

103^D CONGRESS
1ST SESSION

S. 49

To establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. THURMOND (for himself and Mr. DECONCINI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

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 Act of 1993”.

6 **SEC. 2. CONSTITUTIONAL PROCEDURES FOR THE IMPOSI-**
7 **TION OF THE SENTENCE OF DEATH.**

8 (a) IN GENERAL.—Part II of title 18 of the United
9 States Code is amended by adding the following new chap-
10 ter after chapter 227:

1 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

“3592. Factors to be considered in determining whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

2 **“§ 3591. Sentence of death**

3 “A defendant who has been found guilty of—

4 “ (a) an offense described in section 794 or section
5 2381 of this title;

6 “ (b) an offense described in section 1751(c) of
7 this title, if the offense, as determined beyond a rea-
8 sonable doubt at the hearing under section 3593,
9 constitutes an attempt to kill the President of the
10 United States and results in bodily injury to the
11 President or comes dangerously close to causing the
12 death of the President; or

13 “ (c) any other offense for which a sentence of
14 death is provided, if the defendant, as determined
15 beyond a reasonable doubt at the hearing under section
16 3593—

17 “(1) intentionally killed the victim;

18 “(2) intentionally inflicted serious bodily
19 injury that resulted in the death of the victim;

20 “(3) intentionally participated in an act,
21 contemplating that the life of a person would be

1 taken or intending that lethal force would be
2 used in connection with a person, other than
3 one of the participants in the offense, and the
4 victim died as a direct result of the act; or

5 “(4) intentionally and specifically engaged
6 in an act, knowing that the act created a grave
7 risk of death to a person, other than one of the
8 participants in the offense, such that participa-
9 tion in the act constituted a reckless disregard
10 for human life and the victim died as a direct
11 result of the act,

12 shall be sentenced to death if, after consideration of the
13 factors set forth in section 3592 in the course of a hearing
14 held pursuant to section 3593, it is determined that impo-
15 sition of a sentence of death is justified; provided that no
16 person may be sentenced to death who was less than 16
17 years of age at the time of the offense.

18 **“§ 3592. Factors to be considered in determining**
19 **whether a sentence of death is justified**

20 “(a) MITIGATING FACTORS.—In determining wheth-
21 er a sentence of death is justified for any offense, the jury,
22 or if there is no jury, the court, shall consider each of
23 the following mitigating factors and determine which, if
24 any, exist:

1 “(1) the defendant’s mental capacity was sig-
2 nificantly impaired, although the impairment was
3 not such as to constitute a defense to prosecution;

4 “(2) the defendant was under unusual and sub-
5 stantial duress, although not such duress as would
6 constitute a defense to prosecution; and

7 “(3) the defendant was an accomplice whose
8 participation in the offense was relatively minor.

9 The jury, or if there is no jury, the court, shall consider
10 whether any other mitigating factor exists.

11 “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND
12 TREASON.—In determining whether a sentence of death
13 is justified for an offense described in section 3591(a), the
14 jury, or if there is no jury, the court, shall consider each
15 of the following aggravating factors and determine which,
16 if any, exist:

17 “(1) the defendant has previously been con-
18 victed of another offense involving espionage or trea-
19 son for which either a sentence of life imprisonment
20 or death was authorized by statute;

21 “(2) in the commission of the offense the de-
22 fendant knowingly created a grave risk of substan-
23 tial danger to the national security; and

1 “(3) in the commission of the offense the de-
2 fendant knowingly created a grave risk of death to
3 another person.

4 The jury, or if there is no jury, the court, may consider
5 whether any other aggravating factor exists.

6 “(c) AGGRAVATING FACTORS FOR HOMICIDE AND
7 FOR ATTEMPTED MURDER OF THE PRESIDENT.—In de-
8 termining whether a sentence of death is justified for an
9 offense described in section 3591(b) or (c), the jury, or
10 if there is no jury, the court, shall consider each of the
11 following aggravating factors and determine which, if any,
12 exist:

