

APPENDICES

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APPENDIX A

1. 8 U.S.C. § 1101 provides in pertinent part:

Definitions

(a) As used in this chapter—

* * * * *

(43) The term “aggravated felony” means—

* * * * *

(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year;

* * * * *

(U) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.

* * * * *

2. 18 U.S.C. § 3 provides:

Accessory after the fact

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

3. 18 U.S.C. § 1503 provides:

Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such

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officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

4. 18 U.S.C. § 1961 provides in pertinent part:

Definitions

As used in this chapter—

(1) “racketeering activity” means

* * * * *

(B) any act which is indictable under any of the following provisions of title 18, United States Code:

* * * * *

section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant).

* * * * *

5. Va. Code Ann. § 18.2-19 (2014) provides:

How accessories after the fact punished; certain exceptions

Every accessory after the fact is guilty of (i) a Class 6 felony in the case of a homicide offense that is punishable by death or as a Class 2 felony or (ii) a Class 1 misdemeanor in the case of any other felony. However, no person in the relation of husband or wife, parent or grandparent, child or grandchild, brother or

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sister, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony, shall aid or assist a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

APPENDIX B

This table lists a sample of state offenses, by title, that in 1996 were included in the same chapter or section as state witness tampering statutes identified by the government (GB 37 nn.9-10).

State Code	Section No.	Section Title
Alabama Ala. Code, tit. 13a, ch. 10 ("Offenses Against Public Administration")	§ 13A-10-3	Refusing to permit inspection of property
	§ 13A-10-10	Impersonating a public servant
	§ 13A-10-11	Impersonating a peace officer
	§ 13A-10-13	Seal of state; use for commercial purpose -- Identification cards; printing or distributing facsimile without disclaimer
	§ 13A-10-14	Identification cards; possessing and presenting facsimiles

	§ 13A-10-63	Trading in public office
Alaska Alaska Stat., tit. 11, ch. 56 ("Offenses Against Public Administration")	§ 11.56.830	Impersonating a public servant
	§ 11.56.850	Official misconduct
	§ 11.56.860	Misuse of confidential information
Arizona Ariz. Rev. Stat., tit. 13, ch. 28 ("Interference with Judicial and Other Proceedings")	§ 13-2814	Simulating legal process; classification

Arkansas Ark. Code Ann., tit. 5, subtit. 5 (“Offenses Against the Administration of Government”)	§ 5-51-208	Contempt for or desecration of the Arkansas flag
	§ 5-51-304	Intentionally defective workmanship
	§ 5-55-203	Illegal presentation of food coupons or vouchers for payment
California Cal. Penal Code, pt. 1, tit. 7 (“Crimes Against Public Justice”)	§ 99	Interest in contract by Superintendent of State Printing
	§ 100	Collusion by Superintendent of State Printing

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	§ 115.1	Legislative findings and declarations; Publication of deceptive campaign advertisement containing unauthorized signature; “Campaign advertisement”; Punishment
	§ 115.2	Publication of false or fraudulent campaign advertisement
	§ 115.5	Filing false or forged document affecting real property; Making false statement to induce improper notarial act on instrument affecting title to residence
	§ 146a	Impersonation of officers

	§ 147	Inhumanity to prisoners
	§ 154	Removal, disposal or concealment of property by debtor
	§ 156	Fraudulent pretenses relative to birth of infant
	§ 171c	Possessing loaded firearm in State Capitol or state offices
	§ 172	Sale of liquor near certain institutions
	§ 185	Wearing mask or disguise for unlawful purpose
	§ 186.10	Money laundering; Punishment
	§ 186.26	Penalty for coercing participation in gang activity

	§ 186.28	Supplying, selling, or giving possession or control of firearm to another
Colorado Colo. Rev. Stat., tit. 18, art. 8 ("Offenses— Governmental Operations")	§ 18-8-112	Impersonating a peace officer
	§ 18-8-113	Impersonating a public servant
	§ 18-8-114	Abuse of public records
	§ 18-8-211	Riots in detention facilities
	§ 18-8-305	Trading in public office
	§ 18-8-308	Failing to disclose a conflict of interest
	§ 18-8-402	Misuse of official information
	§ 18-8-403	Official oppression
	§ 18-8-404	First degree official misconduct

	§ 18-8-405	Second degree official misconduct
	§ 18-8-406	Issuing a false certificate
	§ 18-8-407	Embezzlement of public property
	§ 18-8-802	Duty to report use of force by peace officers
	§ 18-8-803	Use of excessive force
Connecticut Conn. Gen. Stat., ch. 952, pt. XI ("Bribery, Offenses Against the Administration of Justice and Other Related Offenses")	§ 53a-161a	Bid rigging: Class D felony
	§ 53a-161b	Disclosure of bid or proposal: Class A misdemeanor
	§ 53a-161c	Receiving kickbacks: Class D felony
	§ 53a-162	Rigging: Class D felony

