

phraseology, the provisions of act of February 10, 1948 (ch. 51, 62 Stat. 19), which was not incorporated in title 18 when the revision was enacted. The phrase "without hard labor" is omitted from the punishment clause as unnecessary, in conformity with the uniform style of such title. (See reviser's note to sec. 1 of such revised title, appearing in H. Rept. No. 304, April 24, 1947, to accompany H.R. 3190, 80th Cong. (pp. A2, A4 of such report).) The concluding proviso that "nothing herein shall be construed to limit the authority of the Secretary of Agriculture under other law to otherwise provide for regulating the occupancy and use of national-forest lands and lands administered by the Forest Service", is omitted as surplusage.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$500".

§ 1864. Hazardous or injurious devices on Federal lands

(a) Whoever—

(1) with the intent to violate the Controlled Substances Act,

(2) with the intent to obstruct or harass the harvesting of timber, or

(3) with reckless disregard to the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk,

uses a hazardous or injurious device on Federal land, on an Indian reservation, or on an Indian allotment while the title to such allotment is held in trust by the United States or while such allotment remains inalienable by the allottee without the consent of the United States shall be punished under subsection (b).

(b) An individual who violates subsection (a) shall—

(1) if death of an individual results, be fined under this title or imprisoned for any term of years or for life, or both;

(2) if serious bodily injury to any individual results, be fined under this title or imprisoned for not more than 40 years, or both;

(3) if bodily injury to any individual results, be fined under this title or imprisoned for not more than 20 years, or both;

(4) if damage to the property of any individual results or if avoidance costs have been incurred exceeding \$10,000, in the aggregate, be fined under this title or imprisoned for not more than 20 years, or both; and

(5) in any other case, be fined under this title or imprisoned for not more than one year.

(c) Any individual who is punished under subsection (b)(5) after one or more prior convictions under any such subsection shall be fined under this title or imprisoned for not more than 20 years, or both.

(d) As used in this section—

(1) the term "serious bodily injury" means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; and

(D) protracted loss or impairment of the function of bodily member, organ, or mental faculty;

(2) the term "bodily injury" means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary;

(3) the term "hazardous or injurious device" means a device, which when assembled or placed, is capable of causing bodily injury, or damage to property, by the action of any person making contact with such device subsequent to the assembly or placement. Such term includes guns attached to trip wires or other triggering mechanisms, ammunition attached to trip wires or other triggering mechanisms, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, lines or wires, lines or wires with hooks attached, nails placed so that the sharpened ends are positioned in an upright manner, or tree spiking devices including spikes, nails, or other objects hammered, driven, fastened, or otherwise placed into or on any timber, whether or not severed from the stump; and

(4) the term "avoidance costs" means costs incurred by any individual for the purpose of—

(A) detecting a hazardous or injurious device; or

(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a).

(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.

(Added Pub. L. 100-690, title VI, § 6254(f), Nov. 18, 1988, 102 Stat. 4366; amended Pub. L. 101-647, title XXXV, § 3555, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 103-322, title XXXIII, § 330007, Sept. 13, 1994, 108 Stat. 2142; Pub. L. 104-134, title I, § 101(c) [title III, § 330], Apr. 26, 1996, 110 Stat. 1321-156, 1321-208; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsection (a)(1), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

1996—Subsec. (b)(2). Pub. L. 104-134, § 101(c) [title III, § 330(1)(A)], substituted "40" for "twenty".

Subsec. (b)(3). Pub. L. 104-134, §101(c) [title III, §330(1)(B)], substituted “20” for “ten”.

Subsec. (b)(4). Pub. L. 104-134, §101(c) [title III, §330(1)(C), (D)], substituted “if damage to the property of any individual results or if avoidance costs have been incurred exceeding \$10,000, in the aggregate,” for “if damage exceeding \$10,000 to the property of any individual results,” and “20” for “ten”.

Subsec. (c). Pub. L. 104-134, §101(c) [title III, §330(2)], substituted “20” for “ten”.

Subsec. (d)(4). Pub. L. 104-134, §101(c) [title III, §330(3)], added par. (4).

