



**U.S. Department of Justice  
Federal Bureau of Prisons**

**OPERATIONS MEMORANDUM**

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## **Elderly Offender Home Detention Pilot Program**

/s/

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Director, Federal Bureau of Prisons

### **PURPOSE AND SCOPE**

This Operations Memorandum (OM) provides guidance to Bureau of Prisons (Bureau) staff for administering the "Elderly Offender Home Detention Pilot Program" (hereinafter referred to as the "pilot program").

The Second Chance Act of 2007 (the "Act") (Public Law 110-199, April 9, 2008) at Section 231(g), *Elderly and Family Reunification for Certain Non-Violent Offenders Pilot Program*, directs the Bureau to conduct a pilot program to determine the effectiveness of removing certain elderly offenders from Bureau facilities and placing them on home detention until the expiration of their prison terms. The pilot program is authorized to run from October 1, 2008, through September 30, 2010. The Act defines terms and establishes criteria for determining inmates' eligibility to participate in the pilot program.

a. **Program Objectives.** The expected results of this program are:

- Conduct a pilot program to determine the effectiveness of removing eligible elderly offenders from Bureau facilities and placing them on home detention until the expiration of their prison terms.
- Establish, in accordance with the statutory criteria, procedures for reviewing and determining inmates' eligibility for the pilot program.

b. **Waiver of Statutory Home Detention Timeframes.** As authorized by the Act, § 231(g)(1)(C), and 28 C.F.R. § 0.96, the timeframe limitations on home detention provided by 18 U.S.C. § 3624(c)(2) are waived.

c. **Definition of “Home Detention.”** For the pilot program, the term “home detention” has the same meaning as the term in the Federal Sentencing Guidelines on the date of the enactment of the Act, and includes a nursing home or residential long-term care facility.

The term “home detention” is also interchangeable with the Bureau’s term “home confinement.” Designation and supervision of inmates on home detention under the pilot program will be in accordance with Bureau Program Statement (PS) 7320.01, **Home Confinement**, except that eligibility to participate in the pilot program will also be determined by Bureau staff in accordance with additional criteria in this OM.

## 2. OVERVIEW OF PILOT PROGRAM AND ELIGIBILITY PROCEDURES

a. **Scope of Pilot.** The pilot program is implemented Bureau-wide. Only inmates serving terms of imprisonment for U.S. Code, or D.C. Code felony, criminal convictions are eligible to participate.

b. **Posted Notice to Inmates.** Each institution posts the Notice to Inmates (Attachment A) in all inmate housing units and inmate leisure and law libraries. The notice informs inmates of the pilot program and how to request assessment for eligibility to participate. Inmates may self-identify and request assessment through their unit teams, or Bureau staff may identify inmates and assess their eligibility without being requested, using information in SENTRY and the inmate’s central file.

c. **Eligibility Criteria.** In accordance with the Act, inmates must meet all statutory eligibility criteria to participate in the pilot program. As part of the eligibility analysis, staff conduct an assessment to determine whether the inmate is *appropriate* for placement in home detention. Staff also assess whether the inmate’s placement in home detention will result in a substantial net reduction of costs to the Federal Government.

d. **Assessment Review Form.** Bureau staff use form BP-A945, **Elderly Offender Home Detention Pilot Program – Eligibility Review Form**, to document their review of inmates’ eligibility to participate. Detailed instructions for reviewing eligibility are included in Sections 3, 4, and 5 of this OM.

Staff complete the form one factor at a time. Responses marked in shaded boxes indicate the inmate is ineligible to participate. **For every shaded box marked, a detailed explanation is required in the “Explanation Box” on page two of the form.** Once a shaded box is marked and explained, the inmate is deemed ineligible to participate; no further review is needed.

(1) **Institution Review.** A unit team member (ordinarily the case manager) completes, signs, and dates the form as the preparing staff member. The unit manager, or other supervisory staff, reviews the form for accuracy, signs, and dates it.

If the unit team finds the inmate *ineligible* to participate, a team member informs the inmate, provides him/her a copy of the eligibility review form, and places the original form in Section 5 of the central file. The inmate is informed that any challenge to the decision can be raised through the Administrative Remedy Program.

