

tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

(c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in section 892(b)(1) or the circumstances described in section 892(b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

(Added Pub. L. 90-321, title II, §202(a), May 29, 1968, 82 Stat. 161; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in concluding provisions.

#### **[§ 895. Repealed. Pub. L. 91-452, title II, § 223(a), Oct. 15, 1970, 84 Stat. 929]**

Section, Pub. L. 90-321, title II, §202(a), May 29, 1968, 82 Stat. 162, related to immunity from prosecution of any witness compelled to testify or produce evidence after claiming his privilege against self-incrimination. See section 6001 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual was entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

#### **§ 896. Effect on State laws**

This chapter does not preempt any field of law with respect to which State legislation would be permissible in the absence of this chapter. No law of any State which would be valid in the absence of this chapter may be held invalid or inapplicable by virtue of the existence of this chapter, and no officer, agency, or instrumentality of any State may be deprived by virtue of this chapter of any jurisdiction over any offense over which it would have jurisdiction in the absence of this chapter.

(Added Pub. L. 90-321, title II, §202(a), May 29, 1968, 82 Stat. 162.)

### **CHAPTER 43—FALSE PERSONATION**

Sec.

- 911. Citizen of the United States.
- 912. Officer or employee of the United States.

Sec.

- 913. Impersonator making arrest or search.
- 914. Creditors of the United States.
- 915. Foreign diplomats, consuls or officers.
- 916. 4-H Club members or agents.
- 917. Red Cross members or agents.

#### **§ 911. Citizen of the United States**

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on subsection (a), paragraph (18) and subsection (d), of section 746, title 8, U.S.C., 1940 ed., Aliens and Nationality (Oct. 14, 1940, ch. 876, §346(a), par. (18), and (d), 54 Stat. 1165, 1167).

Section consolidates said provisions of section 746, title 8, U.S.C., 1940 ed., Aliens and Nationality. The word “willfully” was substituted for “knowingly”, “\$1,000” for “\$5,000”, and “three years” for “five years”, to harmonize with congressional intent evidenced by the other sections of this chapter.

Minor changes were made in phraseology and unnecessary words were omitted.

#### AMENDMENTS

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

#### **§ 912. Officer or employee of the United States**

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§76 and 123 (Mar. 4, 1909, ch. 321, §§32 and 66, 35 Stat. 1095, 1100; Feb. 28, 1938, ch. 37, 52 Stat. 82).

Section consolidates sections 76 and 123 of title 18, U.S.C., 1940 ed. The effect of this consolidation was to increase the punishment for revenue officers from \$500 to \$1,000 and from 2 years to 3 years, and to rephrase in the alternative the mandatory punishment provision.

This section now applies the same punishment to all officers and agents of the United States found guilty of false personation.

Words “agency or” were inserted to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.) Other words referring to “authority of any corporation owned or controlled by the United States” were omitted for the same reason. (See *Pierce v. U.S.*, 1941, 62 S. Ct. 237, 314 U.S. 306, 86 L. Ed. 226.)

The words “with the intent to defraud the United States or any person”, contained in said section 76 of title 18, U.S.C., 1940 ed., were omitted as meaningless in view of *United States v. Lapowich*, 63 S. Ct. 914.

Changes were made in phraseology.

#### AMENDMENTS

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

**§ 913. Impersonator making arrest or search**

Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

**HISTORICAL AND REVISION NOTES**

Based on title 18, U.S.C., 1940 ed., § 77a (Aug. 27, 1935, ch. 740, § 201, 49 Stat. 877).

Words “shall be deemed guilty of a misdemeanor” were omitted. (See definitive section 1 of this title.) Words “and upon conviction thereof” preceding “shall be” were omitted as surplusage since punishment cannot be imposed until conviction is secured.

Maximum imprisonment provision was changed from 1 year to 3 years so as to be consistent with sections 911 and 912 of this title, the latter having also been changed to 3 years. There is no sound reason why a uniform punishment should not be prescribed for the offenses defined in these three sections.

Changes were made in phraseology.

**AMENDMENTS**

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

**§ 914. Creditors of the United States**

Whoever falsely personates any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, wages, or other debt due from the United States, and, under color of such false personation, transfers or endeavors to transfer such public stock or any part thereof, or receives or endeavors to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, wages, or other debt, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

**HISTORICAL AND REVISION NOTES**

Based on title 18, U.S.C., 1940 ed., § 78 (Mar. 4, 1909, ch. 321, § 33, 35 Stat. 1095).

Words “prize money” after “pension” were deleted as repealed by act Mar. 3, 1899, ch. 413, 30 Stat. 1007, repealing all laws authorizing prize money distribution.