13 “(1) the death, or injury resulting in death, oc-
14 curred during the commission or attempted commis-
15 sion of, or during the immediate flight from the
16 commission of, an offense under section 751 (pris-
17 oners in custody of institution or officer), section
18 794 (gathering or delivering defense information to
19 aid foreign government), section 844(d) (transpor-
20 tation of explosives in interstate commerce for cer-
21 tain purposes), section 844(f) (destruction of Gov-
22 ernment property in interstate commerce by explo-
23 sives), section 1118 (prisoners serving life term),
24 section 1201 (kidnaping), or section 2381 (treason)
25 of this title, or section 902 (i) or (n) of the Federal

1 Aviation Act of 1958, as amended (49 U.S.C. 1472
2 (i) or (n)) (aircraft piracy);

3 “(2) the defendant has previously been con-
4 victed of another Federal or State offense resulting
5 in the death of a person, for which a sentence of life
6 imprisonment or a sentence of death was authorized
7 by statute;

8 “(3) the defendant has previously been con-
9 victed of two or more Federal or State offenses,
10 punishable by a term of imprisonment of more than
11 one year, committed on different occasions, involving
12 the infliction of, or attempted infliction of, serious
13 bodily injury or death upon another person;

14 (4) the defendant, in the commission of the of-
15 fense, or in escaping apprehension for the violation
16 of the offense, knowingly created a grave risk of
17 death to one or more persons in addition to the vic-
18 tim of the offense;

19 “(5) the defendant committed the offense in an
20 especially heinous, cruel, or depraved manner;

21 “(6) the defendant procured the commission of
22 the offense by payment, or promise of payment, of
23 anything of pecuniary value;

1 “(7) the defendant committed the offense as
2 consideration for the receipt, or in the expectation of
3 the receipt, of anything of pecuniary value;

4 “(8) the defendant committed the offense after
5 planning and premeditation to cause the death of a
6 person or commit an act of terrorism;

7 “(9) the defendant has previously been con-
8 victed of two or more State or Federal offenses pun-
9 ishable by a term of imprisonment of more than one
10 year, committed on different occasions, involving the
11 distribution of a controlled substance;

12 “(10) the victim was particularly vulnerable due
13 to old age, youth, or infirmity;

14 “(11) the defendant had previously been con-
15 victed of violating title II or title III of the Con-
16 trolled Substances Act for which a sentence of 5 or
17 more years may be imposed or had previously been
18 convicted of engaging in a continuing criminal enter-
19 prise;

20 “(12) the defendant committed the offense
21 against—

22 “(A) the President of the United States,
23 the President-elect, the Vice President, the
24 Vice-President-elect, the Vice-President-des-
25 ignate, or, if there is no Vice President, the of-

1 ficer next in order of succession to the office of
2 the President of the United States, or any per-
3 son who is acting as President under the Con-
4 stitution and laws of the United States;

5 “(B) a chief of state, head of government,
6 or the political equivalent, of a foreign nation;

7 “(C) a foreign official listed in section
8 1116(b)(3)(A) of this title, if he is in the Unit-
9 ed States on official business; or

10 “(D) a Federal public servant who is a
11 judge, a law enforcement officer, or an em-
12 ployee of a United States penal or correctional
13 institution—

14 “(i) while he is engaged in the per-
15 formance of his official duties;

16 “(ii) because of the performance of his
17 official duties; or

18 “(iii) because of his status as a public
19 servant.

20 For purposes of this subparagraph, a ‘law en-
21 forcement officer’ is a public servant authorized
22 by law or by a Government agency or Congress
23 to conduct or engage in the prevention, inves-
24 tigation, or prosecution of an offense.

1 The jury, or if there is no jury, the court, may consider
2 whether any other aggravating factor exists.

3 **“§ 3593. Special hearing to determine whether a sen-**
4 **tence of death is justified**

5 “(a) NOTICE BY THE GOVERNMENT.—If, in a case
6 involving an offense described in section 3591, the attor-
7 ney for the government believes that the circumstances of
8 the offense are such that a sentence of death is justified
9 under this chapter, he shall, a reasonable time before the
10 trial, or before acceptance by the court of a plea of guilty,
11 or at such time thereafter as the court may permit upon
12 a showing of good cause, sign and file with the court, and
13 serve on the defendant, a notice—

14 “(1) stating that the government believes that
15 the circumstances of the offense are such that, if the
16 defendant is convicted, a sentence of death is justi-
17 fied under this chapter and that the government will
18 seek the sentence of death; and

19 “(2) setting forth the aggravating factor or fac-
20 tors that the government, if the defendant is con-
21 victed, proposes to prove as justifying a sentence of
22 death.