	§ 53a-163	Soliciting or accepting benefit for rigging: Class A misdemeanor
	§ 53a-164	Participation in a rigged contest: Class A misdemeanor
Delaware Del. Code Ann., tit. 11, ch. 5, subch. VI ("Offenses Against Public Administration")	§ 1211	Official misconduct; class A misdemeanor
	§ 1212	Profiteering; class A misdemeanor
	§ 1254	Assault in a detention facility; penalty; class B and class D felony
	§ 1259	Sexual relations in detention facility; class G felony

Georgia Ga. Code Ann., tit. 16, ch. 10 (“Offenses Against Public Administration”)	§ 16-10-1	Violation of oath by public officer
	§ 16-10-3	Using private funds for law enforcement; off- duty employment of law enforcement officers
	§ 16-10-4	Influencing of legislative action by state and local government officers or employees
	§ 16-10-7	False acknowledgments, certificates, or statements of appearance or oath by officer authorized to do same

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	§ 16-10-8	False official certificates or writings by officers or employees of state and political subdivisions
	§ 16-10-9	Acceptance of office or employment in more than one branch of government
	§ 16-10-22	Conspiracy in restraint of free and open competition in transactions with state or political subdivisions; forfeiture of right to bid on or enter into contracts
	§ 16-10-23	Impersonating a public officer or employee
	§ 16-10-56	Riot in a penal institution

Hawaii Haw. Rev. Stat., div. 5, tit. 37, ch. 710 (“Offenses Against Public Administration”)	§ 710-1016	Impersonating a public servant
	§ 710-1031	Intimidating a correctional worker
Illinois Ill. Comp. Stat., ch. 720, tit. III, pt. E (“Offenses Affecting Governmental Functions”)	§ 5/33-3	Official Misconduct
Iowa Iowa Code, ch. 720 (“Interference with Judicial Process”)	§ 720.5	False representation of records or process
	§ 720.6	Malicious prosecution

Kansas Kan. Stat. Ann., ch. 21, art. 38 (“Crimes Affecting Governmental Functions”)	§ 21-3819	Performance of an unauthorized official act
	§ 21-3823	False signing of a petition
	§ 21-3824	False impersonation
	§ 21-3825	Aggravated false impersonation
	§ 21-3840	Failure to register an aircraft
	§ 21-3841	Fraudulent aircraft registration
	§ 21-3842	Fraudulent acts relating to aircraft identification numbers
Kentucky Ky. Rev. Stat. Ann., ch. 524 (“Interference with Judicial Administration”)	§ 524.130	Unauthorized practice of law

Massachusetts Mass. Ann. Laws, ch. 268 ("Crimes Against Public Justice")	§ 26	Furnishing Liquor to Prisoner
	§ 27	Penalty for Furnishing Intoxicating Liquors to Patients of Public Institutions
	§ 33	Falsely Assuming to be Justice of the Peace or Certain Public Officers
	§ 33a	Unlicensed Lead Paint Inspection Prohibited; Penalty
Minnesota Minn. Stat., ch. 609 ("Crimes Against the Administration of Justice")	§ 609.486	Commission of crime while wearing or possessing a bullet-resistant vest
	§ 609.493	Solicitation of mentally impaired persons
	§ 609.494	Solicitation of juveniles

<p>Missouri Mo. Rev. Stat., ch. 575 ("Offenses Against the Administration of Justice")</p>	<p>§ 575.120</p>	<p>False impersonation</p>
<p>Montana Mont. Code Ann., tit. 45, ch. 7 ("Offenses Against Public Administration")</p>	<p>§ 45-7-209</p>	<p>Impersonation of public servant</p>
	<p>§ 45-7-307</p>	<p>Transferring illegal articles or unauthorized communication</p>
	<p>§ 45-7-401</p>	<p>Official misconduct</p>
	<p>§ 45-7-501</p>	<p>Employer misconduct</p>
<p>Nebraska Neb. Rev. Stat., ch. 28, art. 9 ("Offenses Involving Integrity and Effectiveness of Government Operation")</p>	<p>§ 28-914</p>	<p>Loitering about a penal institution; penalty</p>
	<p>§ 28-924</p>	<p>Official misconduct; penalty</p>
	<p>§ 28-925</p>	<p>Misuse of official information; penalty</p>

	§ 28-926	Oppression under color of office; penalty
	§ 28-928	Mutilating a flag; penalty; flag, defined
New Jersey N.J. Rev. Stat., tit. 2C, subtit. 2, pt. 4 (“Offenses Involving Public Administration Officials”)	§ 2C:28-8	Impersonating a public servant
	§ 2C:30-2	Official misconduct
	§ 2C:30-3	Speculating or wagering on official action or information
	§ 2C:30-4	Disbursing moneys, incurring obligations in excess of appropriations
New York N.Y. Penal Law, pt. 3, tit. L (“Offenses Against Public Administration”)	§ 195.20	Defrauding the government

