.

1998—Subsec. (c). Pub. L. 105–314 substituted “younger than the person so engaging” for “younger than that person”.

1996—Subsec. (c). Pub. L. 104–208 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.”

1994—Subsec. (a)(2). Pub. L. 103–322 substituted “kidnapping” for “kidnaping”.

Effective Date

Section 87(e) of Pub. L. 99–646 and section 4 of Pub. L. 99–654 provided, respectively, that: “This section and the amendments made by this section [see Short Title note below] shall take effect 30 days after the date of the enactment of this Act [Nov. 10, 1986].” and “This Act and the amendments made by this Act [see Short Title note below] shall take effect 30 days after the date of the enactment of this Act [Nov. 14, 1986].”

Short Title of 1996 Amendment

Section 101 (a) [title I, § 121[7(a)]] of Pub. L. 104–208 provided that: “This section [probably means subsec. 7 of section 121 of Pub. L. 104–208, div. A, title I, § 101(a), which amended sections 2241 and 2243 of this title] may be cited as the ‘Amber Hagerman Child Protection Act of 1996’.”

Short Title of 1986 Amendment

Section 87(a) of Pub. L. 99–646 and section 1 of Pub. L. 99–654 provided, respectively, that: “This section [enacting this chapter, amending sections 113, 1111, 1153, and 3185 of this title, sections 300w–3, 300w–4, and 9511 of Title 42, The Public Health and Welfare, and section 1472 of former Title 49, Transportation, and repealing chapter 99 of this title] may be cited as the ‘Sexual Abuse Act of 1986’.” and “This Act [enacting this chapter, amending sections 113, 1111, 1153, and 3185 of this title, sections 300w–3, 300w–4, and 9511 of Title 42, and section 1472 of former Title 49, Transportation, and repealing chapter 99 of this title] may be cited as the ‘Sexual Abuse Act of 1986’.”

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§ 2242. Sexual abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

- (1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or
- (2) engages in a sexual act with another person if that other person is—
 - (A) incapable of appraising the nature of the conduct; or
 - (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.

(Added Pub. L. 99–646, § 87(b), Nov. 10, 1986, 100 Stat. 3621, and Pub. L. 99–654, § 2, Nov. 14, 1986, 100 Stat. 3661; amended Pub. L. 103–322, title XXXIII, § 330021(1), Sept. 13, 1994, 108 Stat. 2150; Pub. L. 109–162, title XI, § 1177(a)(3), Jan. 5, 2006, 119 Stat. 3125; Pub. L. 109–248, title II, §§ 205, 207 (2), July 27, 2006, 120 Stat. 613, 615; Pub. L. 110–161, div. E, title V, § 554, Dec. 26, 2007, 121 Stat. 2082.)

Codification

Pub. L. 99–646 and Pub. L. 99–654 added identical sections 2242.

Amendments

2007—Pub. L. 110–161 substituted “the head of any Federal department or agency” for “the Attorney General” in introductory provisions.

2006—Pub. L. 109–248 inserted comma after “Attorney General” in introductory provisions and substituted “and imprisoned for any term of years or for life” for “, imprisoned not more than 20 years, or both” in concluding provisions.

Pub. L. 109–162 inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in introductory provisions.

1994—Par. (1). Pub. L. 103–322 substituted “kidnapping” for “kidnaping”.

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**PART I - CRIMES****CHAPTER 109A - SEXUAL ABUSE****§ 2244. Abusive sexual contact**

(a) Sexual Conduct in Circumstances Where Sexual Acts Are Punished by This Chapter.— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if so to do would violate—

- (1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;
- (2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;
- (3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;
- (4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; or
- (5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.

(b) In Other Circumstances.— Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than two years, or both.

(c) Offenses Involving Young Children.— If the sexual contact that violates this section (other than subsection (a)(5)) is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

(Added Pub. L. 99–646, § 87(b), Nov. 10, 1986, 100 Stat. 3622, and Pub. L. 99–654, § 2, Nov. 14, 1986, 100 Stat. 3661; amended Pub. L. 100–690, title VII, § 7058(a), Nov. 18, 1988, 102 Stat. 4403; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 105–314, title III, § 302, Oct. 30, 1998, 112 Stat. 2979; Pub. L. 109–162, title XI, § 1177(a)(5), (b)(2), Jan. 5, 2006, 119 Stat. 3125; Pub. L. 109–248, title II, §§ 206(a)(2), 207 (2), July 27, 2006, 120 Stat. 613, 615; Pub. L. 110–161, div. E, title V, § 554, Dec. 26, 2007, 121 Stat. 2082.)

Codification

Pub. L. 99–646 and Pub. L. 99–654 added identical sections 2244.

Amendments

2007—Subsecs. (a), (b). Pub. L. 110–161 substituted “the head of any Federal department or agency” for “the Attorney General”.

2006—Subsec. (a). Pub. L. 109–248, § 207(2), inserted comma after “Attorney General” in introductory provisions.

Pub. L. 109–162, § 1177(a)(5), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” in introductory provisions.

Subsec. (a)(1). Pub. L. 109–248, § 206(a)(2)(A)(i), inserted “subsection (a) or (b) of” before “section 2241 of this title”.

Subsec. (a)(4). Pub. L. 109–162, § 1177(b)(2), substituted “two years” for “six months”.

Subsec. (a)(5). Pub. L. 109–248, § 206(a)(2)(A)(ii)–(iv), added par. (5).

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Subsec. (b). Pub. L. 109–248, § 207(2), inserted comma after “Attorney General”.

Pub. L. 109–162, § 1177(a)(5), (b)(2), inserted “or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General” after “in a Federal prison,” and substituted “two years” for “six months”.

Subsec. (c). Pub. L. 109–248, § 206(a)(2)(B), inserted “(other than subsection (a)(5))” after “violates this section”.

1998—Subsec. (c). Pub. L. 105–314 added subsec. (c).

1994—Subsecs. (a)(4), (b). Pub. L. 103–322 substituted “fined under this title” for “fined not more than \$5,000”.

1988—Subsec. (a). Pub. L. 100–690 substituted “ten years” for “five years” in par. (1) and “two years” for “one year” in par. (3).

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§ 2246. Definitions for chapter

As used in this chapter—

- (1) the term “prison” means a correctional, detention, or penal facility;
- (2) the term “sexual act” means—
 - (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
 - (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
 - (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;
- (5) the term “official detention” means—
 - (A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or
 - (B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; and
- (6) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.

(Added Pub. L. 99–646, § 87(b), Nov. 10, 1986, 100 Stat. 3622, § 2245, and Pub. L. 99–654, § 2, Nov. 14, 1986, 100 Stat. 3662, § 2245; renumbered § 2246 and amended Pub. L. 103–322, title IV, § 40502, title VI, § 60010(a)(1), Sept. 13, 1994, 108 Stat. 1945, 1972; Pub. L. 105–314, title III, § 301(c), Oct. 30, 1998, 112 Stat. 2979.)

Codification

Pub. L. 99–646 and Pub. L. 99–654 added identical sections.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Amendments

1998—Par. (6). Pub. L. 105–314 added par. (6).

1994—Pub. L. 103–322, § 60010(a)(1), renumbered section 2245 of this title as this section.

Par. (2)(D). Pub. L. 103–322, § 40502, added subpar. (D).