

S. 1400

IN THE SENATE OF THE UNITED STATES

MARCH 27, 1973

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

A BILL

To reform, revise, and codify the substantive criminal law of the United States; to make conforming amendments to title 18 and other titles of the United States Code; and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the*
2 *United States of America in Congress assembled, That this Act may*
3 *be cited as the "Criminal Code Reform Act of 1973".*

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1 presumption does not in any way limit federal investigatory authority.

2 “(c) DEFENSE.—It is a defense to a prosecution under sections 1621
3 through 1623 that the actor is a parent or guardian of the person re-
4 strained and that the person restrained is less than eighteen years old.

5 **“§ 1625. Aircraft Hijacking**

6 “(a) OFFENSE.—A person is guilty of an offense if he knowingly
7 seizes or exercises control over an aircraft by force, threat, intima-
8 tion, or deception.

9 “(b) GRADING.—An offense described in this section is:

10 “(1) a Class A felony if a crew member or a passenger has suf-
11 fered serious bodily injury in the commission or consummation
12 of the offense;

13 “(2) a Class B felony in any other case.

14 “(c) JURISDICTION.—There is federal jurisdiction over an offense
15 described in this section if:

16 “(1) the offense is committed within the special aircraft juris-
17 diction of the United States; or

18 “(2) the offense is committed, by means other than deception,
19 outside the special aircraft jurisdiction of the United States; and

20 “(A) the offense is committed aboard an aircraft ‘in flight’,
21 as set forth in section 203;

22 “(B) the place of take-off or the place of landing of the
23 aircraft is situated outside the territory of the nation in which
24 the aircraft is registered; and

25 “(C) the person is afterwards found in the United States.

26 **“§ 1626. Commandeering a Vessel**

27 “(a) OFFENSE.—A person is guilty of an offense if he knowingly
28 seizes or exercises control over a vessel by force, threat, intimidation,
29 or deception.

30 “(b) GRADING.—An offense described in this section is:

31 “(1) a Class D felony if the defendant is a member of the crew
32 of the vessel or the offense is committed on the high seas;

33 “(2) a Class E felony in any other case.

34 “(c) JURISDICTION.—There is federal jurisdiction over an offense
35 described in this section if the offense is committed within the special
36 maritime jurisdiction of the United States.

37 **“§ 1631. Rape**

38 “(a) OFFENSE.—A person is guilty of an offense if he engages in a
39 sexual act with another person, not his spouse, and:

40 “(1) compels the other person to participate:

1 “(A) by force; or

2 “(B) by threatening or placing the other person in fear
3 that any person will imminently be subjected to death, serious
4 bodily injury, or kidnapping;

5 “(2) has substantially impaired the other person’s power to
6 appraise or control the conduct by administering or employing
7 a drug or intoxicant without the knowledge or against the will of
8 such other person, or by other means; or

9 “(3) the other person is, in fact, less than twelve years old.

10 “(b) GRADING.—An offense described in this section is a Class C
11 felony.

12 “(c) JURISDICTION.—There is federal jurisdiction over an offense
13 described in this section if:

14 “(1) the offense is committed within the special jurisdiction of
15 the United States; or

16 “(2) the offense occurs during the commission of or during
17 the immediate flight from the commission of an offense, over which
18 federal jurisdiction exists, which is described in section 1323
19 (Tampering with a Witness or an Informant), 1324 (Retaliating
20 Against a Witness or an Informant), 1357 (Tampering with a
21 Public Servant), 1358 (Retaliating against a Public Servant),
22 1501 (Interfering with Civil Rights), 1502 (Interfering with
23 Civil Rights under Color of Law), 1601 (Murder), 1602 (Man-
24 slaughter), 1611 (Maiming), 1612 (Aggravated Battery), 1613
25 (Battery), 1621 (Kidnapping), 1622 (Aggravated Restraint),
26 1623 (Restraint), 1625 (Aircraft Hijacking), 1634 (Sexual Abuse
27 of a Ward), 1711 (Burglary), 1712 (Criminal Trespass), 1721
28 Robbery), or 1841 (Conducting a Prostitution Business).

29 “§ 1632. Sexual Imposition

30 “(a) OFFENSE.—A person is guilty of an offense if he engages in a
31 sexual act with another person, not his spouse, and:

32 “(1) knows that the other person is mentally incapable of un-
33 derstanding the nature of the conduct;

34 “(2) knows that the other person is unaware that a sexual act
35 is being committed;

36 “(3) knows that the other person participates because of a mis-
37 taken belief that the actor is married to such other person; or

38 “(4) compels the other person to participate by any threat or
39 by placing the other person in fear.

1 “(b) GRADING.—An offense described in this section is a Class D
2 felony.

3 “(c) JURISDICTION.—There is federal jurisdiction over an offense
4 described in this section if:

5 “(1) the offense is committed within the special jurisdiction of
6 the United States;

7 “(2) the offense is committed in the circumstances set forth
8 in subsection (a)(1) or (2) and occurs during the commission
9 of or during the immediate flight from the commission of an of-
10 fense over which federal jurisdiction exists, which is described in
11 section 1621 (Kidnapping), 1622 (Aggravated Restraint), 1623
12 (Restraint), 1634 (Sexual Abuse of a Ward), 1711 (Burglary),
13 1712 (Criminal Trespass), and 1841 (Conducting a Prostitution
14 Business); or

15 “(3) the offense is committed in the circumstances set forth in
16 subsection (a)(4) and in a circumstance set forth in section 1631
17 (c)(2).

18 **“§ 1633. Sexual Abuse of a Minor**

19 “(a) OFFENSE.—A person is guilty of an offense if he engages in a
20 sexual act with another person who is not his spouse, who is less than
21 sixteen years old, and who is at least five years younger than the
22 actor.

23 “(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prose-
24 cution under this section that the actor reasonably believed the other
25 person to be sixteen years old or older.

26 “(c) GRADING.—An offense described in this section is:

27 “(1) a Class E felony if the actor is twenty-one years old or
28 older.

29 “(2) a Class A misdemeanor in any other case.

30 “(d) JURISDICTION.—There is federal jurisdiction over an offense
31 described in this section if:

32 “(1) the offense is committed within the special jurisdiction
33 of the United States; or

34 “(2) the offense occurs during the commission of or during the
35 immediate flight from the commission of an offense over which
36 federal jurisdiction exists, which is described in sections 1621
37 (Kidnapping), 1622 (Aggravated Restraint), 1623 (Restraint),
38 1634 (Sexual Abuse of a Ward), 1711 (Burglary), 1712 (Crim-
39 inal Trespass), or 1841 (Conducting a Prostitution Business).