**O30.3**

**Interstate Transmission of Threat to Kidnap or Injure**

**18 U.S.C. § 875**

It’s a Federal crime to knowingly send in interstate or foreign commerce a true threat to kidnap or injure any person.

The Defendant can be found guilty of this crime only if the Government proves beyond a reasonable doubt that the Defendant knowingly sent a message in [interstate] [foreign] commerce containing a true threat [to kidnap any person] [to injure the person of another].

[To transmit something in “interstate commerce” means to send it from a place in one state to a place in another state.]

[To transmit something in “foreign commerce” means to send it from a place in the United States to anyplace outside the United States.]

A “true threat” is a serious threat – not idle talk, a careless remark, or something said jokingly – that is made under circumstances that would lead a reasonable person to believe that the Defendant intended to [kidnap] [injure] another person.

The heart of the crime is intentionally sending a true threat in interstate or foreign commerce. The Government doesn’t have to prove that the Defendant intended to carry out the threat.