

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 1711. Misappropriation of postal funds

Whoever, being a Postal Service officer or employee, loans, uses, pledges, hypothecates, or converts to his own use, or deposits in any bank, or exchanges for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner, in the execution or under color of his office, employment, or service, whether or not the same shall be the money or property of the United States; or fails or refuses to remit to or deposit in the Treasury of the United States or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required to do so by law or the regulations of the Postal Service, or upon demand or order of the Postal Service, either directly or through a duly authorized officer or agent, is guilty of embezzlement; and every such person, as well as every other person advising or knowingly participating therein, shall be fined under this title or in a sum equal to the amount or value of the money or property embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount or value thereof does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

This section shall not prohibit any Postal Service officer or employee from depositing, under the direction of the Postal Service, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as Postal Service officer or employee, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postal Service, for the purpose of remitting surplus funds from one post office to another.

(June 25, 1948, ch. 645, 62 Stat. 780; Pub. L. 91-375, § 6(j)(21), Aug. 12, 1970, 84 Stat. 778; Pub. L. 103-322, title XXXIII, § 330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 355 (Mar. 4, 1909, ch. 321, § 225, 35 Stat. 1133; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

Said section 355 was divided into two sections, this section and section 3498 of this title.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's notes under sections 641 and 645 of this title.)

Changes of phraseology only were made.

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100” in first par.

1994—Pub. L. 103-322, § 330016(2)(G), in first par., substituted “be fined under this title or in a sum equal to the amount or value of the money or property embez-

zled, whichever is greater, or imprisoned” for “be fined in a sum equal to the amount or value of the money or property embezzled or imprisoned”.

Pub. L. 103-322, § 330016(1)(H), in first par., substituted “fined under this title” for “fined not more than \$1,000” after “he shall be”.

1970—Pub. L. 91-375 substituted “Postal Service officer or employee” and “Postal Service” for “postmaster or Postal Service employee” and “Post Office Department” in first par., “Postal Service officer or employee” for “Postmaster” in two places in second par., and “Postal Service” for “Postmaster General” once in first par. after “order of the” and twice in second par., respectively.

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§ 1712. Falsification of postal returns to increase compensation

Whoever, being a Postal Service officer or employee, makes a false return, statement, or account to any officer of the United States, or makes a false entry in any record, book, or account, required by law or the rules or regulations of the Postal Service to be kept in respect of the business or operations of any post office or other branch of the Postal Service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post office; or

Whoever, being a Postal Service officer or employee in any post office or station thereof, for the purpose of increasing the emoluments or compensation of his office, induces, or attempts to induce, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such officer or employee is employed, knowing such matter to be properly mailable at another post office—

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

(June 25, 1948, ch. 645, 62 Stat. 780; Pub. L. 91-375, § 6(j)(22), Aug. 12, 1970, 84 Stat. 779; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 329 and on section 172 of title 39, U.S.C., 1940 ed., The Postal Service (Aug. 4, 1886, ch. 901, § 3, 24 Stat. 221; Mar. 4, 1909, ch. 321, § 206, 35 Stat. 1128; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

Said sections were consolidated.

The texts of the two sections were substantially identical except that said section 172 of title 39, U.S.C., 1940 ed., provided that “whenever, upon evidence deemed satisfactory to him, the Postmaster General shall determine that any such false return has been made, he may, by order, fix absolutely the compensation of the postmaster for such special delivery during any quarter or quarters which he shall deem affected by such false return, and the General Accounting Office shall adjust the postmaster's account accordingly”, the words “General Accounting Office” having been substituted for “Auditor” on the authority of the act of June 10, 1921, shown in the credits above. This particular language was omitted because such powers and duties as it prescribes would devolve upon the Postmaster General without legislation and also because said section 172 of Title 39, which was derived from the act of August 4,

1886, shown in the credits above, was impliedly repealed by the general repealing clause of section 341 of the Criminal Code of 1909. Section 208 of that Code contained the provisions which formed the basis for said section 329 of Title 18.

Reference in said section 329 of title 18, U.S.C., 1940 ed., to persons assisting, causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Minor verbal changes were made.

AMENDMENTS

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

1970—Pub. L. 91-375 substituted "Postal Service officer or employee" for "postmaster or Postal Service employee" and "Postal Service" for "Post Office Department" after "rules or regulations of the" in first par. and "Postal Service officer or employee" and "officer or employee" for "postmaster or employee" and "postmaster or other person" in second par., respectively.

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§ 1713. Issuance of money orders without payment

Whoever, being an officer or employee of the Postal Service, issues a money order without having previously received the money therefor, shall be fined under this title.

(June 25, 1948, ch. 645, 62 Stat. 781; Pub. L. 91-375, §6(j)(23), Aug. 12, 1970, 84 Stat. 779; Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §333 (Mar. 4, 1909, ch. 321, §210, 35 Stat. 1129).

Minor change was made in phraseology.

AMENDMENTS

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

1970—Pub. L. 91-375 substituted "an officer or employee of the Postal Service" for "a postmaster or other person employed in any branch of the Postal Service".

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[§ 1714. Repealed. Pub. L. 101-647, title XII, § 1210(b), Nov. 29, 1990, 104 Stat. 4832]

Section, act June 25, 1948, ch. 645, 62 Stat. 781, provided that certain foreign divorce information was non-mailable.

§ 1715. Firearms as nonmailable; regulations

Pistols, revolvers, and other firearms capable of being concealed on the person are non-mailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Service. Such articles may

be conveyed in the mails, under such regulations as the Postal Service shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Organized Reserve Corps; to officers of the National Guard or Militia of a State, Territory, Commonwealth, Possession, or District; to officers of the United States or of a State, Territory, Commonwealth, Possession, or District whose official duty is to serve warrants of arrest or commitments; to employees of the Postal Service; to officers and employees of enforcement agencies of the United States; and to watchmen engaged in guarding the property of the United States, a State, Territory, Commonwealth, Possession, or District. Such articles also may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments, including such articles for repairs or replacement of parts, from one to the other, under such regulations as the Postal Service shall prescribe.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm declared nonmailable by this section, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 781; May 24, 1949, ch. 139, §40, 63 Stat. 95; Pub. L. 91-375, §6(j)(24), Aug. 12, 1970, 84 Stat. 779; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §607(f), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §361 (Feb. 8, 1927, ch. 75, §1, 44 Stat. 1059; May 15, 1939, ch. 134, 53 Stat. 744; Mar. 7, 1942, ch. 160, 56 Stat. 141).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Minor changes were made in phraseology.

1949 ACT

This section [section 40] inserts "Air Force," in section 1715 of title 18, U.S.C., in view of the establishment in 1947 of this separate branch of the armed forces, and substitutes, "Organized" for "Officers'", preceding "Reserve Corps", to conform to section 2 of title 10, U.S.C., as amended by the act of March 25, 1948 (ch. 157, §1, 62 Stat. 87), which grouped all reserve branches into a reserve component called the Organized Reserve Corps.

AMENDMENTS

1996—Pub. L. 104-294, in first par., substituted "State, Territory, Commonwealth, Possession, or District" for "State, Territory, or District" wherever appearing.

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000" in second par.

1970—Pub. L. 91-375 substituted "Postal Service" for "Postmaster General" after "such regulations as the" in two places and "officer or employee of" for "postmaster, letter carrier, or other person in" in first par., respectively.

1949—Act May 24, 1949, inserted "Air Force" after "Navy" and substituted "Organized" for "Officers'" before "Reserve Corps" in first par., to make section applicable to the Air Force and to conform to the grouping of all reserve branches into a single reserve component.