

chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857) (relating to transportation of drug paraphernalia [sic]).”

Pub. L. 100–690, §6183, substituted “section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, or section 16 (relating to offenses and punishment) of the Trading with the Enemy Act.” for “section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 2 (relating to criminal penalties) of the Export Administration Act of 1979 (50 U.S.C. App. 2401), section 203 (relating to criminal sanctions) of the International Emergency Economic Powers Act (50 U.S.C. 1702), or section 3 (relating to criminal violations) of the Trading with the Enemy Act (50 U.S.C. App. 3)”.

Subsec. (e). Pub. L. 100–690, §6469(a)(1), substituted “and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.” for “. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–246, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by sections 4002(b)(1)(B), (D), (2)(M), and 4115(c)(1)(A)(i), (B)(ii) of Pub. L. 110–246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–273, div. B, title IV, §4002(a)(11), Nov. 2, 2002, 116 Stat. 1807, provided that the amendment made by section 4002(a)(11) is effective Apr. 24, 1996.

Pub. L. 107–273, div. B, title IV, §4005(e), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(e) is effective Oct. 26, 2001.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(38) of 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 1994 AMENDMENTS

Pub. L. 103–322, title XXXIII, §330011(J), Sept. 13, 1994, 108 Stat. 2145, and Pub. L. 103–325, title IV, §413(d), Sept. 23, 1994, 108 Stat. 2255, provided that the repeal of section 3557(2)(E) of Pub. L. 101–647 made by those sections is effective as of the date of enactment of Pub. L. 101–647, which was approved Nov. 29, 1990.

§ 1957. Engaging in monetary transactions in property derived from specified unlawful activity

(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is

a fine under title 18, United States Code, or imprisonment for not more than ten years or both. 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 subsection is greater.

(2) The court may impose an alternate fine to that imposable under paragraph (1) of not more than twice the amount of the criminally derived property involved in the transaction.

(c) In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.

(d) The circumstances referred to in subsection (a) are—

(1) that the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or

(2) that the offense under this section takes place outside the United States and such special jurisdiction, but the defendant is a United States person (as defined in section 3077 of this title, but excluding the class described in paragraph (2)(D) of such section).

(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.

(f) As used in this section—

(1) the term “monetary transaction” means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined in section 1956(c)(5) of this title) by, through, or to a financial institution (as defined in section 1956 of this title), including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title, but such term does not include any transaction necessary to preserve a person’s right to representation as guaranteed by the sixth amendment to the Constitution;

(2) the term “criminally derived property” means any property constituting, or derived from, proceeds obtained from a criminal offense; and

(3) the terms “specified unlawful activity” and “proceeds” shall have the meaning given those terms in section 1956 of this title.

(Added Pub. L. 99–570, title I, §1352(a), Oct. 27, 1986, 100 Stat. 3207–21; amended Pub. L. 100–690,

title VI, §§6182, 6184, 6469(a)(2), Nov. 18, 1988, 102 Stat. 4354, 4377; Pub. L. 102-550, title XV, §§1526(b), 1527(b), Oct. 28, 1992, 106 Stat. 4065; Pub. L. 103-322, title XXXIII, §330020, Sept. 13, 1994, 108 Stat. 2149; Pub. L. 103-325, title IV, §413(c)(2), Sept. 23, 1994, 108 Stat. 2255; Pub. L. 109-177, title IV, §403(c)(2), Mar. 9, 2006, 120 Stat. 243; Pub. L. 111-21, §2(f)(2), May 20, 2009, 123 Stat. 1618; Pub. L. 112-186, §4(b)(2), Oct. 5, 2012, 126 Stat. 1429.)

AMENDMENTS

2012—Subsec. (b)(1). Pub. L. 112-186 inserted at end “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 subsection is greater.”

2009—Subsec. (f)(3). Pub. L. 111-21 added par. (3) and struck out former par. (3) which read as follows: “the term ‘specified unlawful activity’ has the meaning given that term in section 1956 of this title.”

