

Table I

DISPOSITION OF TITLE 18 PROVISIONS

Explanatory Note:

The first column below lists sections of existing Title 18, mostly in Part I-Crimes, all of which would be replaced by enactment of the Final Report provisions. The second column indicates the disposition of those sections: either the Final Report section or sections which are considered to cover the substance of all or the various parts of an existing provision or the Title of the United States Code to which it is proposed that all or part of an existing provision be transferred. The difference between existing Title 18 and the Final Report in approaches to defining crimes makes the disposition somewhat complex in some cases. In such cases this table provides only clues to disposition; for explanation and discussion one must look to the Final Report comment regarding the sections referred to, or to the relevant pages of the Working Papers. Note that offenses to be transferred from Title 18 can be classified no higher than a Class A misdemeanor (§ 3006) and may, in lieu of such classification, be made subject to the regulatory offense provision (§ 1006).

It should be borne in mind, particularly when considering the disposition of an offense with severe penalties into one or more minor offenses, that two bases for federal jurisdiction significantly expand the coverage of all provisions defining federal offenses. One, the so-called "piggyback" base (§ 201(b)), establishes federal jurisdiction over virtually all offenses against persons or property when committed in the course of committing another federal offense defined in this Code. The other (§ 202) establishes federal jurisdiction over an included offense where there is federal jurisdiction over the inclusive offense.

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 1. General Provisions	
1	109 (j), (s), (z), (ab)
2	401
3	1303-04
4	1303
5	109 (am)
6	109 (n)
7	210
8	1754 (j)
9	210
10	219 (a), (b)
11	109 (m), 1112 (4) (c), 1201 (2) (a)
12	Title 39
13	209
14	211
15	1754 (b), (k)
Ch. 2. Aircraft and Motor Vehicles	
31	
32	1611-13, 1701-09
33	1611-13, 1701-09
34	1601-09
35	1354, 1614
Ch. 3. Animals, Birds, Fish, and Plants	
41	1705; Title 16
42	1411; Title 16
43	1411; Title 16
44	Title 16
45	1705; Title 16
46-47	Title 16
Ch. 5. Arson	
81	1701
Ch. 7. Assault	
111	1301-02, 1367, 1611-14, 1616-18, 1631-33
112	1611-14, 1616-18, 1631-33
113	1001, 1611-14, 1616-18
114	1612
Ch. 9. Bankruptcy	
151	1756 (3)
152	1321, 1351-52, 1356, 1361, 1732, 1756
153	1732, 1737
154-55	Title 11

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 11. Bribery, Graft and Conflicts of Interest	
201	1321, 1361-63, 1732, 1741 (k), 3501
202	Title 5
203	1362, 1365; Title 5
204	Title 5
205	1363, 1365; Title 5
206	Title 5
207-09	1372; Title 5
210	1361, 1364
211	1361, 1364-65; Title 5
212-16	1758; Title 12
217	1361-63
218	3301 (2); Title 5
219	1206; Title 5
224	1757
Ch. 12. Civil Disorders	
231-32	1801-04
233	206
Ch. 13. Civil Rights	
241	1501
242	1502, 1521
243	Title 28
244	Title 10
245	1511-16
Ch. 15. Claims and Services in Matters Affecting Government	
281	Title 5
283	Title 5
285	1356, 1732, 1735 (2) (e), 1753
286-89	1352, 1732
290	Title 38
291	Title 28
292	1363; Title 5
Ch. 17. Coins and Currency	
331	1751
332	1732, 1751
333	Title 12
334-35	1753
336-37	Title 31
Ch. 19. Conspiracy	
371	1004, 1732-34, 1751
372	1301, 1303, 1352, 1366-67, 1401, 1511 (c)
Ch. 21. Contempts	
401-02	1341-45, 1349

Title 18 SectionsProposed Code Sections and
Other Titles Involved

Ch. 23. Contracts

431-33	1372; Title 5
435	Title 15
436	1733; Title 18, Pt. E
437	1372; Title 25
438-39	1363; Title 25
440	Title 39
441	Title 41
442	Title 44
443	1356; Title 41

Ch. 25. Counterfeiting and Forgery

471-73	1751
474	1751-52
475	Title 31
476-77	1732
478-80	1751
481	1751-52
482-86	1751
487-88	1752
489	1411; Title 31
490	1751
491	1755
492	Title 31
493-98	1751
499	1381, 1751, 1753
500	1751, 1753
501	1751-53
502	1751
503	1751-52
504	Title 31
505	1351-52, 1751
506	1751-52
507-08	1751
509	1752

Ch. 27. Customs

541-42	1411
543	1411; Title 19
544	1411; Title 19
545	1411; Title 19
546	Title 22
547	1411
548	1411; Title 19
549	1411, 1732
550	1352, 1732
551	1323, 1367, 1411
552	401, 1002

Title 18 SectionsProposed Code Sections and
Other Titles Involved

Ch. 29. Elections and Political Activities

591	
592	1535
593-94	1511, 1531
595	1511, 1531-32
596	
597	1531
598	1532
599-600	1364-65, 1531
601	1511, 1532-33
602-03	1534
604-05	1532
606	1533
607	1534
608-12	Title 2
613	1541

Ch. 31. Embezzlement and Theft

641	1732
642	1732, 1752
643	1732, 1737; Title 5
644	1732, 1737; Title 12
645-47	1732, 1737; Title 28
648-53	1732, 1737; Title 5
654	1732, 1737
655	1732, 1737, 3501
656-57	1732, 1737
658	1738
659	206, 707, 1732, 1737
660	707, 1732, 1737
661-64	1732, 1737

Ch. 33. Emblems, Insignia and Names

700-01	Title 4
702	Titles 10, 42
703	Title 22
704	Title 10
705-06	Title 36
707	Title 7
708	Title 22
709	Title 4
710	Title 10
711	Title 7
712-13	Title 4
714	Title 43

Ch. 35. Escape and Rescue

751-53	1306
754	1301
755	1306-07
756-57	1120

Title 18 Sections Proposed Code Sections and
Other Titles Involved

Ch. 37. Espionage and Censorship

792	1118
793-94	1112-13
795-97	1112-13, 1712; Title 50
798	1114
799	1712; Title 42

Ch. 39. Explosives and Other Dangerous Articles

831	Title 49
832-34	1602, 1613, 1701, 1704; Title 49
835	Title 49
836	Title 15

Ch. 40. Importing, Manufacturing, Distribution and Storage of Explosive Materials

841	Title 26
842	1812; Title 26
843	Title 26
844	109 (i), 1614, 1618, 1701, 1705, 1811, 1814, 3202 (2) (e); Title 26
845-48	Title 26

Ch. 41. Extortion and Threats

871	1614-15
872-73	1381, 1617, 1732-33
874	1732
875-77	1614, 1617-18, 1732-33

Ch. 42. Extortionate Credit Transactions

891-96	1771
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Ch. 43. False Personation

911	1352
912-13	1381
914	1732-33
915	1381
916	Title 7
917	Title 36

Ch. 44. Firearms

921	Title 26
922	1812; Title 26
923	Title 26
924	1811, 3202 (2) (e); Title 26
925-28	Title 26

Ch. 45. Foreign Relations

951	1206; Title 22
952	1112-14
953	

Title 18 Sections Proposed Code Sections and
Other Titles Involved

Ch. 45. Foreign Relations—Continued

954	1353
955	Title 22
956	1202
957	1001-02
958	1203
959	1203; Title 22
960	1201-02
961	1204-05; Title 22
962	1201, 1204-05; Title 22
963-64	1204-05; Title 22
965	1204-05, 1352; Title 22
966	1352; Title 22
967	1204-05; Title 22
969	Title 22