Ohio Ohio Rev. Code Ann., ch. 2921 (“Offenses Against Justice and Public Administration”)	§ 2921.41	Theft in office; restitution; withholding of retirement benefits
	§ 2921.42	Having an unlawful interest in a public contract
	§ 2921.45	Interfering with civil rights
	§ 2921.51	Impersonating a peace officer or private policeman
Oklahoma Okla. Stat., tit. 21, pt. II (“Crimes Against Public Justice”)	§ 471	Passes and franks— Penalty—Free Transportation of children
	§ 481	Employment of relatives unlawful, when
	§ 483	Appointment of one related to another officer
	§ 484	Relatives cannot hold office, when

	§ 548	Buying or selling pretended right or title to land
	§ 579	Substituting child
Pennsylvania Pa. Cons. Stat., tit. 18, pt. II, art. E ("Offenses Against Public Administration")	§ 5301	Official oppression
	§ 5302	Speculating or wagering on official action or information
South Carolina S.C. Code Ann., tit. 16, ch. 9 ("Offenses Against Public Justice")	§ 16-9-440	Officer permitting prisoner to be taken by a mob or other unlawful assemblage of persons
Tennessee Tenn. Code Ann., tit. 39, ch. 16 ("Interference with Government Operations")	§ 39-16-514	Dismissal of employee because of jury service

Texas Tex. Penal Code Ann., tit. 8 (“Offenses Against Public Administration”)	§ 36.07	Acceptance of Honorarium
	§ 37.11	Impersonating Public Servant
	§ 38.11	Prohibited Substances in Correctional Facility or on Property of Texas Department of Criminal Justice
	§ 38.123	Unauthorized Practice of Law
	§ 39.02	Abuse of Official Capacity
	§ 39.03	Official Oppression
	§ 39.04	Violations of the Civil Rights of Person in Custody
	§ 39.06	Misuse of Official Information

Utah Utah Code Ann., tit. 76, ch. 8 (“Offenses Against the Administration of Government”)	§ 76-8-107	Alteration of proposed legislative bill or resolution
	§ 76-8-201	Official misconduct — Unauthorized acts or failure of duty
	§ 76-8-202	Official misconduct — Unlawful acts based on “inside” information
	§ 76-8-203	Unofficial misconduct
	§ 76-8-311.3	Items prohibited in correctional and mental health facilities — Penalties
	§ 76-8-402	Misusing public monies
	§ 76-8-419	Damaging highways or bridges

	§ 76-8-420	Removing or damaging road signs
	§ 76-8-512	Impersonation of officer
	§ 76-8-703	Interfering or intending to interfere with activities — Failure to leave when ordered
	§ 76-8-802	Destruction of property to interfere with preparation for defense or war
	§ 76-8-1205	Public assistance fraud defined
Wyoming Wyo. Stat. Ann., tit. 6, ch. 5 ("Offenses Against Public Administration")	§ 6-5-106	Conflict of interest; penalties; disclosure of interest and withdrawal from participation

	§ 6-5-110	Wrongful appropriation of public property; penalties
	§ 6-5-111	Failure or refusal to account for, deliver or pay over property; penalties
	§ 6-5-112	Mistreating persons in institutions or mental hospital; penalties; no bar to other criminal action
	§ 6-5-113	Removal from office after judgment of conviction
	§ 6-5-208	Taking controlled substances or liquor into jails, penal institutions, or mental hospitals; penalties

APPENDIX C

This table lists state accessory-after-the-fact offenses cited in the government's brief (GB 42 nn.22-23) that in 1996 were codified in chapters, articles, or parts concerning "escape" or "general provisions."

State Code	Section No.	Chapter, Article, or Part Title
Alabama Ala. Code	§§ 13A-10-43 and -44	Escape and Other Offenses Relating to Custody
Arizona Ariz. Rev. Stat.	§§ 13-2511 and -2512	Escape and Related Offenses
Georgia Ga. Code Ann.	§ 16-10-50	Escape and Other Offenses Related to Confinement
Hawaii Haw. Rev. Stat.	§§ 710-1028 to -1030	Escape and Other Offenses Related to Custody
Kentucky Ky. Rev. Stat. Ann.	§§ 520.120 and .130	Escape and Other Offenses Relating to Custody

New York N.Y. Penal Law	§§ 205.50 to .65	Escape and Other Offenses Relating to Custody
Oklahoma Okla. Stat.	§ 440	Escapes and Aiding Therein
Rhode Island R.I. Gen. Laws	§ 11-1-4	General Provisions