

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 18, U.S.C., 1940 ed., §§ 413, 415, 418, 418a, 419 (May 22, 1934, ch. 333, § 1, 3, 6, 48 Stat. 794, 795; May 22, 1934, ch. 333, § 7, as added Aug. 3, 1939, ch. 413, § 5, 53 Stat. 1179; May 22, 1934, ch. 333, § 7, renumbered § 8 by Aug. 3, 1939, ch. 413, § 6, 53 Stat. 1179; Aug. 3, 1939, ch. 413, §§ 1, 4, 5, 53 Stat. 1178, 1179).

Section consolidates sections 413, 415, 417, 418, 418a, and 419 of title 18, U.S.C., 1940 ed.

Words "or with intent to steal or purloin, knowing the same to have been so stolen, converted, or taken" were omitted as surplusage, since property so "taken" is "stolen," and insertion of word "knowingly" after "Whoever" at beginning of section renders such omission possible.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Section 413 of title 18, U.S.C., 1940 ed., providing the short title "National Stolen Property Act," was omitted as not appropriate in a revision.

Section 414 of title 18, U.S.C., 1940 ed., containing definitions of "interstate or foreign commerce," "securities," and "money," is incorporated in sections 10 and 2311 of this title.

Section 417 of title 18, U.S.C., 1940 ed., relating to indictments and determination of "value" of goods, wares, merchandise, securities, and money referred to in indictments, is also incorporated in section 2311 of this title.

Section 418 of title 18, U.S.C., 1940 ed., relating to venue, was omitted as completely covered by section 3237 of this title.

Section 418a of title 18, U.S.C., 1940 ed., relating to conspiracy, was omitted as covered by section 371 of this title, the general conspiracy section.

Section 419 of title 18, U.S.C., 1940 ed., providing that nothing contained in the National Stolen Property Act should be construed to repeal, modify, or amend any part of the National Motor Vehicle Theft Act, was omitted as unnecessary, in view of this revision and reenactment of the provisions of the latter act (sections 10, 2311–2313 of this title).

Changes were made in phraseology and arrangement.

## 1949 ACT

This amendment [see section 45] restates and clarifies the first paragraph of section 2314 of title 18, U.S.C., to conform to the original law upon which the section is based.

## AMENDMENTS

2013—Pub. L. 112-239, § 1084(a)(4), inserted par. at end defining "veterans' memorial object".

Pub. L. 112-239, § 1084(a)(3), inserted at end of seventh par. "If the offense involves the transportation, transmission, or transfer in interstate or foreign commerce of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both."

Pub. L. 112-239, § 1084(a)(1), (2), inserted sixth par. relating to veterans' memorial objects.

2012—Pub. L. 112-186 inserted at end of sixth 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, § 330016(1)(L), substituted "fined under this title" for "fined not more than \$10,000" in sixth par.

Pub. L. 103-322, § 330016(1)(K), which directed the amendment of this section by striking "not more than \$5,000" and inserting "under this title", could not be executed because the phrase "not more than \$5,000" did not appear in text.

1990—Pub. L. 101-647 inserted "or foreign" after "interstate" in second par.

1988—Pub. L. 100-690, § 7057(a), substituted "transports, transmits, or transfers" for "transports" in first par.

Pub. L. 100-690, § 7080, inserted "or persons" after "any person" and "or those persons" after "that person" in second par.

Pub. L. 100-690, § 7057(b), struck out "or by a bank or corporation of any foreign country" after "foreign government" in last par. and inserted at end "This section also shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money."

1968—Pub. L. 90-535 prohibited transportation with unlawful or fraudulent intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures.

1961—Pub. L. 87-371 inserted "or tax stamps" after "securities" in third par. and after "security" in fourth par., and "fraudulent State tax stamps," in section catchline.

1956—Act July 9, 1956, inserted par. relating to interstate transportation of persons in schemes to defraud.

1949—Act May 24, 1949, substituted "knowing the same to have been stolen, converted or taken by fraud" for "theretofore stolen, converted, or taken by fraud" in first par.

**§ 2315. Sale or receipt of stolen goods, securities, moneys, or fraudulent State tax stamps**

Whoever receives, possesses, conceals, stores, barter, sells, or disposes of any goods, wares, or merchandise, securities, or money of the value of \$5,000 or more, or pledges or accepts as security for a loan any goods, wares, or merchandise, or securities, of the value of \$500 or more, which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken; or

Whoever receives, possesses, conceals, stores, barter, sells, or disposes of any falsely made, forged, altered, or counterfeited securities or tax stamps, or pledges or accepts as security for a loan any falsely made, forged, altered, or counterfeited securities or tax stamps, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been so falsely made, forged, altered, or counterfeited; or

Whoever receives in interstate or foreign commerce, or conceals, stores, barter, sells, or disposes of, any tool, implement, or thing used or intended to be used in falsely making, forging, altering, or counterfeiting any security or tax stamp, or any part thereof, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing that the same is fitted to be used, or has been used, in falsely making, forging, altering, or counterfeiting any security or tax stamp, or any part thereof; or

Whoever<sup>1</sup> receives, possesses, conceals, stores, barter, sells, or disposes of any veterans' memorial object which has crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken—<sup>1</sup>

Shall be fined under this title or imprisoned not more than ten years, or both. If the offense

<sup>1</sup> So in original. The quotation mark probably should not appear.

