

118TH CONGRESS
1ST SESSION

H. R. 1124

To abolish the death penalty under Federal law.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mr. ESPAILLAT (for himself, Mr. SARBANES, Ms. BARRAGÁN, Ms. WILLIAMS of Georgia, Ms. MOORE of Wisconsin, Ms. BROWNLEY, Ms. LEE of California, Mr. KHANNA, Ms. NORTON, Mr. GARCÍA of Illinois, Mr. PHILLIPS, Ms. SCHAKOWSKY, Ms. MENG, Ms. TLAIB, Mr. MCGOVERN, Mr. CLEAVER, Mr. DESAULNIER, Mr. CASAR, Mr. MORELLE, Ms. VELÁZQUEZ, Mr. MULLIN, and Mr. JOHNSON of Georgia) 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 2023”.

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) MAILING OF INJURIOUS ARTICLES WITH
10 INTENT TO KILL OR RESULTING IN DEATH.—Section
11 1716(j)(3) of title 18, United States Code, is amend-
12 ed by striking “to the death penalty or”.

13 (17) ASSASSINATION OR KIDNAPPING RESULT-
14 ING IN THE DEATH OF THE PRESIDENT OR VICE
15 PRESIDENT.—Section 1751 of title 18, United
16 States Code, is amended—

17 (A) in subsection (b)—

18 (i) by striking “(1)”; and

19 (ii) by striking “, or (2) by death”

20 and all that follows through the end of the
21 subsection and inserting a period; and

22 (B) in subsection (d)—

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.

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

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

10 (20) WILLFUL WRECKING OF A TRAIN RESULT-
11 ING IN DEATH.—Section 1992 of title 18, United
12 States Code, is amended—

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

16 (B) in subsection (b), in the matter fol-
17 lowing paragraph (3), by striking “, and if the
18 offense resulted in the death of any person, the
19 person may be sentenced to death”.

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

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

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

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

8 (25) MURDER RELATED TO SEXUAL EXPLOI-
9 TATION OF CHILDREN.—Section 2251(e) of title 18,
10 United States Code, is amended by striking “pun-
11 ished by death or”.

12 (26) MURDER COMMITTED DURING AN OF-
13 FENSE AGAINST MARITIME NAVIGATION.—Section
14 2280(a)(1) of title 18, United States Code, is
15 amended by striking “punished by death or”.

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

20 (28) MURDER USING DEVICES OR DANGEROUS
21 SUBSTANCES IN WATERS OF THE UNITED STATES.—
22 Section 2282A of title 18, United States Code, is
23 amended—

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

1 (B) by redesignating subsections (c) and
2 (d) as subsections (b) and (c), respectively.

3 (29) MURDER INVOLVING THE TRANSPOR-
4 TATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR
5 RADIOACTIVE OR NUCLEAR MATERIALS.—Section
6 2283 of title 18, United States Code, is amended—

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

8 (B) by redesignating subsection (c) as sub-
9 section (b).

10 (30) MURDER INVOLVING THE DESTRUCTION
11 OF VESSEL OR MARITIME FACILITY.—Section
12 2291(d) of title 18, United States Code, is amended
13 by striking “to the death penalty or”.

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

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

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

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

5 (33) MURDER BY ACT OF TERRORISM TRAN-
6 SCENDING NATIONAL BOUNDARIES.—Section
7 2332b(c)(1)(A) of title 18, United States Code, is
8 amended by striking “by death, or”.

9 (34) MURDER INVOLVING TORTURE.—Section
10 2340A(a) of title 18, United States Code, is amend-
11 ed by striking “punished by death or”.

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

16 (36) MURDER RELATED TO A CONTINUING
17 CRIMINAL ENTERPRISE OR RELATED MURDER OF A
18 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT
19 OFFICER.—Section 408(e) of the Controlled Sub-
20 stances Act (21 U.S.C. 848(e)) is amended—

21 (A) in the subsection heading, by striking
22 “DEATH PENALTY” and inserting “INTEN-
23 TIONAL KILLING”; and

24 (B) in paragraph (1)—

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

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

5 (37) DEATH RESULTING FROM AIRCRAFT HI-
6 JACKING.—Section 46502 of title 49, United States
7 Code, is amended—

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

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

12 (b) NON-HOMICIDE RELATED OFFENSES.—

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

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

21 (c) TITLE 10.—

22 (1) IN GENERAL.—Section 856 of title 10,
23 United States Code (article 56 of the Uniform Code
24 of Military Justice) is amended by inserting before

1 the period at the end the following: “, except that
2 the punishment may not include death”.

