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Federal Capital Offenses

The US federal government lists 41 capital offenses that are punishable by death. See the full list below.

The capital offenses include espionage, treason, and death resulting from aircraft hijacking. However, they mostly consist of various forms of murder such as murder committed during a drug-related drive-by shooting, murder during a kidnapping, murder for hire, and genocide.

According to the Death Penalty Information Center, “The federal death penalty applies in all 50 states and U.S. territories but is used relatively rarely. About 50 prisoners are on the federal death row, most of whom are imprisoned in Terre Haute, Indiana. Sixteen federal executions have been carried out in the modern era, all by lethal injection, with 13 occurring in a six-month period between July 2020 and January 2021... The use of the federal death penalty in jurisdictions that have themselves opted not to have capital punishment—such as Washington, D.C., Puerto Rico, and many states—has raised particular concerns about federal overreach into state matters.”

	Code	Type of Crime
1.	8 USC § 1324	Murder related to the smuggling of aliens
2.	18 USC § 32-34	Destruction of aircraft, motor vehicles, or related facilities resulting in death
3.	18 USC § 36	Murder committed during a drug-related drive-by shooting
4.	18 USC § 37	Murder committed at an airport serving international civil aviation
5.	18 USC § 115	Retaliatory murder of a member of the immediate family of law enforcement officials
	[by cross-reference to 18 USC § 1111]	
6.	18 USC § 241-247	Civil rights offenses resulting in death
7.	18 USC § 351	Murder of a member of Congress, an important executive official, or a Supreme Court Justice
	[by cross-reference to 18 USC § 1111]	
8.	18 USC § 794	Espionage
9.	18 USC § 844	Death resulting from offenses involving transportation of explosives, destruction of government property, or destruction of property related to foreign or interstate commerce
10.	18 USC § 924	Murder committed by the use of a firearm during a crime of violence or a drug-trafficking crime
11.	18 USC § 930	Murder committed in a federal government facility
	[by cross-reference to 18 USC § 1111]	
12.	18 USC § 1091	Genocide
13.	18 USC § 1111	First-degree murder
14.	18 USC § 1114	Murder of a federal judge or law enforcement official
15.	18 USC § 1116	Murder of a foreign official

	Code	Type of Crime
16.	18 USC § 1118	Murder by a federal prisoner
17.	18 USC § 1119	Murder of a US national in a foreign country
18.	18 USC § 1120	Murder by an escaped federal prisoner already sentenced to life imprisonment
19.	18 USC § 1121 [by cross-reference to 18 U.S.C. § 1111]	Murder of a state or local law enforcement official or other person aiding in a federal investigation; murder of a State correctional officer
20.	18 USC § 1201	Murder during a kidnapping
21.	18 USC § 1203 [by cross-reference to 18 U.S.C. § 1111]	Murder during a hostage taking
22.	18 USC § 1503	Murder of a court officer or juror
23.	18 USC § 1512	Murder with the intent of preventing testimony by a witness, victim, or informant
24.	18 USC § 1513	Retaliatory murder of a witness, victim, or informant
25.	18 USC § 1716	Mailing of injurious articles with intent to kill or resulting in death
26.	18 USC § 1751 [by cross-reference to 18 USC § 1111]	Assassination or kidnapping resulting in the death of the President or Vice President
27.	18 USC § 1958	Murder for hire involving the use of interstate commerce facilities.
28.	18 USC § 1959	Murder involved in a racketeering offense
29.	18 USC § 1992	Willful wrecking of a train resulting in death
30.	18 USC § 2113	Bank-robbery-related murder or kidnapping
31.	18 USC § 2119	Murder related to a carjacking
32.	18 USC § 2245	Murder related to rape or child molestation
33.	18 USC § 2251	Murder related to sexual exploitation of children
34.	18 USC § 2280	Murder committed during an offense against maritime navigation
35.	18 USC § 2281	Murder committed during an offense against a maritime fixed platform
36.	18 USC § 2332 [by cross-reference to 18 U.S.C. § 1111]	Terrorist murder of a US national in another country
37.	18 USC § 2332a	Murder by the use of a weapon of mass destruction
38.	18 U.S.C. § 2332b	Acts of terrorism in the United States resulting in death, committed by a person engaged in conduct that transcends national boundaries.
39.	18 USC § 2340, 2340a	Torture resulting in death committed outside the United States by a U.S. national or by a foreign national present in the US
40.	18 USC § 2381	Treason

	Code	Type of Crime
41.	21 USC § 848(e) (Anti Drug Abuse Act)	Murder related to a continuing criminal enterprise or related murder of a Federal, State, or local law enforcement officer
42.	49 USC § 46502	Death resulting from aircraft hijacking

Source:

Death Penalty Information Center, “Federal Laws Providing for the Death Penalty,” deathpenaltyinfo.org (accessed Aug. 19, 2021)

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