

Par. (4)(b)(i). Pub. L. 103-414, §202(b)(1), inserted “a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit,” after “cellular telephone communication.”

Par. (4)(b)(ii). Pub. L. 103-414, §202(b)(2), inserted “a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit,” after “cellular telephone communication.”

Pub. L. 103-322, §330016(1)(G), substituted “fined under this title” for “fined not more than \$500”.

1986—Pub. L. 99-508, §101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

Par. (1). Pub. L. 99-508, §101(c)(1)(A), (d)(1), (f)(1), substituted “intentionally” for “willfully” in subpars. (a) to (d) and “wire, oral, or electronic” for “wire or oral” wherever appearing in subpars. (a), (c), and (d), and in concluding provisions substituted “shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5)” for “shall be fined not more than \$10,000 or imprisoned not more than five years, or both”.

Par. (2)(a)(i). Pub. L. 99-508, §101(c)(5), substituted “a provider of wire or electronic communication service” for “any communication common carrier” and “of the provider of that service, except that a provider of wire communication service to the public” for “of the carrier of such communication: *Provided*, That said communication common carriers”.

Par. (2)(a)(ii). Pub. L. 99-508, §101(b)(1), (c)(1)(A), (6), substituted “providers of wire or electronic communication service” for “communication common carriers”, “wire, oral, or electronic” for “wire or oral”, “if such provider” for “if the common carrier”, “provider of wire or electronic communication service” for “communication common carrier” wherever appearing, “such disclosure” for “violation of this subparagraph by a communication common carrier or an officer, employee, or agent thereof”, “render such person liable” for “render the carrier liable”, and “a court order or certification under this chapter” for “an order or certification under this subparagraph” in two places.

Par. (2)(b). Pub. L. 99-508, §101(c)(1)(B), inserted “or electronic” after “wire”.

Par. (2)(c). Pub. L. 99-508, §101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral”.

Par. (2)(d). Pub. L. 99-508, §101(b)(2), (c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” and struck out “or for the purpose of committing any other injurious act” after “of any State”.

Par. (2)(f). Pub. L. 99-508, §101(b)(3), inserted “or chapter 121” in two places and substituted “foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronics communications system, utilizing a means” for “foreign communications by a means”.

Par. (2)(g), (h). Pub. L. 99-508, §101(b)(4), added subpars. (g) and (h).

Par. (3). Pub. L. 99-508, §102, added par. (3).

Pars. (4), (5). Pub. L. 99-508, §101(d)(2), added pars. (4) and (5).

1984—Par. (2)(e). Pub. L. 98-549, §6(b)(2)(A), substituted “section 705 or 706” for “section 605 or 606”.

Par. (2)(f). Pub. L. 98-549, §6(b)(2)(B), substituted “section 705” for “section 605”.

1978—Par. (2)(a)(ii). Pub. L. 95-511, §201(a), substituted provisions authorizing communication common carriers etc., to provide information to designated persons, prohibiting disclosure of intercepted information, and rendering violators civilly liable for provision exempting communication common carriers from criminality for giving information to designated officers.

Par. (2)(e), (f). Pub. L. 95-511, §201(b), added par. (2)(e) and (f).

Par. (3). Pub. L. 95-511, §201(c), struck out par. (3) which provided that nothing in this chapter or section 605 of title 47 limited the President’s constitutional power to gather necessary intelligence to protect the national security and stated the conditions necessary

for the reception into evidence and disclosure of communications intercepted by the President.

1970—Par. (2)(a). Pub. L. 91-358 designated existing provisions as cl. (i) and added cl. (ii).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendments by sections 101(c)(1) and 102(c)(1) of Pub. L. 110-261 effective July 10, 2008, except as otherwise provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of Title 50, War and National Defense, see section 402 of Pub. L. 110-261, set out as a note under section 1801 of Title 50.

