

Editorial Notes

AMENDMENTS

2010—Subsec. (c). Pub. L. 111–154 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “Upon the consent of any person who ships, sells, or distributes any quantity of cigarettes in excess of 10,000 in a single transaction, or pursuant to a duly issued search warrant, the Attorney General may enter the premises (including places of storage) of such person for the purpose of inspecting any records or information required to be maintained by such person under this chapter, and any cigarettes kept or stored by such person at such premises.”

2006—Pub. L. 109–177, §121(g)(1), substituted “Record-keeping, reporting, and inspection” for “Recordkeeping and inspection” in section catchline.

Subsec. (a). Pub. L. 109–177, §121(a)(3)(A), (b)(3), (c)(1), in introductory provisions, substituted “10,000, or any quantity of smokeless tobacco in excess of 500 single-unit consumer-sized cans or packages,” for “60,000” and “such information as the Attorney General considers appropriate for purposes of enforcement of this chapter, including—” for “only—” and, in concluding provisions, struck out “Nothing contained herein shall authorize the Attorney General to require reporting under this section.” at end.

Subsec. (b). Pub. L. 109–177, §121(c)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Pub. L. 109–177, §121(a)(3)(B), substituted “10,000” for “60,000”.

Subsec. (c). Pub. L. 109–177, §121(c)(2), redesignated subsec. (b) as (c).

Subsecs. (d) to (f). Pub. L. 109–177, §121(c)(4), added subsecs. (d) to (f).

2002—Pub. L. 107–296 substituted “Attorney General” for “Secretary” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE

Section effective on first day of first month beginning more than 120 days after Nov. 2, 1978, see section 4 of Pub. L. 95–575, set out as a note under section 2341 of this title.

§ 2344. Penalties

(a) Whoever knowingly violates section 2342(a) of this title shall be fined under this title or imprisoned not more than five years, or both.

(b) Whoever knowingly violates any rule or regulation promulgated under section 2343(a) or 2346 of this title or violates section 2342(b) of this title shall be fined under this title or imprisoned not more than three years, or both.

(c) Any contraband cigarettes or contraband smokeless tobacco involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture. The provisions of chapter 46 of title 18 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. Any cigarettes or smokeless tobacco so seized and forfeited shall be either—

(1) destroyed and not resold; or

(2) used for undercover investigative operations for the detection and prosecution of crimes, and then destroyed and not resold.

(Added Pub. L. 95–575, §1, Nov. 2, 1978, 92 Stat. 2464; amended Pub. L. 99–514, §2, Oct. 22, 1986, 100

Stat. 2095; Pub. L. 103–322, title XXXIII, §330016(1)(K), (S), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 109–177, title I, §121(b)(4), (d), Mar. 9, 2006, 120 Stat. 222, 223.)

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2006—Subsec. (c). Pub. L. 109–177 inserted “or contraband smokeless tobacco” after “contraband cigarettes”, substituted “seizure and forfeiture. The provisions of chapter 46 of title 18 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. Any cigarettes or smokeless tobacco so seized and forfeited shall be either—” for “seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of such Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.”, and added pars. (1) and (2).

1994—Subsec. (a). Pub. L. 103–322, §330016(1)(S), substituted “fined under this title” for “fined not more than \$100,000”.

Subsec. (b). Pub. L. 103–322, §330016(1)(K), substituted “fined under this title” for “fined not more than \$5,000”.

1986—Subsec. (c). Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

§ 2345. Effect on State and local law

(a) Nothing in this chapter shall be construed to affect the concurrent jurisdiction of a State or local government to enact and enforce its own cigarette tax laws, to provide for the confiscation of cigarettes or smokeless tobacco and other property seized for violation of such laws, and to provide for penalties for the violation of such laws.

(b) Nothing in this chapter shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by a number of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local cigarette tax laws, to provide for the confiscation of cigarettes or smokeless tobacco and other property seized in violation of such laws, and to establish cooperative programs for the administration of such laws.

(Added Pub. L. 95–575, §1, Nov. 2, 1978, 92 Stat. 2465; amended Pub. L. 109–177, title I, §121(b)(5), (e), (g)(2), Mar. 9, 2006, 120 Stat. 222–224.)

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AMENDMENTS

2006—Pub. L. 109–177, §121(g)(2), substituted “Effect on State and local law” for “Effect on State law” in section catchline.

Subsec. (a). Pub. L. 109–177, §121(b)(5), (e)(1), substituted “a State or local government to enact and enforce its own” for “a State to enact and enforce” and inserted “or smokeless tobacco” after “cigarettes”.

Subsec. (b). Pub. L. 109–177, §121(b)(5), (e)(2), substituted “of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local” for “of States, through interstate compact or otherwise, to provide for the administration of State” and inserted “or smokeless tobacco” after “cigarettes”.

§ 2346. Enforcement and regulations

(a) The Attorney General, subject to the provisions of section 2343(a) of this title, shall enforce