

L. 103-322, title VI, § 60003(a)(9), title XXXII, § 320608, title XXXIII, § 330016(1)(K), (L), Sept. 13, 1994, 108 Stat. 1969, 2120, 2147; Pub. L. 104-294, title VI, §§ 606(a), 607(d), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 107-273, div. B, title IV, § 4002(d)(1)(C)(ii), Nov. 2, 2002, 116 Stat. 1809.)

HISTORICAL AND REVISION NOTES

Based on sections 588a, 588b, 588c, of title 12, U.S.C., 1940 ed., Banks and Banking (May 18, 1934, ch. 304, §§ 1, 2, 3, 48 Stat. 783; Aug. 23, 1935, ch. 614, § 333, 49 Stat. 720; Aug. 24, 1937, ch. 747, 50 Stat. 749; June 29, 1940, ch. 455, 54 Stat. 695).

Section consolidates sections 588a, 588b, and 588c of title 12, U.S.C., 1940 ed., Banks and Banking, as suggested by United States Attorney Clyde O. Eastus, of Fort Worth, Tex.

Words “felony or larceny” in subsection (a) were changed to “felony affecting such bank and in violation of any statute of the United States, or any larceny”.

Use of term “felony” without limitation caused confusion as to whether a common law, State, or Federal felony was intended. Change conforms with *Jerome v. U.S.* (1943, 63 S. Ct. 483, 318 U.S. 101, 87 L. Ed. 640): “§ 2(a) [§ 588b(a) of title 12, U.S.C., 1940 ed., Banks and Banking] is not deprived of vitality if it is interpreted to exclude State felonies and to include only those Federal felonies which affect banks protected by the Act.”

Minimum punishment provisions were omitted from subsection (c). (See reviser’s note under section 203 of this title.) Also the provisions of subsection (b) measuring the punishment by the amount involved were extended and made applicable to the receiver as well as the thief. There seems no good reason why the thief of less than \$100 should be liable to a maximum of imprisonment for one year and the receiver subject to 10 years.

The figures “100” were substituted for “50” in view of the fact that the present worth of \$100 is less than the value of \$50 when that sum was fixed as the dividing line between petit larceny and grand larceny.

The attention of Congress is directed to the mandatory minimum punishment provisions of sections 2113(e) and 2114 of this title. These were left unchanged because of the controversial question involved. Such legislative attempts to control the discretion of the sentencing judge are contrary to the opinions of experienced criminologists and criminal law experts. They are calculated to work manifest injustice in many cases.

Necessary minor translations of section references, and changes in phraseology, were made.

REFERENCES IN TEXT

Section 1(b) of the International Banking Act of 1978, referred to in subsec. (f), is classified to section 3101 of Title 12, Banks and Banking.

Section 2 of the Federal Credit Union Act, referred to in subsec. (g), is classified to section 1752 of Title 12.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-273 substituted “under this title” for “not more than \$1,000” in last par.

1996—Subsec. (b). Pub. L. 104-294, § 606(a), substituted “exceeding \$1,000” for “exceeding \$100” in two places.

Subsec. (g). Pub. L. 104-294, § 607(d), inserted at end “The term ‘State-chartered credit union’ includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.”

1994—Subsecs. (a), (b). Pub. L. 103-322, § 330016(1)(K), substituted “fined under this title” for “fined not more than \$5,000” in last par. of subsec. (a) and first par. of subsec. (b).

Subsec. (d). Pub. L. 103-322, § 330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000”.

Subsec. (e). Pub. L. 103-322, § 60003(a)(9), substituted “or if death results shall be punished by death or life imprisonment” for “or punished by death if the verdict of the jury shall so direct”.

Subsec. (h). Pub. L. 103-322, § 320608, added subsec. (h). 1990—Subsec. (f). Pub. L. 101-647 inserted “including a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978),” after “operating under the laws of the United States.”

1989—Subsec. (f). Pub. L. 101-73, § 962(d)(1), substituted “any institution the deposits of which” for “any bank the deposits of which”.

Subsecs. (g), (h). Pub. L. 101-73, § 962(a)(7), (d)(2), (3), redesignated subsec. (h) as (g), substituted “National Credit Union Administration Board, and any ‘Federal credit union’ as defined in section 2 of the Federal Credit Union Act” for “Administrator of the National Credit Union Administration”, and struck out former subsec. (g) which read as follows: “As used in this section the term ‘savings and loan association’ means any Federal savings and loan association and any ‘insured institution’ as defined in section 401 of the National Housing Act, as amended, and any ‘Federal credit union’ as defined in section 2 of the Federal Credit Union Act.”

1986—Subsec. (a). Pub. L. 99-646 inserted “, or obtains or attempts to obtain by extortion” after “presence of another” in first par.

