

possession of a common carrier for which a negotiable bill has been issued may be attached through judicial process or levied on in execution of a judgment only if the bill is surrendered to the carrier or its negotiation is enjoined.

(b) DELIVERY.—A common carrier may be compelled by judicial process to deliver goods under subsection (a) of this section only when the bill is surrendered to the carrier or impounded by the court.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------------|--|
| 80115(a) | 49 App.:103 (1st sentence). | Aug. 29, 1916, ch. 415, §23, 39 Stat. 542. |
| 80115(b) | 49 App.:103 (last sentence). | |

In subsection (a), the words “Except when a negotiable bill of lading was issued originally on delivery of goods by a person that did not have the power to dispose of the goods, goods . . . may be attached . . . only if” are substituted for “If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner . . . they can not thereafter . . . be attached . . . unless” to restate the source provision as an exception to conform to section 7-602 of the Uniform Commercial Code. The words “through judicial process” are substituted for “by garnishment or otherwise”, and the words “levied on in execution of a judgment” are substituted for “levied upon under an execution”, for clarity.

§ 80116. Criminal penalty

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

- (1) violates this chapter with intent to defraud; or
- (2) knowingly or with intent to defraud—
 - (A) falsely makes, alters, or copies a bill of lading subject to this chapter;
 - (B) utters, publishes, or issues a falsely made, altered, or copied bill subject to this chapter; or
 - (C) negotiates or transfers for value a bill containing a false statement.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 80116 | 49 App.:121. | Aug. 29, 1916, ch. 415, §41, 39 Stat. 544. |

In this section, before clause (1), the words “fined under title 18” are substituted for “a fine not exceeding \$5,000”, and the words “shall be guilty of a misdemeanor” are omitted, for consistency with title 18. The words “upon conviction . . . punished for each offense” are omitted as unnecessary because of the restatement. Clause (1) is substituted for “or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provision of this chapter” for clarity and because of 18:2. In clause (2)(A), the words “forges, counterfeits” are omitted as being included in “makes”. The word “copies” is substituted for “prints or photographs” for clarity. The words “bill of lading subject to this chap-

ter” are substituted for “bill of lading purporting to represent goods received for shipment among the several States or with foreign nations” for clarity and for consistency with section 80102 of the revised title. Clause (2)(B) is substituted for “utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading . . . or issues” to eliminate unnecessary words and for consistency in this section. The words “knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed” are omitted as unnecessary because of the restatement of the intent required to commit the crime. The words “or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same . . . or aids in issuing or procuring the issue of” are omitted as surplus because of 18:2. The words “as to the receipt of the goods, or as to any other matter” are omitted as unnecessary.

CHAPTER 803—CONTRABAND

- Sec. 80301. Definitions.
- 80302. Prohibitions.
- 80303. Seizure and forfeiture.
- 80304. Administrative.
- 80305. Availability of certain appropriations.
- 80306. Relationship to other laws.

§ 80301. Definitions

In this chapter—

- (1) “aircraft” means a contrivance used, or capable of being used, for transportation in the air.
- (2) “vehicle” means a contrivance used, or capable of being used, for transportation on, below, or above land, but does not include aircraft.
- (3) “vessel” means a contrivance used, or capable of being used, for transportation in water, but does not include aircraft.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 80301(1) | 49 App.:787(c). | Aug. 9, 1939, ch. 618, §7(a)-(c), 53 Stat. 1292. |
| 80301(2) | 49 App.:787(b). | |
| 80301(3) | 49 App.:787(a). | |

In this section, the word “means” is substituted for “includes” as being more precise.

In clause (1), the word “contrivance” is substituted for “every description of craft or carriage or other contrivance” to eliminate unnecessary words.

In clause (2), the word “contrivance” is substituted for “every description of carriage or other contrivance” to eliminate unnecessary words.

In clause (3), the word “contrivance” is substituted for “every description of watercraft or other contrivance” to eliminate unnecessary words.

§ 80302. Prohibitions

(a) DEFINITION.—In this section, “contraband” means—

- (1) a narcotic drug (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)), including marihuana (as defined in section 102 of that Act (21 U.S.C. 802)), that—
 - (A) is possessed with intent to sell or offer for sale in violation of the laws and regulations of the United States;