If the unit team determines the inmate is *eligible* and appropriate to participate based on its initial review, the supervisory staff member forwards the packet (including the form, the inmate's Judgment in a Criminal Case (J&C), Pre-Sentence Investigation Report (PSR), latest progress report, relevant medical summaries, and other relevant documentation) to the Warden for review. If the Warden concurs, s/he signs and dates the form and forwards it to the "BOP-IPP/Elderly Offender Program" mailbox on GroupWise for further review. A courtesy copy of the completed form is sent to the Regional Office.

(2) **Central Office Review.** Bureau staff in the Correctional Programs Division (CPD), Office of General Counsel (OGC), Administration Division (ADM), and Health Services Division (HSD) (when applicable) review each inmate packet that is submitted, including the Warden's recommendation. They also determine whether the inmate's placement on home detention will result in a substantial net reduction of costs to the Federal Government.

If Central Office staff concur that the inmate is eligible and appropriate to participate, the case is referred back to the institution for processing using established RRC referral procedures. Central Office staff inform the Regional Office of their decision.

If Central Office staff conclude the inmate is not eligible or appropriate to participate, the case is referred back to the institution (with a copy to the Regional Office) with an explanation and instructions to inform the inmate of the decision, provide him/her a copy of the form, and place the original form in Section 5 of the central file. Central Office staff inform the Regional Office of their decision.

e. **Adverse Decisions.** Inmates may appeal an adverse decision through the Administrative Remedy Program. Responding staff should contact Consolidated Legal Center or Regional Counsel legal staff when preparing and reviewing responses to inmates found ineligible or inappropriate to participate.

### 3. STATUTORY ELIGIBILITY CRITERIA

a. **Age.** Inmates 65 years old or older, or who will be 65 years old or older at any time before September 30, 2010, meet the age criterion. Inmates turning 65 during the course of the pilot program become eligible on their 65<sup>th</sup> birthday. An inmate may be reviewed for eligibility shortly before reaching his/her 65<sup>th</sup> birthday.

**b. Eligibility Based On Length of Sentence and Amount of Time Served.** Eligibility to participate requires the inmate to have “served the greater of 10 years or 75 percent of the term of imprisonment to which the offender was sentenced.” Staff should consult with the Designation and Sentence Computation Center, Grand Prairie, Texas, to ensure accurate calculation. Use the following guidelines to determine whether this criterion is met.

(1) The phrase “term of imprisonment to which the offender was sentenced” refers to the term of imprisonment imposed by the sentencing court(s), whether stated in days, months, or years. For ease of reference, this will be referred to as “term in effect.” Multiple terms of imprisonment (either concurrent or consecutive) are aggregated to determine the term in effect.

(2) Staff first determine whether the inmate has served 10 years or more of the term in effect. This takes into account prior custody sentence credit (18 U.S.C. § 3585(b)) and time spent in service of the sentence after commencement. Inoperative time does not count toward calculation of the service of sentence.

If the inmate has not served at least 10 years of the term in effect, s/he is not eligible to participate. Staff enter this in the Explanation Box of the Eligibility Review Form.

(3) If the inmate has served 10 years or more of the term in effect, staff next determine whether the inmate has served 75% of the term in effect. Determining this is a two-step process.

First, staff determine what amount constitutes 75% of the term in effect. Following are easy examples:

- 75% of a 20-year term in effect equals 15 years.
- 75% of a 240-month term in effect equals 180 months.

Second, once a 75% figure is calculated, staff determine whether the inmate has served that period of time. This takes into account prior custody sentence credit (18 U.S.C. § 3585(b)) and time spent in service of the sentence after commencement. Inoperative time does not count toward the calculation of the service of sentence. Inmates serving life sentences are not eligible to participate in the pilot program because it is not possible to calculate 75% of a life sentence.

If the inmate has served at least 10 years, but not 75%, of the term in effect, s/he is ineligible to participate. Staff enter this in the Explanation Box of the Eligibility Review Form.

**c. Eligibility Based On the Inmate’s Current and Prior Conviction(s).** Eligibility to participate requires a review of the inmate’s current and prior criminal convictions. Staff should refer to *Appendix A: Statutory Provisions Cited in the Elderly Offender Home Detention Pilot Program* in making these decisions, and seek legal staff assistance when necessary.

