

321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrate" substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-204, title VIII, §801, July 30, 2002, 116 Stat. 800, provided that: "This title [enacting sections 1348, 1514A, 1519, and 1520 of this title, amending section 523 of Title 11, Bankruptcy, and section 1658 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 994 and 1658 of Title 28] may be cited as the 'Corporate and Criminal Fraud Accountability Act of 2002'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-291, §1, Oct. 12, 1982, 96 Stat. 1248, provided: "That this Act [enacting sections 1512 to 1515, 3579, and 3580 of this title, amending sections 1503, 1505, 1510, and 3146 of this title and Rule 32 of the Federal Rules of Civil Procedure, and enacting provisions set out as notes under sections 1512 and 3579 of this title] may be cited as the 'Victim and Witness Protection Act of 1982'."

§ 1502. Resistance to extradition agent

Whoever knowingly and willfully obstructs, resists, or opposes an extradition agent of the United States in the execution of his duties, shall be fined under this title or imprisoned not more than one year, or both.

(June 24, 1948, ch. 645, 62 Stat. 769; Pub. L. 103-322, title XXXIII, §330016(1)(F), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §661 (R.S. 5277).

Said section 661 of title 18, U.S.C., 1940 ed., was incorporated in this section and section 752 of this title.

Words "an extradition agent of the United States" were substituted for "such agent" which was referred to in sections 3182 et seq. of this title.

A fine of "\$300" was substituted for "\$1,000" as the mandatory maximum to harmonize with similar offenses in this chapter. (See section 1501 of this title.)

Punishment provision was rephrased in the alternative.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$300".

§ 1503. Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the perform-

ance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 769; Pub. L. 97-291, §4(c), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 103-322, title VI, §60016, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 1974, 2147; Pub. L. 104-214, §1(3), Oct. 1, 1996, 110 Stat. 3017.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §241 (Mar. 4, 1909, ch. 321, §135, 35 Stat. 1113; June 8, 1945, ch. 178, §1, 59 Stat. 234).

The phrase "other committing magistrate" was substituted for "officer acting as such commissioner" in order to clarify meaning.

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (a), Pub. L. 104-214 inserted at end "If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case."

1994—Pub. L. 103-322, §330016(1)(K), which directed the substitution of "fined under this title" for "fined not more than \$5,000", could not be executed because the words "fined not more than \$5,000" did not appear in text subsequent to amendment by Pub. L. 103-322, §60016. See below.

Pub. L. 103-322, §60016, designated existing provisions as subsec. (a), substituted "magistrate judge" for "commissioner" in two places and "punished as provided in subsection (b)" for "fined not more than \$5,000 or imprisoned not more than five years, or both", and added subsec. (b).

1982—Pub. L. 97-291, §4(c)(1), substituted "or juror" for "juror or witness" after "officer" in section catchline.

Pub. L. 97-291, §4(c)(2), (3), substituted in text "grand" for "witness, in any court of the United States or before any United States commissioner or other committing magistrate, or any grand" after "or impede any", and struck out "injures any party or witness in his person or property on account of his attending or having attended such court or examination before such

officer, commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or” after “discharge of his duty, or”.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-291 effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as an Effective Date note under section 1512 of this title.

§ 1504. Influencing juror by writing

Whoever attempts to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any written communication, in relation to such issue or matter, shall be fined under this title or imprisoned not more than six months, or both.

Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury.

(June 25, 1948, ch. 645, 62 Stat. 770; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 243 (Mar. 4, 1909, ch. 321, § 137, 35 Stat. 1113).

Last paragraph was added to remove the possibility that a proper request to appear before a grand jury might be construed as a technical violation of this section.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in first par.

§ 1505. Obstruction of proceedings before departments, agencies, and committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 770; Pub. L. 87-664, § 6(a), Sept. 19, 1962, 76 Stat. 551; Pub. L. 91-452,

title IX, § 903, Oct. 15, 1970, 84 Stat. 947; Pub. L. 94-435, title I, § 105, Sept. 30, 1976, 90 Stat. 1389; Pub. L. 97-291, § 4(d), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 108-458, title VI, § 6703(a), Dec. 17, 2004, 118 Stat. 3766.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 241a, (Mar. 4, 1909, ch. 321, § 135a, as added Jan. 13, 1940, ch. 1, 54 Stat. 13; June 8, 1945, ch. 178, § 2, 59 Stat. 234).

Word “agency” was substituted for the words “independent establishment, board, commission” in two instances to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Minor changes were made in phraseology.

REFERENCES IN TEXT

The Antitrust Civil Process Act, referred to in text, is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, which is classified principally to chapter 34 (§ 1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

AMENDMENTS

2004—Pub. L. 108-458, which directed amendment of the third undesignated paragraph of this section by substituting “be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both” for “be fined under this title or imprisoned not more than 5 years, or both”, was executed by making the substitution for “be fined under this title or imprisoned not more than five years, or both”, to reflect the probable intent of Congress.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in last par.

1982—Pub. L. 97-291 struck out first two paragraphs which provided, respectively, that whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavored to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress, and whoever injured any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein, would be subject to the penalty set forth in the last paragraph, and in the fourth paragraph substituted “any pending” for “such” after “law under which”, and substituted “any” for “such” before “department” and before “inquiry”.

1976—Pub. L. 94-435 struck out “section 1968 of this title” after “Antitrust Civil Process Act”, inserted “withholds, misrepresents” after “willfully”, “covers up” after “conceals”, “answers to written interrogatories, or oral testimony”, after “any documentary material”, and “or attempts to do so or solicits another to do so;” after “such demand”.

1970—Pub. L. 91-452 inserted reference to section 1968 of this title.

1962—Pub. L. 87-664 substituted section catchline “Obstruction of proceedings before departments, agencies, and committees” for “Influencing or injuring witness before agencies and committees” and punished the willful removal, concealment, destruction, mutilation, alteration or falsification of documents which were the subject of a demand under the Antitrust Civil Process Act if done with the intent to prevent compliance with a civil investigative demand.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-291 effective Oct. 12, 1982, see section 9(a) of Pub. L. 97-291, set out as an Effective Date note under section 1512 of this title.