

Whoever fails within five business days after commencing to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien individual to file such statement concerning such alien individual with the Commissioner of Immigration and Naturalization; or

Whoever knowingly and willfully states falsely or fails to disclose in such statement any fact within that person's knowledge or belief with reference to the age, nationality, or parentage of any such alien individual, or concerning that individual's procurement to come to this country—

Shall be fined under this title or imprisoned not more than 10 years, or both.

(b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by that person, or the information therein contained, might tend to criminate that person or subject that person to a penalty or forfeiture, but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.

(June 25, 1948, ch. 645, 62 Stat. 813; Pub. L. 91-452, title II, § 226, Oct. 15, 1970, 84 Stat. 930; Pub. L. 99-628, § 5(c), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-208, div. C, title III, § 325, Sept. 30, 1996, 110 Stat. 3009-629.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 402(2), (3) (June 25, 1910, ch. 395, § 6, 36 Stat. 826).

First paragraph of section 402 of title 18, U.S.C., 1940 ed., was omitted from this section and recommended for transfer to Title 8, Aliens and Nationality.

Words "shall be deemed guilty of a misdemeanor" were omitted as unnecessary in view of the definition of a misdemeanor in section 1 of this title. (See reviser's note under section 212 of this title.)

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, § 325(1), in first par. substituted "individual, knowing or in reckless disregard of the fact that the individual is an alien" for "alien individual within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic" and struck out "alien" after "the name of such".

Pub. L. 104-208, § 325(2), in second par. substituted "five business" for "thirty" and struck out "within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic," after "any alien individual".

Pub. L. 104-208, § 325(3), substituted "10" for "two" in last par.

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$2,000" in last par.

1986—Pub. L. 99-628, § 5(c)(1), substituted "individual" for "female" in section catchline.

Subsec. (a). Pub. L. 99-628, § 5(c)(2)-(4), (6), substituted "individual" for "woman or girl", "that individual" for "she", "that individual's" for "her", and "that person's" for "his" wherever appearing.

Subsec. (b). Pub. L. 99-628, § 5(c)(5), substituted "that person" for "him" wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 2425. Use of interstate facilities to transmit information about a minor

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 105-314, title I, § 101(a), Oct. 30, 1998, 112 Stat. 2975.)

§ 2426. Repeat offenders

(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be 3 times the term of imprisonment otherwise provided by this chapter, unless section 3559(e) applies.

(b) DEFINITIONS.—In this section—

(1) the term "prior sex offense conviction" means a conviction for an offense—

(A) under this chapter, chapter 109A, chapter 110, or section 1591; or