2006—Subsec. (e). Pub. L. 109-177 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.”

1994—Subsec. (f)(1). Pub. L. 103-322, §330020, and Pub. L. 103-325, §413(c)(2), amended par. (1) identically, striking out second comma after “(as defined in section 1956 of this title)”.

1992—Subsec. (f)(1). Pub. L. 102-550 substituted “section 1956 of this title” for “section 5312 of title 31” and inserted “, including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title,” before “but such term does not include”.

1988—Subsec. (e). Pub. L. 100-690, §6469(a)(2), substituted “and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.” for “. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”

Subsec. (f)(1). Pub. L. 100-690, §§6182, 6184, substituted “in section 1956(c)(5) of this title” for “for the purposes of subchapter II of chapter 53 of title 31” and inserted “, but such term does not include any transaction necessary to preserve a person’s right to representation as guaranteed by the sixth amendment to the Constitution”.

§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire

(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agree-

ment to pay, anything of pecuniary value, or who conspires to do so, shall be fined under this title or imprisoned for not more than ten years, or both; and if personal injury results, shall be fined under this title or imprisoned for not more than twenty years, or both; and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

(b) As used in this section and section 1959—

(1) “anything of pecuniary value” means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage;

(2) “facility of interstate or foreign commerce” includes means of transportation and communication; and

(3) “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 98-473, title II, §1002(a), Oct. 12, 1984, 98 Stat. 2136, §1952A; renumbered §1958 and amended Pub. L. 100-690, title VII, §§7053(a), 7058(b), Nov. 18, 1988, 102 Stat. 4402, 4403; Pub. L. 101-647, title XII, §1205(k), title XXXV, §3558, Nov. 29, 1990, 104 Stat. 4831, 4927; Pub. L. 103-322, title VI, §60003(a)(11), title XIV, §140007(b), title XXXII, §320105, title XXXIII, §330016(1)(L), (N), (Q), Sept. 13, 1994, 108 Stat. 1969, 2033, 2111, 2147, 2148; Pub. L. 104-294, title VI, §§601(g)(3), 605(a), Oct. 11, 1996, 110 Stat. 3500, 3509; Pub. L. 108-458, title VI, §6704, Dec. 17, 2004, 118 Stat. 3766.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, §6704(1), substituted “facility of” for “facility in”.

Subsec. (b)(2). Pub. L. 108-458, §6704(2), inserted “or foreign” after “interstate”.

1996—Subsec. (a). Pub. L. 104-294 substituted comma for “or who conspires to do so” after “or who conspires to do so” and substituted “this title or imprisoned” for “this title and imprisoned” before “for not more than twenty years”.

1994—Pub. L. 103-322, §330016(1)(Q), which directed the amendment of this section by substituting “under this title” for “not more than \$50,000”, could not be executed because the phrase “not more than \$50,000” did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, §60003(a)(11). See below.

Subsec. (a). Pub. L. 103-322, §330016(1)(N), substituted “fined under this title” for “fined not more than \$20,000” after “injury results, shall be”.

Pub. L. 103-322, §330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” before “or imprisoned for not more than ten years”.

Pub. L. 103-322, §§140007(b), 320105, each amended subsec. (a) by inserting “or who conspires to do so” after “anything of pecuniary value.”

Pub. L. 103-322, §60003(a)(11), substituted “and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both” for “and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than \$50,000, or both” before period at end.

1990—Subsec. (b). Pub. L. 101-647, §3558, substituted “section 1959” for “section 1952B” in introductory provisions.

Subsec. (b)(3). Pub. L. 101-647, §1205(k), added par. (3).

1988—Pub. L. 100-690, §7053(a), renumbered section 1952A of this title as this section.

Subsec. (a). Pub. L. 100-690, §7058(b), substituted “ten years” for “five years”.