3 (2) OFFENSES.—

4 (A) CONSPIRACY.—Section 881(b) of title
5 10, United States Code (article 81(b)), is
6 amended by striking “, if death results” and all
7 that follows through the end and inserting “as
8 a court-martial or military commission may di-
9 rect.”.

10 (B) DESERTION.—Section 885(c) of title
11 10, United States Code (article 85(c)), is
12 amended by striking “, if the offense is com-
13 mitted in time of war” and all that follows
14 through the end and inserting “as a court-mar-
15 tial may direct”.

16 (C) ASSAULTING OR WILLFULLY DIS-
17 OBEYING SUPERIOR COMMISSIONED OFFICER.—
18 Section 890 of title 10, United States Code (ar-
19 ticle 90), is amended by striking “shall be pun-
20 ished” and all that follows through the end and
21 inserting “shall be punished as a court-martial
22 may direct.”.

23 (D) MUTINY OR SEDITION.—Section
24 894(b) of title 10, United States Code (article

1 94(b)), is amended by striking “by death or
2 such other punishment”.

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

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

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

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

20 (I) AIDING THE ENEMY.—Section 903b of
21 title 10, United States Code (article 103b), is
22 amended by striking “suffer death or such
23 other punishment as a court-martial or military
24 commission may direct” and inserting “be pun-

1 ished as a court-martial or military commission
2 may direct”.

3 (J) SPIES.—Section 903 of title 10, United
4 States Code (article 103), is amended by strik-
5 ing “by death” and inserting “by imprisonment
6 for life”.

7 (K) ESPIONAGE.—Section 903a of title 10,
8 United States Code (article 103a), is amend-
9 ed—

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

11 (ii) by redesignating paragraphs (2)

12 and (3) of subsection (a) as subsections (b)

13 and (c), respectively;

14 (iii) in subsection (a)—

15 (I) by striking “(1)”;

16 (II) by striking “paragraph (2)”

17 and inserting “subsection (b)”;

18 (III) by striking “paragraph (3)”

19 and inserting “subsection (c)”;

20 (IV) by striking “as a court-mar-

21 tial may direct,” and all that follows

22 and inserting “as a court-martial may

23 direct.”;

24 (iv) in subsection (b), as so redesign-

25 nated—

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

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

7 (v) in subsection (c), as so redesign-
8 ated, by striking “paragraph (1)” and in-
9 serting “subsection (a)”.

10 (L) IMPROPER HAZARDING OF VESSEL.—

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

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

18 (M) OFFENSES BY SENTINEL OR LOOK-
19 OUT.—Section 895(a) of title 10, United States
20 Code (article 95(a)), is amended by striking
21 “shall be punished” and all that follows and in-
22 serting “shall be punished as a court-martial
23 may direct.”.

24 (N) MURDER.—Section 918 of title 10,
25 United States Code (article 118), is amended

1 by striking “death or imprisonment for life as
2 a court-martial may direct” and inserting “im-
3 prisonment for life”.

4 (O) DEATH OR INJURY OF AN UNBORN
5 CHILD.—Section 919a(a) of title 10, United
6 States Code (article 119a), is amended—

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

9 (ii) by striking paragraph (4).

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

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

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

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

23 (iv) in paragraph (8), by striking “, if
24 death results” and all that follows and in-

1 serting “as a military commission under
2 this chapter may direct.”;

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

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

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

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

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

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

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

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

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

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

15 (xv) in paragraph (29), by striking “,
16 if death results” and all that follows and
17 inserting “as a military commission under
18 this chapter may direct.”.

19 (3) JURISDICTIONAL AND PROCEDURAL MAT-
20 TERS.—

21 (A) DISMISSED OFFICER’S RIGHT TO TRIAL
22 BY COURT-MARTIAL.—Section 804(a) of title
23 10, United States Code (article 4(a) of the Uni-
24 form Code of Military Justice), is amended by
25 striking “or death”.

