

BIOLOGICAL & CHEMICAL WEAPONS

18 U.S.C. § 175. Prohibitions with respect to biological weapons

(a) In general. Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, or attempts, threatens, or conspires to do the same, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

(b) Additional offense. Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms "biological agent" and "toxin" do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

(c) Definition. For purposes of this section, the term "for use as a weapon" includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for other than prophylactic, protective, bona fide research, or other peaceful purposes.

18 U.S.C.S. § 229. Prohibited activities

(a) Unlawful conduct. Except as provided in subsection (b), it shall be unlawful for any person knowingly--

(1) to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon; or

(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

(b) Exempted agencies and persons.

(1) In general. Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

(2) Exempted persons. A person referred to in paragraph (1) is--

(A) any person, including a member of the Armed Forces of the United States, who is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical weapon; or

(B) in an emergency situation, any otherwise nonculpable person if the person is attempting to destroy or seize the weapon.

(c) Jurisdiction. Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct--

(1) takes place in the United States;

(2) takes place outside of the United States and is committed by a national of the United States;

(3) is committed against a national of the United States while the national is outside the United States; or

(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

P.L. § 490.45. Criminal possession of a chemical weapon or biological weapon in the first degree

A person is guilty of criminal possession of a chemical weapon or biological weapon in the first degree when he or she possesses:

1. any select chemical agent, with intent to use such agent to:

(a) cause serious physical injury to, or the death of, another person; and

(b) (i) intimidate or coerce a civilian population;

(ii) influence the policy of a unit of government by intimidation or coercion; or

(iii) affect the conduct of a unit of government by murder, assassination, or kidnapping.

2. any select chemical agent, with intent to use such agent to cause serious

physical injury to, or the death of, more than two other persons; or

3. any select biological agent, with intent to use such agent to cause serious physical injury to, or the death of, another person.

Criminal possession of a chemical weapon or biological weapon in the first degree is a class A-I felony.

P.L. § 490.55. Criminal use of a chemical weapon or biological weapon in the first degree

A person is guilty of criminal use of a chemical weapon or biological weapon in the first degree when:

1. with intent to:

(a) cause serious physical injury to, or the death of, another person; and

(b) (i) intimidate or coerce a civilian population;

(ii) influence the policy of a unit of government by intimidation or coercion;

or

(iii) affect the conduct of a unit of government by murder, assassination, or kidnapping;

he or she uses, deploys, releases, or causes to be used, deployed, or released any select chemical agent and thereby causes serious physical injury to, or the death of, another person who is not a participant in the crime.

2. with intent to cause serious physical injury to, or the death of, more than two persons, he or she uses, deploys, releases, or causes to be used, deployed, or released any select chemical agent and thereby causes serious physical injury to, or the death of, more than two persons who are not participants in the crime; or

3. with intent to cause serious physical injury to, or the death of, another person, he or she uses, deploys, releases, or causes to be used, deployed, or released any select biological agent and thereby causes serious physical injury to, or the death of, another person who is not a participant in the crime.

Criminal use of a chemical weapon or biological weapon in the first degree is a class A-I felony.
