

TAB 20

UNITED STATES CODE SERVICE
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*** CURRENT THROUGH P.L. 108-174, APPROVED 12/9/03 ***
WITH GAPS OF 108-136, 137, 139, 140, 159 THROUGH 164 AND 167 THROUGH 173

TITLE 18. CRIMES AND CRIMINAL PROCEDURE

PART I. CRIMES

CHAPTER 113B. TERRORISM

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

18 USCS § 2333 (2003)

§ 2333. Civil remedies

(a) Action and jurisdiction. Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

(b) Estoppel under United States law. A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 46314, 46502, 46505, or 46506 of title 49 shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(c) Estoppel under foreign law. A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

HISTORY: (Added Oct. 29, 1992, P.L. 102-572, Title X, § 1003(a)(4), 106 Stat. 4522; Oct. 31, 1994, P.L. 103-429, § 2(1), 108 Stat. 4377.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 2333 (Act Nov. 5, 1990, P.L. 101-519, § 132(b)(4), 104 Stat. 2251) was omitted pursuant to Act April 10, 1991, P.L. 102-27, Title IV, § 402, 105 Stat. 155, as amended by Act Oct. 25, 1991, P.L. 102-136, § 126, 105 Stat. 643. Subsec. (a) of such § 402 repealed § 132 of Act Nov. 5, 1990, and subsec. (b) of such § 402, which appears as a note preceding 18 USCS § 2331, provides that, effective Nov. 5, 1990, this Chapter shall read as if § 132 of Act Nov. 5, 1990 had not been enacted. Such section provided for civil remedies.

Amendments:

1994. Act Oct. 31, 1994, in subsec. (b), substituted "section 46314, 46502, 46505, or 46506 of title 49" for "section 902(i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n), or (r))".

Other provisions:

Applicability of section. This section is applicable to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act, as provided by § 1003(c) of Act Oct. 29, 1992, P.L. 102-572, which appears as 28 USCS § 2331 note.

NOTES:**RESEARCH GUIDE****Am Jur:**

45 Am Jur 2d, International Law § 81.

INTERPRETIVE NOTES AND DECISIONS

Parents' suit, alleging that defendants were civilly liable for murder of their son by terrorists, was not subject to dismissal, because (1) defendants could be liable for aiding and abetting terrorist organizations, (2) conduct that would give rise to criminal liability under 18 USCS § 2339B could meet definition of international terrorism, and (3) civil liability for funding foreign terrorist organization did not offend First Amendment. *Boim v Quranic Literacy Inst.* (2002, CA7 Ill) 291 F3d 1000.

Civil liability for funding foreign terrorist organization does not offend First Amendment so long as plaintiffs are able to prove that defendants knew about organization's illegal activity, desired to help that activity succeed, and engaged in some act of helping. *Boim v Quranic Literacy Inst.* (2002, CA7 Ill) 291 F3d 1000.

Funding, simpliciter, of foreign terrorist organization is not sufficient to constitute act of terrorism under 18 USCS § 2331; however, funding that meets definition of aiding and abetting act of terrorism creates liability under 18 USCS § § 2331 and 2333. *Boim v Quranic Literacy Inst.* (2002, CA7 Ill) 291 F3d 1000.

Conduct that would give rise to criminal liability under 18 USCS § 2339B is conduct that "involves" violent acts or acts dangerous to human life, and therefore may meet definition of international terrorism as that term is used in 18 USCS § 2333. *Boim v Quranic Literacy Inst.* (2002, CA7 Ill) 291 F3d 1000.

Parents of decedent have adequately pled cause of action against various "front organizations" under 18 USCS § 2333, where aiding and abetting acts of international terrorism, which is itself criminal violation, is certainly activity that "involves violent acts or acts dangerous to human life," because parents may bring cause of action under § 2333 based on theory that fundraising organizations aided and abetted international terrorism. *Boim v Quranic Literacy Inst.* (2001, ND Ill) 127 F Supp 2d 1002.

Claims brought under 18 USCS § 2333 and Israeli law by survivors and estate of terrorism victim who was killed in Israel by Hamas survived motion to dismiss for failure to state claim; and Palestinian Authority was not entitled to sovereign immunity. *Estates of Ungar v Palestinian Auth.* (2002, DC RI) 228 F Supp 2d 40.