Ch. 47. Fraud and False Statements

1001	1352
1002	1751
1003	1732, 1751
1004	1753; Title 12
1005	1352, 1732, 1751, 1753; Title 12
1006	1352, 1372, 1732, 1751, 1753, 1758; Title 12
1007	1352, 1732
1008	1352, 1732, 1751
1009	Title 12
1010	1352, 1732, 1751, 1753
1011	1352, 1732
1012	1352, 1356, 1361; Title 42
1013	1732
1014	1352, 1732
1015	1108, 1221, 1224, 1351-52, 1753
1016	1352, 1753
1017-19	1753
1020	1352, 1732-33
1021-22	1753
1023	1732, 1737
1024	1732; Title 10
1025	1732, 1753
1026	1352
1027	1352, 1732-33

Ch. 49. Fugitives From Justice

1071-72	1303
1073-74	1310

Ch. 50. Gambling

1081	Title 46
1082	1381; Title 46
1083	Title 46
1084	1381-32

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 51. Homicide	
1111	1601-02
1112	1601-03
1113	1001
1114-15	1601-03
Ch. 53. Indians	
1151-53	211
1154-56	Title 25
1158-62	Title 25
1163	1732
1164-65	Title 25
Ch. 55. Kidnaping	
1201	1631-33; 1635
1202	1304
Ch. 57. Labor	
1231	1551
Ch. 59. Liquor Traffic	
1261-65	Title 27
Ch. 61. Lotteries	
1301-03	1831-32
1304-05	
1306	Title 12
Ch. 63. Mail Fraud	
1341-43	1001, 1732, 1751
Ch. 65. Malicious Mischief	
1361	1705
1362	1107, 1705
1363	1107, 1613, 1704-05
1364	1701, 1705
Ch. 67. Military and Navy	
1381	1119
1382	1712
1383	1712; Title 10
1384	1841-43
1385	Title 10
Ch. 69. Nationality and Citizenship	
1421	1732, 1737; Title 28
1422	1362, 1732
1423	1225, 1332, 1531, 1751, 1753
1424	1221, 1224, 1351-52, 1753
1425	1224, 1351-52, 1361, 1753
1426	1351-52, 1751-52
1427	401, 1002

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 69. Nationality and Citizenship—Continued	
1428	Title 8
1429	1342-43
Ch. 71. Obscenity	
1461-65	1851
Ch. 73. Obstruction of Justice	
1501	1301-02, 1611-12
1502	1301-02
1503	1301, 1321-24, 1327, 1346, 1366-67
1504	1324
1505	1301, 1321-23, 1327, 1346, 1366-67
1506	1323, 1352, 1356, 1732
1507	1325
1508	1326
1509	1301
1510	1322, 1367
1511	1361, 1331-32
Ch. 75. Passports and Visas	
1541	1331, 1753
1542	1225, 1352, 1753
1543	1751
1544	401, 1002, 1221-22, 1225; Title 22
1545	Title 22
1546	1221-22, 1351-52, 1751-53
Ch. 77. Peonage and Slavery	
1581	1301, 1631-32
1582	401, 1002
1583	1631
1584-85	1631-32
1586	1002
1587-88	1631-32
Ch. 79. Perjury	
1621	1351
1622	401, 1003
1623	1351
Ch. 81. Piracy	
1651	201 (l); Chs. 16-17
1652	208 (h)
1653	208 (g)
1654	208 (h), 401, 1002
1655	1805
1656	1732
1657	401, 1002-04, 1805
1658	1613, 1705, 1732

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
1659	201 (a) (2), 1721
1660	1304, 1732
1661	201 (b), 1721
Ch. 83. Postal Service	
1691-99	Title 39
1700	1737; Title 39
1701	1301
1702	1564, 1732
1703	1564, 1705; Title 39
1704	1732; Title 39
1705	1301, 1564, 1705
1706	1301, 1705, 1732
1707-10	1732
1711	1732, 1737
1712	1352, 1732; Title 39
1713	1753; Title 39
1714	
1715	Title 39
1716	1001, 1601-03, 1612-13, 1701-02, 1704-05; Title 39
1716A	Title 39
1717	1001, 1003; Title 39
1718	Title 39
1719	1733
1720	1733, 1751
1721	1732, 1737; Title 39
1722	1352, 1733; Title 39
1723	1733; Title 39
1724	Title 39
1725	1733; Title 39
1726-28	1732; Title 39
1729-31	1381; Title 39
1732	1753; Title 39
1733	1733; Title 39
1734	Title 39
1735-37 (new)	Title 39
Ch. 84. Presidential Assassination, Kidnaping and Assault	
1761	1001, 1004, 1601-03, 1611-12, 1631-32; Title 18, Pt. D
Ch. 85. Prison-Made Goods	
1761-62	Title 15
Ch. 87. Prisons	
1791	1309; Title 18, Pt. E.
1792	1308-09
Ch. 89. Professions and Occupations	
1821	Title 15

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 91. Public Lands	
1851	1732
1852-54	1705, 1732
1855	1702, 1704-05
1856	1703
1857-58	1705
1859	1301
1860	1617; Title 43
1861	1732; Title 43
1862-63	1712
Ch. 93. Public Officers and Employees	
1901	1732, 1737, 3501; Title 5
1902	1371-72
1903	1372
1904	1371-72
1905	1371, 3501
1906	1371; Title 12
1907-08	1371, 3501; Title 12
1909	1363; Title 12
1910	Title 28
1911	1732, 1737; Title 28
1912	1363, 1732, 3501
1913	Title 5
1915	Title 19
1916	1737; Title 5
1917	1352, 1512; Title 5
1918	
1919	1352, 1732
1920	1352, 1732
1921	1732; Title 5
1922	1352, 1511, 1617; Title 5
1923	1732, 1734
Ch. 95. Racketeering	
1951	1001, 1004, 1721, 1732
1952	1361, 1403, 1701, 1732, 1822-24, 1831-32, 1841
1953	1831-32
1954	1758; Title 18, Pt. E
1955	1831; Title 18, Pt. D
Ch. 96. Racketeering Influenced and Corrupt Organizations	
1961-68	[not considered]
Ch. 97. Railroads	
1991	1001, 1711, 1713
1992	707, 1601-03, 1613, 1701-02, 1705
Ch. 99. Rape	
2031	1641-42
2032	1641, 1646

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 101. Records and Reports	
2071	1856, 1705, 1732
2072	1753; Title 7
2073	1732-33, 1737, 1753
2074	Title 15
2075	Title 5
2076	Title 28
Ch. 102. Riots	
2101-02	206, 707, 1801-02
Ch. 103. Robbery and Burglary	
2111-12	1721
2113	1601-03, 1611-13, 1711, 1721, 1732
2114	1611-13, 1721
2115	1711
2116	1301, 1611-12, 1712-13
2117	206, 707, 1001, 1712-13
Ch. 105. Sabotage	
2151	1105
2152	1107, 1301, 1705, 1712
2153-54	1004, 1105-07
2155-56	1004, 1105, 1107
2157	
Ch. 107. Seamen and Stowaways	
2191	1612, 1633
2192	1001, 1003-04, 1110, 1633, 1801, 1803
2193	1805
2194	1631-33
2195	Title 46
2196	1613
2197	1732, 1751, 1753
2198	1642
2199	1714, 1733
Ch. 109. Searches and Seizures	
2231	1301, 1366, 1611-13, 1616
2232	1301, 1323
2233	1301, 1323, 1401, 1732
2234-36	1521
Ch. 111. Shipping	
2271	1004, 1705, 1732
2272	1705, 1732
2273	1705
2274	1001-04, 1705; Title 46
2275	1601, 1611-13, 1701-05
2276	1001, 1705, 1711-13
2277-78	Title 46
2279	1712; Title 46