1984—Subsec. (c). Pub. L. 98-473 amended subsec. (c) generally, substituting “which has been taken or stolen from a bank, credit union, or savings and loan association in violation of subsection (b), knowing the same to be property which has been stolen” for “knowing the same to have been taken from a bank, credit union, or a savings and loan association, in violation of subsection (b) of this section”.

1970—Subsecs. (a) to (c). Pub. L. 91-468, § 8(1), inserted reference to “credit union” after “bank,” each place it appears.

Subsec. (h). Pub. L. 91-468, § 8(2), added subsec. (h).

1959—Subsec. (g). Pub. L. 86-354 included Federal credit unions in definition of “savings and loan association”.

1952—Subsec. (g). Act Apr. 8, 1952, broadened definition of “savings and loan association” by including any insured institution as defined in section 401 of the National Housing Act, as amended.

1950—Act Aug. 3, 1950, brought within section State-chartered savings and loan associations whose accounts are insured by the Federal Savings and Loan Insurance Corporation.

§ 2114. Mail, money, or other property of United States

(a) ASSAULT.—A person who assaults any person having lawful charge, control, or custody of any mail matter or of any money or other property of the United States, with intent to rob, steal, or purloin such mail matter, money, or other property of the United States, or robs or attempts to rob any such person of mail matter, or of any money, or other property of the United States, shall, for the first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery he wounds the person having custody of such mail, money, or other property of the United States, or puts his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned not more than twenty-five years.

(b) RECEIPT, POSSESSION, CONCEALMENT, OR DISPOSAL OF PROPERTY.—A person who receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have

been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 797; Pub. L. 98-473, title II, § 223(d), Oct. 12, 1984, 98 Stat. 2028; Pub. L. 101-647, title XXXV, § 3562, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 103-322, title XXXII, §§ 320602, 320903(a)(3), Sept. 13, 1994, 108 Stat. 2115, 2124; Pub. L. 104-294, title VI, § 604(b)(17), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 320 (Mar. 4, 1909, ch. 321, § 197, 35 Stat. 1126; Aug. 26, 1935, ch. 694, 49 Stat. 867).

The attention of Congress is directed to the mandatory minimum punishment provisions of sections 2113(e) and 2114 of this title. These were left unchanged because of the controversial question involved. Such legislative attempts to control the discretion of the sentencing judge are contrary to the opinions of experienced criminologists and criminal law experts. They are calculated to work manifest injustice in many cases.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 amended Pub. L. 103-322, § 320602. See 1994 Amendment note below.

1994—Pub. L. 103-322, § 320903(a)(3), inserted “or attempts to rob” after “robs” in subsec. (a).

Pub. L. 103-322, § 320602, as amended by Pub. L. 104-294, § 604(b)(17), designated existing provisions as subsec. (a), inserted heading, substituted “A person who” for “Whoever”, and added subsec. (b).

1990—Pub. L. 101-647 inserted a comma after “money” in section catchline.

1984—Pub. L. 98-473, which directed insertion of “not more than” after “imprisoned”, was executed by making the insertion after “imprisoned” the second time appearing.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

§ 2115. Post office

Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or other depredation, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 797; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 315 (Mar. 4, 1909, ch. 321, § 192, 335 Stat. 1125).

Mandatory punishment provisions were rephrased in the alternative.

Minor change in phraseology was made.

AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$1,000”.

§ 2116. Railway or steamboat post office

Whoever, by violence, enters a post-office car, or any part of any car, steamboat, or vessel, assigned to the use of the mail service, or willfully or maliciously assaults or interferes with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 797; Pub. L. 104-294, title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 316 (Mar. 4, 1909, ch. 321, § 193, 35 Stat. 1125).

Reference to persons aiding or assisting was deleted as unnecessary because such persons are made principals by section 2 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$1,000”.

§ 2117. Breaking or entering carrier facilities

Whoever breaks the seal or lock of any railroad car, vessel, aircraft, motortruck, wagon or other vehicle or of any pipeline system, containing interstate or foreign shipments of freight or express or other property, or enters any such vehicle or pipeline system with intent in either case to commit larceny therein, shall be fined under this title or imprisoned not more than ten years, or both. If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

(June 25, 1948, ch. 645, 62 Stat. 797; May 24, 1949, ch. 139, § 44, 63 Stat. 96; Pub. L. 89-654, § 2(a)-(c), Oct. 14, 1966, 80 Stat. 904; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 112-186, § 4(c), Oct. 5, 2012, 126 Stat. 1429.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., § 409 (Feb. 13, 1913, ch. 50, § 1, 37 Stat. 670; Jan. 28, 1925, ch. 102, 43 Stat. 793; Jan. 21, 1933, ch. 16, 47 Stat. 773; July 24, 1946, ch. 606, 60 Stat. 656).

Other provisions of section 409 of title 18, U.S.C., 1940 ed., were incorporated in sections 659 and 660 of this title.

Minor changes were made in phraseology.