Subsec. (e). Pub. L. 104-134, §101(c) [title III, §330(4)], added subsec. (e).

1994—Subsec. (c). Pub. L. 103-322 substituted “(b)(5)” for “(b)(3), (4), or (5)”.

1990—Subsec. (d)(1)(D), (E). Pub. L. 101-647 struck out “and” at end of subpar. (D) and substituted “; and” for period at end of subpar. (E).

CHAPTER 93—PUBLIC OFFICERS AND EMPLOYEES

Sec.

1901. Collecting or disbursing officer trading in public property.
1902. Disclosure of crop information and speculation thereon.
1903. Speculation in stocks or commodities affecting crop insurance.
- [1904. Repealed.]
1905. Disclosure of confidential information generally.
1906. Disclosure of information from a bank examination report.
1907. Disclosure of information by farm credit examiner.
- [1908. Repealed.]
1909. Examiner performing other services.
1910. Nepotism in appointment of receiver or trustee.
1911. Receiver mismanaging property.
1912. Unauthorized fees for inspection of vessels.
1913. Lobbying with appropriated moneys.
- [1914. Repealed.]
1915. Compromise of customs liabilities.
1916. Unauthorized employment and disposition of lapsed appropriations.
1917. Interference with civil service examinations.
1918. Disloyalty and asserting the right to strike against the Government.
1919. False statement to obtain unemployment compensation for Federal service.
1920. False statement or fraud to obtain Federal employees' compensation.
1921. Receiving Federal employees' compensation after marriage.
1922. False or withheld report concerning Federal employees' compensation.
1923. Fraudulent receipt of payments of missing persons.
1924. Unauthorized removal and retention of classified documents or material.

AMENDMENTS

1996—Pub. L. 104-294, title VI, §604(b)(44), Oct. 11, 1996, 110 Stat. 3509, substituted “employees” for “employee’s” in item 1920.

1994—Pub. L. 103-359, title VIII, §808(b), Oct. 14, 1994, 108 Stat. 3454, added item 1924.

Pub. L. 103-333, title I, §101(b)(2), Sept. 30, 1994, 108 Stat. 2548, substituted “or fraud to obtain Federal employee’s compensation” for “to obtain Federal employees’ compensation” in item 1920.

Pub. L. 103-322, title XXXIII, §330004(11), Sept. 13, 1994, 108 Stat. 2141, struck out items 1904 “Disclosure of information or speculation in securities affecting Reconstruction Finance Corporation” and 1908 “Disclosure of information by National Agricultural Credit Corporation examiner”.

1990—Pub. L. 101-647, title XXXV, §3556, Nov. 29, 1990, 104 Stat. 4927, substituted “from a bank examination report” for “by bank examiner” in item 1906 and struck out item 1914 “Salary of Government officials and employees payable only by United States”.

1966—Pub. L. 89-554, §3(c), Sept. 6, 1966, 80 Stat. 608, added items 1916 to 1923.

§ 1901. Collecting or disbursing officer trading in public property

Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined under this title or imprisoned not more than one year, or both; and shall be removed from office, and be incapable of holding any office under the United States.

(June 25, 1948, ch. 645, 62 Stat. 790; Pub. L. 103-322, title XXXIII, §330016(1)(J), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §192 (Mar. 4, 1909, ch. 321, §103, 35 Stat. 1107).

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$3,000”.

§ 1902. Disclosure of crop information and speculation thereon

Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment or position, become possessed of information which might influence or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of such department or agency required to be withheld from publication until a fixed time, willfully imparts, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or agency to receive the same; or, before such information is made public through regular official channels, directly or indirectly speculates in any such product by buying or selling the same in any quantity, shall be fined under this title or imprisoned not more than ten years, or both.

No person shall be deemed guilty of a violation of any such rules, unless prior to such alleged violation he shall have had actual knowledge thereof.

(June 25, 1948, ch. 645, 62 Stat. 790; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §214 (Mar. 4, 1909, ch. 321, §123, 35 Stat. 1110).

Words “agency thereof” were inserted in lieu of “office thereof” at beginning of section in conformity with section 6 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in first par.