SEC. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.

RICHARD NIXON.

[§ 714. Repealed. Pub. L. 97–258, § 2(d)(1)(B), Sept. 13, 1982, 96 Stat. 1058]

Section, added Pub. L. 91–419, § 3, Sept. 25, 1970, 84 Stat. 870, defined ''Johnny Horizon'' for purposes of Pub. L. 91–419.

§ 715. "The Golden Eagle Insignia"

As used in this section, ''The Golden Eagle Insignia'' means the words ''The Golden Eagle'' and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses ''The Golden Eagle Insignia'', or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined under this title or imprisoned not more than six months, or both.

The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act shall not be a violation of this section.

A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior.

(Added Pub. L. 92–347, § 3(b), July 11, 1972, 86 Stat. 461; amended Pub. L. 103–322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in text, means the date of enactment of Pub. L. 92–347, which was approved July 11, 1972.

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $250'' in second par.

§ 716. Public employee insignia and uniform

(a) Whoever—

(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit official insignia or uniform;

(2) knowingly transfers, in interstate or foreign commerce, a genuine official insignia or uniform to an individual, knowing that such individual is not authorized to possess it under the law of the place in which the badge is the official official[1] insignia or uniform;

(3) knowingly receives a genuine official insignia or uniform in a transfer prohibited by paragraph (2); or

(4) being a person not authorized to possess a genuine official insignia or uniform under the law of the place in which the badge is the official official[1] insignia or uniform, knowingly transports that badge in interstate or foreign commerce,

shall be fined under this title or imprisoned not more than 6 months, or both.

(b) It is a defense to a prosecution under this section that the insignia or uniform is other than a counterfeit insignia or uniform and is not used to mislead or deceive, or is used or is intended to be used exclusively—

(1) as a memento, or in a collection or exhibit;

(2) for decorative purposes;

(3) for a dramatic presentation, such as a theatrical, film, or television production; or

(4) for any other recreational purpose.

(c) As used in this section—

(1) the term ''genuine police badge'' means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers;

(2) the term ''counterfeit police badge'' means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge; and[2]

(3) the term ''official insignia or uniform'' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

(4) the term ''public employee'' means any officer or employee of the Federal Government or of a State or local government; and

(5) the term ''uniform'' means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee.

(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

(1) for a dramatic presentation, such as a theatrical, film, or television production; or

(2) for legitimate law enforcement purposes.

(Added Pub. L. 106–547, § 3(a), Dec. 19, 2000, 114 Stat. 2739; amended Pub. L. 109–162, title XI, § 1191(a), Jan. 5, 2006, 119 Stat. 3128.)

AMENDMENTS

2006—Pub. L. 109–162, § 1191(a)(6), substituted ''Public employee insignia and uniform'' for ''Police badges'' in section catchline.

Subsec. (a)(1). Pub. L. 109–162, § 1191(a)(1), substituted ''official insignia or uniform'' for ''police badge''.

Subsec. (a)(2). Pub. L. 109–162, § 1191(a)(1), (2), substituted ''official insignia or uniform to'' for ''police badge to'' and ''official insignia or uniform;'' for ''badge of the police;''.

Subsec. (a)(3). Pub. L. 109–162, § 1191(a)(1), substituted ''official insignia or uniform'' for ''police badge''.

Subsec. (a)(4). Pub. L. 109–162, § 1191(a)(1), (2), substituted ''official insignia or uniform under'' for ''police badge under'' and ''official insignia or uniform,'' for ''badge of the police,''.

Subsec. (b). Pub. L. 109–162, § 1191(a)(3)(C), which directed the insertion of ''is not used to mislead or de-

[1] So in original.

[2] So in original. The word ''and'' probably should not appear.

ceive, or'' before ''is used or intended'' was executed by making the insertion before ''is used or is intended'', to reflect the probable intent of Congress.

