

Chapter 4.—OFFENSES AGAINST OPERATIONS OF GOVERNMENT

Sec.

§ 97a. Unlawfully entering, remaining, leaving, or committing acts in military areas or zones (New).

§ 87. (Criminal Code, section 36.) Embezzling arms and stores.

Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence, stores, money, or other property furnished or to be used for the military or naval service, shall be punished as prescribed in section 82 of this title. (As amended Nov. 22, 1943, ch. 302, 57 Stat. 591.)

AMENDMENTS

1943—Act Nov. 22, 1943, cited to text, amended section by omitting words "sections 80 and 82 to 86 of this title" and substituting in lieu "section 82 of this title".

§ 97a. Unlawfully entering, remaining, leaving, or committing acts in military areas or zones.

Whoever shall enter, remain in, leave, or commit any act in any military area or military zone prescribed, under the authority of an Executive order of the President, by the Secretary of War, or by any military commander designated by the Secretary of War, contrary to the restrictions applicable to any such area or zone or contrary to the order of the Secretary of War or any such military commander, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of a misdemeanor and upon conviction shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both, for each offense. (Mar. 21, 1942, ch. 191, 56 Stat. 173.)

§ 106. (Criminal Code, section 52.) Setting fire to timber or other inflammable material on public, etc., lands.

Whoever shall willfully and without authority so to do set on fire or cause to be set on fire any timber, underbrush, or grass or other inflammable material upon the public domain or upon any lands owned or leased by or under the partial, concurrent, or exclusive jurisdiction of the United States which are included in a park, forest, monument, historical park, military park, battlefield site, parkway, recreational area, seashore, lake shore, cemetery, recreational demonstration project, wildlife refuge, grazing district, or stock driveway, or upon any land title to which was revested in the United States under the Act of June 9, 1916 (ch. 137, 39 Stat. 218), or upon any land reconveyed to the United States under the Act of February 26, 1919 (ch. 47, 40 Stat. 1179), or upon any lands owned by the United States and under the jurisdiction of the Forest Service or the Bureau of Animal Industry or administered under sections 1010-1012 of Title 7, or upon any lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under sections 480, 500, 513-519, 521, 552, and 563 of Title 16, or sections 1010-1012 of Title 7, or under statutory authority for addition to a park or wildlife refuge or upon any Indian reservation or

lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, unless an allottee sets or causes to be set any fire in the reasonable exercise of his proprietary rights in the allotment, shall be fined not less than \$5,000 or imprisoned not more than five years, or both. (As amended Nov. 15, 1941, ch. 472, § 1, 55 Stat. 763.)

§ 107. (Criminal Code, section 53.) Failure to extinguish fires built on public, etc., lands.

Whoever shall build a fire or cause a fire to be built in or near any forest, timber, or other inflammable material upon any lands owned, controlled or leased by, or under the partial, concurrent, or exclusive jurisdiction of the United States, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under sections 480, 500, 513-519, 521, 552, and 563 of Title 16, or under sections 1010-1012 of Title 7, or under statutory authority for addition to a park or wildlife refuge, any Indian reservation, or lands belonging to or occupied by any tribe or group of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the United States, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall neglect and omit totally to extinguish said fire or whoever shall permit or suffer said fire to burn or spread beyond his control or whoever shall leave or suffer said fire to burn unattended in such places, shall be fined not more than \$500 or imprisoned not more than six months without hard labor, or both. (As amended Nov. 15, 1941, ch. 472, § 2, 55 Stat. 764.)

§ 118. (Criminal Code, section 62.) Molesting Animal Industry employees; using deadly weapon.

TRANSFER OF FUNCTIONS

Bureau of Animal Industry consolidated with certain other agencies into Agricultural Research Administration for duration of war, see Ex.Ord.No.9069, set out in note under section 601 of Appendix to Title 50, War.

§ 145. (Criminal Code, section 84.) Hunting or taking eggs on bird breeding grounds.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture administered through the Bureau of Biological Survey relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorg. Plan. No. II, § 4 (f), effective July 1, 1939, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees. See also sections 401-404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds.

Chapter 5.—OFFENSES RELATING TO OFFICIAL DUTIES

§ 198. (Criminal Code, section 109.) Officers interested in claims against United States.

