

Section 46504 of Title 49, United States Code (formerly section 1472(j) of Title 49 Appendix) sets forth the offense of interference with a flight crew member or flight attendant within the special aircraft jurisdiction of the United States, which is defined in 49 U.S.C. § 46501(2). **The statute applies to any "individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties." The statute provides for up to 20 years imprisonment,** and further provides for imprisonment for any term of years or life if a dangerous weapon is used. Interference with a flight crew member or attendant is a general intent crime, and does not require a specific intent either to intimidate the flight crew member or attendant or to interfere with the performance of his or her duties. *United States v. Grossman*, 131 F.3d 1449 (11th Cir. 1997). Venue is governed by the standard venue provisions, 18 U.S.C. §§ 3237 and 3238 and Rule 18, Fed.R.Crim.Proc. See also *United States v. Hall*, 691 F.2d 48 (1st Cir. 1982). "[T]he offense continues for at least as long as the crew are responding directly, and in derogation of their ordinary duties, to the defendant's behavior." *United States v. Hall*, 691 F.2d at 50. Prosecution is always proper in the district over which the aircraft was flying when the interference took place, if that can be determined. In many cases, particularly those in which either (1) the aircraft is diverted due to the defendant's actions, (2) the defendant's interfering actions continue, or (3) the crew remains concerned about defendant's possible further actions, venue is also proper in the district in which the aircraft lands. Since determining the district over which the aircraft was flying when the action took place may be difficult, and that district may have little or no connection to the matter, the Department advocates prosecution in the district where the aircraft lands and the defendant is deboarded and arrested in all appropriate cases. The interference and other Title 49 aircraft offenses are supervised by the Counterterrorism Section of the National Security Division.