23 The court may permit the attorney for the government
24 to amend the notice upon a showing of good cause.

1 “(b) HEARING BEFORE A COURT OR JURY.—If the
2 attorney for the government has filed a notice as required
3 under subsection (a) and the defendant is found guilty of
4 or pleads guilty to an offense described in section 3591,
5 the judge who presided at the trial or before whom the
6 guilty plea was entered, or another judge if that judge is
7 unavailable, shall conduct a separate sentencing hearing
8 to determine the punishment to be imposed. The hearing
9 shall be conducted—

10 “(1) before the jury that determined the de-
11 fendant’s guilt;

12 “(2) before a jury impaneled for the purpose of
13 the hearing if—

14 “(A) the defendant was convicted upon a
15 plea of guilty;

16 “(B) the defendant was convicted after a
17 trial before the court sitting without a jury;

18 “(C) the jury that determined the defend-
19 ant’s guilt was discharged for good cause; or

20 “(D) after initial imposition of a sentence
21 under this section, reconsideration of the sen-
22 tence under this section is necessary; or

23 “(3) before the court alone, upon the motion of
24 the defendant and with the approval of the attorney
25 for the government.

1 A jury impaneled pursuant to paragraph (2) shall consist
2 of twelve members, unless, at any time before the conclu-
3 sion of the hearing, the parties stipulate, with the approval
4 of the court, that it shall consist of a lesser number.

5 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
6 TORS.—Notwithstanding rule 32(c) of the Federal Rules
7 of Criminal Procedure, when a defendant is found guilty
8 or pleads guilty to an offense under section 3591, no
9 presentence report shall be prepared. At the sentencing
10 hearing, information may be presented as to any matter
11 relevant to the sentence, including any mitigating or ag-
12 gravating factor permitted or required to be considered
13 under section 3592. Information presented may include
14 the trial transcript and exhibits if the hearing is held be-
15 fore a jury or judge not present during the trial. Any other
16 information relevant to a mitigating or aggravating factor
17 may be presented by either the attorney for the govern-
18 ment or the defendant, regardless of its admissibility
19 under the rules governing admission of evidence at crimi-
20 nal trials, except that information may be excluded if its
21 probative value is substantially outweighed by the danger
22 of creating unfair prejudice, confusing the issues, or mis-
23 leading the jury. The government and the defendant shall
24 be permitted to rebut any information received at the
25 hearing, and shall be given fair opportunity to present ar-

1 gument as to the adequacy of the information to establish
2 the existence of any aggravating or mitigating factor, and
3 as to the appropriateness in the case of imposing a sen-
4 tence of death. The government shall open the argument.
5 The defendant shall be permitted to reply. The govern-
6 ment shall then be permitted to reply in rebuttal. The bur-
7 den of establishing the existence of any aggravating factor
8 is on the government, and is not satisfied unless the exist-
9 ence of such a factor is established beyond a reasonable
10 doubt. The burden of establishing the existence of any
11 mitigating factor is on the defendant, and is not satisfied
12 unless the existence of such a factor is established by a
13 preponderance of the information.

14 “(d) RETURN OF SPECIAL FINDINGS.—The jury, or
15 if there is no jury, the court, shall consider all the informa-
16 tion received during the hearing. It shall return a special
17 finding as to each mitigating and aggravating factor, con-
18 cerning which information is presented at the hearing, re-
19 quired to be considered under section 3592. The jury must
20 find the existence of an aggravating factor by a unanimous
21 vote, although it is unnecessary that there be a unanimous
22 vote on any specific or aggravating factor if a majority
23 of the jury finds the existence of such a specific factor.
24 A finding with respect to a mitigating factor may be made
25 by one or more members of the jury and any member of

1 the jury who finds the existence of a mitigating factor may
2 consider such a factor established for purposes of this sec-
3 tion, regardless of the number of jurors who consider that
4 the factor has been established.

