1970—Pub. L. 91–375 substituted ''Postal Service officer or employee'' for ''postmaster or Postal Service employee'' and ''Postal Service'' for ''Post Office Department'' after ''rules or regulations of the'' in first par. and ''Postal Service officer or employee'' and ''officer or employee'' for ''postmaster or employee'' and ''postmaster or other person'' in second par., respectively.

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.

§ 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.

(June 25, 1948, ch. 645, 62 Stat. 781; Pub. L. 91–375, § 6(j)(23), Aug. 12, 1970, 84 Stat. 779; Pub. L. 103–322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 333 (Mar. 4, 1909, ch. 321, § 210, 35 Stat. 1129).

Minor change was made in phraseology.

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''.

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.

[§ 1714. Repealed. Pub. L. 101–647, title XII, § 1210(b), Nov. 29, 1990, 104 Stat. 4832]

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, 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.

(June 25, 1948, ch. 645, 62 Stat. 781; May 24, 1949, ch. 139, § 40, 63 Stat. 95; Pub. L. 91–375, § 6(j)(24), Aug. 12, 1970, 84 Stat. 779; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104–294, title VI, § 607(f), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., § 361 (Feb. 8, 1927, ch. 75, § 1, 44 Stat. 1059; May 15, 1939, ch. 134, 53 Stat. 744; Mar. 7, 1942, ch. 160, 56 Stat. 141).

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

Minor changes were made in phraseology.

1949 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.

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 ''officer 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.

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 poison-

ous 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 injure another, or injure the mails or other property, whether or not sealed as first-class matter, are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any officer or employee of the Postal Service.

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

(c) The Postal Service is authorized and directed 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 handling 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 engaged in the carriage of passengers for compensation or hire.

(d) The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, 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 injurious to life, health, or property, may be limited by the Postal Service to shipments of such articles between the manufacturers thereof, dealers therein, bona fide research or experimental 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 prescribe.

(f) All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried 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 prescribe—

(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 purchasing such knives in connection with the activities of such organizations;

(3) to supply or procurement officers or employees of any State, or any political subdivision of a State or Territory, ordering, procuring, or purchasing such knives in connection with the activities of such government; and

(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 Service 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 contains 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 ''ballistic 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 delivered by the person to whom it is addressed, anything declared nonmailable by this section, unless 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 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 delivered 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, with intent to kill or injure another, or injure the mails or other property, shall be fined under this title or imprisoned not more than twenty years, or both.

(3) Whoever is convicted of any crime prohibited 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 commonwealth, territory, or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 781; May 8, 1952, ch. 246, 66 Stat. 67; June 29, 1955, ch. 224, 69 Stat. 191; Pub. L. 85–268, Sept. 2, 1957, 71 Stat. 594; Pub. L. 85–623, § 5, Aug. 12, 1958, 72 Stat. 562; Pub. L. 91–375, § 6(j)(25), Aug. 12, 1970, 84 Stat. 779; Pub. L. 92–191, § 1, Dec. 15, 1971, 85 Stat. 647; Pub. L. 99–570, title X, § 10003, Oct. 27, 1986, 100 Stat. 3207–167; Pub. L. 103–322, title VI, § 60003(a)(7), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1969, 2147; Pub. L. 104–294, title VI, § 607(g), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 107–273, div. B, title IV, § 4002(b)(2), (6), Nov. 2, 2002, 116 Stat. 1807; Pub. L. 109–435, title X, § 1008(d), Dec. 20, 2006, 120 Stat. 3261.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 340 (Mar. 4, 1909. ch. 321, § 217, 35 Stat. 1131; May 25, 1920, ch. 196, 41 Stat. 620; Jan. 11, 1929, ch. 53, 45 Stat. 1072; June 19, 1934, ch. 650, 48 Stat. 1063).

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.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435 inserted ''hazardous materials,'' after ''explosives,''.

2002—Subsec. (g)(3). Pub. L. 107–273, § 4002(b)(2), made technical correction to directory language of Pub. L. 104–294, § 607(g)(2). See 1996 Amendment note below.

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).

Subsec. (k). Pub. L. 107–273, § 4002(b)(6)(D), redesignated subsec. (j) as (k).

1996—Subsec. (g)(2). Pub. L. 104–294, § 607(g)(1), substituted ''State'' for ''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 the government of any State or Territory, or any county, city, or other political subdivision of a State''.

Subsec. (j). Pub. L. 104–294, § 607(g)(3), added subsec. (j) at end.

1994—Pub. L. 103–322, § 330016(1)(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''.

