

Section-by-Section

§2 – Bank Robbery and Related Crimes

- Amends the definition of “attempted bank robbery” to clarify that the statute punishes ordinary “attempt” offenses. Some courts currently require actual, not just planned, violence or intimidation.
- Adds a conspiracy provision to the bank robbery statute and punishes conspiracy offenses to the same extent as substantive and attempt offenses.

§3 – Removing the Common-Law Year-and-a-Day Limitation on Federal Murder

- Formally abolishes the year-and-a-day rule for federal criminal offenses. This rule prevents defendants from being convicted of murder unless his victim died within a year and a day of the violent act. As today’s medical technology advances, however, more assault victims are surviving for extended periods of time before succumbing to their injuries.

§4 – Protection of Officers and Employees of the United States

- Clarifies that assaults on federal officers and employees is a general intent crime. Most courts read the assault on federal officers statute as a general – intent crime, but three circuit courts of appeal have issued opinions containing language implying that §111 is a specific – intent crime. This provision corrects that circuit split.

§5 – Vehicular Hijackings (Carjackings)

- Amends the carjacking statute to ease prosecutions of violent carjackings. Right now, defendants must act “with the intent to cause death or serious bodily harm” at the precise moment he took or demanded the car.
- Adds conspiracy to carjacking, as there is no carjacking conspiracy statute.
- Increases statutory maximum imprisonment term from 15 to 20 years for carjacking, which aligns with other robberies in the Code.
- Increases maximum imprisonment term to 25 years if the offender uses a dangerous weapon in committing, or attempting, a carjacking.
- Increases the statutory maximum imprisonment term from 25 to 40 years for carjackings that result in “serious bodily injury.”

§6 – Penalties for Firearms Offenses

- Includes conspiracy or attempt to commit an offense involving physical force as a predicate offense for a crime of violence §924(c) conviction. Right now, courts are split on the applicability of §924(c) to certain dangerous crimes.

§7 – Candy-Flavored Drugs

- Amends the Controlled Substances Act to enhance penalties for marketing candy-flavored controlled substances to minors.

§8 – Establishing a Categorically Violent Means of Kidnappings Under 1201(A)

- Creates a separate kidnapping offense that is categorically violent. Currently, serious, forcible kidnappings (i.e. involving the use of a gun) are going under-punished because kidnappings might be non-violently executed (kidnapping by “deceit” or “trickery”).