5 “(e) RETURN OF A FINDING CONCERNING A SEN-
6 TENCE OF DEATH.—If, in the case of—

7 “(1) an offense described in section 3591(a), an
8 aggravating factor required to be considered under
9 section 3592(b) is found to exist; or

10 “(2) an offense described in section 3591 (b) or
11 (c), an aggravating factor required to be considered
12 under section 3592(c) is found to exist;

13 the jury, or if there is no jury, the court, shall then con-
14 sider whether all the aggravating factors found to exist
15 sufficiently outweigh all the mitigating factors found to
16 exist to justify a sentence of death, or, in the absence of
17 a mitigating factor, whether the aggravating factors alone
18 are sufficient to justify a sentence of death. Based upon
19 this consideration, the jury by unanimous vote, or if there
20 is no jury, the court, shall return a finding as to whether
21 a sentence of death is justified.

22 “(f) SPECIAL PRECAUTION TO ASSURE AGAINST
23 DISCRIMINATION.—In a hearing held before a jury, the
24 court, prior to the return of a finding under subsection
25 (e), shall instruct the jury that, in considering whether

1 a sentence of death is justified, it shall not consider the
2 race, color, national origin, creed, or sex of the defendant.
3 The jury, upon return of a finding under subsection (e),
4 shall also return to the court a certificate, signed by each
5 juror, that consideration of the race, color, national origin,
6 creed, or sex of the defendant was not involved in reaching
7 the juror's individual decision.

8 **“§ 3594. Imposition of a sentence of death**

9 “Upon a finding under section 3593(e) that a sen-
10 tence of death is justified, the court shall sentence the de-
11 fendant to death. Upon a finding under section 3593(e)
12 that a sentence of death is not justified, or under section
13 3593(d) that no aggravating factor required to be found
14 exists, the court shall impose any sentence other than
15 death that is authorized by law. Notwithstanding any
16 other provision of law, if the maximum term of imprison-
17 ment for the offense is life imprisonment, the court may
18 impose a sentence of life imprisonment without parole.

19 **“§ 3595. Review of a sentence of death**

20 “(a) APPEAL.—In a case in which a sentence of death
21 is imposed, the sentence shall be subject to review by the
22 court of appeals upon appeal by the defendant. Notice of
23 appeal must be filed within the time specified for the filing
24 of a notice of appeal. An appeal under this section may

1 be consolidated with an appeal of the judgment of convic-
2 tion and shall have priority over all other cases.

3 “(b) REVIEW.—The court of appeals shall review the
4 entire record in the case, including—

5 “(1) the evidence submitted during the trial;

6 “(2) the information submitted during the sen-
7 tencing hearing;

8 “(3) the procedures employed in the sentencing
9 hearing; and

10 “(4) the special findings returned under section
11 3593(d).

12 “(c) DECISION AND DISPOSITION.—

13 “(1) If the court of appeals determines that—

14 “(A) the sentence of death was not im-
15 posed under the influence of passion, prejudice,
16 or any other arbitrary factor; and

17 “(B) the information supports the special
18 finding of the existence of an aggravating factor
19 required to be considered under section 3592;
20 it shall affirm the sentence.

21 “(2) In any other case, the court of appeals
22 shall remand the case for reconsideration under sec-
23 tion 3593.

1 “(3) The court of appeals shall state in writing
2 the reasons for its disposition of an appeal of a sen-
3 tence of death under this section.

4 **“§ 3596. Implementation of a sentence of death**

5 “A person who has been sentenced to death pursuant
6 to the provisions of this chapter shall be committed to the
7 custody of the Attorney General until exhaustion of the
8 procedures for appeal of the judgment of conviction and
9 for review of the sentence. When the sentence is to be im-
10 plemented, the Attorney General shall release the person
11 sentenced to death to the custody of a United States mar-
12 shal, who shall supervise implementation of the sentence
13 in the manner prescribed by the law of the State in which
14 the sentence is imposed. If the law of such State does not
15 provide for implementation of a sentence of death, the
16 court shall designate another State, the law of which does
17 so provide, and the sentence shall be implemented in the
18 latter State in the manner prescribed by such law. A sen-
19 tence of death shall not be carried out upon a woman while
20 she is pregnant.