(1) **Crime of Violence.** An inmate currently serving a term of imprisonment for a U.S. Code, or D.C. Code felony, criminal conviction that is a crime of violence is not eligible to participate in

the pilot program, pursuant to Section 231(g)(5)(ii) of the Act. In addition, an inmate who was previously convicted of a U.S. Code, D.C. code, or State “crime of violence” is not eligible to participate pursuant to Section 231(g)(5)(iii) of the Act.

Staff must check SENTRY for a CMA assignment of V94 CVA913 or V94 CVB913 for current violent offenses, and V94 PV or V94 PV5 for past violent offenses (which are based on Program Statement 5110.15, “Notification of Release to State and Local Law Enforcement Officials,” and Program Statement 5162.02, “Categorization of Offenses”). Staff also look at the inmate’s J&C and PSR, and note underlying current and past conviction(s). Specific offenses of conviction are documented in the Explanation Box if the inmate is denied participation based on this criterion or documented in the Inmate Assessment box if the inmate’s case is forwarded to the Central Office for further processing.

- **Crime of Violence** – Defined and described in 18 U.S.C. § 16. See Appendix A.

(2) **Sex Offenses.** An inmate currently serving a term of imprisonment for a U.S. Code, or D.C. Code felony, criminal conviction that is a sex offense is not eligible to participate in the pilot program, pursuant to Section 231(g)(5)(ii) of the Act. In addition, an inmate previously convicted of a U.S. Code, D.C. code, or State “sex offense” is not eligible pursuant to Section 231(g)(5)(iii) of the Act. Staff refer to *Appendix A: Statutory Provisions Cited in the Elderly Offender Home Detention Pilot Program* in making these decisions.

Staff check SENTRY for a CMA assignment of WA W CONV or WA NO CONV for history of sex offenses. Staff also look at the inmate’s J&C and PSR, and note underlying current and past conviction(s). Inmates with underlying sex offenses that are enumerated or described in Appendix A are ineligible to participate. The specific offenses of conviction are documented in the Explanation Box if the inmate is denied participation based on this criterion or documented in the Inmate Assessment box if the inmate’s case is forwarded to the Central Office for further processing.

- **Sex Offenses** – Defined and described in 42 U.S.C. § 16911(5) of the Sex Offender Registration and Notification Act. See Appendix A.

(3) **Acts of Terrorism Transcending National Boundaries or Espionage and Censorship.** An inmate currently serving a term of imprisonment for a U.S. Code, or D.C. Code felony, criminal conviction that is an act of terrorism transcending national boundaries, or espionage or censorship, is not eligible to participate in the pilot program, pursuant to Section 231(g)(5)(ii) of the Act. In addition, an inmate previously convicted of a U.S. Code, D.C. code, or State offense of this (or these) type(s) is not eligible pursuant to Section 231(g)(5)(iii) of the Act. Staff should refer to *Appendix A: Statutory Provisions Cited in the Elderly Offender Home Detention Pilot Program* in making these decisions.

Staff should look at the inmate’s J&C and PSR, and note underlying current and past conviction(s). Inmates with offenses enumerated or described in Appendix A are ineligible.

specific offenses of conviction are documented in the Explanation Box if the inmate is denied participation based on this criterion or documented in the Inmate Assessment box if the inmate's case is forwarded to the Central Office for further processing.

- **Acts of Terrorism Transcending National Boundaries** – Defined and described in 18 U.S.C. § 2332b (g)(5)(B); this statute provides the definition of “Federal crime of terrorism.” See Appendix A.

- **Espionage and Censorship** – Defined and described in 18 U.S.C. Chapter 37. See Appendix A.

**d. History of Escape From a Bureau Institution.** If an inmate escaped or attempted to escape from a Bureau institution, s/he is ineligible to participate pursuant to Section 231(g)(5)(v) of the Act. The escape or attempted escape may have occurred from any security level institution operated or contracted by the Bureau, including Residential Reentry Centers (RRCs) or home detention. An escape or attempted escape from a facility other than one operated by or under contract with the BOP does not by statute render the inmate ineligible, but it may still be considered by staff when determining whether the inmate is appropriate to participate, pursuant to Section 4 of this OM.

