

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 of<sup>1</sup> 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 “kidnapping” 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

<sup>1</sup> So in original. The word “of” probably should not appear.

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,

dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons),<sup>1</sup> section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer

<sup>1</sup> So in original.