

tisements and other information and to State-conducted lotteries” for “State-conducted lotteries” in item 1307.

1975—Pub. L. 93-583, §2, Jan. 2, 1975, 88 Stat. 1916, added item 1307.

1967—Pub. L. 90-203, §5(b), Dec. 15, 1967, 81 Stat. 611, added item 1306.

1950—Act Aug. 16, 1950, ch. 722, §2, 64 Stat. 452, added item 1305.

1949—Act May 24, 1949, ch. 139, §33, 63 Stat. 94, substituted “as” for “at” in item 1303.

§ 1301. Importing or transporting lottery tickets

Whoever brings into the United States for the purpose of disposing of the same, or knowingly deposits with any express company or other common carrier for carriage, or carries in interstate or foreign commerce any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme; or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift,¹ enterprise or similar scheme conducted by another State (unless that business is permitted under an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest; or knowingly takes or receives any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 762; Pub. L. 103-322, title XXXII, §320905, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2126, 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §387 (Mar. 4, 1909, ch. 321, §237, 35 Stat. 1136).

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

Words “in interstate or foreign commerce” were substituted for involved enumeration of places, thus permitting section to be condensed and simplified without change of meaning. See definitive section 10 of this title.

The rewritten punishment provision is in lieu of the following: “for the first offense, be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than two years”. There seems no point in fixing a punishment for a second offense less than that for the first offense.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” and inserted “or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift, enterprise or similar scheme conducted by another State (unless that business is permitted under

an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest;” after “scheme;”.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-625, §1, Nov. 7, 1988, 102 Stat. 3205, provided that: “This Act [amending sections 1304 and 1307 of this title and section 3005 of Title 39, Postal Service, and enacting provisions set out as notes under sections 1304 and 1307 of this title] may be cited as the ‘Charity Games Advertising Clarification Act of 1988’.”

§ 1302. Mailing lottery tickets or related matter

Whoever knowingly deposits in the mail, or sends or delivers by mail:

Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme;

Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes;

Any article described in section 1953 of this title—

Shall be fined under this title or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years.

(June 25, 1948, ch. 645, 62 Stat. 762; Oct. 31, 1951, ch. 655, §29, 65 Stat. 721; Pub. L. 87-218, §2, Sept. 13, 1961, 75 Stat. 492; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §336 (Mar. 4, 1909, ch. 321, §213, 35 Stat. 1129).

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

Venue provision was omitted as covered by sections 3231 and 3237 of this title.

Minor changes were made in arrangement and phraseology.

AMENDMENTS

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

1961—Pub. L. 87-218 inserted sixth par., relating to articles described in section 1953 of this title.

1951—Act Oct. 31, 1951, substituted a colon for a semicolon at end of opening clause.

¹ So in original. The comma probably should not appear.

§ 1303. Postmaster or employee as lottery agent¹

Whoever, being an officer or employee of the Postal Service, acts as agent for any lottery of-
fice, or under color of purchase or otherwise,
vends lottery tickets, or knowingly sends by
mail or delivers any letter, package, postal card,
circular, or pamphlet advertising any lottery,
gift enterprise, or similar scheme, offering
prizes dependent in whole or in part upon lot or
chance, or any ticket, certificate, or instrument
representing any chance, share, or interest in or
dependent upon the event of any lottery, gift en-
terprise, or similar scheme offering prizes de-
pendent in whole or in part upon lot or chance,
or any list of the prizes awarded by means of
any such scheme, shall be fined under this title
or imprisoned not more than one year, or both.
(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L. 91-375,
§6(j)(10), Aug. 12, 1970, 84 Stat. 778; Pub. L.
103-322, title XXXIII, §330016(1)(B), Sept. 13, 1994,
108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on title 18 U.S.C., 1940 ed., §337 (Mar. 4, 1909, ch.
321, §214, 35 Stat. 1130). Minor changes were made in
phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this
title” for “fined not more than \$100”.

