

§ 659. Interstate or foreign shipments by carrier; State prosecutions

Whoever embezzles, steals, or unlawfully takes, carries away, or conceals, or by fraud or deception obtains from any pipeline system, railroad car, wagon, motortruck, trailer, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air cargo container, air terminal, airport, aircraft terminal or air navigation facility, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility, with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight, express, or other property; or

Whoever buys or receives or has in his possession any such goods or chattels, knowing the same to have been embezzled or stolen; or

Whoever embezzles, steals, or unlawfully takes, carries away, or by fraud or deception obtains with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce or breaks into, steals, takes, carries away, or conceals any of the contents of such baggage, or buys, receives, or has in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been embezzled or stolen; or

Whoever embezzles, steals, or unlawfully takes by any fraudulent device, scheme, or game, from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce or from any passenger thereon any money, baggage, goods, or chattels, or whoever buys, receives, or has in his possession any such money, baggage, goods, or chattels, knowing the same to have been embezzled or stolen—

Shall be fined under this title or imprisoned not more than 10 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than \$1,000, shall be fined under this title or imprisoned for not more than 3 years, or both. If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater.

The offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, or chattels.

The carrying or transporting of any such money, freight, express, baggage, goods, or chattels in interstate or foreign commerce, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties under this section for unlawful taking, and the offense shall be deemed to have been committed in any district into which such money, freight, express, baggage, goods, or chattels shall have been removed or into which the same shall have been brought by such offender.

To establish the interstate or foreign commerce character of any shipment in any prosecution under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

(June 25, 1948, ch. 645, 62 Stat. 729; May 24, 1949, ch. 139, §13, 63 Stat. 91; Pub. L. 89-654, §1(a)-(d), Oct. 14, 1966, 80 Stat. 904; Pub. L. 103-322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 109-177, title III, §307(a), Mar. 9, 2006, 120 Stat. 240; Pub. L. 112-186, §4(a), Oct. 5, 2012, 126 Stat. 1428.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §§409, 410, 411 (Feb. 13, 1913, ch. 50, §§1, 2, 37 Stat. 670; Feb. 13, 1913, ch. 50, §3, as added Jan. 28, 1925, ch. 102, 43 Stat. 794; Jan. 28, 1925, ch. 102, 43 Stat. 793, 794; Jan. 21, 1933, ch. 16, 47 Stat. 773, 774; July 24, 1946, ch. 606, 60 Stat. 656.)

This section consolidates sections 409, 410, and 411 of title 18, U.S.C., 1940 ed. First clause of said section 409 was incorporated in section 2117 of this title.

In the paragraph immediately preceding the last paragraph the words "and to which" were added to obviate an inadvertent and incongruous omission in the enactment of act July 24, 1946, ch. 606, §3, 60 Stat. 657. This is in harmony with corrective legislation pending before the Eightieth Congress.

The definitions of "station house", "depot", "wagon", "automobile", "truck", or "other vehicle", contained in said section 409 of title 18, are omitted as unnecessary.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's notes under sections 641 and 645 of this title.) This improvement was suggested by United States Attorney P. F. Herrick, of Puerto Rico. (See reviser's note under section 641 of this title.)

Minor changes were made in phraseology.

1949 ACT

This section [section 13] inserts the word, "embezzled" preceding "or stolen" near the ends of the second and fourth paragraphs of section 659 of title 18, U.S.C., to restore the language of the original law from which such section was derived. Also, for clarity, substitutes, "whoever" for "who" preceding "buys" in said fourth paragraph of section 659.

SENATE REVISION AMENDMENT

The “corrective legislation”, referred to in this paragraph, became Act April 16, 1947, ch. 39, 61 Stat. 52, and, as it amended section 411 of title 18, U.S.C., such act was an additional source of this section.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-186 inserted at end of fifth par. “If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater.”

2006—Pub. L. 109-177, in first par., inserted “trailer,” after “motortruck,”; “air cargo container,” after “aircraft,”; and “, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”, in fifth par., substituted “be fined under this title or imprisoned not more than 10 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than \$1,000, shall be fined under this title or imprisoned for not more than 3 years, or both” for “in each case be fined under this title or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods or chattels does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both”, and, in eighth par., inserted “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.” after first sentence.

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100” in fifth par.

1994—Pub. L. 103-322, in fifth par., substituted “fined under this title” for “fined not more than \$5,000” after “Shall in each case be” and for “fined not more than \$1,000” after “he shall be”.

1966—Pub. L. 89-654 substituted “shipments by carrier” for “baggage, express, or freight” in section catchline, inserted “pipeline system” and “tank or storage facility” and substituted “freight, express, or other property” for “freight or express” in first par., provided in eighth par. that the removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property, and, in ninth par., prohibited any construction which indicated an intent on the part of Congress to occupy the field to the exclusion of State laws or to invalidate inconsistent State provisions.

1949—Act May 24, 1949, inserted “embezzled or” before “stolen” in second par., and substituted “whoever” for “who” before “buys” in fourth par.

Statutory Notes and Related Subsidiaries

ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES

Pub. L. 109-177, title III, §307(d), Mar. 9, 2006, 120 Stat. 240, provided that: “The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this title.”

§ 660. Carrier’s funds derived from commerce; State prosecutions

Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common carrier, or whoever, being an employee of such common carrier riding in or upon any railroad car,

motortruck, steamboat, vessel, aircraft or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined under this title or imprisoned not more than ten years, or both.

The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, property or assets.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

(June 25, 1948, ch. 645, 62 Stat. 730; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§409, 412 (Feb. 13, 1913, ch. 50, §1, 37 Stat. 670; Oct. 15, 1914, ch. 323, §9, 38 Stat. 733; Jan. 28, 1925, ch. 102, 43 Stat. 793; Jan. 21, 1933, ch. 16, 47 Stat. 773; July 24, 1946, ch. 606, 60 Stat. 656).

Section consolidates a portion of section 409 with section 412, both of title 18, U.S.C., 1940 ed. Other provisions of said section 409 are incorporated in sections 659 and 2117 of this title.

Definitive language in section 412 of title 18, U.S.C., 1940 ed., as to offense being a felony was deleted to conform with section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “imprisoned” was substituted for “confined in the penitentiary” in section 412 of title 18, U.S.C., 1940 ed., in view of power of Attorney General under section 4082 of this title.

Minimum punishment provision “less than one year nor” in section 412 of title 18, U.S.C., 1940 ed., was omitted for reasons in reviser’s note under section 203 of this title.

Maximum fine of \$5,000 was substituted for minimum fine of \$500 in section 412 of title 18, U.S.C., 1940 ed., as being more consonant with the scheme of penalties and offenses provided by Congress for most sections in this chapter.

Sentence in section 412 of title 18, U.S.C., 1940 ed., “Nothing in this section shall be held to take away or impair the jurisdiction of the several courts under the laws thereof;”, was omitted in view of section 3231 of this title.

Changes were made in phraseology.

Editorial Notes

AMENDMENTS

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

§ 661. Within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding \$1,000, or is taken from the person of another, by