

ADMIRALTY COMMITTEE

Maritime Criminal Statutes: Piracy



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Piracy is a federal crime with a penalty of imprisonment for life.

A U.S. citizen is a “pirate” if that person commits murder or robbery, or any act of hostility against the United States or any of its citizens on the high seas (generally beyond 3 nautical miles from the shore of the United States). 18 U.S.C. § 1652.

An alien who “is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same ... is a pirate and shall be imprisoned for life.” 18 U.S.C. § 1653.

“Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.” 18 U.S.C. § 1651.

Piracy, within the meaning of § 1651, consists of any of the following acts and their elements: (A)(1) any illegal act of violence or detention, or any act of depredation (2) committed for private ends (3) on the high seas or at a place outside the jurisdiction of any state (4) by the crew or passengers of a private ship or private aircraft (5) and directed against another ship or aircraft, or against any persons or property aboard such ship or aircraft; or (B) (1) any act of voluntary participation in the operation of a ship or aircraft and (2) with knowledge of the facts making it a pirate ship; or (C) (1) any act of inciting or intentionally facilitating (2) an act described in (A) or (B). *United States v. Hasan*, 747 F. Supp. 2d 599 (E.D. Va. 2010), affirmed in *United States v. Dire*, 680F.3d 446 (4th Cir. 2012).

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