

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80115(a)	49 App.:103 (1st sentence).	Aug. 29, 1916, ch. 415, §23, 39 Stat. 542.
80115(b)	49 App.:103 (last sentence).	

In subsection (a), the words “Except when a negotiable bill of lading was issued originally on delivery of goods by a person that did not have the power to dispose of the goods, goods . . . may be attached . . . only if” are substituted for “If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner . . . they can not thereafter . . . be attached . . . unless” to restate the source provision as an exception to conform to section 7-602 of the Uniform Commercial Code. The words “through judicial process” are substituted for “by garnishment or otherwise”, and the words “levied on in execution of a judgment” are substituted for “levied upon under an execution”, for clarity.

§ 80116. Criminal penalty

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

- (1) violates this chapter with intent to defraud; or
- (2) knowingly or with intent to defraud—
 - (A) falsely makes, alters, or copies a bill of lading subject to this chapter;
 - (B) utters, publishes, or issues a falsely made, altered, or copied bill subject to this chapter; or
 - (C) negotiates or transfers for value a bill containing a false statement.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80116	49 App.:121.	Aug. 29, 1916, ch. 415, §41, 39 Stat. 544.

In this section, before clause (1), the words “fined under title 18” are substituted for “a fine not exceeding \$5,000”, and the words “shall be guilty of a misdemeanor” are omitted, for consistency with title 18. The words “upon conviction . . . punished for each offense” are omitted as unnecessary because of the restatement. Clause (1) is substituted for “or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provision of this chapter” for clarity and because of 18:2. In clause (2)(A), the words “forges, counterfeits” are omitted as being included in “makes”. The word “copies” is substituted for “prints or photographs” for clarity. The words “bill of lading subject to this chapter” are substituted for “bill of lading purporting to represent goods received for shipment among the several States or with foreign nations” for clarity and for consistency with section 80102 of the revised title. Clause (2)(B) is substituted for “utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading . . . or issues” to eliminate unnecessary words and for consistency in this section. The words “knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed” are omitted as unnecessary because of the restatement of the intent required to commit the crime. The words “or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same . . . or aids in issuing or procur-

ing the issue of” are omitted as surplus because of 18:2. The words “as to the receipt of the goods, or as to any other matter” are omitted as unnecessary.

CHAPTER 803—CONTRABAND

- Sec. 80301. Definitions.
- 80302. Prohibitions.
- 80303. Seizure and forfeiture.
- 80304. Administrative.
- 80305. Availability of certain appropriations.
- 80306. Relationship to other laws.

§ 80301. Definitions

In this chapter—

- (1) “aircraft” means a contrivance used, or capable of being used, for transportation in the air.
- (2) “vehicle” means a contrivance used, or capable of being used, for transportation on, below, or above land, but does not include aircraft.
- (3) “vessel” means a contrivance used, or capable of being used, for transportation in water, but does not include aircraft.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80301(1)	49 App.:787(c).	Aug. 9, 1939, ch. 618, §7(a)-(c), 53 Stat. 1292.
80301(2)	49 App.:787(b).	
80301(3)	49 App.:787(a).	

In this section, the word “means” is substituted for “includes” as being more precise.

In clause (1), the word “contrivance” is substituted for “every description of craft or carriage or other contrivance” to eliminate unnecessary words.

In clause (2), the word “contrivance” is substituted for “every description of carriage or other contrivance” to eliminate unnecessary words.

In clause (3), the word “contrivance” is substituted for “every description of watercraft or other contrivance” to eliminate unnecessary words.

§ 80302. Prohibitions

(a) DEFINITION.—In this section, “contraband” means—

- (1) a narcotic drug (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)), including marihuana (as defined in section 102 of that Act (21 U.S.C. 802)), that—

(A) is possessed with intent to sell or offer for sale in violation of the laws and regulations of the United States;

(B) is acquired, possessed, sold, transferred, or offered for sale in violation of those laws;

(C) is acquired by theft, robbery, or burglary and transported—

- (i) in the District of Columbia or a territory or possession of the United States; or
- (ii) from a place in a State, the District of Columbia, or a territory or possession of the United States, to a place in another State, the District of Columbia, or a territory or possession;

(D) does not bear tax-paid internal revenue stamps required by those laws or regulations;

(2) a firearm involved in a violation of chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.);

(3) a forged, altered, or counterfeit—

(A) coin or an obligation or other security of the United States Government (as defined in section 8 of title 18); or

(B) coin, obligation, or other security of the government of a foreign country;

(4) material or equipment used, or intended to be used, in making a coin, obligation, or other security referred to in clause (3) of this subsection;

(5) a cigarette involved in a violation of chapter 114 of title 18 or a regulation prescribed under chapter 114; or

(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

(B) a phonorecord or copy in violation of section 2319 of title 18;

(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).

