

1952—Act May 23, 1952, ch. 327, § 2, 66 Stat. 92, added item 711.

1950—Act Sept. 28, 1950, ch. 1092, § 1(a), 64 Stat. 1077, added item 710.

1949—Act May 24, 1949, ch. 139, § 14, 63 Stat. 91, inserted “Uniform of armed forces and Public Health Service” in lieu of enumerating the specific branches in item 702.

§ 700. Desecration of the flag of the United States; penalties

(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

(2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.

(b) As used in this section, the term “flag of the United States” means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.

(c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

(d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a).

(2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.

(Added Pub. L. 90–381, § 1, July 5, 1968, 82 Stat. 291; amended Pub. L. 101–131, §§ 2, 3, Oct. 28, 1989, 103 Stat. 777.)

Editorial Notes

CONSTITUTIONALITY

For information regarding the constitutionality of this section as amended by Pub. L. 101–131, see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, constitution.congress.gov.

AMENDMENTS

1989—Subsec. (a). Pub. L. 101–131, § 2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

Subsec. (b). Pub. L. 101–131, § 2(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The term ‘flag of the United States’ as used in this section, shall include any flag, standard colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, color, or ensign of the United States of America, or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag,

standards, colors, or ensign of the United States of America.”

Subsec. (d). Pub. L. 101–131, § 3, added subsec. (d).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–547, § 1, Dec. 19, 2000, 114 Stat. 2738, provided that: “This Act [enacting sections 716 and 1036 of this title] may be cited as the ‘Enhanced Federal Security Act of 2000’.”

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101–131, § 1, Oct. 28, 1989, 103 Stat. 777, provided that: “This Act [amending this section] may be cited as the ‘Flag Protection Act of 1989’.”

§ 701. Official badges, identification cards, other insignia

Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 731; Pub. L. 103–322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 76a, 76b (June 29, 1932, ch. 306, §§ 1, 2, 47 Stat. 342; May 22, 1939, ch. 141, 53 Stat. 752).

Sections were consolidated.

The term “department or agency” was substituted for “department or independent office” in two places to embrace all properly constituted agencies as defined in section 6 of this title and to eliminate any possible ambiguity as to scope of section.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–322 substituted “fined under this title” for “fined not more than \$250”.

§ 702. Uniform of armed forces and Public Health Service

Whoever, in any place within the jurisdiction of the United States or in the Canal Zone, without authority, wears the uniform or a distinctive part thereof or anything similar to a distinctive part of the uniform of any of the armed forces of the United States, Public Health Service or any auxiliary of such, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 732; May 24, 1949, ch. 139, § 15(a), 63 Stat. 91; Pub. L. 103–322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 1393 of title 10, U.S.C., 1940 ed., Army and Air Force, and section 228 of title 42, U.S.C.,