1986—Subsec. (i). Pub. L. 99–570 added subsec. (i).

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

Subsec. (h). Pub. L. 92–191 added subsec. (h).

1970—First par. Pub. L. 91–375, § 6(j)(25)(B)(ii), substituted ''officer or employee of the Postal Service'' for ''letter carrier''.

Second par. Pub. L. 91–375, § 6(j)(25)(A), substituted ''Postal Service'' and ''it shall prescribe'' for ''Postmaster General'' and ''he shall prescribe''.

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''.

Fifth par. Pub. L. 91–375 § 6(j)(25)(B)(i) substituted ''Postal Service'' for ''Postmaster General'' in two places.

Seventh par. Pub. L. 91–375, § 6(j)(25)(B)(i), (iii), 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.

Eighth to tenth pars. Pub. L. 91–375, § 6(j)(25)(B)(i), substituted ''Postal Service'' for ''Postmaster General''.

1958—Pub. L. 85–623 inserted paragraph prohibiting mailing of switchblade knives except in connection with Armed Forces or other Government orders.

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.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–273, div. B, title IV, § 4002(b)(2), Nov. 2, 2002, 116 Stat. 1807, provided that the amendment made by section 4002(b)(2) is effective Oct. 11, 1996.

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

Section 3 of Pub. L. 92–191 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 sixtieth day after Aug. 12, 1958, see Effective Date note set out under section 1241 of Title 15, Commerce and Trade.

HAZARDOUS SUBSTANCES

Federal Hazardous Substances Act as not modifying this section, see Pub. L. 86–613, § 17, July 12, 1960, 74

Stat. 380, set out as a note under section 1261 of Title 15, Commerce and Trade.

§ 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 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 3002a of title 39, shall be fined under this title, imprisoned not more than one year, or both.

(Added Pub. L. 90–560, § 2(1), Oct. 12, 1968, 82 Stat. 997; amended Pub. L. 91–375, Aug. 12, 1970, § 6(j)(26), 84 Stat. 780; Pub. L. 100–690, title VII, § 7090(c), Nov. 18, 1988, 102 Stat. 4410; Pub. L. 101–647, title XXXV, § 3551, Nov. 29, 1990, 104 Stat. 4926.)

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).

1970—Pub. L. 91–375 substituted ''section 3002'' for ''section 4010'' of title 39.

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

Section 3 of Pub. L. 90–560 provided that: ''The amendments made by the first section and section 2 of this Act [enacting this section and section 4010 of former Title 39, The Postal Service] shall become effective on the sixtieth day after the date of enactment of this Act [Oct. 12, 1968].''

§ 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(b) 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.

(Added Pub. L. 100–574, § 1(b)(1), Oct. 31, 1988, 102 Stat. 2893.)

EFFECTIVE DATE

Section effective Oct. 31, 1989, 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.

(Added Pub. L. 100–574, § 2(a), Oct. 31, 1988, 102 Stat. 2893.)

EFFECTIVE DATE

Section effective Oct. 31, 1989, 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.

(Added Pub. L. 103–322, title XXXII, § 320108(b)(1), Sept. 13, 1994, 108 Stat. 2113.)

§ 1717. Letters and writings as nonmailable

(a) Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, in violation of sections 499, 506, 793, 794, 915, 954, 956, 957, 960, 964, 1017, 1542, 1543, 1544 or 2388 of this title or which contains any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

(b) Whoever uses or attempts to use the mails or Postal Service for the transmission of any matter declared by this section to be nonmailable, shall be fined under this title or imprisoned not more than ten years or both.

(June 25, 1948, ch. 645, 62 Stat. 782; Pub. L. 86–682, § 12(b), Sept. 2, 1960, 74 Stat. 708; Pub. L. 91–375, § 6(j)(27), Aug. 12, 1970, 84 Stat. 780; Pub. L. 101–647, title XXXV, § 3552(a), Nov. 29, 1990, 104 Stat. 4926; 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., §§ 343, 344, 345, 346 (June 15, 1917, ch. 30, title XII, §§ 1–3, title XIII, § 1, 40 Stat. 230, 231; Mar. 28, 1940, ch. 72, § 9, 54 Stat. 80).

Section consolidates said sections 343–345 of title 18, U.S.C., 1940 ed. The provision as to opening letters was incorporated in paragraph (c).

Venue provisions in said section 345 of title 18, U.S.C., 1940 ed., were omitted as covered by section 3237 of this title.

Section 346 of title 18, U.S.C., 1940 ed., defining ''United States'' was omitted. It is incorporated, however, in section 5 of this title.