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
Ch. 113. Stolen Property	
2311	1735(7), 1736, 1741(f), 1754(k), (l)
2312	1732, 1736
2313	1732
2314-15	1732, 1751, 1752
2316-17	1732
2318	Title 15
Ch. 115. Treason, Sedition, and Subversive Activities	
2381	1101-02
2382	1118
2383-85	1103
2386	1104; Title 50
2387	1110
2388	1004, 1109-11, 1303
2389-90	1101-03, 1203
2391	1004, 1109-11, 1303
Ch. 117. White Slave Traffic	
2421	1841
2422-23	1631-32, 1841-42
2424	
Ch. 119. Wire Interception and Interception of Oral Communications	
2510	1563; Title 18, Pt. D
2511	1561; Title 18, Pt. D; Title 47
2512	1562
Ch. 213. Limitations	
3281-91	701
Ch. 223. Witnesses and Evidence	
3487	1739(2) (a)
Ch. 227. Sentence, Judgment, and Execution	
3565	3303-04
3568	3205
3569	3303-04
3575	3202
3576	28 U.S.C. § 1291 (amended)
Ch. 231. Probation	
3651	3101-06
3653	3102-04; Title 18, Pt. D
Ch. 305. Commitment and Transfer	
4082(a)	3203(1)
Ch. 309. Good Time Allowances	
4161-66	
Ch. 311. Parole	
4202	3401-02
4203	3402-05

<u>Title 18 Sections</u>	<u>Proposed Code Sections and Other Titles Involved</u>
4207	3403
4208(a)	3201(3), (4), 3401
4208(b)	3004, 3205(2)
Ch. 314. Narcotic Addicts	
4252	3004, 3205(3)
Ch. 402. Federal Youth Corrections Act	
5010(e)	3004
18 App. Unlawful Possession or Receipt of Firearms	
1201-03	1812; Title 26

Table II

**OFFENSES OUTSIDE TITLE 18 AFFECTED BY
CRIMINAL CODE**

The first column below lists most of the sections outside Title 18 defining federal offenses which would be specially affected by provisions of the proposed new Federal Criminal Code. A section has been included in the list (1) if some or all of its provisions would be deleted because they are covered by Code provisions, (2) if the section is incorporated in the Code by reference, or (3) if a felony penalty provided in the section will be reduced at least to the Class A misdemeanor level by operation of § 3006. The second column lists the Code sections which affect the existing section. Since the principal purpose of any deletion is to eliminate duplication of a Code provision, substantial portions of existing provisions may have to be retained for other purposes, such as: to continue a minor offense in the regulatory Title, perhaps subject to the regulatory offense provision (§ 1006); to retain authority for civil penalties; to retain the prohibition of conduct which triggers a Code provision, *e.g.*, a prohibition against importation which is an element in smuggling (§ 1411). Determinations as to what provisions should be retained or how they should be classified, if offenses, have not been made by the Commission staff prepared suggestions will be found in volume III of the Working Papers. Not included in this table are the many minor offenses outside Title 18 which, pursuant to Code § 101, would be affected by the general and sentencing provisions of the Code, and which may be amended to be made subject to the regulatory offense provision (§ 1006). Explanation and discussion of the manner in which the Code provisions affect the existing sections listed may in many instances be found either in the Final Report comment regarding the Code section referred to or in the relevant pages of the Working Papers. Extensive discussions and compilations of offenses outside Title 18 may be found in the Working Papers.

<u>United States Code Sections</u>	<u>Proposed Criminal Code Sections</u>
Title 2 (The Congress)	
167g	Chapter 17
192	1342-49
252(b)	3006
269(b)	3003, 3006
Title 5 (Government Organization and Employees)	
304(b)	1341-49
552(a)(3)	1341-49
1507(a)	1341-49
8125	1341-49
Title 7 (Agriculture)	
13	1732, 3006
60	1301, 1356, 1751, 1758
87c	1321, 1361-63, 1366, 1381, 1611-14, 1617, 1751, 1753, 3003
87f(g)	1732
135f(c)	1371, 3006
150gg	1751-54
163	1411, 1751-54
195	1345, 3006
221	3006
270	1751-54, 1732, 1737, 3006
282	1411
472	1371
473	1352, 1356
473c-2	1301, 1352, 1356, 1361-64, 1753
491	1705, 1732
499m	1751-54
503	1352
511k	1301, 1352, 1356, 1361-63, 1381, 1751-54
608d	1371
608e-1	1411
608f	3006
610(g)	1372
615(b-3)(2)	1732
615(b-3)(3)	1352, 1401, 1751-54
953	1352
1011	1712
1156	1352
1137	1372
1373	1352, 1356, 1371
1379(i)	1732, 1751-54
1380n	1411
1622(h)	1751-54
1642(c)	1351-52

<u>United States Code Sections</u>	<u>Proposed Criminal Code Sections</u>
Title 7—Continued	
1986	1362-63, 1365, 1371-72
2023	1759
2150	1345
Title 8 (Aliens and Nationality)	
333-36	1222-23, 1632
1185	1221-25, 1352, 1751-54, 3006
1252	3006
1306(c), (d)	1352, 1751-54
1324	1222-23
1325	1221
1326	1221
1327	1221-23
1328	1221-23, 1841-42
Title 10 (Armed Forces)*	
2276	1352, 3006
4501	3006
7678	1301, 1352, 1705, 1732, 3006
9501	3006
Title 11 (Bankruptcy)	
205(p)	3006
Title 12 (Banks and Banking)	
92a	1732, 1737, 3006
95	1773
95a(3)	1204, 1411
378	3006
617	3006
630	1001, 1352, 1732, 1737, 1753
631	3006
1141j	1372, 3006
1464	Cf. 1345
1715z-4	3006
1725(g)	Cf. 1732, 1753
1847	1352
1909	1352
Title 13 (Customs)	
211	1364
213	1352
214	1371
Title 14 (Coast Guard)	
84	1301
638	3006
639	Cf. 1753

* Uniform Code of Military Justice provisions are not affected by the Code.

United States Code Sections	Proposed Criminal Code Sections
Title 15 (Commerce and Trade)	
50	1323, 1342-49, 1352, 1356, 1371, 3006
54	<i>Cf.</i> 3003
76	1411, 3006
77	3006
77x	1772, 3006
77yyy	1772, 3006
78u(c)	1342-49
78ff	1772, 3006
79r	1342-49
79z-3	1352, 1356, 3006
80a-41	1342-49
80a-48	3006
80b-9	1342-49
80b-17	3006
158	1732, 3006
645	1352, 1372, 1732, 1737
714m	1352, 1732, 1737
717m	1342-49
717l	3006
1176	3006
1242	3006
1243	3006
1281	1701-09
1717	1352, 1732, 3006
Title 16 (Conservation)	
3, 9a, 26, 45e, 98, 117c, 123, 127, 146, 152, 170, 198c, 204c, 256b, 354, 392c, 403c-3, 403h-3, 404c-3, 406k, 430v, 460k-3, 460n-5, 471, 551, 606, 690g, 693a, 780	<i>Cf.</i> Chapter 17, esp. § 1705
114, 413, 433	1705, 1732
371	1732
414	1712
707	3006
825f	1342-49
825o	3006
831t	1352, 1732, 1737, 3006
Title 19 (Customs Duties)	
60	1361-62, 1732
283	1411
1304(e)	1411
1341	1301, Chapter 16
1436	1352, 1411, 1751, 1753
1464	1411, 3006