21 **“§ 3597. Use of State facilities**

22 “(a) IN GENERAL.—A United States marshal
23 charged with supervising the implementation of a sentence
24 of death may use appropriate State or local facilities for
25 the purpose, may use the services of an appropriate State

1 or local official or of a person such an official employs
 2 for the purpose, and shall pay the costs thereof in an
 3 amount approved by the Attorney General.

4 “(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELI-
 5 GIOUS GROUNDS.—No employee of any State department
 6 of corrections or the Federal Bureau of Prisons and no
 7 employee providing services to that department or bureau
 8 under contract shall be required as a condition of that em-
 9 ployment, or contractual obligation to be in attendance at
 10 or to participate in any execution carried out under this
 11 section if such participation is contrary to the moral or
 12 religious convictions of the employee. For purposes of this
 13 subsection, the term ‘participation in executions’ includes
 14 personal preparation of the condemned individual and the
 15 apparatus used for execution and supervision of the activi-
 16 ties of other personnel in carrying out such activities.”.

17 (b) REPEAL.—Sections 3566 and 3567 of title 18,
 18 United States Code, are hereby repealed.

19 (c) AMENDMENTS TO CHAPTER ANALYSIS.—(1) The
 20 chapter analysis of part II of title 18, United States Code,
 21 is amended by adding the following new item after the
 22 item relating to chapter 227:

“228. **Death sentence** **3591**”.

23 (2) The section analysis of chapter 227 of title 18,
 24 United States Code, is amended by amending the items
 25 relating to sections 3566 and 3567 to read as follows:

“3566. Repealed.
“3567. Repealed.”.

1 **SEC. 3. CONFORMING CHANGES IN TITLE 18.**

2 (a) AIRCRAFTS AND MOTOR VEHICLES.—Section 34
3 of title 18, United States Code, is amended by striking
4 the comma after “imprisonment for life” and inserting a
5 period and striking the remainder of the section.

6 (b) ESPIONAGE.—Section 794(a) of title 18, United
7 States Code, is amended by striking the period at the end
8 of the section and inserting “, except that the sentence
9 of death shall not be imposed unless the jury or, if there
10 is no jury, the court, further finds that the offense directly
11 concerned nuclear weaponry, military spacecraft or sat-
12 ellites, early warning systems, or other means of defense
13 or retaliation against large-scale attack; war plans; com-
14 munications intelligence of cryptographic information; or
15 any other major weapons system or major element of de-
16 fense strategy.”.

17 (c) EXPLOSIVE MATERIALS.—(1) Section 844(d) of
18 title 18, United States Code, is amended by striking “as
19 provided in section 34 of this title”.

20 (2) Section 844(f) of title 18, United States Code,
21 is amended by striking “as provided in section 34 of this
22 title”.

1 (3) Section 844(i) of title 18, United States Code,
2 is amended by striking the words “as provided in section
3 34 of this title”.

4 (d) MURDER.—(1) The second undesignated para-
5 graph of section 1111(b) of title 18, United States Code,
6 is amended to read as follows:

7 “Whoever is guilty of murder in the first degree shall
8 be punished by death or by imprisonment for life;”.

9 (2) Section 1116(a) of title 18, United States Code,
10 is amended by striking “any such person who is found
11 guilty of murder in the first degree shall be sentenced to
12 imprisonment for life, and”.

13 (e) KIDNAPPING.—Section 1201(a) of title 18, Unit-
14 ed States Code, is amended by inserting after “or for life”
15 the following: “and, if the death of any person results,
16 shall be punished by death or life imprisonment”.

17 (f) NONMAILABLE INJURIOUS ARTICLES.—The last
18 paragraph of section 1716 of title 18, United States Code,
19 is amended by striking the comma after “imprisonment
20 for life” and inserting a period and striking the remainder
21 of the paragraph.

22 (g) PRESIDENTIAL ASSASSINATIONS.—Subsection (c)
23 of section 1751 of title 18, United States Code, is amend-
24 ed to read as follows:

1 “(c) Whoever attempts to kill or kidnap any individ-
2 ual designated in subsection (a) of this section shall be
3 punished (1) by imprisonment for any term of years or
4 for life, or (2) by death or imprisonment for any term of
5 years or for life, if the conduct constitutes an attempt to
6 kill the President of the United States and results in bod-
7 ily injury to the President or otherwise comes dangerously
8 close to causing the death of the President.”.

