

lands, or of any private land claim which has been or may be confirmed by the United States, by the persons authorized to survey the same in conformity with the instructions of the Director of the Bureau of Land Management, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 789; May 24, 1949, ch. 139, §42, 63 Stat. 95; Pub. L. 103-322, title XXXIII, §330016(1)(J), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 18, U.S.C., 1940 ed., §112 (Mar. 4, 1909, ch. 321, §58, 35 Stat. 1099).

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

##### 1949 ACT

This section [section 42] substitutes, in section 1859 of title 18, U.S.C., “Director of the Bureau of Land Management” for “Commissioner of the General Land Office,” in view of the abolishment of the General Land Office, and the office of Commissioner thereof, by 1946 Reorganization Plan No. 3, §403, effective July 16, 1946 (11 F.R. 7876). Such plan consolidated the functions of the General Land Office and of the Grazing Service to form a new agency, the Bureau of Land Management, in the Department of the Interior and headed by a Director.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$3,000”.

1949—Act May 24, 1949, substituted “Director of the Bureau of Land Management” for “Commissioner of the General Land Office”.

### § 1860. Bids at land sales

Whoever bargains, contracts, or agrees, or attempts to bargain, contract, or agree with another that such other shall not bid upon or purchase any parcel of lands of the United States offered at public sale; or

Whoever, by intimidation, combination, or unfair management, hinders, prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale—

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 789.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §113 (Mar. 4, 1909, ch. 321, §59, 35 Stat. 1099).

Imprisonment provision was reduced from “two years” to “one year,” thus placing the offense in the category of misdemeanors which may be prosecuted on information. The lesser punishment seems adequate.

Minor changes were made in phraseology and arrangement.

### § 1861. Deception of prospective purchasers

Whoever, for a reward paid or promised to him in that behalf, undertakes to locate for an intending purchaser, settler, or entryman any public lands of the United States subject to disposition under the public-land laws, and who willfully and falsely represents to such intend-

ing purchaser, settler, or entryman that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, with intent to deceive the person to whom such representation is made, or who, in reckless disregard of the truth, falsely represents to any such person that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, thereby deceiving the person to whom such representation is made, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 789; 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., §114 (Feb. 23, 1917, ch. 115, 39 Stat. 936).

Words “deemed guilty of a misdemeanor and” which preceded “punished” were omitted as unnecessary in view of definitive section 1 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 \$300”.

### [§ 1862. Repealed. Pub. L. 95-200, §3(c), Nov. 23, 1977, 91 Stat. 1428]

Section, act June 25, 1948, ch. 645, 62 Stat. 789, imposed a fine of not more than \$500 or imprisonment of not more than six months as the penalty for knowingly trespassing upon the reserve known as the Bull Run National Forest in the Cascade Mountains. See note set out under section 482b of Title 16, Conservation, for the remainder of Pub. L. 95-200, including savings provisions therein, which in addition to repealing this section created the Bull Run Watershed Management Unit, Mount Hood National Forest.

### § 1863. Trespass on national forest lands

Whoever, without lawful authority or permission, goes upon any national-forest land while it is closed to the public pursuant to lawful regulation of the Secretary of Agriculture, shall be fined under this title or imprisoned not more than six months, or both.

(Added May 24, 1949, ch. 139, §43, 63 Stat. 95; amended Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

This section [section 43] incorporates in revised title 18, U.S.C., as section 1863 thereof, and with changes in phraseology, the provisions of act of February 10, 1948 (ch. 51, 62 Stat. 19), which was not incorporated in title 18 when the revision was enacted. The phrase “without hard labor” is omitted from the punishment clause as unnecessary, in conformity with the uniform style of such title. (See reviser’s note to sec. 1 of such revised title, appearing in H. Rept. No. 304, April 24, 1947, to accompany H.R. 3190, 80th Cong. (pp. A2, A4 of such report).) The concluding proviso that “nothing herein shall be construed to limit the authority of the Secretary of Agriculture under other law to otherwise provide for regulating the occupancy and use of national-forest lands and lands administered by the Forest Service”, is omitted as surplusage.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

