

2323. Forfeiture, destruction, and restitution.

AMENDMENTS

2008—Pub. L. 110-403, title II, §206(b), Oct. 13, 2008, 122 Stat. 4263, added item 2323.

2005—Pub. L. 109-9, title I, §102(b), Apr. 27, 2005, 119 Stat. 220, added item 2319B.

2004—Pub. L. 108-482, title I, §102(c), Dec. 23, 2004, 118 Stat. 3915, substituted “Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging” for “Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging” in item 2318.

1996—Pub. L. 104-153, §4(b)(2), July 2, 1996, 110 Stat. 1387, substituted “Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging” for “Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works” in item 2318.

1994—Pub. L. 103-465, title V, §513(b), Dec. 8, 1994, 108 Stat. 4976, added item 2319A.

1992—Pub. L. 102-519, title I, §105(b), Oct. 25, 1992, 106 Stat. 3386, added item 2322.

1986—Pub. L. 99-646, §42(b), Nov. 10, 1986, 100 Stat. 3601, renumbered item 2320 relating to trafficking in certain motor vehicles or motor vehicle parts as item 2321.

1984—Pub. L. 98-547, title II, §204(b), Oct. 25, 1984, 98 Stat. 2770, added item 2320 relating to trafficking in certain motor vehicles or motor vehicle parts.

Pub. L. 98-473, title II, §§1115, 1502(b), Oct. 12, 1984, 98 Stat. 2149, 2179, substituted “livestock” for “cattle” in items 2316 and 2317 and added item 2320 relating to trafficking in counterfeit goods or services.

1982—Pub. L. 97-180, §4, May 24, 1982, 96 Stat. 92, substituted “Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works” for “Transportation, sale, or receipt of phonograph records bearing forged or counterfeit labels” in item 2318 and added item 2319.

1962—Pub. L. 87-773, §2, Oct. 9, 1962, 76 Stat. 775, added item 2318.

1961—Pub. L. 87-371, §4, Oct. 4, 1961, 75 Stat. 802, inserted “fraudulent State tax stamps,” in item 2314, and substituted “moneys, or fraudulent State tax stamps” for “or monies” in item 2315.

§ 2311. Definitions

As used in this chapter:

“Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air;

“Cattle” means one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses thereof;

“Livestock” means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof;

“Money” means the legal tender of the United States or of any foreign country, or any counterfeit thereof;

“Motor vehicle” includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails;

“Securities” includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler’s check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of in-

debtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate; valid or blank motor vehicle title; certificate of interest in property, tangible or intangible; instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise; or, in general, any instrument commonly known as a “security”, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing, or any forged, counterfeited, or spurious representation of any of the foregoing;

“Tax stamp” includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a State, or evidence of the discharge thereof;

“Value” means the face, par, or market value, whichever is the greatest, and the aggregate value of all goods, wares, and merchandise, securities, and money referred to in a single indictment shall constitute the value thereof.

“Vessel” means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

(June 25, 1948, ch. 645, 62 Stat. 805; Pub. L. 87-371, §1, Oct. 4, 1961, 75 Stat. 802; Pub. L. 98-547, title II, §202, Oct. 25, 1984, 98 Stat. 2770; Pub. L. 103-322, title XXXII, §320912, Sept. 13, 1994, 108 Stat. 2128; Pub. L. 104-294, title VI, §604(b)(20), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 107-273, div. B, title IV, §4002(b)(8), Nov. 2, 2002, 116 Stat. 1808; Pub. L. 109-177, title III, §307(b)(1), Mar. 9, 2006, 120 Stat. 240.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§408, 414(b), (c), 417, 419a(a) (Oct. 29, 1919, ch. 89, §2(a), 41 Stat. 324; May 22, 1934, ch. 333, §§2(b), (c), 5, 48 Stat. 794, 795; Aug. 3, 1939, ch. 413, §3, 53 Stat. 1178; Aug. 18, 1941, ch. 366, §2(a), 55 Stat. 631; Sept. 24, 1945, ch. 383, §1, 59 Stat. 536).

The definitive provisions in each of said sections were separated therefrom and consolidated into this one section defining terms used in this chapter.

The definitions of “interstate or foreign commerce”, contained in said section 408 and in sections 414(a) and 419a(b) of title 18, U.S.C., 1940 ed., are incorporated in section 10 of this title.

Other provisions of section 408 of title 18, U.S.C., 1940 ed., are incorporated in sections 2312 and 2313 of this title.

In the definition of “motor vehicle”, words “designed for running on land but not on rails” were substituted for “not designed for running on rails” so as to conform with the ruling in the case of *McBoyle v. U.S.* (1931, 51 S. Ct. 340, 283, U. S. 25, 75 L. Ed. 816), in which the Supreme Court held that “vehicle” is limited to vehicles running on land and that motor vehicle does not include an airplane.

In the paragraph defining “value” which came from said section 417 of title 18, U.S.C., 1940 ed., words “In the event that a defendant is charged in the same indictment with two or more violations of sections 413-419 of this title, then” were omitted and the same meaning was preserved by the substitution of the words “a single” for the word “such.”

Minor changes were made in phraseology.

AMENDMENTS

2006—Pub. L. 109-177 inserted definition of “Vessel”.