

with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General."

1994—Subsec. (f)(1). Pub. L. 103-322, §330020, and Pub. L. 103-325, §413(c)(2), amended par. (1) identically, striking out second comma after "(as defined in section 1956 of this title)".

1992—Subsec. (f)(1). Pub. L. 102-550 substituted "section 1956 of this title" for "section 5312 of title 31" and inserted ", including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title," before "but such term does not include".

1988—Subsec. (e). Pub. L. 100-690, §6469(a)(2), substituted "and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General." for ". Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General."

Subsec. (f)(1). Pub. L. 100-690, §§6182, 6184, substituted "in section 1956(c)(5) of this title" for "for the purposes of subchapter II of chapter 53 of title 31" and inserted ", but such term does not include any transaction necessary to preserve a person's right to representation as guaranteed by the sixth amendment to the Constitution".

§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire

(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so, shall be fined under this title or imprisoned for not more than ten years, or both; and if personal injury results, shall be fined under this title or imprisoned for not more than twenty years, or both; and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

(b) As used in this section and section 1959—

(1) "anything of pecuniary value" means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage;

(2) "facility of interstate or foreign commerce" includes means of transportation and communication; and

(3) "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 98-473, title II, §1002(a), Oct. 12, 1984, 98 Stat. 2136, §1952A; renumbered §1958 and amended Pub. L. 100-690, title VII, §§7053(a), 7058(b), Nov. 18, 1988, 102 Stat. 4402, 4403; Pub. L. 101-647, title XII, §1205(k), title XXXV, §3558, Nov. 29, 1990, 104 Stat. 4831, 4927; Pub. L. 103-322,

title VI, §60003(a)(11), title XIV, §140007(b), title XXXII, §320105, title XXXIII, §330016(1)(L), (N), (Q), Sept. 13, 1994, 108 Stat. 1969, 2033, 2111, 2147, 2148; Pub. L. 104-294, title VI, §§601(g)(3), 605(a), Oct. 11, 1996, 110 Stat. 3500, 3509; Pub. L. 108-458, title VI, §6704, Dec. 17, 2004, 118 Stat. 3766.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, §6704(1), substituted "facility of" for "facility in".

Subsec. (b)(2). Pub. L. 108-458, §6704(2), inserted "or foreign" after "interstate".

1996—Subsec. (a). Pub. L. 104-294 substituted comma for "or who conspires to do so" after "or who conspires to do so" and substituted "this title or imprisoned" for "this title and imprisoned" before "for not more than twenty years".

1994—Pub. L. 103-322, §330016(1)(Q), which directed the amendment of this section by substituting "under this title" for "not more than \$50,000", could not be executed because the phrase "not more than \$50,000" did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, §60003(a)(11). See below.

Subsec. (a). Pub. L. 103-322, §330016(1)(N), substituted "fined under this title" for "fined not more than \$20,000" after "injury results, shall be".

Pub. L. 103-322, §330016(1)(L), substituted "fined under this title" for "fined not more than \$10,000" before "or imprisoned for not more than ten years".

Pub. L. 103-322, §§140007(b), 320105, each amended subsec. (a) by inserting "or who conspires to do so" after "anything of pecuniary value,".

Pub. L. 103-322, §60003(a)(11), substituted "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both" for "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than \$50,000, or both" before period at end.

1990—Subsec. (b). Pub. L. 101-647, §3558, substituted "section 1959" for "section 1952B" in introductory provisions.

Subsec. (b)(3). Pub. L. 101-647, §1205(k), added par. (3). 1988—Pub. L. 100-690, §7053(a), renumbered section 1952A of this title as this section.

Subsec. (a). Pub. L. 100-690, §7058(b), substituted "ten years" for "five years".

§ 1959. Violent crimes in aid of racketeering activity

(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

(1) for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;

(2) for maiming, by imprisonment for not more than thirty years or a fine under this title, or both;

(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine under this title, or both;

(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine under this title, or both;

(5) for attempting or conspiring to commit murder or kidnapping, by imprisonment for not more than ten years or a fine under this title, or both; and

(6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of¹ under this title, or both.

(b) As used in this section—

(1) “racketeering activity” has the meaning set forth in section 1961 of this title; and

(2) “enterprise” includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.

(Added Pub. L. 98-473, title II, §1002(a), Oct. 12, 1984, 98 Stat. 2137, §1952B; renumbered §1959, Pub. L. 100-690, title VII, §7053(b), Nov. 18, 1988, 102 Stat. 4402; Pub. L. 103-322, title VI, §60003(a)(12), title XXXIII, §§330016(1)(J), (2)(C), 330021(1), Sept. 13, 1994, 108 Stat. 1969, 2147, 2148, 2150.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$250,000” in two places.

Pub. L. 103-322, §60003(a)(12), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) for murder or kidnaping, by imprisonment for any term of years or for life or a fine of not more than \$50,000, or both;”.

Subsec. (a)(2) to (4). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$30,000” in par. (2), “fine of not more than \$20,000” in par. (3), and “fine of not more than \$5,000” in par. (4).

Subsec. (a)(5). Pub. L. 103-322, §330021(1), substituted “kidnaping” for “kidnaping”.

Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$10,000”.

Subsec. (a)(6). Pub. L. 103-322, §330016(1)(J), substituted “under this title” for “not more than \$3,000” after “fine of”.

1988—Pub. L. 100-690 renumbered section 1952B of this title as this section.

§ 1960. Prohibition of unlicensed money transmitting businesses

(a) Whoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

(b) As used in this section—

(1) the term “unlicensed money transmitting business” means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

(A) is operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the

operation was required to be licensed or that the operation was so punishable;

(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section; or

(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended to be used to promote or support unlawful activity;

(2) the term “money transmitting” includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

(3) the term “State” means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 102-550, title XV, §1512(a), Oct. 28, 1992, 106 Stat. 4057; amended Pub. L. 103-325, title IV, §408(c), Sept. 23, 1994, 108 Stat. 2252; Pub. L. 107-56, title III, §373(a), Oct. 26, 2001, 115 Stat. 339; Pub. L. 109-162, title XI, §1171(a)(2), Jan. 5, 2006, 119 Stat. 3123.)

AMENDMENTS

2006—Subsec. (b)(1)(C). Pub. L. 109-162 substituted “to be used” for “to be used to be used”.

2001—Pub. L. 107-56 amended section catchline and text generally, substituting provisions relating to prohibition of unlicensed money transmitting businesses for similar provisions relating to prohibition of illegal money transmitting businesses.

1994—Subsec. (b)(1). Pub. L. 103-325 amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) the term ‘illegal money transmitting business’ means a money transmitting business that affects interstate or foreign commerce in any manner or degree and which is knowingly operated in a State—

“(A) without the appropriate money transmitting State license; and

“(B) where such operation is punishable as a misdemeanor or a felony under State law;”.

CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3559, Nov. 29, 1990, 104 Stat. 4927, struck out “racketeering” after “Prohibited” in item 1962.

1970—Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 941, added chapter 96 and items 1961 to 1968.

§ 1961. Definitions

As used in this chapter—

(1) “racketeering activity” means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion,

¹ So in original. The word “of” probably should not appear.