United States Code Sections	Proposed Criminal Code Sections
Title 19—Continued	
1465	1411, 3006
1586	1411
1620	1362-63, 3006
1708	1411, 3006
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Table III

NOTABLE CHANGES FROM STUDY DRAFT TEXT

**Study Draft
Sections**

101.....	Transitional provisions on the applicability of the Code were deleted. The second sentence of Final Report subsection (2) was added.
102.....	Final Report paragraph (a)(i) and the second phrase of Final Report paragraph (d) were added.
103.....	The second sentence of Final Report subsection (2) was added.
104.....	Study Draft § 104 on the investigative jurisdiction of agencies will appear in Part D of Title 18. Final Report § 104 is new.
109.....	The definitions in the following paragraphs of Final Report § 109 were revised or added since the Study Draft: (a), (e), (f), (g), (i), (j), (k), (m), (q), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ae), (ah), (ai), (ak), and (am).
201.....	Application of paragraph (b) was limited to offenses defined in this Code. Candidates for President and Vice President, members of Congress and federal judges were added to Final Report paragraph (c) as persons protected at all times.
207.....	Final Report paragraphs (a) and (c), and the references to "foreign" prosecutions, were added.
208.....	The list of officials in paragraph (a) was expanded to correspond to the list in § 201(c). Fraud, theft and obstruction of a government function were added to paragraph (c).
209.....	The second sentence of Final Report subsection (1) was added.
210.....	A provision on Indian jurisdiction appears as Final Report § 211(1). Final Report § 210 was part of Study Draft § 213. Paragraphs (d) and (g) of Final Report § 210 were added.
211.....	A provision on Canal Zone jurisdiction appears as Final Report § 211(2).
213.....	Renumbered as Final Report § 219. Paragraph (a) of Study Draft § 213 is Final Report § 210. Paragraph (e) of Study Draft § 213 was expanded to include production credit associations and land bank associations.
301.....	"Voluntary" was deleted from subsection (1). Subsection (2) was revised in terms of legal duty, rather than a duty provided by statute.

Table III—Continued

Study Draft Sections

302-----	The clause to the effect that motive is unimportant was deleted from subsection (1)(a). Subsection (1)(f) defining "culpably" was deleted. Subsections (2) and (6) were consolidated into Final Report subsection (2). The culpability required for attendant circumstances was changed to "knowingly" in subsection (3)(a). Grading was added to subsection (3)(c). Subsection (5) was revised to cover the two situations noted in the comment to Final Report § 302.
401-----	The affirmative defense of renunciation, contained in Study Draft subsection (3), was deleted.
402-----	Study Draft subsection (1)(a) appears in brackets and Final Report subsection (1)(a) was added. In subsection (1)(c) and (d) "in furtherance of its affairs" was changed to "within the scope of his employment".
403-----	This section was deleted. Policy regarding the matters covered by this section is expressed in Final Report § 406(2).
404-----	Renumbered as Final Report § 403. In subsection (4), the clause that the person "manifests his assent" was added.
405-----	This section was deleted. Subsection (1)(a) appears as the bracketed alternative of Final Report § 3007. The principal text of Final Report § 3007 was added. Subsection (2) of Study Draft § 405 is Final Report § 3502.
406-----	Renumbered as Final Report § 409. "Member" was deleted from the definition of "agent". Final Report subsection (2) was added.
501-----	The age of mandatory juvenile treatment was lowered to 15 for certain crimes; and the provisions on discretionary treatment of those under 18 were added to this section instead of Part E of Title 18.
502-----	Subsection (3) was added to subsection (1). The defenses in subsection (4) (Final Report subsection (3)) were made affirmative defenses.
503-----	The second sentence of Final Report § 503 was added.
602-----	Final Report subsection (3) was added.
603-----	The provision in Final Report paragraph (b) permitting one to resist clearly excessive force was added.
605-----	Final Report paragraph (d)(iii) was added.

Table III

Study Draft Sections

607-----	The word "only" was deleted from subsection (2). Final Report bracketed subsection (2)(a) was added. Paragraphs (b), (c) and (d) of subsection (2) now apply to any felony involving violence. In subsection (2)(f) "is not likely to create" was changed to "does not carry with it an unreasonable." Final Report subsection (2)(h)(iii) was added.
608-----	This section was deleted.
609-----	Renumbered as Final Report § 608.
610-----	Renumbered as Final Report § 609. The phrase "good faith" was added.
611-----	Renumbered as Final Report § 610.
619-----	"Hurling a destructive device" was added to paragraph (b).
701-----	Limitations was changed from a "defense" to a "bar". Subsection (2)(a) was revised to spell out which crimes have the ten year limitation period. All misdemeanors and infractions were made subject to a uniform three year period rather than some being subject to a five year period and others a two year period. The definition of "criminal syndicate" was added to subsection (4) from Study Draft § 1005 (now deleted). The period for commencing a new prosecution in subsection (5) was lengthened from thirty days to three months.
702-----	The phrase "or acting in the expectation of reward, pecuniary or otherwise, for aiding law enforcement" was deleted from subsection (3).
703-----	Subsections (3), (4) and (5) were deleted.
706-----	Final Report § 706 is new.
707-----	Renumbered as Final Report § 707.
707-----	Renumbered as Final Report § 708. The provision permitting the United States Attorney General to certify a subsequent state prosecution was deleted.
708-----	Renumbered as Final Report § 709.
1001-----	Subsection (3) was deleted and now appears in Final Report § 1005.
1003-----	The requirement of an overt act was added to subsection (1). Subsection (4) was deleted and now appears in Final Report § 1005.
1004-----	The second sentence of Final Report subsection (1) was added. The third sentence of subsection (3) was deleted. Subsection (5) was deleted and now appears in Final Report § 1005.

Table III—Continued

Study Draft Sections

1005	-----	This section was deleted. Final Report § 1005 is new.
1006	-----	The second sentence of Final Report subsection (1) and the second sentence of Final Report subsection (2)(b) were added. The second sentence of subsection (2)(c) and subsection (4) were deleted.
1101	-----	The words "or facilitates" and the "except that" clause at the end of Final Report § 1101 were added.
1102	-----	The defense in subsection (2) was made an affirmative defense.
1103	-----	Consolidated with Study Draft § 1104. Anticipatory and facilitating conduct was deleted from subsection (1). Subsection (3) was deleted.
1104	-----	Consolidated with Study Draft § 1103. Subsection (2) was revised as Final Report subsection (3).
1105	-----	Renumbered as Final Report § 1104.
1106	-----	Renumbered as Final Report § 1105. The reference to "a vital public facility" in Final Report subsection (1)(a) was added. Final Report subsection (1)(d) was added.
1107	-----	Renumbered as Final Report § 1106.
1108	-----	Renumbered as Final Report § 1107. The words "which is, in fact" were added to avoid requiring culpability as to the value of the loss caused.
1109	-----	Renumbered as Final Report § 1108. This section was revised for clarification. Final Report subsection (2) was added.
1110	-----	Renumbered as Final Report § 1109.
1111	-----	Renumbered as Final Report § 1110. Paragraphs (a), (b) and (c) of Final Report subsection (2) were added.
1113	-----	Renumbered as Final Report § 1112. Subsection (1) was revised to correspond more closely to existing law. In subsection (2) "including security intelligence" was substituted for "military or diplomatic codes". In subsection (4)(a): subparagraph (v) was expanded from "military and diplomatic codes" to "security intelligence of the United States." Final Report subparagraph (vi) was added, and Study Draft subparagraph (vi), renumbered (vii), was revised to correspond more closely to existing law. The definitions in paragraphs (b) and (d) of Final Report subsection (4) were added.

