

117TH CONGRESS
1ST SESSION

H. R. 97

To abolish the death penalty under Federal law.

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

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 (e)(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 TRANSPOR-
9 TATION OF 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(e)(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 sserting “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 sserting “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 sserting “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 sserting “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 (v) in subsection (c), as so redesignig-
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.

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