

(d) DEFINITIONS.—As used in this section—

(1) the terms “material that is harmful to minors” and “sex” have the meaning given such terms in section 2252B; and

(2) the term “source code” means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.

(Added Pub. L. 109–248, title VII, § 703(a), July 27, 2006, 120 Stat. 648.)

### § 2253. Criminal forfeiture

(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter or who is convicted of an offense under section 2252B of this chapter,<sup>1</sup> or who is convicted of an offense under chapter 109A, shall forfeit to the United States such person’s interest in—

(1) any visual depiction described in section 2251, 2251A, or 2252<sup>2</sup> 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).

(Added Pub. L. 98–292, § 6, May 21, 1984, 98 Stat. 205; amended Pub. L. 100–690, title VII, § 7522(c), Nov. 18, 1988, 102 Stat. 4494; Pub. L. 101–647, title XXXV, § 3564, Nov. 29, 1990, 104 Stat. 4928; Pub. L. 103–322, title XXXIII, § 330011(m)(1), Sept. 13, 1994, 108 Stat. 2145; Pub. L. 105–314, title VI, § 602, Oct. 30, 1998, 112 Stat. 2982; Pub. L. 109–248, title V, § 505(b), (c), July 27, 2006, 120 Stat. 630.)

#### PRIOR PROVISIONS

A prior section 2253 was redesignated section 2256 of this title.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109–248, § 505(b)(1), inserted “or who is convicted of an offense under section 2252B of this chapter,” after “2260 of this chapter” and substituted “an offense under chapter 109A” for “an offense under section 2421, 2422, or 2423 of chapter 117” in introductory provisions.

Subsec. (a)(1). Pub. L. 109–248, § 505(b)(2), inserted “2252A, 2252B, or 2260” after “2252”.

Subsec. (a)(3). Pub. L. 109–248, § 505(b)(3), inserted “or any property traceable to such property” before period at end.

<sup>1</sup> So in original. The extra comma probably should follow “2260 of this chapter”.

<sup>2</sup> So in original. Probably should be “2251A, 2252,”.

Subsecs. (b) to (o). Pub. L. 109–248, § 505(c), added subsec. (b) and struck out former subsecs. (b) to (o) which related, respectively, to third party transfers, protective orders, warrant of seizure, order of forfeiture, execution of order, disposition of property, authority of Attorney General, applicability of civil forfeiture provisions, bar on intervention, jurisdiction to enter orders, depositions, third party interests, construction of section, and substitute assets.

1998—Subsec. (a). Pub. L. 105–314 substituted “2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,” for “or 2252 of this chapter”.

1994—Subsec. (a). Pub. L. 103–322, § 330011(m)(1), amended directory language of Pub. L. 101–647, § 3564(1). See 1990 Amendment note below.

1990—Subsec. (a). Pub. L. 101–647, § 3564(1), as amended by Pub. L. 103–322, § 330011(m)(1), substituted “section 2251” for “sections 2251” in introductory provisions and in par. (1).

Subsec. (h)(4). Pub. L. 101–647, § 3564(2), substituted “under section 616 of the Tariff Act of 1930” for “in accordance with the provisions of section 1616, title 19, United States Code”.

1988—Pub. L. 100–690 amended section generally, substituting subsecs. (a) to (o) for former subsecs. (a) to (d).

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–322, title XXXIII, § 330011(m), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of Nov. 29, 1990.

### § 2254. Civil forfeiture

Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.

(Added Pub. L. 98–292, § 6, May 21, 1984, 98 Stat. 205; amended Pub. L. 99–500, § 101(m) [title II, § 201(a), (c)], Oct. 18, 1986, 100 Stat. 1783–308, 1783–314, and Pub. L. 99–591, § 101(m) [title II, § 201(a), (c)], Oct. 30, 1986, 100 Stat. 3341–308, 3341–314; Pub. L. 100–690, title VII, § 7522(c), Nov. 18, 1988, 102 Stat. 4498; Pub. L. 101–647, title XX, § 2003, title XXXV, § 3565, Nov. 29, 1990, 104 Stat. 4855, 4928; Pub. L. 103–322, title XXXIII, § 330011(m)(2), Sept. 13, 1994, 108 Stat. 2145; Pub. L. 105–314, title VI, § 603, Oct. 30, 1998, 112 Stat. 2982; Pub. L. 106–185, § 2(c)(4), Apr. 25, 2000, 114 Stat. 211; Pub. L. 107–273, div. B, title IV, § 4003(a)(6), Nov. 2, 2002, 116 Stat. 1811; Pub. L. 109–248, title V, § 505(d), July 27, 2006, 120 Stat. 630.)

#### CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

#### AMENDMENTS

2006—Pub. L. 109–248 amended section generally. Prior to amendment, section related to civil forfeiture of certain types of property described in this chapter and laws applicable to civil forfeiture proceedings.

2002—Subsec. (a)(3). Pub. L. 107–273 struck out comma before period at end.

2000—Subsec. (a)(2), (3). Pub. L. 106–185 struck out before period at end “, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner”.

1998—Subsec. (a)(2). Pub. L. 105–314, § 603(1), substituted “2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the com-