Table III

Study Draft Sections

1114	-----	Renumbered as Final Report § 1113.
-----	-----	Final Report § 1114 is new.
1115	-----	"Former public servant" was added to the coverage of the section. Final Report subsection (2) was also added.
1116	-----	Paragraph (b) was expanded to include solicitations of §§ 1112 and 1114.
1120	-----	Prisoners of allies of the United States were added to the coverage of this section.
1121	-----	Title 42 U.S.C. § 2276 was added to the coverage of this section. The Class C felony grading and the defense were deleted.
-----	-----	Final Report § 1129 is new.
1221	-----	Reasonable belief was deleted as an affirmative defense under subsection (3)(a). Culpability was added to subsection (2)(a).
1225	-----	Final Report paragraph (b) was added.
1229	-----	Final Report subsection (1) was added.
1304	-----	Subsection (2) was revised to require culpability for grading circumstances.
1305	-----	Coverage of releases other than under the Bail Reform Act of 1966 was deleted.
1310	-----	Conspiracy was added to subsection (1)(a).
1321	-----	Subsection (3)(b) was revised for clarification. Subsection (4) was deleted.
1322	-----	Jurisdiction was extended to when the law enforcement officer is a federal public servant.
1323	-----	Subsection (2) was deleted. The words "intentionally and" were deleted from Study Draft subsection (3) (Final Report subsection (2)).
1325	-----	The "unless" clause in the definition of "near" in Final Report subsection (1) was added.
1327	-----	The definition of "retained" in subsection (3) was deleted and was incorporated in Final Report subsection (1).
1341	-----	The term of imprisonment available for summary contempt was raised from the suggested five or thirty days to six months. The bracketed "except" clause at the end of subsection (4) was deleted.
1345	-----	Subsection (2) was deleted and the word "lawful" was added to subsection (1), to correspond to the contempt standard.
1349	-----	Lack of certification in subsection (5) was changed from an affirmative defense to a bar, but the burden of proof has been explicitly placed on the defendant.
1351	-----	Final Report bracketed subsection (2) was added. Subsection (3) was revised for clarification.

Table III—Continued

Study Draft Sections

1352-----	Final Report subsection (2)(e) was added. Subsection (4) was revised to retain the language of existing law.
-----	Final Report § 1353 is new.
1353-----	Renumbered as Final Report § 1354. The offense was changed from a Class B misdemeanor to a Class A misdemeanor.
1354-----	Renumbered as Final Report § 1355.
1355-----	Renumbered as Final Report § 1356.
1361-----	Subsection (3) was revised for clarification.
1368-----	Subsection (2) was revised to limit jurisdiction to specified bases under § 201, as noted in the comment to Final Report § 1368. Plenary jurisdiction when an elected local public servant is involved was deleted.
1381-----	The word "federal" was deleted from subsection (1). Final Report subsection (5) was added.
1401-----	The word "excise" was added to subsection (1)(e) and (f). Final Report subsection (2) was added.
1411-----	Making a false statement with intent to deceive was added to subsection (1)(b). "Absolutely or conditionally" was added to subsections (1)(d) and (e) and subsection (2)(d).
1501-----	This section was deleted and was replaced by Final Report §§ 1501 and 1502.
1511----- to 1515	"By force or threat of force" and "or interferes with," from existing law, and the bracketed phrase "or by economic coercion" were added to the introductory clause.
-----	Final Report § 1516 was added.
1521-----	The section was changed to apply only to federal public servants and to persons acting under color of federal law, and the culpability requirement was changed from "knowingly" to "intentionally."
1535-----	"Or armed men" was deleted, as noted in the comment to Final Report § 1535.
1541-----	This section was deleted, with a recommendation that the existing law from which it was derived be transferred to another Title.
1542-----	Renumbered as Final Report § 1541.
1561-----	Final Report subsection (2)(d) was added.
1601-----	Alternative B was chosen. In paragraph (c)(i) "request, command, importune, cause" was changed to "command, induce, procure, counsel." The last sentence of Final Report § 1601 was added.

Table III

Study Draft Sections

1612-----	Final Report subsection (1)(d) was added.
1613-----	Jurisdictional base § 201(b), as changed in the Final Report, was deleted; and the scope of Study Draft § 201(b), applying to offenses defined both inside and outside the Code, was added.
1615-----	Grading was changed from a Class A misdemeanor to a Class C felony. The last sentence of Final Report § 1615 was added.
1618-----	The grading of subsection (1)(a) was changed from a Class B misdemeanor to a Class A misdemeanor. Telephone threats were added to subsection (1)(a).
1634-----	The last sentence of Final Report subsection (1) was added. Subsection (3) was deleted, for transfer to another part of Title 18.
1648-----	Subsection (3) was deleted. Subsection (b) was renumbered as Final Report subsection (4). Subsection (5) was placed in brackets.
1701-----	Maintaining a fire and destroying a substantial part of a building were added to subsection (1). Jurisdiction was expanded when an explosive or destructive device is used.
1702-----	Maintaining a fire was added to subsection (1). Any substantial part of a building was added to subsection (1)(b).
1703-----	Maintaining a fire was added to subsection (1).
1705-----	Provisions relating to interruption or impairment of public services were transferred to Final Report § 1706. Grading was revised, and jurisdiction was extended when an explosive or destructive device is used.
-----	Final Report § 1706 is new.
-----	Final Report § 1708 is new.
1709-----	The issue of consent was deleted from paragraph (b) for treatment under Final Report § 1708.
1719-----	The phrase "at all times" was deleted from paragraph (c).
1721-----	The words "or menaces" were added to subsection (1).
1731-----	Study Draft subsection (2) was revised for clarification.
1736-----	Unauthorized use which exceeds \$500 in value was made a Class C felony in Final Report subsection (3).
1737-----	The words "director, agent, employee of, or a person controlling" were added.

Table III—Continued

Table III

Study Draft
Sections

1739-----	The definition of spouse was added to subsection (1)(b). Final Report subsection (2)(c) was added.
1740-----	The limitation to threats to inflict serious bodily injury in subsection (3) was deleted. Subsection (4)(h) was revised to limit offenders to persons connected with a small business investment company. Subsection (4)(o) was deleted as unnecessary; and subsection (4)(p) was deleted because existing security fraud law was retained in Final Report § 1772. Final Report subsection (4)(o) was added.
1741-----	The "unless" clause in Final Report paragraph (a)(i) was added to retain existing law.
1751-----	Final Report subsection (2)(b)(v) and Final Report subsection (3)(b)(ii) were added. The words "or part thereof" were added to subsection (3)(e).
1754-----	The word "certification" was added to paragraph (b)(ii). The words "a postage meter stamp or" were added to paragraph (j).
1756-----	Final Report subsection (1)(e) and subsection (2) were added.
1758-----	Subsection (3)(d) was generalized to include all interstate facilities.
1759-----	Final Report § 1759 is new. Study Draft § 1759 was renumbered as Final Report § 1771. Subsection (4) of Final Report § 1771 was added.
1760-----	Renumbered as Final Report § 1772. Title 15 U.S.C. § 77q(a) and Rule 10 b-5 were added to the coverage of this section. Subsection (2) was deleted.
-----	Final Report § 1773 is new.
1801-----	In paragraphs (a) and (b) of subsection (1), the requirement that the five persons being addressed be in a group was deleted. "Create" was added to the proscribed conduct in subsection (1)(a). Subsection (1)(c) was deleted, in view of the general conspiracy offense. The bracketed alternative of "ten" was added to the definition of "riot." The concept of "current or impending riot" in subsection (2) was replaced by the concept of substantial likelihood that the conduct will imminently produce a violation. Final Report subsection (3) was added. Jurisdiction was revised so as not to require that a riot actually ensue.

