§ 1713. Issuance of money orders without payment

Whoever, being an officer or employee of the Postal Service, issues a money order without having previously received the money therefor, shall be fined under this title.


HISTORICAL AND REVISION NOTES


Minor change was made in phraseology.

Editorial Notes

AMENDMENTS

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

1970—Pub. L. 91–375 substituted “an officer or employee of the Postal Service” for “a postmaster or other person employed in any branch of the Postal Service”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.


Section, act June 25, 1948, ch. 645, 62 Stat. 781, provided that certain foreign divorce information was nonmailable.

§ 1715. Firearms as nonmailable; regulations

Pistols, revolvers, and other firearms capable of being concealed on the person are nonmailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Service. Such articles may be conveyed in the mails, under such regulations as the Postal Service shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, or Organized Reserve Corps; to officers of the National Guard or Militia of a State, Territory, Commonwealth, Possession, or District; to officers of the United States or of a State, Territory, Commonwealth, Possession, or District whose official duty is to serve warrants of arrest or commitments; to employees of the Postal Service; to officers and employees of enforcement agencies of the United States; and to watchmen engaged in guarding the property of the United States, a State, Territory, Commonwealth, Possession, or District. Such articles also may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments, including such articles for repairs or replacement of parts, from one to the other, under such regulations as the Postal Service shall prescribe.

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm declared nonmailable by this section, shall be fined under this title or imprisoned not more than two years, or both.


HISTORICAL AND REVISION NOTES

1948 ACT

This section [section 40] inserts “Air Force,” in section 1715 of title 18, U.S.C., in view of the establishment in 1947 of this separate branch of the armed forces, and substitutes, “Organized” for “Officers’”, preceding “Reserve Corps”, to conform to section 2 of title 10, U.S.C., as amended by the act of March 25, 1948 (ch. 157, §1, 62 Stat. 87), which grouped all reserve branches into a reserve component called the Organized Reserve Corps.

Editorial Notes

AMENDMENTS


1996—Pub. L. 104–294, in first par., substituted “State, Territory, Commonwealth, Possession, or District” for “State, Territory, or District” wherever appearing.

1994—Pub. L. 103–322 substituted “fined under this title” for “fined not more than $1,000” in second par.

1970—Pub. L. 91–375 substituted “Postal Service” for “Postmaster General” after “such regulations as the” in two places and “office or employee of” for “postmaster, letter carrier, or other person in” in first par., respectively.

1949—Act May 24, 1949, inserted “Air Force” after “Navy” and substituted “Organized” for “Officers” before “Reserve Corps” in first par., to make section applicable to the Air Force and to conform to the grouping of all reserve branches into a single reserve component.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 1716. Injurious articles as nonmailable

(a) All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, reptiles, and all explosives, hazardous materials, inflammable materials, infernal machines, and mechanical, chemical, or other devices or compositions which...
may ignite or explode, and all disease germs or
scabs, and all other natural or artificial articles,
compositions, or material which may kill or in-
jure another, or injure the mails or other prop-
erty, whether or not sealed as first-class matter,
are nonmailable matter and shall not be con-
veyed in the mails or delivered from any post of-

fice or station thereof, nor by any officer or em-
ployee of the Postal Service.

(b) The Postal Service may permit the trans-
mission in the mails, under such rules and regu-
lations as it shall prescribe as to preparation
and packing, of any such articles which are not
outwardly or of their own force dangerous or in-
jurious to life, health, or property.

(c) The Postal Service is authorized and di-
rected to permit the transmission in the mails,
under regulations to be prescribed by it, of live
scorpions which are to be used for purposes of
medical research or for the manufacture of
antivenom. Such regulations shall include such
provisions with respect to the packaging of such
live scorpions for transmission in the mails as
the Postal Service deems necessary or desirable
for the protection of Postal Service personnel
and of the public generally and for ease of han-
dling by such personnel and by any individual
connected with such research or manufacture.
Nothing contained in this paragraph shall be
construed to authorize the transmission in the
mails of live scorpions by means of aircraft en-
gaged in the carriage of passengers for com-
pensation or hire.

(d) The transmission in the mails of poisonous
drugs and medicines may be limited by the Post-
al Service to shipments of such articles from the
manufacturer thereof or dealer therein to li-
censed physicians, surgeons, dentists, phar-
macists, druggists, cosmetologists, barbers, and
veterinarians under such rules and regulations
as it shall prescribe.

(e) The transmission in the mails of poisons
for scientific use, and which are not outwardly
dangerous or of their own force dangerous or in-
jurious to life, health, or property, may be lim-
ited by the Postal Service to shipments of such
articles between the manufacturers thereof,
dealers therein, bona fide research or experi-
mental scientific laboratories, and such other
persons who are employees of the Federal, a
State, or local government, whose official duties
are comprised, in whole or in part, of the use of
such poisons, and who are designated by the
head of the agency in which they are employed
to receive or send such articles, under such rules
and regulations as the Postal Service shall pre-
scribe.