1 (B) COURTS-MARTIAL CLASSIFIED.—Sec-
2 tion 816(b) of title 10, United States Code (ar-
3 ticle 16(b)), is amended—

4 (i) by striking paragraph (2); and

5 (ii) by redesignating paragraph (3) as
6 paragraph (2).

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

10 (i) in subsection (a), by striking “in-
11 cluding the penalty of death when specifi-
12 cally authorized by this chapter” and in-
13 serting “except death”;

14 (ii) by striking subsection (b); and

15 (iii) by redesignating subsection (c) as
16 subsection (b).

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 of title 10, United States
15 Code (article 29), is amended—

16 (i) in subsection (b)(2), by striking
17 “shall impanel” and all that follows and
18 inserting “shall empanel eight members.”;

19 (ii) in subsection (d)—

20 (I) in paragraph (1)—

21 (aa) by striking subpara-
22 graph (A);

23 (bb) by redesignating sub-
24 paragraphs (B) and (C) as sub-

1 paragraphs (A) and (B), respec-
2 tively; and

3 (cc) in subparagraph (A), as
4 so redesignated, by striking “in a
5 noncapital case”; and

6 (II) in paragraph (2)—

7 (aa) by striking subpara-
8 graph (A);

9 (bb) by redesignating sub-
10 paragraphs (B) and (C) as sub-
11 paragraphs (A) and (B), respec-
12 tively; and

13 (cc) in subparagraph (A), as
14 so redesignated, by striking “in a
15 noncapital case”.

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

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

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

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

3 “(B) Murder.

4 “(C) Rape.

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

8 “(E) Desertion or attempt to desert in time of
9 war.

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

12 “(G) Attempted mutiny, mutiny, sedition, or
13 failure to suppress or report a mutiny or sedition.

14 “(H) A violation of section 895(a) of this title
15 (article 95(a)) committed in time of war.

16 “(I) A violation of section 899 of this title (arti-
17 cle 99).

18 “(J) A violation of section 900 of this title (ar-
19 ticle 100).

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

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

24 “(M) A violation of section 903 of this title (ar-
25 ticle 103).

1 “(N) A violation of section 903a of this title
2 (article 103a).

3 “(O) A violation of section 903b of this title
4 (article 103b).

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

12 (i) by striking the first sentence; and

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

16 (J) DEPOSITIONS.—Section 849 of title
17 10, United States Code (article 49), is amended
18 by striking subsection (d).

19 (K) ADMISSIBILITY OF RECORDS OF
20 COURTS OF INQUIRY.—Section 850 of title 10,
21 United States Code (article 50), is amended—

22 (i) in subsection (a), by striking “not
23 capital and”; and

24 (ii) in subsection (b), by striking
25 “capital cases or”.

1 (L) NUMBER OF VOTES REQUIRED FOR
2 CONVICTION AND SENTENCING BY COURT-MAR-
3 TIAL.—Section 852(b)(2) of title 10, United
4 States Code (article 52(b)(2)), is amended by
5 striking “A sentence of death” and all that fol-
6 lows and inserting “All sentences imposed by
7 members shall be determined by the concu-
8 rence of at least three-fourths of the members
9 present when the vote is taken.”

10 (M) RECORD OF TRIAL.—Section
11 854(c)(2) of title 10, United States Code (arti-
12 cle 54(c)(2)), is amended by striking “death,”.

13 (N) FORFEITURE OF PAY AND ALLOW-
14 ANCES DURING CONFINEMENT.—Section
15 858b(a)(2)(A) of title 10, United States Code
16 (article 58b(a)(2)(A)), is amended by striking
17 “or death”.

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

21 (i) by striking subsection (c); and

22 (ii) by redesignating subsection (d) as
23 subsection (c).

24 (P) REVIEW BY COURT OF CRIMINAL AP-
25 PEALS.—Section 866(b)(3) of title 10, United

1 States Code (article 66(b)(3)), is amended by
2 striking “death,”.

3 (Q) REVIEW BY COURT OF APPEALS FOR
4 THE ARMED FORCES.—Section 867(a) of title
5 10, United States Code (article 67(a)), is
6 amended—

7 (i) by striking paragraph (1); and
8 (ii) by redesignating paragraphs (2)
9 and (3) as paragraphs (1) and (2), respec-
10 tively.