Study Draft
Sections

1802-----	The requirement in subsection (1) that the riot be current or impending was deleted. Final Report subsection (1)(c) was brought over from Study Draft § 1803.
1803-----	The second sentence of subsection (1) was deleted and "a Class B misdemeanor" was substituted for "an offense."
1804-----	The last two sentences of subsection (1) were deleted.
1811-----	This section was deleted. Final Report § 1811 is new.
1812-----	This section was deleted. Final Report § 1812 is new.
1813-----	This section was deleted. Final Report § 1813 is new.
1814-----	This section was deleted. Final Report § 1814 is new.
1822-----	Subsection (4) was deleted.
1824-----	Subsection (2) was deleted. The bracketed version of the offense in Final Report § 1824 was added.
1829-----	"Schedule IV" was added to paragraph (c)(i). "Schedule IV" was changed to "Schedule V" in paragraph (d).
1844-----	This section was deleted.
1851-----	The definition of "obscene" in subsection (1) was deleted. The age in bracketed paragraph (2)(c) was raised from "sixteen" to "eighteen." Final Report subsection (3) was added.
1853-----	This section was deleted.
3001-----	Final Report § 1861 is new. The definition of "court" in Final Report subsection (1) was added. Final Report bracketed subsection (6) was adapted from Study Draft § 3004.
3003-----	Subsection (2) was revised for clarification.
3004-----	This section was deleted. Its substance appears in brackets as Final Report § 3001 (6).
3005-----	Renumbered as Final Report § 3004. Persistent and consecutive misdemeanor sentences of more than one year were added to this section. The concept of provisional maximum sentence was added.
3006-----	Renumbered as Final Report § 3005. The "unless" clause of Final Report subsection (1) was added.

Table III—Continued

Study Draft Sections

3007-----	Renumbered as Final Report § 3006, and revised to deal only with periods of imprisonment, and not with fines.
-----	Final Report § 3007 is new. It is adapted from Study Draft § 405.
3101-----	In subsection (2) "necessary" was changed to "the more appropriate sentence." The phrase that the converse of the factors should be considered where appropriate was added to subsection (3). Paragraphs (m) and (n) and the last sentence of Final Report subsection (3) were added.
3102-----	Subsection (3) appears as Final Report § 3103(4).
3103-----	Paragraph (h) of Final Report subsection (2) was added. Study Draft subsection (4) appears as Final Report § 3106. Final Report subsection (4) was Study Draft § 3102(3). The last phrase of subsection (5) was deleted.
-----	Final Report § 3106 is new. It was taken from Study Draft § 3103(4).
3201-----	Study Draft subsections (1), (2) and (3) were deleted. Final Report subsections (1) and (2) are new. Study Draft subsections (4) and (5) are Final Report subsections (3) and (4). Principal substantive changes include permitting prison components of less than 3 years in felony sentences and establishing parole components which relate in length to the prison component actually imposed, rather than the class of offense committed.
3202-----	This section was revised to incorporate the dangerous special offender sentencing of the Organized Crime Control Act of 1970.
3203-----	This section was deleted. Certain aspects of it may be found in Final Report § 3202(2)(d).
3204-----	This section was deleted. Its provisions may be found in Final Report § 3201(1).
3205-----	Renumbered as Final Report § 3203.
3206-----	Renumbered as Final Report § 3204. Final Report subsection (2)(a) was added. Study Draft subsection (3) is Final Report subsections (3), (4) and (6). Aggregation of felonies into the next higher class was added. The last sentence of Study Draft subsection (4) was deleted. Study Draft subsection (5) (Final Report subsection (7)) was revised to conform to the revised method of computing parole.
3207-----	Renumbered as Final Report § 3205.

Table III

Study Draft Sections

3302-----	Subsection (2) was deleted. Subsection (3) was consolidated with subsection (1).
3303-----	The section was revised to provide for remission of a part of the fine rather than revocation of the entire fine.
3403-----	Subsection (2) was revised to provide for "discharge from supervision" rather than "termination of parole." Subsection (5) was deleted.
3404-----	Paragraph (2)(f) is new.
-----	Final Report § 3502 is new.
3502-----	Renumbered as Final Report § 3503.
3503-----	Renumbered as Final Report § 3504. This section was revised for clarification.
3504-----	Renumbered as Final Report § 3505. Final Report paragraph (f) was added.
-----	Final Report § 3601 is new.
[3601]-----	The last two sentences of Final Report [§ 3601] were added. The crimes which are subject to this bracketed Chapter were added to the first sentence.
[3602]-----	This bracketed section was deleted.
[3604]-----	Renumbered as Final Report [§ 3602].
[3605]-----	Renumbered as Final Report [§ 3604]. The last sentence of subsection (1) was deleted. The test of ordinary standards of morality was added to subsection (2)(f). The words "or has a substantial history of serious assaultive or terrorizing criminal activity" were added to subsection (4)(a). The crimes of usurping control of an aircraft, espionage and sabotage were added to subsection (4)(d). Paragraphs (g) and (h) of Final Report subsection (4) were added and are adapted from the Study Draft limitations on capital murder.
28 U.S.C. § 1291...	The word "modify" was substituted for "reduce it on the ground that it is excessive."

APPENDIX A

Public Law 89-801
89th Congress, H.R. 15766
November 8, 1966

AN ACT

To establish a National Commission on Reform of Federal Criminal Laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Commission on Reform of Federal Criminal Laws is hereby established.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission shall be composed of—

- (1) three Members of the Senate appointed by the President of the Senate,
 - (2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives,
 - (3) three members appointed by the President of the United States, one of whom he shall designate as Chairman,
 - (4) one United States circuit judge and two United States district judges appointed by the Chief Justice of the United States.
- (b) At no time shall more than two of the members appointed under paragraph (1), paragraph (2), or paragraph (3) be persons who are members of the same political party.

(c) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations as the original appointment was made.

(d) Seven members shall constitute a quorum, but a lesser number may conduct hearings.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall make a full and complete review and study of the statutory and case law of the United States which constitutes the federal system of criminal justice for the purpose of formulating and recommending to the Congress legislation which would improve the federal system of criminal justice. It shall be the further duty of the Commission to make recommendations for revision and recodification of the criminal laws of the United States, including the repeal of unnecessary or undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) A member of the Commission who is a Member of Congress, in the executive branch of the Government, or a judge shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission from private life shall receive \$75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

THE DIRECTOR AND STAFF

SEC. 5. (a) The Director of the Commission shall be appointed by the Commission without regard to the civil service laws and Classification Act of 1949, as amended, and his compensation shall be fixed by the Commission without regard to the Classification Act of 1949, as amended.

(b) The Director shall serve as the Commission's reporter, and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform such other duties as may be assigned him within the scope of the functions of the Commission.

(c) Within the limits of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to civil service laws and the Classification Act of 1949.

(d) The Chairman of the Commission is authorized to procure services to the same extent as is authorized for departments by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$75 per diem for individuals.

ESTABLISHMENT OF THE ADVISORY COMMITTEE

SEC. 6. (a) There is hereby established a committee of fifteen members to be known as the Advisory Committee on Reform of Federal Criminal Laws (hereinafter referred to as the "Advisory Committee"), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission and shall include lawyers, United States attorneys, and other persons competent to provide advice for the Commission.

(b) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

GOVERNMENT AGENCY COOPERATION

SEC. 7. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this Act; and each such department, agency, and instru-

mentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

REPORT OF THE COMMISSION; TERMINATION

SEC. 8. The Commission shall submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any event within two years after the date of this Act, and shall submit its final report within three years after the date of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

ADMINISTRATIVE SERVICES

SEC. 9. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed a total of \$500,000, as may be necessary to carry out the provisions of this Act.