1970—Pub. L. 91-375 substituted “an officer or em-
ployee of the Postal Service” for “a postmaster or
other person employed in 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 thereby by the
Board of Governors of the United States Postal Service
and published by it in the 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.

§ 1304. Broadcasting lottery information

Whoever broadcasts by means of any radio or
television station for which a license is required
by any law of the United States, or whoever, op-
erating any such station, knowingly permits the
broadcasting of, any advertisement of or infor-
mation concerning any lottery, gift enterprise,
or similar scheme, offering prizes dependent in
whole or in part upon lot or chance, or any list
of the prizes drawn or awarded by means of any
such lottery, gift enterprise, or scheme, whether
said list contains any part or all of such prizes,
shall be fined under this title or imprisoned not
more than one year, or both.

Each day's broadcasting shall constitute a
separate offense.

(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L.
100-625, §3(a)(4), Nov. 7, 1988, 102 Stat. 3206; Pub.
L. 103-322, title XXXIII, §330016(1)(H), Sept. 13,
1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 316 of title 47, U.S.C., 1940 ed., Tele-
graphs, Telephones, and Radiotelegraphs (June 19, 1934,
ch. 652, §316, 48 Stat. 1088).

Words “upon conviction thereof” were deleted as sur-
plusage since punishment can be imposed only after a
conviction.

¹Section catchline was not amended to conform to change
made in the text by Pub. L. 91-375.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this
title” for “fined not more than \$1,000”.

1988—Pub. L. 100-625 inserted “or television” after
“radio” in first sentence.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 5 of Pub. L. 100-625 provided that: “The
amendments made by this Act [amending this section
and section 1307 of this title and section 3005 of Title 39,
Postal Service] shall take effect 18 months after the
date of the enactment of this Act [Nov. 7, 1988].”

§ 1305. Fishing contests

The provisions of this chapter shall not apply
with respect to any fishing contest not con-
ducted for profit wherein prizes are awarded for
the specie, size, weight, or quality of fish caught
by contestants in any bona fide fishing or rec-
reational event.

(Added Aug. 16, 1950, ch. 722, §1, 64 Stat. 451.)

§ 1306. Participation by financial institutions

Whoever knowingly violates section 5136A¹ of
the Revised Statutes of the United States, sec-
tion 9A of the Federal Reserve Act, or section 20
of the Federal Deposit Insurance Act shall be
fined under this title or imprisoned not more
than one year, or both.

(Added Pub. L. 90-203, §5(a), Dec. 15, 1967, 81
Stat. 611; amended Pub. L. 101-73, title IX,
§962(b), Aug. 9, 1989, 103 Stat. 502; Pub. L. 103-322,
title XXXIII, §330016(1)(H), Sept. 13, 1994, 108
Stat. 2147.)

REFERENCES IN TEXT

Section 5136A of the Revised Statutes of the United
States, referred to in text, was renumbered section
5136B and a new section 5136A was added by Pub. L.
106-102, title I, §121(a), Nov. 12, 1999, 113 Stat. 1373. Sec-
tions 5136A and 5136B of the Revised Statutes are class-
fied to sections 24a and 25a, respectively, of Title 12,
Banks and Banking.

Section 9A of the Federal Reserve Act, referred to in
text, is classified to section 339 of Title 12.

Section 20 of the Federal Deposit Insurance Act, re-
ferred to in text, is classified to section 1829a of Title
12.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this
title” for “fined not more than \$1,000”.

1989—Pub. L. 101-73 struck out reference to section
410 of the National Housing Act.

EFFECTIVE DATE

Section effective Apr. 1, 1968, see section 6 of Pub. L.
90-203, set out as a note under section 25a of Title 12,
Banks and Banking.

**§ 1307. Exceptions relating to certain advertise-
ments and other information and to State-
conducted lotteries**

(a) The provisions of sections 1301, 1302, 1303,
and 1304 shall not apply to—

(1) an advertisement, list of prizes, or other
information concerning a lottery conducted by
a State acting under the authority of State
law which is—

¹See References in Text note below.