

§ 474. Plates, stones, or analog, digital, or electronic images for counterfeiting obligations or securities

(a) Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, uses such plate, stone, or other thing, or any part thereof, or knowingly suffers the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or

Whoever makes or executes any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or

Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or

Whoever sells any such plate, stone, or other thing, or brings into the United States any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or

Whoever has in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or

Whoever has in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or

Whoever prints, photographs, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or sells any such engraving, photograph, print, or impression, except to the United States, or brings into the United States, any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States—

Is guilty of a class B felony.

(b) For purposes of this section, the term “analog, digital, or electronic image” includes any analog, digital, or electronic method used for the making, execution, acquisition, scanning, capturing, recording, retrieval, transmission, or reproduction of any obligation or security, unless such use is authorized by the Secretary of the Treasury. The Secretary shall es-

tablish a system (pursuant to section 504) to ensure that the legitimate use of such electronic methods and retention of such reproductions by businesses, hobbyists, press and others shall not be unduly restricted.

(June 25, 1948, ch. 645, 62 Stat. 706; Pub. L. 102-550, title XV, §1552, Oct. 28, 1992, 106 Stat. 4070; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §648(a)], title II, §2603(a), Sept. 30, 1996, 110 Stat. 3009-314, 3009-367, 3009-470; Pub. L. 107-56, title III, §374(e)(1)-(3), Oct. 26, 2001, 115 Stat. 340.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §264 (Mar. 4, 1909, ch. 321, §150, 35 Stat. 1116).

References to persons causing, procuring, assisting or aiding were omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes in phraseology were made.

AMENDMENTS

2001—Pub. L. 107-56, §374(e)(3), substituted “, stones, or analog, digital, or electronic images” for “or stones” in section catchline.

Subsec. (a). Pub. L. 107-56, §374(e)(1), inserted after second par. “Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or”.

Subsec. (b). Pub. L. 107-56, §374(e)(2), inserted first sentence and struck out former first sentence which read as follows: “For purposes of this section, the terms ‘plate’, ‘stone’, ‘thing’, or ‘other thing’ includes any electronic method used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security, unless such use is authorized by the Secretary of the Treasury.”

1996—Subsec. (a). Pub. L. 104-208, §§101(f) [title VI, §648(a)] and 2603(a), amended subsec. (a) identically, substituting “class B felony” for “class C felony” in last par.

1992—Subsec. (a). Pub. L. 102-550, §1552(1)-(4), designated existing provisions as subsec. (a), in sixth undesignated par., substituted “United States—” for “United States; or” at end, struck out seventh undesignated par. which read as follows: “Whoever has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States—”, and amended last undesignated par. generally. Prior to amendment, last par. read as follows: “Shall be fined not more than \$5,000 or imprisoned not more than fifteen years, or both.”

Subsec. (b). Pub. L. 102-550, §1552(5), added subsec. (b).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §648(c)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-368, provided that: “This section [enacting section 514 of this title and amending this section and section 474A of this title] and the amendments made by this section shall become effective on the date of enactment of this Act [Sept. 30, 1996] and shall remain in effect during each fiscal year following that date of enactment.”

§ 474A. Deterrents to counterfeiting of obligations and securities

(a) Whoever has in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations

and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.

(b) Whoever has in his control or possession, after a distinctive counterfeit deterrent has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States by publication in the Federal Register, any essentially identical feature or device adapted to the making of any such obligation or security, except under the authority of the Secretary of the Treasury, is guilty of a class B felony.

(c) As used in this section—

(1) the term “distinctive paper” includes any distinctive medium of which currency is made, whether of wood pulp, rag, plastic substrate, or other natural or artificial fibers or materials; and

(2) the term “distinctive counterfeit deterrent” includes any ink, watermark, seal, security thread, optically variable device, or other feature or device;

(A) in which the United States has an exclusive property interest; or

(B) which is not otherwise in commercial use or in the public domain and which the Secretary designates as being necessary in preventing the counterfeiting of obligations or other securities of the United States.

(Added Pub. L. 102-550, title XV, § 1553(a), Oct. 28, 1992, 106 Stat. 4070; amended Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 648(a)], title II, § 2603(a), Sept. 30, 1996, 110 Stat. 3009-314, 3009-367, 3009-470.)

AMENDMENTS

1996—Subsecs. (a), (b). Pub. L. 104-208, §§ 101(f) [title VI, § 648(a)] and 2603(a), amended section identically, substituting “class B felony” for “class C felony”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective Sept. 30, 1996, and to remain in effect for each fiscal year following Sept. 30, 1996, see section 101(f) [title VI, § 648(e)] of Pub. L. 104-208, set out as a note under section 474 of this title.

§ 475. Imitating obligations or securities; advertisements

Whoever designs, engraves, prints, makes, or executes, or utters, issues, distributes, circulates, or uses any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any obligation or security of the United States issued under or authorized by any Act of Congress or writes, prints, or otherwise impresses upon or attaches to any such instrument, obligation, or security, or any coin of the United States, any business or professional card, notice, or advertisement, or any notice or advertisement whatever, shall be fined under this title. Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.

(June 25, 1948, ch. 645, 62 Stat. 706; July 16, 1951, ch. 226, § 2, 65 Stat. 122; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat.

2147; Pub. L. 109-162, title XI, § 1192, Jan. 5, 2006, 119 Stat. 3129.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 292 (Mar. 4, 1909, ch. 321, § 177, 35 Stat. 1122).

Enumeration of obligations of the United States was omitted in view of definition in section 8 of this title. Changes in phraseology were also made.

AMENDMENTS

2006—Pub. L. 109-162 inserted at end “Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.”

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

1951—Act July 16, 1951, prohibited use of notices or advertising prints or labels on United States coins.

§ 476. Taking impressions of tools used for obligations or securities

Whoever, without authority from the United States, takes, procures, or makes an impression, stamp, analog, digital, or electronic image, or imprint of, from or by the use of any tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any obligation or other security of the United States, shall be fined under this title or imprisoned not more than 25 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 707; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 107-56, title III, § 374(f), Oct. 26, 2001, 115 Stat. 341.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 266 (Mar. 4, 1909, ch. 321, § 152, 35 Stat. 1117).

Enumeration of substances on which impressions could be made and enumeration of various kinds of tools to be used were omitted as unnecessary.

Reference to circulating note or evidence of debt was omitted in view of definition of obligations and securities in section 8 of this title.

Changes in phraseology were also made.

AMENDMENTS

2001—Pub. L. 107-56 inserted “analog, digital, or electronic image,” after “impression, stamp,” and substituted “25 years” for “ten years”.

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

§ 477. Possessing or selling impressions of tools used for obligations or securities

Whoever, with intent to defraud, possesses, keeps, safeguards, or controls, without authority from the United States, any imprint, stamp, analog, digital, or electronic image, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument or thing, used, fitted or intended to be used, for any of the purposes mentioned in section 476 of this title; or

Whoever, with intent to defraud, sells, gives, or delivers any such imprint, stamp, analog, digital, or electronic image, or impression to any other person—

Shall be fined under this title or imprisoned not more than 25 years, or both.