

**TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE**  
**CHAPTER 53 - AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS**

**§ 4304b. Crimes committed by diplomats**

**(a) Annual report concerning diplomatic immunity**

**(1) Report to Congress**

The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled “Report on Cases Involving Diplomatic Immunity”.

**(2) Content of report**

In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

**(A)** The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

**(B)** Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

**(C)** Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

**(D)** The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

**(E)** Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

**(F)** Whether the Secretary has made the notifications referred to in subsection (c) of this section during the period covered by the report.

**(3) “Serious criminal offense” defined**

For the purposes of this section, the term “serious criminal offense” means—

**(A)** any felony under Federal, State, or local law;

**(B)** any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

**(C)** any crime of violence as defined for purposes of section 16 of title 18; or

**(D)** **(i)** driving under the influence of alcohol or drugs;

**(ii)** reckless driving; or

**(iii)** driving while intoxicated.

**(b) United States policy concerning reform of diplomatic immunity**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

**(c) Notification of diplomatic corps**

The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(Aug. 1, 1956, ch. 841, title II, § 204B, as added Pub. L. 105–375, § 1, Nov. 12, 1998, 112 Stat. 3385.)

**Codification**

Section 1 of Pub. L. 105–375, which directed amendment of title I of the State Department Basic Authorities Act of 1956 by adding this section after section 204A, was executed by adding this section after section 204A of title II of the State Department Basic Authorities Act of 1956, to reflect the probable intent of Congress.