Pub. L. 110-261, title IV, §403(b)(2), July 10, 2008, 122 Stat. 2474, as amended by Pub. L. 112-238, §2(a)(2), Dec. 30, 2012, 126 Stat. 1631, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of Title 50, War and National Defense, the amendments made by section 403(b)(2) are effective Dec. 31, 2017.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 111 of Pub. L. 99-508, set out as a note under section 2510 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-549 effective 60 days after Oct. 30, 1984, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of Title 47, Telecommunications.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-511 effective Oct. 25, 1978, except as specifically provided, see section 401 of Pub. L. 95-511, formerly set out as an Effective Date note under section 1801 of Title 50, War and National Defense.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-358 effective on first day of seventh calendar month which begins after July 29, 1970, see section 901(a) of Pub. L. 91-358.

§ 2512. Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited

(1) Except as otherwise specifically provided in this chapter, any person who intentionally—

(a) sends through the mail, or sends or carries in interstate or foreign commerce, any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications;

(b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious

interception of wire, oral, or electronic communications, and that such device or any component thereof has been or will be sent through the mail or transported in interstate or foreign commerce; or

(c) places in any newspaper, magazine, handbill, or other publication or disseminates by electronic means any advertisement of—

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications; or

(ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of wire, oral, or electronic communications,

knowing the content of the advertisement and knowing or having reason to know that such advertisement will be sent through the mail or transported in interstate or foreign commerce, shall be fined under this title or imprisoned not more than five years, or both.

(2) It shall not be unlawful under this section for—

(a) a provider of wire or electronic communication service or an officer, agent, or employee of, or a person under contract with, such a provider, in the normal course of the business of providing that wire or electronic communication service, or

(b) an officer, agent, or employee of, or a person under contract with, the United States, a State, or a political subdivision thereof, in the normal course of the activities of the United States, a State, or a political subdivision thereof,

to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications.

(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.

(Added Pub. L. 90-351, title III, § 802, June 19, 1968, 82 Stat. 214; amended Pub. L. 99-508, title I, § 101(c)(1)(A), (7), (f)(2), Oct. 21, 1986, 100 Stat. 1851, 1853; Pub. L. 103-322, title XXXIII, §§ 330016(1)(L), 330022, Sept. 13, 1994, 108 Stat. 2147, 2150; Pub. L. 104-294, title VI, § 604(b)(45), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 105-112, § 2, Nov. 21, 1997, 111 Stat. 2273; Pub. L. 107-296, title II, § 225(f), Nov. 25, 2002, 116 Stat. 2158.)

AMENDMENTS

2002—Par. (1)(c). Pub. L. 107-296, in introductory provisions, inserted “or disseminates by electronic means”

after “or other publication” and, in concluding provisions, inserted “knowing the content of the advertisement and” before “knowing or having reason to know”.

1997—Par. (3). Pub. L. 105-112 added par. (3).

1996—Par. (2). Pub. L. 104-294 amended directory language of Pub. L. 103-322, § 330022. See 1994 Amendment note below.

1994—Par. (1). Pub. L. 103-322, § 330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” in concluding provisions.

Par. (2). Pub. L. 103-322, § 330022, as amended by Pub. L. 104-294, realigned margins of concluding provisions.

1986—Pub. L. 99-508, § 101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

Par. (1). Pub. L. 99-508, § 101(c)(1)(A), (f)(2), substituted “intentionally” for “willfully” in introductory provision and “wire, oral, or electronic” for “wire or oral” in subpars. (a), (b), and (c)(i), (ii).

Par. (2)(a). Pub. L. 99-508, § 101(c)(7), substituted “a provider of wire or electronic communication service or” for “a communications common carrier or”, “such a provider, in” for “a communications common carrier, in”, and “business of providing that wire or electronic communication service” for “communications common carrier’s business”.

Par. (2)(b). Pub. L. 99-508, § 101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

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§ 2513. Confiscation of wire, oral, or electronic communication intercepting devices

Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed, sold, or advertised in violation of section 2511 or section 2512 of this chapter may be seized and forfeited to the United States. All provisions of law relating to (1) the seizure, summary and judicial forfeiture, and condemnation of vessels, vehicles, merchandise, and baggage for violations of the customs laws contained in title 19 of the United States Code, (2) the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from the sale thereof, (3) the remission or mitigation of such forfeiture, (4) the compromise of claims, and (5) the award of compensation to informers in respect of such forfeitures, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section; except that such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the provisions of