

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 104-294, title VI, §601(a)(11), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND REVISION NOTES

Based on section 522 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Feb. 22, 1875, ch. 95, §6, 18 Stat. 334).

The reference to the offense as a misdemeanor was omitted as unnecessary in view of the definition of "misdemeanor" in section 1 of this title.

The last sentence providing that conviction should not be a condition precedent to removal from office was omitted as unnecessary.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-294 substituted "fined under this title or imprisoned not more than one year, or both" for "fined not more than \$1,000 or imprisoned not more than one year" before period at end.

CHAPTER 102—RIOTS

Sec.	
2101.	Riots.
2102.	Definitions.

Editorial Notes

AMENDMENTS

1968—Pub. L. 90-284, title I, §104(a), Apr. 11, 1968, 82 Stat. 75, added chapter 102 and items 2101 and 2102.

§ 2101. Riots

(a) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

- (1) to incite a riot; or
- (2) to organize, promote, encourage, participate in, or carry on a riot; or
- (3) to commit any act of violence in furtherance of a riot; or
- (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—¹

Shall be fined under this title, or imprisoned not more than five years, or both.

(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a)² and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person

¹ So in original. Probably should be "paragraph (1), (2), (3), or (4) of this subsection—".

² So in original. Probably should be "paragraph (1), (2), (3), or (4) of subsection (a)".

or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution.

(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law.

(Added Pub. L. 90-284, title I, §104(a), Apr. 11, 1968, 82 Stat. 75; amended Pub. L. 99-386, title I, §106, Aug. 22, 1986, 100 Stat. 822; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §601(f)(15), Oct. 11, 1996, 110 Stat. 3500.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 struck out par. (1) designation and redesignated subpars. (A) to (D) as pars. (1) to (4), respectively.

1994—Subsec. (a)(1). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

1986—Subsec. (d). Pub. L. 99-386 struck out "; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding" after "such prosecution".

§ 2102. Definitions

(a) As used in this chapter, the term "riot" means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of

violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(b) As used in this chapter, the term “to incite a riot”, or “to organize, promote, encourage, participate in, or carry on a riot”, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

(Added Pub. L. 90-284, title I, §104(a), Apr. 11, 1968, 82 Stat. 76.)

CHAPTER 103—ROBBERY AND BURGLARY

Sec.	
2111.	Special maritime and territorial jurisdiction.
2112.	Personal property of United States.
2113.	Bank robbery and incidental crimes.
2114.	Mail, money, or other property of United States.
2115.	Post office.
2116.	Railway or steamboat post office.
2117.	Breaking or entering carrier facilities.
2118.	Robberies and burglaries involving controlled substances.
2119.	Motor vehicles.

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-519, title I, §101(c), Oct. 25, 1992, 106 Stat. 3384, added item 2119.

1984—Pub. L. 98-305, §3, May 31, 1984, 98 Stat. 222, added item 2118.

1966—Pub. L. 89-654, §2(d), Oct. 14, 1966, 80 Stat. 904, substituted “Breaking or entering carrier facilities” for “Railroad car entered or seal broken” in item 2117.

§ 2111. Special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes or attempts to take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 103-322, title XXXII, §320903(a)(1), Sept. 13, 1994, 108 Stat. 2124.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §463 (Mar. 4, 1909, ch. 321, §284, 35 Stat. 1144).

Words “within the special maritime and territorial jurisdiction of the United States” were added to restrict the place of the offense to those places described in section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 inserted “or attempts to take” after “takes”.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-217, §1, Oct. 1, 1996, 110 Stat. 3020, provided that: “This Act [amending section 2119 of this title]

may be cited as the ‘Carjacking Correction Act of 1996.’”

§ 2112. Personal property of United States

Whoever robs or attempts to rob another of any kind or description of personal property belonging to the United States, shall be imprisoned not more than fifteen years.

(June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 103-322, title XXXII, §320903(a)(2), Sept. 13, 1994, 108 Stat. 2124.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §99 (Mar. 4, 1909, ch. 321, §46, 35 Stat. 1097).

That portion of said section 99 relating to felonious taking was omitted as covered by section 641 of this title.

The punishment by fine of not more than \$5,000 or imprisoned not more than 10 years, or both, was changed to harmonize with section 2111 of this title. The 15-year penalty is not excessive for an offense of this type.

Minor verbal change was made.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 inserted “or attempts to rob” after “robs”.

§ 2113. Bank robbery and incidental crimes

(a) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association; or

Whoever enters or attempts to enter any bank, credit union, or any savings and loan association, or any building used in whole or in part as a bank, credit union, or as a savings and loan association, with intent to commit in such bank, credit union, or in such savings and loan association, or building, or part thereof, so used, any felony affecting such bank, credit union, or such savings and loan association and in violation of any statute of the United States, or any larceny—

Shall be fined under this title or imprisoned not more than twenty years, or both.

(b) Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined under this title or imprisoned not more than ten years, or both; or

Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value not exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined under this title or imprisoned not more than one year, or both.

(c) Whoever receives, possesses, conceals, stores, barter, sells, or disposes of, any property or money or other thing of value which has