

copy thereof which has been canceled as provided by law, fails to surrender the same after at least sixty days' notice by the appropriate court or the Commissioner or Deputy Commissioner of Immigration, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 767; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on subsections (a) par. (31), (b), (d) of section 746 of title 8, U.S.C., 1940 ed., Aliens and Nationality (Oct. 14, 1940, ch. 876, § 346(a) par. (31), (b), (d), 54 Stat. 1167).

Subsection (b) of said section 746 of title 8 is the authority for inserting "or a copy thereof" after "citizenship."

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

#### TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested, in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2, of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees.

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

### § 1429. Penalties for neglect or refusal to answer subpoena

Any person who has been subpoenaed under the provisions of subsection (d) of section 336 of the Immigration and Nationality Act to appear at the final hearing of an application for naturalization, and who shall neglect or refuse to so appear and to testify, if in the power of such person to do so, shall be fined under this title or imprisoned not more than five years, or both.

(Added June 27, 1952, ch. 477, title IV, § 402(b), 66 Stat. 276; amended Pub. L. 97-116, § 18(u)(1), Dec. 29, 1981, 95 Stat. 1621; Pub. L. 101-649, title IV, § 407(c)(21), Nov. 29, 1990, 104 Stat. 5041; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### REFERENCES IN TEXT

Subsection (d) of section 336 of the Immigration and Nationality Act, referred to in text, is classified to section 1447(d) of Title 8, Aliens and Nationality.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

1990—Pub. L. 101-649 substituted "an application" for "a petition".

1981—Pub. L. 97-116 substituted "subsection (d)" for "subsection (e)".

#### EFFECTIVE DATE OF 1990 AMENDMENT; SAVINGS PROVISIONS

Amendment by Pub. L. 101-649 effective Nov. 29, 1990, with general savings provisions, see section 408(a)(3)

and (d) of Pub. L. 101-649, set out as a note under section 1421 of Title 8, Aliens and Nationality.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-116 effective Dec. 29, 1981, see section 21(a) of Pub. L. 97-116, set out as a note under section 1101 of Title 8, Aliens and Nationality.

## CHAPTER 71—OBSCENITY

Sec.

- 1460. Possession with intent to sell, and sale, of obscene matter on Federal property.
- 1461. Mailing obscene or crime-inciting matter.
- 1462. Importation or transportation of obscene matters.
- 1463. Mailing indecent matter on wrappers or envelopes.
- 1464. Broadcasting obscene language.
- 1465. Transportation of obscene matters for sale or distribution.<sup>1</sup>
- 1466. Engaging in the business of selling or transferring obscene matter.
- 1466A. Obscene visual representations of the sexual abuse of children.
- 1467. Criminal forfeiture.
- 1468. Distributing obscene material by cable or subscription television.
- 1469. Presumptions.
- 1470. Transfer of obscene material to minors.

#### AMENDMENTS

2003—Pub. L. 108-21, title V, § 504(b), Apr. 30, 2003, 117 Stat. 682, added item 1466A.

1998—Pub. L. 105-314, title IV, § 401(b), Oct. 30, 1998, 112 Stat. 2979, added item 1470.

1988—Pub. L. 100-690, title VII, §§ 7521(b), (f)[(e)], 7523(b), 7526(b), Nov. 18, 1988, 102 Stat. 4489, 4490, 4502, 4503, added items 1460 and 1466 to 1469.

1955—Act June 28, 1955, ch. 190, § 4, 69 Stat. 184, added item 1465.

1950—Act May 27, 1950, ch. 214, § 2, 64 Stat. 194, substituted "matters" for "literature" in item 1462.

### § 1460. Possession with intent to sell, and sale, of obscene matter on Federal property

(a) Whoever, either—

(1) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States; or

(2) in the Indian country as defined in section 1151 of this title,

knowingly sells or possesses with intent to sell an obscene visual depiction shall be punished by a fine in accordance with the provisions of this title or imprisoned for not more than 2 years, or both.

(b) For the purposes of this section, the term "visual depiction" includes undeveloped film and videotape but does not include mere words.

(Added Pub. L. 100-690, title VII, § 7526(a), Nov. 18, 1988, 102 Stat. 4503; amended Pub. L. 101-647, title III, § 323(c), Nov. 29, 1990, 104 Stat. 4819.)

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647, § 323(c)(1), struck out "or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct," after "visual depiction" in concluding provisions.

<sup>1</sup> Section catchline amended by Pub. L. 109-248 without corresponding amendment of chapter analysis.