

108TH CONGRESS
1ST SESSION

S. 402

To abolish the death penalty under Federal law.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2003

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2003”.

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

8 (a) HOMICIDE-RELATED OFFENSES.—

9 (1) MURDER RELATED TO THE SMUGGLING OF
10 ALIENS.—Section 274(a)(1)(B)(iv) of the Immigra-
11 tion and Nationality Act (8 U.S.C.

1 1324(a)(1)(B)(iv)) is amended by striking “punished
2 by death or”.

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

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

11 (4) MURDER COMMITTED AT AN AIRPORT SERV-
12 ING INTERNATIONAL CIVIL AVIATION.—Section
13 37(a) of title 18, United States Code, is amended,
14 in the matter following paragraph (2), by striking
15 “punished by death or”.

16 (5) CIVIL RIGHTS OFFENSES RESULTING IN
17 DEATH.—Chapter 13 of title 18, United States
18 Code, is amended—

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

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

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

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

3 (6) MURDER OF A MEMBER OF CONGRESS, AN
4 IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME
5 COURT JUSTICE.—Section 351 of title 18, United
6 States Code, is amended—

7 (A) in subsection (b)(2), by striking “death
8 or”; and

9 (B) in subsection (d)(2), by striking
10 “death or”.

11 (7) DEATH RESULTING FROM OFFENSES IN-
12 VOLVING TRANSPORTATION OF EXPLOSIVES, DE-
13 STRUCTION OF GOVERNMENT PROPERTY, OR DE-
14 STRUCTION OF PROPERTY RELATED TO FOREIGN OR
15 INTERSTATE COMMERCE.—Section 844 of title 18,
16 United States Code, is amended—

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

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

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

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

1 (8) MURDER COMMITTED BY USE OF A FIRE-
 2 ARM DURING COMMISSION OF A CRIME OF VIOLENCE
 3 OR A DRUG TRAFFICKING CRIME.—Section 924(j)(1)
 4 of title 18, United States Code, is amended by strik-
 5 ing “by death or”.

6 (9) GENOCIDE.—Section 1091(b)(1) of title 18,
 7 United States Code, is amended by striking “death
 8 or”.

9 (10) FIRST DEGREE MURDER.—Section
 10 1111(b) of title 18, United States Code, is amended
 11 by striking “by death or”.

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

15 (A) in subsection (a), by striking “by
 16 death or”; and

17 (B) in subsection (b), in the third undesig-
 18 nated paragraph—

19 (i) by inserting “or” before “an inde-
 20 terminate”; and

21 (ii) by striking “, or an unexecuted
 22 sentence of death”.

23 (12) MURDER OF A STATE OR LOCAL LAW EN-
 24 FORCEMENT OFFICIAL OR OTHER PERSON AIDING IN
 25 A FEDERAL INVESTIGATION; MURDER OF A STATE

1 CORRECTIONAL OFFICER.—Section 1121 of title 18,
2 United States Code, is amended—

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

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

7 (13) MURDER DURING A KIDNAPING.—Section
8 1201(a) of title 18, United States Code, is amended
9 by striking “death or”.

10 (14) MURDER DURING A HOSTAGE-TAKING.—
11 Section 1203(a) of title 18, United States Code, is
12 amended by striking “death or”.

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

18 (16) MAILING OF INJURIOUS ARTICLES WITH
19 INTENT TO KILL OR RESULTING IN DEATH.—Section
20 1716(i) of title 18, United States Code, is amended
21 by striking “to the death penalty or”.

22 (17) ASSASSINATION OR KIDNAPING RESULTING
23 IN THE DEATH OF THE PRESIDENT OR VICE PRESI-
24 DENT.—Section 1751 of title 18, United States
25 Code, is amended—

1 (A) in subsection (b)(2), by striking “death
2 or”; and

3 (B) in subsection (d)(2), by striking
4 “death or”.

5 (18) MURDER FOR HIRE.—Section 1958(a) of
6 title 18, United States Code, is amended by striking
7 “death or”.

