

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnaping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(c) For purposes of this section--

- (1) the term "assault" has the same meaning as given that term in section 113;
- (2) the term "child" means a person who has not attained the age of 18 years and is--
  - (A) under the perpetrator's care or control; or
  - (B) at least six years younger than the perpetrator;
- (3) the term "child abuse" means intentionally or knowingly causing death or serious bodily injury to a child;
- (4) the term "pattern or practice of assault or torture" means assault or torture engaged in on at least two occasions;
- (5) the term "serious bodily injury" has the meaning set forth in section 1365; and
- (6) the term "torture" means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).