Public Law 91-39
91st Congress, H.R. 4297
July 8, 1969

AN ACT

To amend the Act of November 8, 1966.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of November 8, 1966 (80 Stat. 1516) is amended by striking out "within three years after the date of this Act" and inserting in lieu thereof "within four years after the date of this Act".

SEC. 2. Section 10 of such Act is amended by striking out "not to exceed a total of \$500,000" and inserting in lieu thereof "not to exceed a total of \$850,000", and adding at the end thereof a new sentence as follows: "Authority is hereby granted for appropriated money to remain available until expended."

OCTOBER 12, 1970.

HON. EDMUND G. (PAT) BROWN,
Chairman, The National Commission on Reform of Federal Criminal Laws, 1111 20th Street NW., Room 531, Washington, D.C. 20036

DEAR CHAIRMAN BROWN: I herewith enclose a copy of the resolution on the final report of the National Commission on Reform of Federal Criminal Laws adopted by the Committee on the Judiciary of the House of Representatives on September 29, 1970, at a meeting of the

full committee on that date. This resolution, unanimously adopted, has been spread upon the minutes of that meeting and the staff director's certified copy is herewith attached to this communication.

With cordial regards, I am,
Sincerely yours,

Emanuel Celler
Emanuel Celler, Chairman.

RESOLUTION : COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ON THE

FINAL REPORT OF
THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Whereas, Public Law 89-801 created the National Commission on the Reform of Federal Criminal Laws, charging such Commission to make a full and complete review of the statutes and case law of the Federal system of criminal justice; and

Whereas, one-half of the members of said Commission (six members) are also Members of Congress, to wit, three Members of the Senate and three Members of the House of Representatives; and

Whereas, Public Law 91-39 provided that said Commission should submit its Final Report by November 8, 1970 but not terminate until sixty days thereafter, to wit on January 8, 1971; and

Whereas, A Study Draft of a Federal Criminal Code and accompanying Working Papers were published by August 1970 and comment thereupon by government agencies and other interested parties is still being received and considered by the Commission preliminary to the drafting of its Final Report; and

Whereas, The forthcoming Congressional elections and the recent large volume and paramount importance of Congressional legislative business has precluded and will impede the full participation of the six Congressional members of the Commission and the attainment of a quorum at Commission meetings wherein the provisions of the Final report were to be voted upon prior to November 8, 1970;

Therefore, Be It Resolved, That it is the sense of the Committee on the Judiciary that the Commission should submit its Final Report by January 8, 1971, and that such submission shall be deemed compliance with the statutory mandate that such Final Report be submitted by November 8, 1970.

OCTOBER 13, 1970.

HON. EDMUND G. BROWN,
The National Commission on Reform of Federal Criminal Laws,
1111 20th Street NW,
Washington, D.C. 20036

DEAR MR. CHAIRMAN : Enclosed for the appropriate attention of the Commission is a copy of a Resolution of the Judiciary Committee of October 6, 1970, in reference to the submission date of the Final Report of the National Commission on the Reform of Federal Criminal Laws.

Sincerely,

James O. Eastland.

RESOLUTION : COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ON THE

FINAL REPORT OF
THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Whereas, Public Law 89-801 created the National Commission on the Reform of Federal Criminal Laws, charging such Commission to make a full and complete review of the statutes and case law of the Federal system of criminal justice; and

Whereas, one-half of the members of said Commission (six members) are also Members of Congress, to wit, three Members of the Senate and three Members of the House of Representatives; and

Whereas, Public Law 91-39 provided that said Commission should submit its Final Report by November 8, 1970 but not terminate until sixty days thereafter, to wit on January 8, 1971; and

Whereas, A Study Draft of a Federal Criminal Code and accompanying Working Papers were published by August, 1970 and comment thereupon by government agencies and other interested parties is still being received and considered by the Commission preliminary to the drafting of its Final Report; and

Whereas, The forthcoming Congressional elections and the recent large volume and paramount importance of Congressional legislative business has precluded and will impede the full participation of the six Congressional members of the Commission and the attainment of a quorum at Commission meetings wherein the provisions of the Final Report were to be voted upon prior to November 8, 1970,

Therefore, Be It Resolved, That it is the sense of the Committee on the Judiciary that the Commission should submit its Final Report by January 8, 1971, and that such submission shall be deemed compliance with the statutory mandate that such Final Report be submitted by November 8, 1970.

OCTOBER 29, 1970.

HON. JOHN N. MITCHELL,
Attorney General,
U.S. Department of Justice,
Washington, D.C. 20530

DEAR MR. ATTORNEY GENERAL: The National Commission on Reform of Federal Criminal Laws respectfully requests to be advised by the President, or alternatively the Attorney General on behalf of the President and as his legal advisor, whether it is agreeable that the Commission submit its Final Report to the President by January 8, 1971, instead of by November 8, 1970 as originally contemplated.

The reasons for this request and pertinent background materials are set forth in the attached identical Resolutions of the House and Senate Judiciary Committees. These Resolutions were secured by the Commission since it is mandated by law to submit its Report to the

Congress. A similar authorization from or on behalf of the President is being sought herein since the Commission is likewise mandated to report to the President.

Very truly yours,

Edmund G. Brown
Edmund G. Brown, Chairman.

NOVEMBER 3, 1970.

HON. EDMUND G. (PAT) BROWN,
Chairman, National Commission on Reform of Federal Criminal Laws,
1111 20th Street NW.,
Washington, D.C. 20036

DEAR MR. CHAIRMAN: The Attorney General has asked that I respond to your letter of October 29.

Please be advised that the Department of Justice, the department most intimately involved in any reform of our nation's criminal laws, has no objection to the brief additional period afforded the Commission to prepare and submit its final report.

It is my understanding that both the Senate and House Committees on the Judiciary have indicated that the two month postponement of the submission of the final report is agreeable to the Committees.

Looking forward to the opportunity to have the report examined in detail, I remain,

Sincerely,

Richard G. Kleindienst
Richard G. Kleindienst,
Deputy Attorney General.

APPENDIX B

BIOGRAPHIES OF COMMISSION MEMBERS

EDMUND G. BROWN, *Chairman*. Governor Brown was appointed Chairman of the Commission by President Johnson. He is a former San Francisco District Attorney and California Attorney General and served as Governor of California for eight years. He practices law as a partner in the Beverly Hills, California law firm of Ball, Hunt, Hart, Brown and Baerwitz.

RICHARD H. POFF, *Vice Chairman*. Congressman Poff of Radford, Virginia, author of the Act which created the Commission, was chosen Vice Chairman by his fellow Commission members. He has served in the House of Representatives since his election in 1952 and is a member of the Judiciary Committee.

GEORGE C. EDWARDS, JR. Judge Edwards, of Detroit, Michigan, serves on the United States Court of Appeals for the Sixth Circuit. He is a former Michigan Supreme Court Justice and Police Commissioner of Detroit. He is Chairman of the Committee on Administration of Criminal Laws of the Judicial Conference of the United States and is a member of its Advisory Committee on Rules of Criminal Procedure.

SAM J. ERVIN, JR. Senator Ervin, of North Carolina, is a member of the Senate Judiciary Committee and Chairman of its Subcommittees on Constitutional Rights, Revision and Codification and Separation of Powers. Before entering the Senate in 1954, Senator Ervin served as a Judge of the Burke County (North Carolina) Criminal Court, a Judge on the North Carolina Superior Court, and Associate Justice of the North Carolina Supreme Court. He is a former chairman of the North Carolina Commission for Improvement of the Administration of Justice. Senator Ervin also served in the House of Representatives.

