

interest is first in the order of priority among such claims allowed in such proceeding and is of an amount in excess of, or equal to, the appraised value of such vehicle or aircraft, the court shall order its return to him; and, upon the joint request of any two or more claimants whose claims are allowed and whose interests are not subject to any prior or intervening interests claimed and allowed in such proceedings, and are of a total amount in excess of, or equal to, the appraised value of such vehicle or aircraft, the court shall order its return to such of the joint requesting claimants as is designated in such request. Such return shall be made only upon payment of all expenses incident to the seizure and forfeiture incurred by the United States. In all other cases the court shall order disposition of such vehicle or aircraft as provided in section 1306 of title 40, and if such disposition be by public sale, payment from the proceeds thereof, after satisfaction of all such expenses, of any such claim in its order of priority among the claims allowed in such proceedings.

(d) DELIVERY ON BOND PENDING TRIAL

In any proceeding in court for the forfeiture under the internal-revenue laws of any vehicle or aircraft seized for a violation of the internal-revenue laws relating to liquor, the court shall order delivery thereof to any claimant who shall establish his right to the immediate possession thereof, and shall execute, with one or more sureties approved by the court, and deliver to the court, a bond to the United States for the payment of a sum equal to the appraised value of such vehicle or aircraft. Such bond shall be conditioned to return such vehicle or aircraft at the time of the trial and to pay the difference between the appraised value of such vehicle or aircraft as of the time it shall have been so released on bond and the appraised value thereof as of the time of trial; and conditioned further that, if the vehicle or aircraft be not returned at the time of trial, the bond shall stand in lieu of, and be forfeited in the same manner as, such vehicle or aircraft. Notwithstanding this subsection or any other provisions of law relating to the delivery of possession on bond of vehicles or aircraft sought to be forfeited under the internal-revenue laws, the court may, in its discretion and upon good cause shown by the United States, refuse to order such delivery of possession.

(June 25, 1948, ch. 645, 62 Stat. 840, §3617; renumbered §3668, Pub. L. 98-473, title II, §212(a)(1), Oct. 12, 1984, 98 Stat. 1987; amended Pub. L. 107-217, §3(d), Aug. 21, 2002, 116 Stat. 1299.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §646 (Aug. 27, 1935, ch. 740, §204, 49 Stat. 878).

A minor change was made in phraseology.

Editorial Notes

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-217 substituted “section 1306 of title 40” for “sections 304f-304m of Title 40”.

§ 3669. Conveyances carrying liquor

Any conveyance, whether used by the owner or another in introducing or attempting to intro-

duce intoxicants into the Indian country, or into other places where the introduction is prohibited by treaty or enactment of Congress, shall be subject to seizure, libel, and forfeiture.

(June 25, 1948, ch. 645, 62 Stat. 841, §3618; renumbered §3669, Pub. L. 98-473, title II, §212(a)(1), Oct. 12, 1984, 98 Stat. 1987.)

HISTORICAL AND REVISION NOTES

Based on section 247 of title 25, U.S.C., 1940 ed., Indians (Mar. 2, 1917, ch. 146, §1, 39 Stat. 970).

Words “Automobiles or any other vehicles or” at beginning of section were omitted, and “any conveyance” substituted to remove possible ambiguity as to scope of section.

Words at conclusion of section “provided in section 246 of this title” added nothing and were therefore omitted. (See also rule 41 of the Federal Rules of Criminal Procedure.)

Minor changes were made in arrangement and phraseology.

§ 3670. Disposition of conveyances seized for violation of the Indian liquor laws

The provisions of section 3668 of this title shall apply to any conveyances seized, proceeded against by libel, or forfeited under the provisions of section 3113 or 3669 of this title for having been used in introducing or attempting to introduce intoxicants into the Indian country or into other places where such introduction is prohibited by treaty or enactment of Congress.

(Added Oct. 24, 1951, ch. 546, §2, 65 Stat. 609, §3619; renumbered §3670 and amended Pub. L. 98-473, title II, §§212(a)(1), 223(k), Oct. 12, 1984, 98 Stat. 1987, 2029.)

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-473 renumbered section 3619 of this title as this section and substituted “3668” for “3617” and “3669” for “3618”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 223(k) of Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

§ 3671. Vessels carrying explosives and steeage passengers

The amount of any fine imposed upon the master of a steamship or other vessel under the provisions of section 2278 of this title shall be a lien upon such vessel, and such vessel may be libeled therefor in the district court of the United States for any district in which such vessel shall arrive or from which it shall depart.