**§ 1864. Hazardous or injurious devices on Federal lands**

(a) Whoever—

(1) with the intent to violate the Controlled Substances Act,

(2) with the intent to obstruct or harass the harvesting of timber, or

(3) with reckless disregard to the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk,

uses a hazardous or injurious device on Federal land, on an Indian reservation, or on an Indian allotment while the title to such allotment is held in trust by the United States or while such allotment remains inalienable by the allottee without the consent of the United States shall be punished under subsection (b).

(b) An individual who violates subsection (a) shall—

(1) if death of an individual results, be fined under this title or imprisoned for any term of years or for life, or both;

(2) if serious bodily injury to any individual results, be fined under this title or imprisoned for not more than 40 years, or both;

(3) if bodily injury to any individual results, be fined under this title or imprisoned for not more than 20 years, or both;

(4) if damage to the property of any individual results or if avoidance costs have been incurred exceeding \$10,000, in the aggregate, be fined under this title or imprisoned for not more than 20 years, or both; and

(5) in any other case, be fined under this title or imprisoned for not more than one year.

(c) Any individual who is punished under subsection (b)(5) after one or more prior convictions under any such subsection shall be fined under this title or imprisoned for not more than 20 years, or both.

(d) As used in this section—

(1) the term “serious bodily injury” means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; and

(D) protracted loss or impairment of the function of bodily member, organ, or mental faculty;

(2) the term “bodily injury” means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary;

(3) the term “hazardous or injurious device” means a device, which when assembled or placed, is capable of causing bodily injury, or damage to property, by the action of any person making contact with such device subsequent to the assembly or placement. Such term includes guns attached to trip wires or

other triggering mechanisms, ammunition attached to trip wires or other triggering mechanisms, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, lines or wires, lines or wires with hooks attached, nails placed so that the sharpened ends are positioned in an upright manner, or tree spiking devices including spikes, nails, or other objects hammered, driven, fastened, or otherwise placed into or on any timber, whether or not severed from the stump; and

(4) the term “avoidance costs” means costs incurred by any individual for the purpose of—

(A) detecting a hazardous or injurious device; or

(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a).

(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.

(Added Pub. L. 100-690, title VI, § 6254(f), Nov. 18, 1988, 102 Stat. 4366; amended Pub. L. 101-647, title XXXV, § 3555, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 103-322, title XXXIII, § 330007, Sept. 13, 1994, 108 Stat. 2142; Pub. L. 104-134, title I, § 101(c) [title III, § 330], Apr. 26, 1996, 110 Stat. 1321-156, 1321-208; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a)(1), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

1996—Subsec. (b)(2). Pub. L. 104-134, § 101(c) [title III, § 330(1)(A)], substituted “40” for “twenty”.

Subsec. (b)(3). Pub. L. 104-134, § 101(c) [title III, § 330(1)(B)], substituted “20” for “ten”.

Subsec. (b)(4). Pub. L. 104-134, § 101(c) [title III, § 330(1)(C), (D)], substituted “if damage to the property of any individual results or if avoidance costs have been incurred exceeding \$10,000, in the aggregate,” for “if damage exceeding \$10,000 to the property of any individual results,” and “20” for “ten”.

Subsec. (c). Pub. L. 104-134, § 101(c) [title III, § 330(2)], substituted “20” for “ten”.

Subsec. (d)(4). Pub. L. 104-134, § 101(c) [title III, § 330(3)], added par. (4).

Subsec. (e). Pub. L. 104-134, § 101(c) [title III, § 330(4)], added subsec. (e).

1994—Subsec. (c). Pub. L. 103-322 substituted “(b)(5)” for “(b)(3), (4), or (5)”.

1990—Subsec. (d)(1)(D), (E). Pub. L. 101-647 struck out “and” at end of subpar. (D) and substituted “; and” for period at end of subpar. (E).