Specific escape-related incident(s) are documented in the Explanation Box if the inmate is denied participation based on this criterion or documented in the Inmate Assessment box if the inmate's case is forwarded to the Central Office for further processing.

#### **4. INMATE ASSESSMENT**

If an inmate meets the statutory criteria described in Section 3, staff next consider whether the inmate is *appropriate* to participate in the pilot program. This determination is within the discretion of Bureau staff, using sound correctional judgment, and based on information the Bureau uses to make classification and programming decisions, pursuant to Section 231(g)(5)(iv) of the Act. This assessment includes determining whether the inmate presents a substantial risk that s/he will engage in criminal conduct or endanger any person or the public if placed in home detention, pursuant to Section 231(g)(5)(vii) of the Act.

The following, non-exhaustive list of factors is considered for each inmate who meets the statutory eligibility criteria:

- a. **History of violence**, or history of engaging in conduct constituting a sex offense, acts of terrorism, or espionage and censorship.

- b. **Escape or attempted escape** from a non-Bureau facility.

- c. **Federal, State, or local detainees** or service of a concurrent state sentence, the existence of which may make the inmate a flight risk.

- d. **A Public Safety Factor (PSF) of alien**, which may make the inmate a flight risk
- e. **Service of terms of imprisonment for violations of supervised release or parole**, which may indicate the inmate does not comply with conditions of extended limits of confinement.
- f. **Custody Classification Scoring** items that may indicate the inmate presents an unacceptable risk of committing further crimes or endangering persons in the community.
- g. **Institution adjustment**, including disciplinary action, which may indicate the inmate's inability or unwillingness to comply with conditions that would accompany home detention.
- h. **Medical or psychiatric issues**, which may indicate the need for care, treatment, and supervision and how the inmate intends to access such care.
- i. **Any other factor(s)** deemed relevant to the inmate's ability to comply with conditions of participating in the pilot program.

Any one factor, or combination of factors, may result in staff deciding the inmate is not appropriate to participate in the pilot program. Specific factor(s) considered are documented in the Explanation Box if the inmate is denied participation, or documented in the Inmate Assessment box if the inmate's case is forwarded to the Central Office for further processing.

## **5. CENTRAL OFFICE REVIEW**

Staff in the Central Office's CPD, OGC, ADM, and HSD (when applicable) divisions review the entire packet of each inmate who is deemed by the institution as eligible for participation in the pilot, including the Warden's recommendation. In addition, Central Office staff determine whether the inmate's placement on home detention will result in a substantial net reduction of costs to the Federal Government (as required by the Act).

Whether home detention will cost less than the cost of confinement in a Bureau or Bureau-contracted institution is reviewed by the ADM and HSD divisions on a case-by-case basis, as necessary. Central Office staff must consider the cost of designating to home detention inmates who may suffer from:

- A chronic or serious medical condition that requires significant or ongoing medical care.
- A condition that would require placement in a nursing home or other residential long-term care facility rather than a residence.

If it is determined that there would be no substantial net reduction of costs to the Federal Government by designating the inmate to home detention, the inmate is inappropriate to participate in the pilot program. This information is carefully documented and explained in the

Explanation Box provided for Central Office review. Additional documentation may be attached to the form.

If the Central Office concurs with the Warden's decision, the packet is returned to the institution and the Regional Office is advised of the decision. The institution refers the inmate to the appropriate Community Corrections Manager using established RRC referral procedures. Staff note in Block 11 of the BP-A210 that the inmate is being referred for participation in the Elderly Offender Home Detention Pilot Program. Copies of the BP A945, **Elderly Offender Home Detention Pilot Program – Eligibility Review Form**, are included in the RRC referral packets.

## 6. VIOLATION OF TERMS OF HOME DETENTION

The designation and supervision of inmates on home detention under the pilot program will be in accordance with PS 7320.01, **Home Confinement**. Inmates designated to home detention as part of the pilot program are subject to criminal prosecution, inmate discipline, and possible return to a Bureau or Bureau-contracted institution for violating conditions of home detention, including the commission of another Federal, State, D.C. Code, or local crime.