Mandatory punishment was rephrased in the alternative.

In the punishment provision the words “five years” were substituted for “ten years” to harmonize it with the punishment provisions in sections 287 and 1001 of this title, covering similar offenses. (See reviser’s note under section 287 of this title.)

**AMENDMENTS**

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

**§ 915. Foreign diplomats, consuls or officers**

Whoever, with intent to defraud within the United States, falsely assumes or pretends to be

a diplomatic, consular or other official of a foreign government duly accredited as such to the United States and acts as such, or in such pretended character, demands or obtains or attempts to obtain any money, paper, document, or other thing of value, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 743; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

**HISTORICAL AND REVISION NOTES**

Based on section 232 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title VIII, § 2, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80).

Reference to “jurisdiction” of the United States was omitted as unnecessary in view of definition of “United States” in section 5 of this title.

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

**AMENDMENTS**

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

**§ 916. 4-H Club members or agents**

Whoever, falsely and with intent to defraud, holds himself out as or represents or pretends himself to be a member of, associated with, or an agent or representative for the 4-H clubs, an organization established by the Extension Service of the United States Department of Agriculture and the land grant colleges, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 743; 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., § 76c (June 5, 1939, ch. 184, § 1, 53 Stat. 809).

Section 76c of title 18, U.S.C., 1940 ed., was incorporated in this section and section 707 of this title.

Reference to offense as a misdemeanor was omitted in view of definitive section 1 of this title. Words “upon conviction thereof” were omitted, since criminal punishment can follow only after conviction.

Minor changes were made in phraseology.

**AMENDMENTS**

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

**§ 917. Red Cross members or agents**

Whoever, within the United States, falsely or fraudulently holds himself out as or represents or pretends himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material, shall be fined under this title or imprisoned not more than 5 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 743; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 107-56, title X, § 1011(c), Oct. 26, 2001, 115 Stat. 396.)

**HISTORICAL AND REVISION NOTES**

Based on section 4 of title 36, U.S.C., 1940 ed., Patriotic Societies and Observances (Jan. 5, 1905, ch. 23, § 4, 33 Stat. 600; June 23, 1910, ch. 372, § 1, 36 Stat. 604).

Section 4 of title 36, U.S.C., 1940 ed., Patriotic Societies and Observances, was divided into this section and section 706 of this title.

Reference to “jurisdiction” of the United States was omitted as unnecessary in view of definition of “United States” in section 5 of this title.

Reference to offense as a misdemeanor was omitted in view of definitive section 1 of this title.

Words “upon conviction thereof” were omitted as punishment cannot be imposed until conviction is secured.

Minor changes were made in phraseology.

#### AMENDMENTS

2001—Pub. L. 107-56 substituted “5 years” for “one year”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

### CHAPTER 44—FIREARMS

Sec.	
921.	Definitions.
922.	Unlawful acts.
923.	Licensing.
924.	Penalties.
925.	Exceptions: Relief from disabilities.
925A.	Remedy for erroneous denial of firearm.
926.	Rules and regulations.
926A.	Interstate transportation of firearms.
926B.	Carrying of concealed firearms by qualified law enforcement officers.
926C.	Carrying of concealed firearms by qualified retired law enforcement officers.
927.	Effect on State law.
928.	Separability.
929.	Use of restricted ammunition.
930.	Possession of firearms and dangerous weapons in Federal facilities.
931.	Prohibition on purchase, ownership, or possession of body armor by violent felons.

#### AMENDMENTS

2004—Pub. L. 108-277, §§2(b), 3(b), July 22, 2004, 118 Stat. 866, 867, added items 926B and 926C.

2002—Pub. L. 107-273, div. C, title I, §11009(e)(2)(B), Nov. 2, 2002, 116 Stat. 1821, added item 931.

1993—Pub. L. 103-159, title I, §104(b), Nov. 30, 1993, 107 Stat. 1543, added item 925A.

1990—Pub. L. 101-647, title XXXV, §3523, Nov. 29, 1990, 104 Stat. 4924, struck out “clause” after “Separability” in item 928.

1988—Pub. L. 100-690, title VI, §6215(b), Nov. 18, 1988, 102 Stat. 4362, added item 930.

1986—Pub. L. 99-308, §107(b), May 19, 1986, 100 Stat. 460, added item 926A.

1984—Pub. L. 98-473, title II, §1006(b), Oct. 12, 1984, 98 Stat. 2139, added item 929.

1968—Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1214, reenacted chapter analysis without change.

Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 226, added chapter 44 and items 921 to 928.

### § 921. Definitions

(a) As used in this chapter—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term

“State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of