(Added Sept. 3, 1954, ch. 1263, §36, 68 Stat. 1239, §3620; renumbered §3671, Pub. L. 98-473, title II, §212(a)(1), Oct. 12, 1984, 98 Stat. 1987.)

§ 3672. Duties of Director of Administrative Office of the United States Courts

The Director of the Administrative Office of the United States Courts, or his authorized agent, shall investigate the work of the proba-

tion officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers.

He shall collect for publication statistical and other information concerning the work of the probation officers.

He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work.

He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts.

He shall, under the supervision and direction of the Judicial Conference of the United States, fix the salaries of probation officers and shall provide for their necessary expenses including clerical service and travel expenses.

He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts.

He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict or a drug-dependent person, or a person suffering from a psychiatric disorder within the meaning of section 2 of the Public Health Service Act. This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological and vocational services; corrective and preventative guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict or drug-dependent person, or a person suffering from a psychiatric disorder by eliminating his dependence on alcohol or addicting drugs, by controlling his dependence and his susceptibility to addiction, or by treating his psychiatric disorder. He may negotiate and award contracts identified in this paragraph without regard to section 6101(b) to (d) of title 41. He also shall have the authority to expend funds or to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community authorized by this Act, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.

He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under subsection (b) or (c) of section 3552, except for studies conducted by the Bureau of Prisons.

Whenever the court finds that funds are available for payment by or on behalf of a person furnished such services, training, or guidance, the court may direct that such funds be paid to the Director. Any moneys collected under this paragraph shall be used to reimburse the appropriations obligated and disbursed in payment for such services, training, or guidance.

(June 25, 1948, ch. 645, 62 Stat. 843, §3656; May 24, 1949, ch. 139, §57, 63 Stat. 97; renumbered §3672,

Pub. L. 98-473, title II, §212(a)(1), Oct. 12, 1984, 98 Stat. 1987; Pub. L. 99-570, title I, §1861(b)(1), Oct. 27, 1986, 100 Stat. 3207-53; Pub. L. 99-646, §18(a), Nov. 10, 1986, 100 Stat. 3595; Pub. L. 100-182, §20, Dec. 7, 1987, 101 Stat. 1270; Pub. L. 110-199, title II, §253, Apr. 9, 2008, 122 Stat. 693; Pub. L. 110-406, §15(b), Oct. 13, 2008, 122 Stat. 4294; Pub. L. 111-350, §5(d)(1), Jan. 4, 2011, 124 Stat. 3847.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §728 (Mar. 4, 1925, ch. 521, §4(a), as added June 6, 1930, ch. 406, §2, 46 Stat. 503).

The only change made in this section was the substitution of the "Director of the Administrative Office of the United States Courts" for "Attorney General". (See reviser's note under section 3654 of this title.)

1949 ACT

This amendment [see section 57] conforms the language of section 3656 of title 18, U.S.C., to that of title 28, U.S.C., section 604(a).

Editorial Notes

REFERENCES IN TEXT

Section 2 of the Public Health Service Act, referred to in the seventh undesignated par., is classified to section 201 of Title 42, The Public Health and Welfare.

This Act, referred to in the seventh undesignated par., probably means Pub. L. 110-199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of Title 34, Crime Control and Law Enforcement, and Tables.

AMENDMENTS

2011—Pub. L. 111-350 substituted "section 6101(b) to (d) of title 41" for "section 3709 of the Revised Statutes of the United States" in seventh undesignated par.

2008—Pub. L. 110-406, §15(b)(2), which directed insertion of "to expend funds or" after "He shall also have the authority" in fourth sentence of seventh undesignated par., was executed by making the insertion after "He also shall have the authority" to reflect the probable intent of Congress.

Pub. L. 110-406, §15(b)(1), substituted "negotiate and award contracts identified in this paragraph" for "negotiate and award such contracts" in third sentence of seventh undesignated par.

Pub. L. 110-199 inserted last sentence of seventh undesignated par.

1987—Pub. L. 100-182, §20(1), amended seventh undesignated par. generally. Prior to amendment, seventh undesignated par. read as follows: "He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, or an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventative guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict, or drug-dependent person by eliminating his dependence on alcohol or addicting drugs, or by controlling his dependence and his susceptibility to addiction. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)."