11 (R) EFFECTIVE DATE OF SENTENCES.—
12 Section 857(a) of title 10, United States Code
13 (article 57(a)), is amended—

14 (i) by striking paragraph (3);
15 (ii) by redesignating paragraphs (4)
16 through (6) as paragraphs (3) through (5),
17 respectively; and

18 (iii) in paragraph (4), as so redesign-
19 nated—

20 (I) by striking “death, dismissal,
21 or” each place it appears and insert-
22 ing “dismissal or”;

23 (II) by striking “death or”; and

1 (III) by striking “under para-
2 graph (3) or (4), as appropriate” and
3 inserting “under paragraph (3)”.

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 in 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.—Section 950i of title 10,
20 United States Code, is amended—

21 (i) by striking subsections (b) and (c);
22 (ii) by redesignating subsection (d) as
23 subsection (b); and

1 (iii) in subsection (b), as so redesignated,
2 nated, by striking “, except a sentence of
3 death”.

4 (d) CONFORMING AMENDMENTS.—

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

7 (A) IN GENERAL.—Chapter 228 of title
8 18, United States Code, is repealed.

9 (B) CLERICAL AMENDMENT.—The table of
10 chapters for part II of title 18, United States
11 Code, is amended by striking the item relating
12 to chapter 228.

13 (2) OTHER PROVISIONS.—

14 (A) INTERCEPTION OF WIRE, ORAL, OR
15 ELECTRONIC COMMUNICATIONS.—Section
16 2516(1)(a) of title 18, United States Code, is
17 amended by striking “by death or”.

18 (B) RELEASE AND DETENTION PENDING
19 JUDICIAL PROCEEDINGS.—Chapter 207 of title
20 18, United States Code, is amended—

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

23 (ii) in section 3146(b)(1)(A)(i), by
24 striking “death, life imprisonment,” and
25 inserting “life imprisonment”.

1 (C) VENUE IN CAPITAL CASES.—Chapter
2 211 of title 18, United States Code, is amend-
3 ed—

4 (i) by striking section 3235; and
5 (ii) in the table of sections, by striking
6 the item relating to section 3235.

7 (D) PERIOD OF LIMITATIONS.—

8 (i) IN GENERAL.—Chapter 213 of title
9 18, United States Code, is amended by
10 striking section 3281 and inserting the fol-
11 lowing:

12 **“§ 3281. Offenses with no period of limitations**

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

15 “(1) A violation of section 274(a)(1)(A) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1324(a)(1)(A)) resulting in the death of any person.

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

19 “(3) A violation of section 36(b)(2)(A) of this
20 title.

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

23 “(5) A violation of section 229A(a)(2) of this
24 title.

1 “(6) A violation of section 241, 242, 245(b), or
2 247(a) of this title that—

3 “(A) results in death; or

4 “(B) involved kidnapping or an attempt to
5 kidnap, aggravated sexual abuse or an attempt
6 to commit aggravated sexual abuse, or an at-
7 tempt to kill.

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

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

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

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

18 “(11) An offense punishable under section
19 1091(b)(1) of this title.

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

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

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

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

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

5 “(17) An offense punishable under section
6 1512(a)(3) of this title that is murder (as that term
7 is defined in section 1111 of this title).

8 “(18) An offense punishable under section
9 1716(j)(3) of this title.

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

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

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

16 “(22) A violation of subsection (a) (except for
17 a violation of paragraph (8), (9), or (10) of such
18 subsection) or (b) of section 1992 of this title that
19 results in the death of any person.

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

22 “(24) An offense punishable under section
23 2119(3) of this title.

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

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

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

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

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

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

11 “(31) An offense punishable under section
12 2291(d) of this title.

13 “(32) An offense punishable under section
14 2332(a)(1) of this title.

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

17 “(34) An offense punishable under section
18 2332b(c)(1)(A) of this title.

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

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

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

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

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

3 (ii) CLERICAL AMENDMENT.—The
4 table of sections for chapter 213 of title
5 18, United States Code, is amended by
6 striking the item relating to section 3281
7 and inserting the following:

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

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

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

14 (b) PERSONS SENTENCED BEFORE DATE OF ENACT-
15 MENT.—Notwithstanding any other provision of law, any
16 person sentenced to death before the date of enactment
17 of this Act for any violation of Federal law shall be resen-
18 tenced.

○