(b) PROHIBITIONS.—A person may not—

(1) transport contraband in an aircraft, vehicle, or vessel;

(2) conceal or possess contraband on an aircraft, vehicle, or vessel; or

(3) use an aircraft, vehicle, or vessel to facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange, or giving away of contraband.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353; Pub. L. 104-153, §13, July 2, 1996, 110 Stat. 1389.)

In subsection (a)(1)(A), the words “has been or” are omitted as surplus.

In subsection (a)(1)(C), before subclause (i), the word “transported” is substituted for “carried or transported” to eliminate unnecessary words. In subclause (ii), the words “the Canal Zone” are omitted because of the Panama Canal Treaty of 1977. The words “a place in” are added for consistency in the revised title.

In subsection (a)(2), the words “involved in a violation” are substituted for “with respect to which there has been committed any violation” to eliminate unnecessary words. The text of 49 App.:787(e) is omitted as unnecessary because of the restatement. The National Firearms Act referred to in the source provisions has been repealed and replaced by chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.).

In subsection (a)(3), before subclause (A), the words “falsely made” are omitted as being included in “counterfeit”. In subclause (B), the words “coin, obligation, or other security” are added for clarity.

In subsection (a)(4), the words “equipment used” are substituted for “apparatus, or paraphernalia fitted . . . which shall have been used” to eliminate unnecessary words. The words “coin, obligation, or other security referred to in clause (3) of this subsection” are substituted for “such falsely made, forged, altered, or counterfeit coin or obligation or other security” because of the restatement.

In subsection (a)(5), the text of 49 App.:787(g) is omitted as unnecessary because the term “cigarettes” does not appear in 49 App.: ch. 11 and because the definition of “contraband cigarettes” referred to is part of 18:ch. 114.

In subsection (b), before clause (1), the words “A person may not” are substituted for “It shall be unlawful” for consistency in the revised title. In clause (1), the word “transport” is substituted for “transport, carry, or convey” because it is inclusive. In clause (2), the words “or upon the person of anyone in or upon any vessel, vehicle, or aircraft” are omitted as unnecessary. In clause (3), the word “transportation” is substituted for “transportation, carriage, conveyance” for consistency in this section. The word “barter” is omitted as being included in “exchange”.

AMENDMENTS

1996—Subsec. (a)(6). Pub. L. 104-153 added par. (6).

§ 80303. Seizure and forfeiture

The Secretary of the Treasury or the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title, or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General or a person authorized by another law to enforce section 80302 of this title, shall seize an aircraft, vehicle, or vessel involved in a violation of section 80302 and place it in the custody of a person designated by the Secretary, the Attorney General, or appropriate Governor, as the case may be. The seized aircraft, vehicle, or vessel shall be forfeited, except when the owner establishes that a person except the owner committed the violation when the aircraft, vehicle, or vessel was in the possession of a person who got possession by violating a criminal law of the United States or a State. However, an aircraft, vehicle, or vessel used by a common carrier to provide transportation for compensation may be forfeited only when—

(1) the owner, conductor, driver, pilot, or other individual in charge of the aircraft or vehicle (except a rail car or engine) consents to, or knows of, the alleged violation when the violation occurs;

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80302(a)(1) ..	49 App.:781(b)(1).	Aug. 9, 1939, ch. 618, §1(b)(1), 53 Stat. 1291; restated Aug. 9, 1950, ch. 655, 64 Stat. 427.
	49 App.:787(d).	Aug. 9, 1939, ch. 618, §7(d), 53 Stat. 1293; restated Oct. 27, 1970, Pub. L. 91-513, §1102(r), 84 Stat. 1294.
80302(a)(2) ..	49 App.:781(b)(2).	Aug. 9, 1939, ch. 618, §1(b)(2), (3), 53 Stat. 1291; Nov. 2, 1978, Pub. L. 95-575, §3(a)(1), (2), 92 Stat. 2465.
	49 App.:787(e).	Aug. 9, 1939, ch. 618, §7(e), 53 Stat. 1293; Nov. 2, 1978, Pub. L. 95-575, §3(b)(1), 92 Stat. 2465.
80302(a)(3) ..	49 App.:781(b)(3) (words before 1st semicolon).	Aug. 9, 1939, ch. 618, §7(f), 53 Stat. 1293; restated Oct. 31, 1951, ch. 655, §55(b), 65 Stat. 729; Nov. 2, 1978, Pub. L. 95-575, §3(b)(2), 92 Stat. 2465.
	49 App.:787(f).	
80302(a)(4) ..	49 App.:781(b)(3) (words after 1st semicolon).	
80302(a)(5) ..	49 App.:781(b)(4).	Aug. 9, 1939, ch. 618, 53 Stat. 1291, §§1(b)(4), 7(g); added Nov. 2, 1978, Pub. L. 95-575, §3(a)(3), (b)(3), 92 Stat. 2465.
80302(b)	49 App.:787(g).	
	49 App.:781(a).	Aug. 9, 1939, ch. 618, §1(a), 53 Stat. 1291.

In subsection (a)(1)(A) and (B), the words “dealing therewith” are omitted as surplus.