

circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 763; Pub. L. 91-375, §6(j)(10), Aug. 12, 1970, 84 Stat. 778; Pub. L. 103-322, title XXXIII, §330016(1)(B), Sept. 13, 1994, 108 Stat. 2146.)

#### HISTORICAL AND REVISION NOTES

Based on title 18 U.S.C., 1940 ed., §337 (Mar. 4, 1909, ch. 321, §214, 35 Stat. 1130). Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$100”.

1970—Pub. L. 91-375 substituted “an officer or employee of the Postal Service” for “a postmaster or other person employed in the Postal Service”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established thereby by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

#### § 1304. Broadcasting lottery information

Whoever broadcasts by means of any radio or television station for which a license is required by any law of the United States, or whoever, operating any such station, knowingly permits the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be fined under this title or imprisoned not more than one year, or both.

Each day’s broadcasting shall constitute a separate offense.

(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L. 100-625, §3(a)(4), Nov. 7, 1988, 102 Stat. 3206; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on section 316 of title 47, U.S.C., 1940 ed., Telegraphs, Telephones, and Radiotelegraphs (June 19, 1934, ch. 652, §316, 48 Stat. 1088).

Words “upon conviction thereof” were deleted as surplusage since punishment can be imposed only after a conviction.

Minor changes were made in phraseology.

#### Editorial Notes

##### CONSTITUTIONALITY

For information regarding constitutionality of this section, see reference to act June 19, 1934, ch. 652, §316

(on which this section is based), in Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

##### AMENDMENTS

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

1988—Pub. L. 100-625 inserted “or television” after “radio” in first sentence.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-625, §5, Nov. 7, 1988, 102 Stat. 3206, provided that: “The amendments made by this Act [amending this section and section 1307 of this title and section 3005 of Title 39, Postal Service] shall take effect 18 months after the date of the enactment of this Act [Nov. 7, 1988].”

#### § 1305. Fishing contests

The provisions of this chapter shall not apply with respect to any fishing contest not conducted for profit wherein prizes are awarded for the specie, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event.

(Added Aug. 16, 1950, ch. 722, §1, 64 Stat. 451.)

#### § 1306. Participation by financial institutions

Whoever knowingly violates section 5136A<sup>1</sup> of the Revised Statutes of the United States, section 9A of the Federal Reserve Act, or section 20 of the Federal Deposit Insurance Act shall be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 90-203, §5(a), Dec. 15, 1967, 81 Stat. 611; amended Pub. L. 101-73, title IX, §962(b), Aug. 9, 1989, 103 Stat. 502; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 5136A of the Revised Statutes of the United States, referred to in text, was renumbered section 5136B and a new section 5136A was added by Pub. L. 106-102, title I, §121(a), Nov. 12, 1999, 113 Stat. 1373. Sections 5136A and 5136B of the Revised Statutes are classified to sections 24a and 25a, respectively, of Title 12, Banks and Banking.

Section 9A of the Federal Reserve Act, referred to in text, is classified to section 339 of Title 12.

Section 20 of the Federal Deposit Insurance Act, referred to in text, is classified to section 1829a of Title 12.

##### AMENDMENTS

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

1989—Pub. L. 101-73 struck out reference to section 410 of the National Housing Act.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Apr. 1, 1968, see section 6 of Pub. L. 90-203, set out as a note under section 25a of Title 12, Banks and Banking.

<sup>1</sup> See References in Text note below.