(f) All spirituous, vinous, malted, fermented,
or other intoxicating liquors of any kind are
nonmailable and shall not be deposited in or car-
rried through the mails.

(g) All knives having a blade which opens
automatically (1) by hand pressure applied to a
button or other device in the handle of the
knife, or (2) by operation of inertia, gravity, or
both, are nonmailable and shall not be deposited
in or carried by the mails or delivered by any
officer or employee of the Postal Service. Such
knives may be conveyed in the mails, under
such regulations as the Postal Service shall pre-
scribe—

(1) to civilian or Armed Forces supply or
procurement officers and employees of the
Federal Government ordering, procuring, or
purchasing such knives in connection with the
activities of the Federal Government;

(2) to supply or procurement officers of the
National Guard, the Air National Guard, or
militia of a State ordering, procuring, or pur-
chasing such knives in connection with the ac-
tivities of such organizations;

(3) to supply or procurement officers or em-
ployees of any State, or any political subdivi-
sion of a State or Territory, ordering, pro-
curing, or purchasing such knives in connec-
tion with the activities of such government;

(4) to manufacturers of such knives or bona
fide dealers therein in connection with any
shipment made pursuant to an order from any
person designated in paragraphs (1), (2), and
(3).

The Postal Service may require, as a condition
of conveying any such knife in the mails, that
any person proposing to mail such knife explain
in writing to the satisfaction of the Postal Serv-
ince that the mailing of such knife will not be in
violation of this section.

(h) Any advertising, promotional, or sales
matter which solicits or induces the mailing of
anything declared nonmailable by this section is
likewise nonmailable unless such matter con-
tains wrapping or packaging instructions which
are in accord with regulations promulgated by
the Postal Service.

(i)(1) Any ballistic knife shall be subject to the
same restrictions and penalties provided under
subsection (g) for knives described in the first
sentence of that subsection.

(2) As used in this subsection, the term "bal-
istic knife" means a knife with a detachable
blade that is propelled by a spring-operated
mechanism.

(j)(1) Whoever knowingly deposits for mailing
or delivery, or knowingly causes to be delivered
by mail, according to the direction thereon, or
at any place at which it is directed to be deliv-
ered by the person to whom it is addressed, any-
things declared nonmailable by this section, un-
less in accordance with the rules and regula-
tions authorized to be prescribed by the Postal
Service, shall be fined under this title or impris-
oned not more than one year, or both.

(2) Whoever knowingly deposits for mailing or
delivery, or knowingly causes to be delivered by
mail, according to the direction thereon or at
any place to which it is directed to be deliv-
ered by the person to whom it is addressed, anything
declared nonmailable by this section, whether or
not transmitted in accordance with the rules
and regulations authorized to be prescribed by
the Postal Service, shall be fined under this title or imprisoned
not more than twenty years, or both.

(3) Whoever is convicted of any crime prohib-
ited by this section, which has resulted in the
death of any person, shall be subject also to the
death penalty or to imprisonment for life.

(k) For purposes of this section, the term
"State" includes a State of the United States,
the District of Columbia, and any common-
wealth, territory, or possession of the United States.


HISTORICAL AND REVISION NOTES


Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

The maximum of “twenty years” was reduced to “ten years” as more consistent with such comparable sections as sections 111 and 1113 of this title.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS


Subsec. (j). Pub. L. 107–273, §4002(b)(6), designated first, second, and third undesignated pars. after subsec. (i) as pars. (1) to (3), respectively, of subsec. (j) and, in par. (2), substituted “under this title” for “not more than $10,000.” Former subsec. (j) redesignated (k).


1996—Subsec. (g)(2). Pub. L. 104–294, §607(g)(1), substituted “State, Territory, or the District of Columbia.”

Subsec. (g)(3). Pub. L. 104–294, §607(g)(2), as amended by Pub. L. 107–273, §4002(b)(2), substituted “any State, or any political subdivision of a State” for “the municipal government of the District of Columbia or of any State or Territory, or any county, city, or other political subdivision of a State”.


1994—Pub. L. 103–322, §3300161(H), substituted “‘fined under this title’ for ‘‘fined not more than $1,000’” in first undesignated par. after subsec. (i), Pub. L. 103–322, §60003(a)(7), in last par., struck out before period at end “, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion, shall so order.”


1971—Subsecs. (a) to (g). Pub. L. 92–191 designated existing seven paragraphs preceding the penal provisions as subsecs. (a) to (g), respectively.


Second par. Pub. L. 91–375, §6(j)(25)(A), substituted “Postal Service” and “it shall prescribe” for “Postmaster General” and “he shall prescribe”, respectively, and struck out the comma after “veterinarians”.