## 7. SENTRY PROCEDURES

Appropriate SENTRY CMA assignments are entered when an inmate requests, or staff considers him/her for, participation in the pilot program. The following assignments apply to the provisions of this OM. Each inmate considered for participation in the pilot program must have one assignment pertaining to his/her disposition of review. This is entered into SENTRY following the Unit Manager's completion of the Eligibility Review Form.

<b>ASSIGNMENT</b>	<b>DESCRIPTION</b>	<b>GROUP CODE</b>
ELDER UM D	ELDERLY PILOT UNT MGR DENIAL  The Unit Team determined the inmate is ineligible or inappropriate to participate in the pilot program.	2EUD
ELDER W D	ELDERLY PILOT WARDEN DENIAL  The Warden determined the inmate is ineligible or inappropriate to participate in the pilot program.	2EWD



ELDER REF

ELDERLY PILOT REFER CEN OFF

The Warden is referring the inmate's packet to the Central Office for further processing.

ELDER APV

ELDERLY PILOT CEN OFF APPROVAL

2ECA

The Central Office review is complete. The inmate is eligible and appropriate to participate in the pilot program. The packet is returned to the institution for processing.

ELDER CO D

ELDERLY PILOT CEN OFF DENIAL

2ECD

The Central Office review is complete. The inmate is ineligible or inappropriate to participate in the pilot program. The packet is returned to the institution.

Community Corrections staff track inmate participation in the pilot program by entering the following assignments in SENTRY COM category. Inmates may have only one assignment; i.e., the current assignment is replaced when it is no longer valid.

<b>ASSIGNMENT</b>	<b>DESCRIPTION</b>	<b>GROUP CODE</b>
ELDER PART	Participant in the Elderly Pilot Program	EP
ELDER REMV	Removed from the Elderly Pilot Program for any reason other than escape or failure.	
ELDER FAIL	Escaped from or failed the Elderly Pilot Program	ERF
ELDER COMP	Completed the Elderly Pilot Program	

## **8. PROGRAM EVALUATION**

Section 231(g)(4) of the Act requires the Attorney General to “monitor and evaluate each eligible elderly offender placed on home detention under this section” and to “report to Congress concerning the experience with the program...” The Office of Research and Evaluation will coordinate the evaluation and the Office of Legislative Affairs will coordinate preparation of the report to Congress.

**Appendix A: Statutory Provisions cited in the Elderly Offender Home Detention Pilot Program**

**18 U.S.C. § 16 – CRIME OF VIOLENCE DEFINED.**

The term “crime of violence” means—

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

**SEX OFFENDER REGISTRATION AND NOTIFICATION ACT 42 U.S.C.A. § 16911**

**TITLE 42. The Public Health and Welfare**

**§ 16911.** Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

**(5)** Amie Zyla expansion of sex offense definition

**(A)** Generally. – Except as limited by subparagraph (B) or (C), the term “sex offense” means-

**(i)** a criminal offense that has an element involving a sexual act or sexual contact with another;

**(ii)** a criminal offense that is a specified offense against a minor;

**(iii)** a Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258) or 117, of Title 18;

**(iv)** a military offense specified by the Secretary of Defense under section 15(a)(8)C(i) of Public Law 105- 119 (10 U.S.C. 951 note); or

an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

**(B) Foreign convictions**

A foreign conviction is not a sex offense for the purposes of this subchapter if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 16912 of this title.

**(C) Offenses involving consensual sexual conduct**

An offense involving consensual sexual conduct is not a sex offense for the purpose of this subchapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