A. LEON HIGGINBOTHAM, JR. Judge Higginbotham, of Philadelphia Pennsylvania, serves on the United States District Court for the Eastern District of Pennsylvania. He is a former Commissioner of the Federal Trade Commission, Assistant District Attorney for Philadelphia and Special Deputy Attorney General for the Commonwealth of Pennsylvania. He was Vice Chairman of the National Commission on the Causes and Prevention of Violence.

ROMAN L. HRUSKA. Senator Hruska, of Nebraska, is the ranking minority member of the Senate Judiciary Committee and of its Subcommittee on Criminal Laws and Procedures. He served in the House of Representatives before being elected to the Senate in 1954. He was a member of the National Commission on the Causes and Prevention of Violence.

ROBERT W. KASTENMEIER. Congressman Kastenmeier, of Watertown, Wisconsin, is a member of the House Judiciary Committee and chairman of its Subcommittee No. 3, which deals with revisions of

the laws. He is a member of the House Interior and Insular Affairs Committee and serves on the Subcommittees on Indian Affairs, National Parks and Recreation and Public Lands. He was first elected to Congress in 1958.

THOMAS J. MACBRIDE. Judge MacBride, of Sacramento, California, is Chief Judge of the United States District Court for the Eastern District of California. He is a former Deputy Attorney General for the State of California and a former member of the California House of Representatives. Judge MacBride is a member of the Judicial Conference Committee to Implement the Criminal Justice Act of 1964.

JOHN L. MCCLELLAN. Senator McClellan, of Arkansas, is a member of the Senate Judiciary Committee and chairman of its Subcommittee on Criminal Laws and Procedures. Senator McClellan is a former prosecuting attorney. He served in the House of Representatives before being elected to the United States Senate in 1942.

ABNER J. MIKVA. Congressman Mikva, of Chicago, Illinois is a member of the House Judiciary Committee. He served in the Illinois General Assembly, where he was chairman of the House Judiciary Committee and its Subcommittee on Revision of the Illinois Criminal Code, enacted in 1961. He was first elected to Congress in 1968.

DONALD SCOTT THOMAS. Mr. Thomas is a partner in the law firm of Clark, Thomas, Harris, Denius and Winters in Austin, Texas. He is a fellow of the American College of Trial Lawyers.

THEODORE VOORHEES. Mr. Voorhees practices law in Washington, D.C. as a partner in the Philadelphia law firm of Dechert, Price & Rhoads. He is a former Chancellor of the Philadelphia Bar Association, former President of the National Legal Aid and Defender Association and past Chairman of the Conference of Bar Presidents. Mr. Voorhees is a member of the Office of Economic Opportunity National Advisory Committee on Legal Services Program.

CONGRESSMAN DON EDWARDS of San Jose, California, a member of the House Judiciary Committee, served on the Commission until his resignation in October 1969, at which time he was replaced by Congressman Mikva. **JUDGE JAMES M. CARTER**, appointed to the Commission when he was Chief Judge of the United States District Court for the Southern District of California, resigned upon his elevation to the United States Court of Appeals for the Ninth Circuit in December 1967. The Act establishing the Commission requires that there be two District Judges and only one Circuit Judge. Judge Carter was replaced by Judge MacBride.

APPENDIX C

BIOGRAPHIES

OF

ADVISORY COMMITTEE MEMBERS

TOM C. CLARK, Chairman. Justice Clark retired in 1967 after serving 18 years as an Associate Justice of the Supreme Court of the United States. He served as Attorney General of the United States in the years 1945-49 and before then was an Assistant Attorney General in charge of the Antitrust Division and the Criminal Division. He recently served as Director of the Federal Judicial Center.

CHARLES L. DECKER. Major General Decker, former Judge Advocate General of the United States Army, served as Executive Director of the National Defender Project for 6 years and is now a consultant on matters pertaining to criminal justice.

BRIAN P. GETTINGS. Mr. Gettings is the United States Attorney for the Eastern District of Virginia. He formerly served as a senior trial attorney in the Criminal Division, Organized Crime Section, U.S. Department of Justice from July 1962 to July 1967. Mr. Gettings served as Executive Director and Counsel for the House Republican Task Force on Crime from July 1967 to 1968. He has also served as a consultant to the Law Enforcement Assistance Administration.

PATRICIA ROBERTS HARRIS. Mrs. Harris, former United States Ambassador to Luxembourg and former Dean and Professor of Law at Howard University Law School, is now a practicing lawyer in Washington, D.C. in the law firm of Strasser, Spiegelberg, Fried, Frank & Kampelman. She has served as an attorney in the Appeals and Research Section of the Criminal Division of the U.S. Department of Justice.

FRED B. HELMS. Mr. Helms is a practicing attorney and a member of the law firm of Helms, Mulliss, McMillan & Johnston in Charlotte, North Carolina. He is a former prosecuting attorney, a member of the Commission for Improvement in Administration of Justice in North Carolina.

BYRON O. HOUSE (deceased). Justice House was a member of the Illinois Supreme Court, and a former State's Attorney for Washington County, Illinois. He died in September 1969.

HOWARD R. LEARY. Mr. Leary is the Police Commissioner of New York City and formerly was the Police Commissioner of Philadelphia, Pennsylvania.

ROBERT M. MORGENTHAU. Mr. Morgenthau served as United States Attorney for the Southern District of New York for approximately nine years and recently as a Deputy Mayor of New York City.

LOUIS H. POLLAK. Dean Pollak is Dean of the Yale Law School and a Professor of Constitutional Law. He has served as a director of the NAACP Legal Defense and Education Fund.

CECIL F. POOLE. Mr. Poole served as United States Attorney for the Northern District of California for approximately eight years. He recently served as a Professor of Law at the University of California at Berkeley and is presently engaged in private practice in the San Francisco law firm of Jacobs, Sills and Coblenz.

MILTON G. RECTOR. Mr. Rector is the Director of the National Council on Crime and Delinquency and serves on the Board of Directors of the American Correctional Association. He is a member of the New York City Coordinating Council on Criminal Justice, The National Legal Aid and Defender Association and the International Center for Comparative Criminology. He was a delegate to the United Nations 2nd and 3rd World Congress on Prevention of Crime and Treatment of Offenders.

JAMES VORENBERG. Professor Vorenberg is a Professor of Law at Harvard Law School and the former Executive Director of the President's Commission on Law Enforcement and Administration of Justice.

WILLIAM F. WALSH. Mr. Walsh is a practicing criminal defense attorney in Houston, Texas, and former chairman of the Criminal Law Section of the American Bar Association. He is a Fellow of the American College of Trial Lawyers.

MARVIN E. WOLFGANG. Dr. Wolfgang is a Professor of Sociology and Criminal Statistics, head of the Department of Sociology, and Director of the Center for Studies in Criminology and Criminal Law at the University of Pennsylvania. He is a former President of the American Society of Criminologists, the author of numerous works on criminology, a member of the President's Commission on Obscenity and Pornography and Associate Secretary General of the International Society of Criminology.

ELLIOT L. RICHARDSON. Mr. Richardson, now Secretary of Health, Education, and Welfare, has served as the Attorney General of Massachusetts and as United States Attorney for the District of Massachusetts. Mr. Richardson has also served as Lieutenant Governor of Massachusetts. He served on the Advisory Committee until his appointment as Undersecretary of State in early 1969.

GUS TYLER. Mr. Tyler is Assistant President of the International Ladies Garment Workers Union. He is the author of the book, "Organized Crime in America" and numerous articles on organized crime and the problems of recidivism.