

of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(b) As used in this chapter, the term “to incite a riot”, or “to organize, promote, encourage, participate in, or carry on a riot”, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

(Added Pub. L. 90-284, title I, §104(a), Apr. 11, 1968, 82 Stat. 76.)

CHAPTER 103—ROBBERY AND BURGLARY

Sec.	
2111.	Special maritime and territorial jurisdiction.
2112.	Personal property of United States.
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AMENDMENTS

1992—Pub. L. 102-519, title I, §101(c), Oct. 25, 1992, 106 Stat. 3384, added item 2119.

1984—Pub. L. 98-305, §3, May 31, 1984, 98 Stat. 222, added item 2118.

1966—Pub. L. 89-654, §2(d), Oct. 14, 1966, 80 Stat. 904, substituted “Breaking or entering carrier facilities” for “Railroad car entered or seal broken” in item 2117.

§ 2111. Special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes or attempts to take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 103-322, title XXXII, §320903(a)(1), Sept. 13, 1994, 108 Stat. 2124.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §463 (Mar. 4, 1909, ch. 321, §284, 35 Stat. 1144).

Words “within the special maritime and territorial jurisdiction of the United States” were added to restrict the place of the offense to those places described in section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 inserted “or attempts to take” after “takes”.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-217, §1, Oct. 1, 1996, 110 Stat. 3020, provided that: “This Act [amending section 2119 of this title] may be cited as the ‘Carjacking Correction Act of 1996.’”

§ 2112. Personal property of United States

Whoever robs or attempts to rob another of any kind or description of personal property belonging to the United States, shall be imprisoned not more than fifteen years.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 103-322, title XXXII, §320903(a)(2), Sept. 13, 1994, 108 Stat. 2124.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §99 (Mar. 4, 1909, ch. 321, §46, 35 Stat. 1097).

That portion of said section 99 relating to felonious taking was omitted as covered by section 641 of this title.

The punishment by fine of not more than \$5,000 or imprisoned not more than 10 years, or both, was changed to harmonize with section 2111 of this title. The 15-year penalty is not excessive for an offense of this type.

Minor verbal change was made.

AMENDMENTS

1994—Pub. L. 103-322 inserted “or attempts to rob” after “robs”.

§ 2113. Bank robbery and incidental crimes

(a) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association; or

Whoever enters or attempts to enter any bank, credit union, or any savings and loan association, or any building used in whole or in part as a bank, credit union, or as a savings and loan association, with intent to commit in such bank, credit union, or in such savings and loan association, or building, or part thereof, so used, any felony affecting such bank, credit union, or such savings and loan association and in violation of any statute of the United States, or any larceny—

Shall be fined under this title or imprisoned not more than twenty years, or both.

(b) Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined under this title or imprisoned not more than ten years, or both; or

Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value not exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined under this title or imprisoned not more than one year, or both.

(c) Whoever receives, possesses, conceals, stores, barter, sells, or disposes of, any property or money or other thing of value 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 shall be subject to the punishment provided in subsection (b) for the taker.

(d) Whoever, in committing, or in attempting to commit, any offense defined in subsections (a) and (b) of this section, 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 or imprisoned not more than twenty-five years, or both.

(e) Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany him without the consent of such person, shall be imprisoned not less than ten years, or if death results shall be punished by death or life imprisonment.

(f) As used in this section the term “bank” means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, 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), and any institution the deposits of which are insured by the Federal Deposit Insurance Corporation.

(g) As used in this section the term “credit union” means any Federal credit union and any State-chartered credit union the accounts of which are insured by the National Credit Union Administration Board, and any “Federal credit union” as defined in section 2 of the Federal Credit Union Act. 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.

(h) As used in this section, the term “savings and loan association” means—

(1) a Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) having accounts insured by the Federal Deposit Insurance Corporation; and

(2) a corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.

(June 25, 1948, ch. 645, 62 Stat. 796; Aug. 3, 1950, ch. 516, 64 Stat. 394; Apr. 8, 1952, ch. 164, 66 Stat. 46; Pub. L. 86-354, § 2, Sept. 22, 1959, 73 Stat. 639; Pub. L. 91-468, § 8, Oct. 19, 1970, 84 Stat. 1017; Pub. L. 98-473, title II, § 1106, Oct. 12, 1984, 98 Stat. 2145; Pub. L. 99-646, § 68, Nov. 10, 1986, 100 Stat. 3616; Pub. L. 101-73, title IX, § 962(a)(7), (d), Aug. 9, 1989, 103 Stat. 502, 503; Pub. L. 101-647, title XXV, § 2597(l), Nov. 29, 1990, 104 Stat. 4911; Pub. 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, 35 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, as-