Pub. L. 100-182, §20(2), added ninth undesignated par.: "Whenever the court finds that funds are available for

payment by or on behalf of a person furnished such services, training, or guidance, the court may direct that such funds be paid to the Director. Any moneys collected under this paragraph shall be used to reimburse the appropriations obligated and disbursed in payment for such services, training, or guidance.”

1986—Pub. L. 99-570 and Pub. L. 99-646 added substantially identical seventh and eighth undesignated pars. containing provision relating to authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict, or a drug-dependent person and provision relating to payment for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric and psychological examiners ordered by the court under section 3552(b) or (c).

1949—Act May 24, 1949, inserted in fifth par. of section “and direction” after “supervision”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-182 applicable with respect to offenses committed after Dec. 7, 1987, see section 26 of Pub. L. 100-182, set out as a note under section 3006A of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Pub. L. 99-646, §18(b), Nov. 10, 1986, 100 Stat. 3596, provided that: “The amendment made by this section [amending this section] shall take effect on the date of the taking effect of such redesignation [section 3656 of this title renumbered section 3672 effective Nov. 1, 1987].”

Pub. L. 99-570, title I, §1861(b)(2), Oct. 27, 1986, 100 Stat. 3207-53, provided that: “The amendment made by this section [probably should be “subsection”, amending this section] shall take effect on the date of the taking effect of such redesignation [section 3656 of this title renumbered section 3672 effective Nov. 1, 1987].”

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of Title 34, Crime Control and Law Enforcement.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 95-537, §4(a), Oct. 27, 1978, 92 Stat. 2038, as amended by Pub. L. 98-236, §2, Mar. 20, 1984, 98 Stat. 66; Pub. L. 99-570, title I, §1861(d), Oct. 27, 1986, 100 Stat. 3207-53; Pub. L. 100-690, title VI, §6291, Nov. 18, 1988, 102 Stat. 4369; Pub. L. 101-421, §2, Oct. 12, 1990, 104 Stat. 909, authorized appropriations to carry out the purposes of Pub. L. 95-537 and the seventh par. of this section for the fiscal year ending Sept. 30, 1980, to the fiscal year ending Sept. 30, 1992.

Statutory Notes and Executive Documents

INCREASE IN COMPENSATION RATES

Increase in compensation rates fixed under this section, see note under section 603 of Title 28, Judiciary and Judicial Procedure.

§ 3673. Definitions for sentencing provisions

As used in chapters 227 and 229—

(1) the term “found guilty” includes acceptance by a court of a plea of guilty or nolo contendere;

(2) the term “commission of an offense” includes the attempted commission of an offense, the consummation of an offense, and any immediate flight after the commission of an offense; and

(3) the term “law enforcement officer” means a public servant authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense.

(Added Pub. L. 98-473, title II, §212(a)(4), Oct. 12, 1984, 98 Stat. 2010; amended Pub. L. 99-646, §2(a), Nov. 10, 1986, 100 Stat. 3592.)

Editorial Notes

AMENDMENTS

1986—Pub. L. 99-646 redesignated pars. (a) to (c) as (1) to (3), respectively, and inserted “the term” after “(1)”, “(2)”, and “(3)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-646, §2(b), Nov. 10, 1986, 100 Stat. 3592, provided that: “The amendments made by this section [amending this section] shall take effect on the date of the taking effect of section 3673 of title 18, United States Code [Nov. 1, 1987].”

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

CHAPTER 232A—SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME

Sec.

3681.

3682.

Order of special forfeiture.

Notice to victims of order of special forfeiture.

Editorial Notes

AMENDMENTS

1986—Pub. L. 99-646, §41(b), (c), Nov. 10, 1986, 100 Stat. 3600, renumbered chapter 232 (relating to special forfeiture of collateral profits of crime) as chapter 232A, and renumbered items 3671 and 3672 as items 3681 and 3682, respectively.

§ 3681. Order of special forfeiture

(a) Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense under section 794 of this title or for an offense against the United States resulting in physical harm to an individual, and after notice to any interested party, the court shall, if the court determines that the interest of justice or an order of restitution under this title so requires, order such defendant to forfeit all or any part of proceeds received or to be received by that defendant, or a transferee of that defendant, from a contract relating to a depiction of such crime in a movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind, or an expression of that defendant’s thoughts, opinions, or emotions regarding such crime.

(b) An order issued under subsection (a) of this section shall require that the person with whom the defendant contracts pay to the Attorney General any proceeds due the defendant under such contract.

(c)(1) Proceeds paid to the Attorney General under this section shall be retained in escrow in