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. If the offense involves the receipt, possession, concealment, storage, barter, sale, or disposal of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of an obligation or other security of the United States or of an obligation, bond, certificate, security, treasury note, bill, promise to pay, or bank note, issued by any foreign government. This section also shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money.

For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. For purposes of this section the term "veterans' memorial object" means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.

(June 25, 1948, ch. 645, 62 Stat. 806; Pub. L. 87-371, §3, Oct. 4, 1961, 75 Stat. 802; Pub. L. 99-646, §76, Nov. 10, 1986, 100 Stat. 3618; Pub. L. 100-690, title VII, §§7048, 7057(b), Nov. 18, 1988, 102 Stat. 4401, 4402; Pub. L. 101-647, title XII, §1205(m), Nov. 29, 1990, 104 Stat. 4831; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 112-186, §4(d)(2), Oct. 5, 2012, 126 Stat. 1429; Pub. L. 112-239, div. A, title X, §1084(b), Jan. 2, 2013, 126 Stat. 1963.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §416 (May 22, 1934, ch. 333, §4, 48 Stat. 795; Aug. 3, 1939, ch. 413, §2, 53 Stat. 1178).

(See reviser's notes under sections 10, 2311 and 2314 of this title for explanation of consolidation or omission of other sections of title 18, U.S.C., 1940 ed., which were derived from the National Stolen Property Act.)

Minor changes were made in phraseology.

#### AMENDMENTS

2013—Pub. L. 112-239, §1084(b)(4), inserted at end "For purposes of this section the term 'veterans' memorial object' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance."

Pub. L. 112-239, §1084(b)(3), inserted at end of fifth par. "If the offense involves the receipt, possession, concealment, storage, barter, sale, or disposal of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both."

Pub. L. 112-239, §1084(b)(1), (2), inserted fourth par. relating to veterans' memorial objects.

2012—Pub. L. 112-186 inserted at end of fourth par. "If the offense involves a pre-retail medical product (as de-

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 substituted "fined under this title" for "fined not more than \$10,000" in fourth par. 1990—Pub. L. 101-647 inserted par. at end defining "State".

1988—Pub. L. 100-690, §7048, substituted "moving as, or which are a part of, or which constitute interstate or foreign commerce" for "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken" in second par.

Pub. L. 100-690, §7057(b), struck out "or by a bank or corporation of any foreign country" after "foreign government" in last par. and inserted at end "This section also shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money."

1986—Pub. L. 99-646 substituted "receives, possesses, conceals" for "receives, conceals" and "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken" for "moving as, or which are part of, or which constitute interstate or foreign commerce" in first and second pars.

1961—Pub. L. 87-371 inserted "or tax stamps" after "securities", wherever appearing, in second par., and "or tax stamp" after "security", wherever appearing, in third par., and substituted "moneys, or fraudulent State tax stamps" for "or monies" in section catchline.

#### § 2316. Transportation of livestock

Whoever transports in interstate or foreign commerce any livestock, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 98-473, title II, §1113, Oct. 12, 1984, 98 Stat. 2149; 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., §§419b, 419d (Aug. 18, 1941, ch. 366, §§3, 5, 55 Stat. 631).

This section consolidates sections 419b and 419d of title 18, U.S.C., 1940 ed.

Definition of "cattle", contained in section 419a(a) of title 18, U.S.C., 1940 ed., is incorporated in section 2311 of this title.

Definition of "interstate or foreign commerce", constituting section 419a(b) of title 18, U.S.C., 1940 ed., is incorporated in section 10 of this title.

The venue provision of said section 419d of title 18, U.S.C., 1940 ed., was omitted as completely covered by section 3237 of this title.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

Minor changes were made in phraseology.

#### AMENDMENTS

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

1984—Pub. L. 98-473 substituted "livestock" for "cattle" in section catchline and text.

#### § 2317. Sale or receipt of livestock

Whoever receives, conceals, stores, barter, buys, sells, or disposes of any livestock, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 98-473, title II, §1114, Oct. 12, 1984, 98 Stat. 2149; Pub. L.