EXEMPTION OF CERTAIN SELECTIVE SERVICE PERSONNEL

Act May 5, 1941, ch. 85, 55 Stat. 150, as amended Dec. 26, 1941, ch. 628, 55 Stat. 861; Dec. 20, 1944, ch. 625, 58 Stat.

—, provided: "That nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 or the Selective Service regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a State director, a Government appeal agent, a reemployment committeeman, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940 [50 U. S. C. App. § 305 (g)]; or because of his appointment as a member of an alien enemy hearing board to assist the Attorney General in the execution of any proclamations heretofore or hereafter issued by the President under the authority of the Alien Enemy Act of 1798 as amended (U. S. C., title 50, secs. 21-24)."

§ 202. (Criminal Code, section 112.) Member of Congress taking consideration for procuring contract.

CROSS REFERENCES

Smaller War Powers Corporation as subject to sections 202-207 of this title, see section 1104 (g) (3) of Appendix to Title 50, War.

§ 203. (Criminal Code, section 113.) Receiving pay by Member of Congress in matters affecting United States; retired officers of armed forces.

CROSS REFERENCES

Exemption of certain Selective Service personnel, see note under section 198 of this title.

Chapter 7.—OFFENSES AGAINST CURRENCY,
COINAGE, ETC.

Sec.

282a. (Criminal Code, section 168A.) Making or uttering tokens, slugs, disks, etc., for use in any automatic vending machines or contrivances which operate by coins; proof of knowledge of use (New).

294. (Criminal Code, section 178A.) Conspiring to violate counterfeiting laws (New).

CROSS REFERENCES

Penalty for conspiring to violate counterfeiting laws, see section 294 of this title.

§ 282a. (Criminal Code, section 168A.) Making or uttering tokens, slugs, disks, etc., for use in any automatic vending machines or contrivances which operate by coins; proof of knowledge of use.

(a) Whoever shall manufacture, sell, offer, or advertise for sale, or expose or keep with intent to furnish or sell, or shall cause or procure to be manufactured, furnished, sold, offered or advertised for sale, any token, slug, disk, or other device similar in size and shape to any of the lawful coins of the United States, or any token, disk, or other device issued or authorized in connection with rationing by any agency of the United States with knowledge or reason to believe that such tokens, slugs, disks, or other devices may be used unlawfully or fraudulently to procure anything of value, or use or enjoyment of any property or service from any automatic merchandise vending machine, postage-stamp machine, turnstile, fare box, coin-box telephone, parking meter, or other receptacle, depository, or contrivance, designed to receive or to be operated by lawful coins of the United States, shall be fined not more than \$3,000 or imprisoned not more than one year, or both.

(b) "Knowledge or reason to believe", within the meaning of paragraph (a) of this section, may be shown by proof that any law-enforcement officer has, prior to the commission of the offense with which the defendant is charged, informed the defendant that tokens, slugs, disks, or other devices of the kind manufactured, sold, offered, or advertised for sale by him or exposed or kept with intent to furnish or sell, are being used unlawfully or fraudulently to operate certain specified automatic merchandise vending machines, postage-stamp machines, turnstiles, fare boxes, coin-box telephones, parking meters, or other receptacles, depositories, or contrivances, designed to receive or to be operated by lawful coins of the United States. (Mar. 4, 1909, ch. 321, § 168A, as added Apr. 1, 1944, ch. 151, 58 Stat. 149.)

§ 294. (Criminal Code, section 178A.) Conspiring to violate counterfeiting laws.

If two or more persons conspire to violate any provision of this chapter, or of sections 328, 348-349a of this title, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for violating such provision. (Mar. 4, 1909, ch. 321, § 178a, as added Sept. 27, 1944, ch. 425, 58 Stat. 752.)

Chapter 8.—OFFENSES AGAINST POSTAL
SERVICE

§§ 328, 348, 349, 349a.

CROSS REFERENCES

Penalty for conspiring to violate these sections, see section 294 of this title.

§ 361. Mailing pistols, revolvers, and other firearms capable of being concealed on person.

Pistols, revolvers, and other firearms capable of being concealed on the person are hereby declared to be nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service: *Provided*, That such articles may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Coast Guard, Marine Corps, or officers' Reserve Corps; to officers of the National Guard or Militia of the several States, Territories, and Districts; to officers of the United States or of the several States, Territories, and Districts whose official duty is to serve process of warrants of arrest or mittimus of commitment; 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, the several States, Territories, and Districts: *And provided further*, That such articles 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