

# 18 U.S.C. § 3

## Section 3 - 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.

*18 U.S.C. § 3*

June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 99-646, §43, Nov. 10, 1986, 100 Stat. 3601; Pub. L. 101-647, title XXXV, §35023502,, 104 Stat. 4921; Pub. L. 103-322, title XXXIII, §§330011(h), Sept. 13, 1994, 330016, Sept. 13, 1994, 108 Stat. 2145, 2148.

**HISTORICAL AND REVISION NOTES**Based on title 18, U.S.C., 1940 ed., §551 (Mar. 4, 1909, ch. 321, §333, 35 Stat. 1152). The first paragraph is new. It is based upon authority of *Skelly v. United States* (C. C. A. Okl. 1935, 76 F. 2d 483, certiorari denied, 1935, 55 S. Ct. 914, 295 U.S. 757, 79 L. Ed. 1699), where the court defined an accessory after the fact as-one who knowing a felony to have been committed by another, receives, relieves, comforts, or assists the felon in order to hinder the felon's apprehension, trial, or punishment-and cited Jones' *Blackstone*, books 3 and 4, page 2204; *U.S. v. Hartwell* (Fed. Cas. No. 15,318); *Albritton v. State* (32 Fla. 358, 13 So. 955); *State v. Davis* (14 R. I. 281); *Schleeter v. Commonwealth* (218 Ky. 72, 290 S. W. 1075). (See also *State v. Potter*, 1942, 221 N. C. 153, 19 S. E. 2d 257; *Hunter v. State*, 1935, 128 Tex. Cr. R. 191, 79 S. W. 2d 855; *State v. Wells*, 1940, 195 La. 754, 197 So. 419.) The second paragraph is from section 551 of title 18, U.S.C., 1940 ed. Here only slight changes were made in phraseology.

### **EDITORIAL NOTES**

**AMENDMENTS**1994- Pub. L. 103-322, §330016(2)(A), inserted "(notwithstanding section 3571)" before "fined not more than one-half" in second par. Pub. L. 103-322, §330011(h), amended directory language of Pub. L. 101-647, §3502. See 1990 Amendment note below. 1990- Pub. L. 101-647 as amended by Pub. L. 103-322, §330011(h), substituted "15 years" for "ten years" in second par. 1986- Pub. L. 99-646 inserted "life imprisonment or" in second par.

### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

**EFFECTIVE DATE OF 1994 AMENDMENT** Pub. L. 103-322, title XXXIII, §330011(h), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of Nov. 29, 1990.