

and (d) of Pub. L. 101-649, set out as a note under section 1421 of Title 8, Aliens and Nationality.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-116 effective Dec. 29, 1981, see section 21(a) of Pub. L. 97-116, set out as a note under section 1101 of Title 8, Aliens and Nationality.

CHAPTER 71—OBSCENITY

Sec.	
1460.	Possession with intent to sell, and sale, of obscene matter on Federal property.
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1467.	Criminal forfeiture.
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AMENDMENTS

2003—Pub. L. 108-21, title V, §504(b), Apr. 30, 2003, 117 Stat. 682, added item 1466A.

1998—Pub. L. 105-314, title IV, §401(b), Oct. 30, 1998, 112 Stat. 2979, added item 1470.

1988—Pub. L. 100-690, title VII, §§7521(b), (f)(e), 7523(b), 7526(b), Nov. 18, 1988, 102 Stat. 4489, 4490, 4502, 4503, added items 1460 and 1466 to 1469.

1955—Act June 28, 1955, ch. 190, §4, 69 Stat. 184, added item 1465.

1950—Act May 27, 1950, ch. 214, §2, 64 Stat. 194, substituted “matters” for “literature” in item 1462.

§ 1460. Possession with intent to sell, and sale, of obscene matter on Federal property

(a) Whoever, either—

(1) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States; or

(2) in the Indian country as defined in section 1151 of this title,

knowingly sells or possesses with intent to sell an obscene visual depiction shall be punished by a fine in accordance with the provisions of this title or imprisoned for not more than 2 years, or both.

(b) For the purposes of this section, the term “visual depiction” includes undeveloped film and videotape but does not include mere words.

(Added Pub. L. 100-690, title VII, §7526(a), Nov. 18, 1988, 102 Stat. 4503; amended Pub. L. 101-647, title III, §323(c), Nov. 29, 1990, 104 Stat. 4819.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647, §323(c)(1), struck out “or a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct,” after “visual depiction” in concluding provisions.

¹Section catchline amended by Pub. L. 109-248 without corresponding amendment of chapter analysis.

Subsec. (b). Pub. L. 101-647, §323(c)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “For the purposes of this section—

“(1) the term ‘visual depiction’ includes undeveloped film and videotape but does not include mere words; and

“(2) the terms ‘minor’ and ‘sexually explicit conduct’ have the meaning given those terms in chapter 110 of this title.”

§ 1461. Mailing obscene or crime-inciting matter

Every obscene, lewd, lascivious, indecent, filthy or vile article, matter, thing, device, or substance; and—

Every article or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use; and

Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion, or for any indecent or immoral purpose; and

Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means abortion may be produced, whether sealed or unsealed; and

Every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can, be used or applied for producing abortion, or for any indecent or immoral purpose; and

Every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing—

Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Whoever knowingly uses the mails for the mailing, carriage in the mails, or delivery of anything declared by this section or section 3001(e) of title 39 to be nonmailable, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, or knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined under this title or imprisoned not more than five years, or both, for the first such offense, and shall be fined under this title or imprisoned not more than ten years, or both, for each such offense thereafter.

The term “indecent”, as used in this section includes matter of a character tending to incite arson, murder, or assassination.

(June 25, 1948, ch. 645, 62 Stat. 768; June 28, 1955, ch. 190, §§1, 2, 69 Stat. 183; Pub. L. 85-796, §1, Aug. 28, 1958, 72 Stat. 962; Pub. L. 91-662, §§3, 5(b), 6(3), Jan. 8, 1971, 84 Stat. 1973, 1974; Pub. L. 103-322, title XXXIII, §330016(1)(K), (L), Sept. 13, 1994, 108 Stat. 2147.)