8 (19) MURDER INVOLVED IN A RACKETEERING
9 OFFENSE.—Section 1959(a)(1) of title 18, United
10 States Code, is amended by striking “death or”.

11 (20) WILLFUL WRECKING OF A TRAIN RESULT-
12 ING IN DEATH.—Section 1992(b) of title 18, United
13 States Code, is amended by striking “to the death
14 penalty or”.

15 (21) BANK ROBBERY-RELATED MURDER OR
16 KIDNAPING.—Section 2113(e) of title 18, United
17 States Code, is amended by striking “death or”.

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

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

1 (24) MURDER RELATED TO SEXUAL ABUSE.—
2 Section 2245 of title 18, United States Code, is
3 amended by striking “punished by death or”.

4 (25) MURDER RELATED TO SEXUAL EXPLOI-
5 TATION OF CHILDREN.—Section 2251(d) of title 18,
6 United States Code, is amended by striking “pun-
7 ished by death or”.

8 (26) MURDER COMMITTED DURING AN OF-
9 FENSE AGAINST MARITIME NAVIGATION.—Section
10 2280(a)(1) of title 18, United States Code, is
11 amended by striking “punished by death or”.

12 (27) MURDER COMMITTED DURING AN OF-
13 FENSE AGAINST A MARITIME FIXED PLATFORM.—
14 Section 2281(a)(1) of title 18, United States Code,
15 is amended by striking “punished by death or”.

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

20 (29) MURDER BY THE USE OF A WEAPON OF
21 MASS DESTRUCTION.—Section 2332a of title 18,
22 United States Code, is amended—

23 (A) in subsection (a), by striking “pun-
24 ished by death or”; and

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

3 (30) MURDER BY ACT OF TERRORISM TRAN-
4 SCENDING NATIONAL BOUNDARIES.—Section
5 2332b(c)(1)(A) of title 18, United States Code, is
6 amended by striking “by death, or”.

7 (31) MURDER INVOLVING TORTURE.—Section
8 2340A(a) of title 18, United States Code, is amend-
9 ed by striking “punished by death or”.

10 (32) MURDER RELATED TO A CONTINUING
11 CRIMINAL ENTERPRISE OR RELATED MURDER OF A
12 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT
13 OFFICER.—Section 408 of the Controlled Substances
14 Act (21 U.S.C. 848) is amended—

15 (A) in each of subparagraphs (A) and (B)
16 of subsection (e)(1), by striking “, or may be
17 sentenced to death”;

18 (B) by striking subsections (g) and (h) and
19 inserting the following:

20 “(g) [Reserved.]

21 “(h) [Reserved.]”;

22 (C) in subsection (j), by striking “and as
23 to appropriateness in that case of imposing a
24 sentence of death”;

1 (D) in subsection (k), by striking “, other
 2 than death,” and all that follows before the pe-
 3 riod at the end and inserting “authorized by
 4 law”; and

5 (E) by striking subsections (l) and (m) and
 6 inserting the following:

7 “(l) [Reserved.]

8 “(m) [Reserved.]”.

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

12 (A) in subsection (a)(2), by striking “put
 13 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”.

1 (c) REPEAL OF CRIMINAL PROCEDURES RELATING
2 TO IMPOSITION OF DEATH SENTENCE.—

3 (1) IN GENERAL.—Chapter 228 of title 18,
4 United States Code, is repealed.

5 (2) TECHNICAL AND CONFORMING AMEND-
6 MENT.—The table of chapters for part II of title 18,
7 United States Code, is amended by striking the item
8 relating to chapter 228.

9 **SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SEN-**
10 **TENCE.**

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

15 (b) PERSONS SENTENCED BEFORE DATE OF ENACT-
16 MENT.—Notwithstanding any other provision of law, any
17 person sentenced to death before the date of enactment
18 of this Act for any violation of Federal law shall serve
19 a sentence of life imprisonment without the possibility of
20 parole.

