

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**  
**PART I - CRIMES**  
**CHAPTER 50A - GENOCIDE**

**§ 1091. Genocide**

(a) **Basic Offense.**— Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- (1) kills members of that group;
- (2) causes serious bodily injury to members of that group;
- (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) imposes measures intended to prevent births within the group; or
- (6) transfers by force children of the group to another group;

or attempts to do so, shall be punished as provided in subsection (b).

(b) **Punishment for Basic Offense.**— The punishment for an offense under subsection (a) is—

- (1) in the case of an offense under subsection (a)(1), where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both; and
- (2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) **Incitement Offense.**— Whoever in a circumstance described in subsection (d) directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

(d) **Required Circumstance for Offenses.**— The circumstance referred to in subsections (a) and (c) is that—

- (1) the offense is committed in whole or in part within the United States;
- (2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));
- (3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));
- (4) the alleged offender is a stateless person whose habitual residence is in the United States; or
- (5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States.

(e) **Nonapplicability of Certain Limitations.**— Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

(Added Pub. L. 100–606, § 2(a), Nov. 4, 1988, 102 Stat. 3045; amended Pub. L. 103–322, title VI, § 60003(a)(13), Sept. 13, 1994, 108 Stat. 1970; Pub. L. 107–273, div. B, title IV, § 4002(a)(4), (b)(7), Nov. 2, 2002, 116 Stat. 1806, 1808; Pub. L. 110–151, § 2, Dec. 21, 2007, 121 Stat. 1821.)

**Amendments**

2007—Subsec. (d). Pub. L. 110–151 added subsec. (d) and struck out former subsec. (d). Text of former subsec. (d) read as follows: “The circumstance referred to in subsections (a) and (c) is that—

“(1) the offense is committed within the United States; or

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

“(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).”

2002—Subsec. (b)(1). Pub. L. 107–273, § 4002(b)(7), substituted “subsection (a)(1),” for “subsection (a)(1),.”

Pub. L. 107–273, § 4002(a)(4), made technical correction to directory language of Pub. L. 103–322. See 1994 Amendment note below.

1994—Subsec. (b)(1). Pub. L. 103–322, as amended by Pub. L. 107–273, § 4002(a)(4), substituted “, where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both;” for “a fine of not more than \$1,000,000 and imprisonment for life.”

### **Effective Date of 2002 Amendment**

Pub. L. 107–273, div. B, title IV, § 4002(a)(4), Nov. 2, 2002, 116 Stat. 1806, provided that the amendment made by section 4002 (a)(4) is effective Sept. 13, 1994.

### **Short Title**

Section 1 of Pub. L. 100–606 provided that: “This Act [enacting this chapter] may be cited as the ‘Genocide Convention Implementation Act of 1987 (the Proxmire Act)’.”