**18 U.S.C. § 2332b - ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES**

**(g) Definitions.**--As used in this section--

**(5)** the term "Federal crime of terrorism" means an offense that--

**(A)** is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; **and**

**(B)** is a violation of--

**(i)**

18 U.S.C. § 32 (relating to destruction of aircraft or aircraft facilities),

18 U.S.C. § 37 (relating to violence at international airports),

18 U.S.C. § 81 (relating to arson within special maritime and territorial jurisdiction),

18 U.S.C. § 175 or 175b (relating to biological weapons),

18 U.S.C. § 175c (relating to variola virus),

18 U.S.C. § 229 (relating to chemical weapons),

18 U.S.C. § 351 (a), (b), (c), or (d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping),

**18 U.S.C. § 831** (relating to nuclear materials),

**18 U.S.C. § 832** (relating to participation in nuclear and weapons of mass destruction threats to the United States),

**18 U.S.C. § 842(m) or (n)** (relating to plastic explosives),

**18 U.S.C. § 844(f)(2) or (3)** (relating to arson and bombing of Government property risking or causing death),

**18 U.S.C. § 844(i)** (relating to arson and bombing of property used in interstate commerce),

**18 U.S.C. § 930(c)** (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon),

**18 U.S.C. § 956(a)(1)** (relating to conspiracy to murder, kidnap, or maim persons abroad),

**18 U.S.C. § 1030(a)(1)** (relating to protection of computers), **1030(a)(5)(A)(i)** resulting in damage as defined in **1030(a)(5)(B)(ii) through (v)** (relating to protection of computers),

**18 U.S.C. § 1114** (relating to killing or attempted killing of officers and employees of the United States),

**18 U.S.C. § 1116** (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons),

**18 U.S.C. § 1203** (relating to hostage taking),

**18 U.S.C. § 1361** (relating to government property or contracts),

**18 U.S.C. § 1362** (relating to destruction of communication lines, stations, or systems),

**18 U.S.C. § 1363** (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States),

**18 U.S.C. § 1366(a)** (relating to destruction of an energy facility),

**18 U.S.C. § 1751(a), (b), (c), or (d)** (relating to Presidential and Presidential staff assassination and kidnaping),

**18 U.S.C. § 1992** (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),

**18 U.S.C. § 2155** (relating to destruction of national defense materials, premises, or utilities),  
**18 U.S.C. § 2156** (relating to national defense material, premises, or utilities),  
**18 U.S.C. § 2280** (relating to violence against maritime navigation),  
**18 U.S.C. § 2281** (relating to violence against maritime fixed platforms),  
**18 U.S.C. § 2332** (relating to certain homicides and other violence against United States nationals occurring outside of the United States),  
**18 U.S.C. § 2332a** (relating to use of weapons of mass destruction),  
**18 U.S.C. § 2332b** (relating to acts of terrorism transcending national boundaries),  
**18 U.S.C. § 2332f** (relating to bombing of public places and facilities),  
**18 U.S.C. § 2332g** (relating to missile systems designed to destroy aircraft),  
**18 U.S.C. § 2332h** (relating to radiological dispersal devices),  
**18 U.S.C. § 2339** (relating to harboring terrorists),  
**18 U.S.C. § 2339A** (relating to providing material support to terrorists),  
**18 U.S.C. § 2339B** (relating to providing material support to terrorist organizations),  
**18 U.S.C. § 2339C** (relating to financing of terrorism),  
**18 U.S.C. § 2339D** (relating to military-type training from a foreign terrorist organization), or  
**18 U.S.C. § 2340A** (relating to torture) of this title;

(ii)

**42 U.S.C § 2122** (relating to prohibitions governing atomic weapons) or

**42 U.S.C § 2284** (relating to sabotage of nuclear facilities or fuel)

**§ 92** (relating to prohibitions governing atomic weapons) or

**§ 236** (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (**42 U.S.C. § 2122 or § 2284**); ■

(iii)

49 U.S.C. § 46502 (relating to aircraft piracy),

49 U.S.C. § 46504 (second sentence) (relating to assault on a flight crew with a dangerous weapon),

49 U.S.C. § 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft),

49 U.S.C. § 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or

49 U.S.C. § 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) [18 U.S.C § 2332b (g)(5)(B)(iii)] or,

§ 1010A of the Controlled Substances Import and Export Act (relating to narco-terrorism). [18 U.S.C. § 2332b (g)(5)(B)(iv)].

**18 U.S.C. CHAPTER 37 – ESPIONAGE AND CENSORSHIP INCLUDES SECTIONS:**

§ 792. Harboring or concealing persons.

§ 793. Gathering, transmitting or losing defense information.

§ 794. Gathering or delivering defense information to aid foreign government.

§ 795. Photographing, and sketching defense installations.

§ 796. Use of aircraft for photographing defense installations.

§ 797. Publication and sale of photographs of defense installations.

§ 798. Disclosure of classified information.

§ 798A. Temporary extension of section 794.

§ 799. Violation of regulation of National Aeronautics and Space Administration.