

REFERENCES IN TEXT

Section 916 of the Electronic Fund Transfer Act, referred to in subsec. (c)(3)(A), was renumbered section 917 by Pub. L. 111-24, title IV, § 401(1), May 22, 2009, 123 Stat. 1751, and is classified to section 1693n of Title 15, Commerce and Trade.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 330016(2)(C), which directed the amendment of this section by substituting “under this title” for “of not more than \$250,000”, was executed by making for the substitution for “not more than \$250,000”, to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 103-322, § 330016(2)(C), substituted “fine under this title” for “fine of not more than \$250,000”.

Subsec. (c)(4). Pub. L. 103-322, § 330008(1), substituted “association of persons” for “association or persons”.

1990—Subsec. (c)(3)(A). Pub. L. 101-647 struck out “(15 U.S.C. 1693(c))” after “Electronic Fund Transfer Act” and inserted comma after “profit-sharing agreement”.

§ 514. Fictitious obligations

(a) Whoever, with the intent to defraud—

(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

(b) For purposes of this section, any term used in this section that is defined in section 513(c) has the same meaning given such term in section 513(c).

(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.

(Added Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 648(b)(1)], title II, § 2603(b)(1), Sept. 30, 1996, 110 Stat. 3009-314, 3009-367, 3009-470.)

CODIFICATION

Sections 101(f) [title VI, § 648(b)(1)] and 2603(b)(1) of div. A of Pub. L. 104-208 added identical sections 514.

EFFECTIVE DATE

Section effective Sept. 30, 1996, and to remain in effect for each fiscal year following Sept. 30, 1996, see section 101(f) [title VI, § 648(c)] of Pub. L. 104-208, set out as an Effective Date of 1996 Amendment note under section 474 of this title.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury re-

lating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 26—CRIMINAL STREET GANGS

Sec.
521. Criminal street gangs.

AMENDMENTS

1996—Pub. L. 104-294, title VI, § 604(a)(2), Oct. 11, 1996, 110 Stat. 3506, added chapter analysis.

§ 521. Criminal street gangs

(a) DEFINITIONS.—

“conviction” includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

“criminal street gang” means an ongoing group, club, organization, or association of 5 or more persons—

(A) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (c);

(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

(C) the activities of which affect interstate or foreign commerce.

“State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) PENALTY.—The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

(c) OFFENSES.—The offenses described in this section are—

(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and

(3) a conspiracy to commit an offense described in paragraph (1) or (2).

(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person who—

(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

(3) has been convicted within the past 5 years for—

(A) an offense described in subsection (c);

(B) a State offense—

(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years' imprisonment; or

(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

(Added Pub. L. 103-322, title XV, § 150001(a), Sept. 13, 1994, 108 Stat. 2034; amended Pub. L. 104-294, title VI, § 607(q), Oct. 11, 1996, 110 Stat. 3513; Pub. L. 107-273, div. B, title IV, § 4002(b)(3), Nov. 2, 2002, 116 Stat. 1807.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 realigned margins of par. defining "State".

1996—Subsec. (a). Pub. L. 104-294 inserted par. defining "State" at end.

CHAPTER 27—CUSTOMS

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| Sec. | |
| 541. | Entry of goods falsely classified. |
| 542. | Entry of goods by means of false statements. |
| 543. | Entry of goods for less than legal duty. |
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| 547. | Depositing goods in buildings on boundaries. |
| 548. | Removing or repacking goods in warehouses. |
| 549. | Removing goods from customs custody; breaking seals. |
| 550. | False claim for refund of duties. |
| 551. | Concealing or destroying invoices or other papers. |
| 552. | Officers aiding importation of obscene or treasonous books and articles. |
| 553. | Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft. |
| 554. | Smuggling goods from the United States. |
| 555. | Border tunnels and passages. |

AMENDMENTS

2007—Pub. L. 110-161, div. E, title V, § 553(a)(2), Dec. 26, 2007, 121 Stat. 2082, added item 555 and struck out item 554 "Border tunnels and passages".

2006—Pub. L. 109-295, title V, § 551(b), Oct. 4, 2006, 120 Stat. 1390, added item 554 "Border tunnels and passages".

Pub. L. 109-177, title III, § 311(b), Mar. 9, 2006, 120 Stat. 242, added item 554 "Smuggling goods from the United States".

1984—Pub. L. 98-547, title III, § 301(b), Oct. 25, 1984, 98 Stat. 2771, added item 553.

§ 541. Entry of goods falsely classified

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 715; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 126 (Mar. 4, 1909, ch. 321, § 69, 35 Stat. 1101).

Reference to persons aiding, contained in words "or aid in effecting," was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

§ 542. Entry of goods by means of false statements

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of any lawful duties; or

Whoever is guilty of any willful act or omission whereby the United States shall or may be deprived of any lawful duties accruing upon merchandise embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission—

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

Nothing in this section shall be construed to relieve imported merchandise from forfeiture under other provisions of law.

The term "commerce of the United States", as used in this section, shall not include commerce with the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

(June 25, 1948, ch. 645, 62 Stat. 715; June 30, 1955, ch. 258, § 2(c), 69 Stat. 242; Pub. L. 103-322, title XXXIII, §§ 330004(18), 330016(1)(K), Sept. 13, 1994, 108 Stat. 2142, 2147; Pub. L. 104-294, title VI, § 604(b)(23), Oct. 11, 1996, 110 Stat. 3508.)

HISTORICAL AND REVISION NOTES

Based on section 1591 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, § 591, 46 Stat. 750; Aug. 5, 1935, ch. 438, title III, § 304(a), 49 Stat. 527).

The reference in the first paragraph to persons aiding, contained in the phrase "or aids," was omitted as unnecessary as such persons are made principals by section 2 of this title.

Words "upon conviction" before "be fined" were omitted as surplusage since punishment cannot be imposed until conviction is secured.

Enumeration of persons at beginning of section and provision preserving forfeitures where authorized by law were omitted as surplusage.

The fourth paragraph was added to the revised section to make clear the intent of Congress that forfeiture is an additional consequence independent of the criminal punishment.