9 (h) WRECKING TRAINS.—The second to the last un-
10 designated paragraph of section 1992 of title 18, United
11 States Code, is amended by striking the comma after “im-
12 prisonment for life” and inserting a period and striking
13 the remainder of the section.

14 (i) BANK ROBBERY.—Section 2113(e) of title 18,
15 United States Code, is amended by striking “or punished
16 by death if the verdict of the jury shall so direct” and
17 inserting “or if death results shall be punished by death
18 or life imprisonment”.

19 (j) HOSTAGE TAKING. Section 1203(a) of title 18,
20 United States Code, is amended by inserting after “or for
21 life” the following: “and, if the death of any person re-
22 sults, shall be punished by death or life imprisonment”.

23 (k) RACKETEERING.—(1) Section 1952A(a) of title
24 18, United States Code, is amended by striking “and if
25 death results, shall be subject to imprisonment for any

1 term of years or for life, or shall be fined not more than
2 \$50,000, or both” and inserting “and if death results,
3 shall be punished by death or life imprisonment, or shall
4 be fined not more than \$250,000, or both”.

5 (2) Section 1952B(a)(1) of title 18, United States
6 Code, is amended to read as follows:

7 “(1) for murder, by death or life imprisonment,
8 or a fine of not more than \$250,000, or both; and
9 for kidnapping, by imprisonment for any term of
10 years or for life, or a fine of not more than
11 \$250,000, or both;”.

12 (l) GENOCIDE.—Section 1091(b)(1) of title 18, Unit-
13 ed States Code, is amended by striking “a fine of not more
14 than \$1,000,000 or imprisonment for life,” and inserting
15 “, where death results, a fine of not more than
16 \$1,000,000, or imprisonment for life or a sentence of
17 death.”.

18 **SEC. 4. CONFORMING AMENDMENT TO FEDERAL AVIATION**

19 **ACT OF 1954.**

20 Section 903 of the Federal Aviation Act of 1958, as
21 amended (49 U.S.C. 1473), is amended by striking
22 subsection (c).

1 **SEC. 5. CONTROLLED SUBSTANCES ACT.**

2 Section 408 of the Controlled Substances Act (21
3 U.S.C. 848) is amended by striking subsections (g)
4 through (r).

5 **SEC. 6. APPLICABILITY TO UNIFORM CODE OF MILITARY**
6 **JUSTICE.**

7 The provisions of chapter 228 of title 18, United
8 States Code, as added by this Act, shall not apply to pros-
9 ecutions under the Uniform Code of Military Justice (10
10 U.S.C. 801).

11 **SEC. 7. MURDER BY A FEDERAL PRISONER.**

12 (a) IN GENERAL.—Chapter 51 of title 18, United
13 States Code, is amended by adding at the end thereof the
14 following:

15 **“§ 1118. Murder by a Federal prisoner**

16 “(a) Whoever, while confined in a Federal correc-
17 tional institution under a sentence for a term of life im-
18 prisonment, murders another shall be punished by death
19 or by life imprisonment without the possibility of parole.

20 “(b) For the purposes of this section—

21 “(1) the term ‘Federal correctional institution’
22 means any Federal prison, Federal correctional facil-
23 ity, Federal community program center, or Federal
24 halfway house;

25 “(2) the term ‘term of life imprisonment’ means
26 a sentence for the term of natural life, a sentence

1 commuted to natural life, an indeterminate term of
2 a minimum of at least fifteen years and a maximum
3 of life, or an unexecuted sentence of death; and

4 “(3) the term ‘murders’ means committing first
5 degree or second degree murder as defined by sec-
6 tion 1111 of this title.”.

7 (b) AMENDMENT TO CHAPTER ANALYSIS.—The
8 chapter analysis for chapter 51 of title 18, United States
9 Code, is amended by adding at the end thereof the follow-
10 ing:

“1118. Murder by a Federal prisoner.”.

○

S 49 IS—2