Third par. Pub. L. 91–375, §6(j)(25)(A), substituted “Postal Service” for “Postmaster General” in two places, “prescribed by it” for “prescribed by him”, “antivenom” for “antivenin”, “necessary or desirable” for “necessary or advisable”, and “Postal Service personnel” for “Post Office Department personnel”.

Fourth par. Pub. L. 91–375, §6(j)(25)(A), substituted “Postal Service” and “it shall prescribe” for “Postmaster General” and “he shall prescribe”, respectively, and struck out the comma after “veterinarians”.


Seventh par. Pub. L. 91–375, §6(j)(25)(B)(i), (ii), substituted “Postal Service” for “Postmaster General” in three places, and “officer or employee of the Postal Service” for “postmaster, letter carrier, or other person in the postal service”, respectively.


1957—Pub. L. 85–268 reduced penalty from two to one year for mailing nonmailable articles; increased penalty from ten to twenty years for mailing nonmailable matter with intent to kill or injure another or injure the mails or other property but where death does not result; and provided death penalty or life imprisonment for mailing nonmailable matter resulting in death.

1955—Act June 29, 1955, inserted paragraph to permit the transportation in the mails of live scorpions for certain purposes.

1952—Act May 8, 1952, inserted fourth paragraph to extend the Postmaster General’s authority as it relates to the transmission of poisonous drugs through the mails for scientific purposes.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT


EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–570 effective 30 days after Oct. 27, 1986, see section 10004 of Pub. L. 99–570, set out as an Effective Date note under section 1245 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92–191, §3, Dec. 15, 1971, 85 Stat. 67, provided that: “The amendments made by this Act [amending this section and section 3001 of Title 39, Postal Service] shall become effective at the beginning of the third calendar month following the date of enactment of this Act [Dec. 15, 1971] or on the date section 3001 of title 39, United States Code, becomes effective [July 1, 1971] pursuant to section 15(a) of Public Law 91–375 [set out as an Effective Date note preceding section 101 of title 39, whichever is the later.”

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–623 effective on the sixtieth day after Aug. 12, 1958, see section 6 of Pub. L. 85–623, set out as an Effective Date note under section 1241 of Title 13, Commerce and Trade.

HAZARDOUS SUBSTANCES

Federal Hazardous Substances Act as not modifying this section, see Pub. L. 86–613, §17, July 12, 1960, 74
§1716A. Nonmailable locksmithing devices and motor vehicle master keys

(a) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any matter declared to be nonmailable by section 3002(a) of title 39, shall be fined under this title or imprisoned not more than one year, or both.

(b) Whoever knowingly deposits for mailing or delivery, causes to be delivered by mail, or causes to be delivered by any interstate mailing or delivery other than by the United States Postal Service, any matter declared to be nonmailable by section 3022a of title 39, shall be fined under this title, imprisoned not more than one year, or both.


Editorial Notes

Amendments

1990—Subsec. (a). Pub. L. 101–647 substituted “shall be fined under this title or” for “shall be under this title”.

1988—Pub. L. 100–690 inserted “locksmithing devices and” in section catchline, designated existing provisions as subsec. (a), substituted “under this title” for “‘fined not more than $1,000, or’”, and added subsec. (b).


Statutory Notes and Related Subsidiaries

Effective Date of 1970 Amendment

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, as set out in section 101 of Title 39, Postal Service.

Effective Date


§1716B. Nonmailable plants

Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by section 3014(c) of title 39, unless in accordance with the rules and regulations prescribed by the Postal Service under section 3014(c) of such title, shall be fined under this title, or imprisoned not more than one year, or both.


Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 31, 1988, see section 4 of Pub. L. 100–574, set out as a note under section 3014 of Title 39, Postal Service.

§1716C. Forged agricultural certifications

Whoever forges or counterfeits any certification authorized under any rules or regulations prescribed under section 3014(c) of title 39 with intent to make it appear that such is a genuine certification, or makes or knowingly uses or sells, or possesses with intent to use or sell, any forged or counterfeited certification so authorized, or device for imprinting any such certification, shall be fined under this title, or imprisoned not more than one year, or both.


Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 31, 1988, see section 4 of Pub. L. 100–574, set out as a note under section 3014 of Title 39, Postal Service.

§1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants

A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.


§1716E. Tobacco products as nonmailable

(a) PROHIBITION.—

(1) IN GENERAL.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this paragraph.

(2) REASONABLE CAUSE.—For the purposes of this subsection reasonable cause includes—

(A) a statement on a publicly available website, or an advertisement, by any person that the person will mail matter which is nonmailable under this section in return for payment; or

(B) the fact that the person is on the list created under section 2A(e) of the Jenkins Act.

(b) EXCEPTIONS.—

(1) CIGARS.—Subsection (a) shall not apply to cigars (as defined in section 5702(a) of the Internal Revenue Code of 1986).