

(c) Nothing in this chapter, or the Cable Communications Policy Act of 1984, or any other provision of Federal law, is intended to interfere with or preempt the power of the States, including political subdivisions thereof, to regulate the uttering of language that is obscene or otherwise unprotected by the Constitution or the distribution of matter that is obscene or otherwise unprotected by the Constitution, of any sort, by means of cable television or subscription services on television.

(Added Pub. L. 100-690, title VII, § 7523(a), Nov. 18, 1988, 102 Stat. 4501.)

Editorial Notes

REFERENCES IN TEXT

The Cable Communications Policy Act of 1984, referred to in subsec. (c), is Pub. L. 98-549, Oct. 30, 1984, 98 Stat. 2779, which is classified principally to subchapter V-A (§ 521 et seq.) of chapter 5 of Title 47, Telecommunications. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 609 of Title 47 and Tables.

§ 1469. Presumptions

(a) In any prosecution under this chapter in which an element of the offense is that the matter in question was transported, shipped, or carried in interstate commerce, proof, by either circumstantial or direct evidence, that such matter was produced or manufactured in one State and is subsequently located in another State shall raise a rebuttable presumption that such matter was transported, shipped, or carried in interstate commerce.

(b) In any prosecution under this chapter in which an element of the offense is that the matter in question was transported, shipped, or carried in foreign commerce, proof, by either circumstantial or direct evidence, that such matter was produced or manufactured outside of the United States and is subsequently located in the United States shall raise a rebuttable presumption that such matter was transported, shipped, or carried in foreign commerce.

(Added Pub. L. 100-690, title VII, § 7521(d), Nov. 18, 1988, 102 Stat. 4489.)

§ 1470. Transfer of obscene material to minors

Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

(Added Pub. L. 105-314, title IV, § 401(a), Oct. 30, 1998, 112 Stat. 2979.)

Statutory Notes and Related Subsidiaries

STUDY ON LIMITING AVAILABILITY OF PORNOGRAPHY ON INTERNET

Pub. L. 105-314, title IX, § 901, Oct. 30, 1998, 112 Stat. 2991, provided for a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments

to Federal criminal law and other law enforcement techniques to respond to the problem, and directed the Attorney General to submit to Congress a final report of the study not later than 2 years after Oct. 30, 1998.

CHAPTER 73—OBSTRUCTION OF JUSTICE

Sec.

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- 1515. Definitions for certain provisions; general provision.
- 1516. Obstruction of Federal audit.
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- 1518. Obstruction of criminal investigations of health care offenses.
- 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.
- 1520. Destruction of corporate audit records.
- 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-177, title II, § 201(b), Jan. 7, 2008, 121 Stat. 2536, added item 1521.

2002—Pub. L. 107-204, title VIII, §§ 802(b), 806(b), July 30, 2002, 116 Stat. 801, 804, added items 1514A, 1519, and 1520.

1996—Pub. L. 104-191, title II, § 245(b), Aug. 21, 1996, 110 Stat. 2018, added item 1518.

1990—Pub. L. 101-647, title XXV, § 2503(b), Nov. 29, 1990, 104 Stat. 4861, added item 1517.

1988—Pub. L. 100-690, title VII, §§ 7030, 7078(b), Nov. 18, 1988, 102 Stat. 4398, 4406, inserted “; general provision” in item 1515 and added item 1516.

1982—Pub. L. 97-291, § 4(b), Oct. 12, 1982, 96 Stat. 1253, substituted “or juror” for “, juror or witness” after “officer” in item 1503, and added items 1512, 1513, 1514, and 1515.

1970—Pub. L. 91-452, title VIII, § 802(b), Oct. 15, 1970, 84 Stat. 937, added item 1511.

1967—Pub. L. 90-123, § 1(b), Nov. 3, 1967, 81 Stat. 362, added item 1510.

1962—Pub. L. 87-664, § 6(b), Sept. 19, 1962, 76 Stat. 552, substituted “Obstruction of proceedings before departments, agencies, and committees” for “Influencing or injuring witness before agencies and committees” in item 1505.

1960—Pub. L. 86-449, title I, § 102, May 6, 1960, 74 Stat. 86, added item 1509.

1956—Act Aug. 2, 1956, ch. 879, § 2, 70 Stat. 936, added item 1508.

1950—Act Sept. 23, 1950, ch. 1024, title I, §31(b), 64 Stat. 1019, added item 1507.

§ 1501. Assault on process server

Whoever knowingly and willfully obstructs, resists, or opposes any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ or process of any court of the United States, or United States magistrate judge; or

Whoever assaults, beats, or wounds any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process—

Shall, except as otherwise provided by law, be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 769; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; 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., §245 (Mar. 4, 1909, ch. 321, §140, 35 Stat. 1114).

The phrase “Except as otherwise expressly provided by law” was inserted because sections 2231, 2232, and 2233 of this title provide greater penalties for obstructing service of search warrants.

Mandatory provisions were rephrased in the alternative.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$300” in last par.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-204, title VIII, §801, July 30, 2002, 116 Stat. 800, provided that: “This title [enacting sections 1348, 1514A, 1519, and 1520 of this title, amending section 523 of Title 11, Bankruptcy, and section 1658 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 994 and 1658 of Title 28] may be cited as the ‘Corporate and Criminal Fraud Accountability Act of 2002’.”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-291, §1, Oct. 12, 1982, 96 Stat. 1248, provided: “That this Act [enacting sections 1512 to 1515, 3579, and 3580 of this title, amending sections 1503, 1505, 1510, and 3146 of this title and Rule 32 of the Federal Rules of Civil Procedure, and enacting provisions set out as

notes under sections 1512 and 3579 of this title] may be cited as the ‘Victim and Witness Protection Act of 1982’.”

§ 1502. Resistance to extradition agent

Whoever knowingly and willfully obstructs, resists, or opposes an extradition agent of the United States in the execution of his duties, shall be fined under this title or imprisoned not more than one year, or both.

(June 24, 1948, ch. 645, 62 Stat. 769; 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., §661 (R.S. 5277).

Said section 661 of title 18, U.S.C., 1940 ed., was incorporated in this section and section 752 of this title.

Words “an extradition agent of the United States” were substituted for “such agent” which was referred to in sections 3182 et seq. of this title.

A fine of “\$300” was substituted for “\$1,000” as the mandatory maximum to harmonize with similar offenses in this chapter. (See section 1501 of this title.)

Punishment provision was rephrased in the alternative.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$300”.

§ 1503. Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or