Pub. L. 109–162, §1191(a)(3)(A), (B), substituted ''the insignia or uniform'' for ''the badge'' and inserted ''is other than a counterfeit insignia or uniform and'' before ''is used or is intended to be used''.

Pub. L. 109–162, §1191(a)(1), which directed substitution of ''official insignia or uniform'' for ''police badge'' could not be executed because the term ''police badge'' did not appear.

Subsec. (c)(3) to (5). Pub. L. 109–162, §1191(a)(4), added pars. (3) to (5).

Subsec. (d). Pub. L. 109–162, §1191(a)(5), added subsec. (d).

CHAPTER 35—ESCAPE AND RESCUE

Sec.
751. Prisoners in custody of institution or officer.
752. Instigating or assisting escape.
753. Rescue to prevent execution.
[754. Repealed.]
755. Officer permitting escape.
756. Internee of belligerent nation.
757. Prisoners of war or enemy aliens.
758. High speed flight from immigration checkpoint.

AMENDMENTS

1996—Pub. L. 104–208, div. C, title I, §108(b)(2), Sept. 30, 1996, 110 Stat. 3009–558, added item 758.

1994—Pub. L. 103–322, title XXXIII, §330004(5), Sept. 13, 1994, 108 Stat. 2141, struck out item 754 ''Rescue of body of executed offender''.

§ 751. Prisoners in custody of institution or officer

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

(b) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined under this title or imprisoned not more than one year, or both. Nothing herein contained shall be construed to affect the discretionary authority vested in the Attorney General pursuant to section 5032 of this title.

(June 25, 1948, ch. 645, 62 Stat. 734; Pub. L. 88–251, §1, Dec. 30, 1963, 77 Stat. 834; Pub. L. 89–176, §3, Sept. 10, 1965, 79 Stat. 675; Pub. L. 90–578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 100–690, title VII, §7055, Nov. 18, 1988, 102 Stat. 4402; Pub. L. 101–650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103–322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§753h, 909 (May 14, 1930, ch. 274, §9, 46 Stat. 327; May 27, 1930, ch. 339, §9, 46 Stat. 390; Aug. 3, 1935, ch. 432, 49 Stat. 513).

Sections 753h and 909 of title 18, U.S.C., 1940 ed., were consolidated. Section 753h is later and more comprehensive. The substance of its provisions was adopted.

References to offenses as felonies or misdemeanors were omitted in view of definitive section 1 of this title. (See also reviser's notes under section 550 of this title.)

Mandatory provision as to separate sentences and order of service was omitted in order to permit court to exercise discretion as to whether sentences should be concurrent or consecutive and to obviate administration problems in enforcement of section.

Words ''or employee'' were inserted to remove ambiguity as to scope of section.

Reference to ''custody or confinement is for extradition'' was inserted to avoid possible ambiguity.

Changes were made in phraseology and arrangement.

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $5,000'' after ''any offense, be'' and for ''fined not more than $1,000'' after ''conviction, be'' in subsec. (a) and substituted ''fined under this title'' for ''fined not more than $1,000'' in subsec. (b).

1988—Subsec. (a). Pub. L. 100–690 inserted '', or for exclusion or expulsion proceedings under the immigration laws,'' after ''extradition''.

1965—Pub. L. 89–176 inserted ''or facility'' after ''institution''.

1963—Pub. L. 88–251 designated existing provisions as subsec. (a) and added subsec. (b).

CHANGE OF NAME

Words ''magistrate judge'' substituted for ''magistrate'' in subsecs. (a) and (b) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''magistrate'' substituted for ''commissioner'' pursuant to Pub. L. 90–578. See chapter 43 (§631 et seq.) of Title 28.

§ 752. Instigating or assisting escape

(a) Whoever rescues or attempts to rescue or instigates, aids or assists the escape, or attempt to escape, of any person arrested upon a warrant or other process issued under any law of the United States, or committed to the custody of the Attorney General or to any institution or facility by his direction, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both; or, if the custody or confinement is for extradition, or for exclusion or ex-