

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.

## 1949 ACT

This section [section 44] conforms section 2117 of title 18, U.S.C., more closely with the original law from which it was derived, and with section 659 of such title.

## AMENDMENTS

2012—Pub. L. 112-186 inserted at end of first par. “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.”

1994—Pub. L. 103-322, which directed the amendment of section 2217 of this title by substituting “under this title” for “not more than \$5,000”, was executed by making the substitution in the first par. of this section, to reflect the probable intent of Congress, because this title does not contain a section 2217.

1966—Pub. L. 89-654 substituted “Breaking or entering carrier facilities” for “Railroad car entered or seal broken” as section catchline, inserted reference to “pipeline system”, substituted “freight or express or other property” for “freight or express”, and prohibited any construction which might indicate a Congressional intent to occupy the field or invalidate State law.

1949—Act May 24, 1949, inserted last par.

## EXECUTIVE ORDER NO. 11836

Ex. Ord. No. 11836, Jan. 27, 1975, 40 F.R. 4255, which assigned responsibilities to Federal departments and agencies with respect to the National Cargo Security Program, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

**§ 2118. Robberies and burglaries involving controlled substances**

(a) Whoever takes or attempts to take from the person or presence of another by force or violence or by intimidation any material or compound containing any quantity of a controlled substance belonging to or in the care, custody, control, or possession of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) shall, except as provided in subsection (c), be fined under this title or imprisoned not more than twenty years, or both, if (1) the replacement cost of the material or compound to the registrant was not less than \$500, (2) the person who engaged in such taking or attempted such taking traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such taking or attempt, or (3) another person was killed or suffered significant bodily injury as a result of such taking or attempt.

(b) Whoever, without authority, enters or attempts to enter, or remains in, the business premises or property of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance shall, except as provided in subsection (c), be fined under this title or imprisoned not more than twenty years, or both, if (1) the replacement cost of the controlled substance to the registrant was not less than \$500, (2) the person who engaged in such entry or attempted such entry or who remained in such premises or property traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such

entry or attempt or to facilitate remaining in such premises or property, or (3) another person was killed or suffered significant bodily injury as a result of such entry or attempt.

(c)(1) Whoever in committing any offense under subsection (a) or (b) assaults any person, or puts in jeopardy the life of any person, by the use of a dangerous weapon or device shall be fined under this title and imprisoned for not more than twenty-five years.

(2) Whoever in committing any offense under subsection (a) or (b) kills any person shall be fined under this title or imprisoned for any term of years or life, or both.

(d) If two or more persons conspire to violate subsection (a) or (b) of this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than ten years or both.

(e) For purposes of this section—

(1) the term “controlled substance” has the meaning prescribed for that term by section 102 of the Controlled Substances Act;

(2) the term “business premises or property” includes conveyances and storage facilities; and

(3) the term “significant bodily injury” means bodily injury which involves a risk of death, significant physical pain, protracted and obvious disfigurement, or a protracted loss or impairment of the function of a bodily member, organ, or mental or sensory faculty.

(Added Pub. L. 98-305, § 2, May 31, 1984, 98 Stat. 221; amended Pub. L. 103-322, title XXXIII, § 330016(1)(O)-(Q), Sept. 13, 1994, 108 Stat. 2148.)

## REFERENCES IN TEXT

Section 102 of the Controlled Substances Act, referred to in subsec. (e)(1), is classified to section 802 of Title 21, Food and Drugs.

## AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-322, § 330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

Subsec. (c)(1). Pub. L. 103-322, § 330016(1)(P), substituted “fined under this title” for “fined not more than \$35,000”.

Subsec. (c)(2). Pub. L. 103-322, § 330016(1)(Q), substituted “fined under this title” for “fined not more than \$50,000”.

Subsec. (d). Pub. L. 103-322, § 330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

## SHORT TITLE

Pub. L. 98-305, § 1, May 31, 1984, 98 Stat. 221, provided: “That this Act [enacting this section and provisions set out as a note under section 522 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Controlled Substance Registrant Protection Act of 1984.’”

## REPORT TO CONGRESS

Attorney General, for first three years after May 31, 1984, to submit to Congress an annual report with respect to enforcement activities relating to offenses under this section, see section 4 of Pub. L. 98-305, set out as a note under section 522 of Title 28, Judiciary and Judicial Procedure.