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# TITLE 18

## CRIMES AND CRIMINAL PROCEDURE

Act June 25, 1948, c. 645, § 1, 62 Stat. 683

### Enactment of Title 18

Section 1 of Act June 25, 1948, c. 645, 62 Stat. 683, provided in part that: "Title 18 of the United States Code, entitled 'Crimes and Criminal Procedure', is hereby revised, codified and enacted into positive law, and may be cited as 'Title 18, U.S.C. § —,'"

Sections 2 to 17, inclusive, of Act June 25, 1948, made enumerated conforming amendments to sections in other Titles of the United States Code.

Sections 18 to 20 of Act June 25, 1948, provided as follows:

"Sec. 18. If any part of Title 18, Crimes and Criminal Procedure as set out in section 1 of this Act, shall be held invalid the remainder shall not be affected thereby.

"Sec. 19. No inference of a legislative construction is to be drawn by reason of the chapter in Title 18, Crimes and Criminal Procedure, as set out in section 1 of this Act, in which any particular section is placed, nor by reason of the catchlines used in such title.

"Sec. 20. This Act shall take effect September 1, 1948".

Section 21 of Act June 25, 1948, repealed enumerated provisions of the Revised Statutes or Statutes at Large, and provided that any rights or liabilities now existing under such repealed provisions shall not be affected by this repeal.

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1 So in original. "Weapons" probably should not be capitalized.  
 2 Heading of chapter 39 amended without amending Part I analysis to reflect the change.  
 3 So in original. Probably should be "Trafficking in contraband cigarettes".  
 4 Editorially supplied. Chapter added without adding chapter heading to Part I analysis.  
 5 So in original. Probably should be "2721".

HISTORICAL AND STATUTORY NOTES

Codifications

Pub.L. 104-294, Title VI, § 601(j)(2)(A), Oct. 11, 1996, 110 Stat. 3501, which directed that item for chapter relating to torture be redesignated from 113B to 113C, was incapable of execution due to prior, identical amendment by section 303(c)(2) of Pub.L. 104-132.

Amendment by section 40221(b) of Pub.L. 103-322, adding item for chapter 110A, was executed to chapter analysis despite directory language referring to "part analysis", as the probable intent of Congress.

Section 506(b) of Pub.L. 103-236, directing that the item relating to chapter 113B, Torture, be inserted after the item relating to chapter 113A, was executed instead by inserting the item relating to chapter 113B, Torture, after the item relating to chapter 113B, Terrorism, as the probable intent of Congress.

CHAPTER 1—GENERAL PROVISIONS

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[1. Repealed.]	12. United States Postal Service defined.
2. Principals.	13. Laws of States adopted for areas within Federal jurisdiction.
3. Accessory after the fact.	14. Applicability to Canal Zone; definition.
4. Misprision of felony.	15. Obligation or other security of foreign government defined.
5. United States defined.	16. Crime of violence defined.
6. Department and agency defined.	17. Insanity defense.
7. Special maritime and territorial jurisdiction of the United States defined.	18. Organization defined.
8. Obligation or other security of the United States defined.	19. Petty offense defined.
9. Vessel of the United States defined.	20. Financial institution defined.
10. Interstate commerce and foreign commerce defined.	21. Stolen or counterfeit nature of property for certain crimes defined.
11. Foreign government defined.	

Complete Annotation Materials, see Title 18, U.S.C.A.

Sec.  
 23. Court of the Ur  
 24. Definitions rela

HISTORICAL  
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Amendment by section 1105, inserted into the table of sections a probable intent of C

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Pub.L. 104-132, 1305, provided that

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u determines that such action is justified by special circumstances.

(v) The Associate Director (Comptroller) is responsible for administering the program for the publication of ATF Rulings and ATF Procedures in the Bulletin including the standards for style and format.

B) In accordance with the standards set forth in paragraph (d)(2)(ii) of this section, each Assistant Director is responsible for the preparation and appropriate referral for publication of ATF Rulings reflecting interpretations of substantive law made by his office and communicated in writing to members of the public or field offices. In connection, the Chief Counsel is responsible for the referral to the appropriate Assistant Director, for conformation for publication as ATF ruling, of interpretations of substantive law made by his office.

C) In accordance with the standards set forth in paragraph (d)(2)(ii) of this section, the Assistant Directors and Chief Counsel are responsible for determining whether procedures established by an office under their jurisdiction should be published as ATF Procedures and for the initiation, content, and appropriate referral for publication of ATF Procedures.

ATF-47, 43 FR 10687, Mar. 15, 1978, as amended by T.D. ATF-201, 50 FR 12533, Mar. 85; T.D. ATF-249, 52 FR 5962, Feb. 27,

## 2. Forms and instructions.

**Tax return forms and instructions.** Forms and instructions are developed by the Bureau to explain the requirements of Chapters 51, 52, and 53 of 26 of the United States Code and regulations issued thereunder, and issued for the assistance of taxpayers in exercising their rights and discharging their duties under such laws and regulations. The tax return forms are the instruments through which taxes are collected.

**Other forms and instructions.** The Bureau provides other necessary or appropriate forms for assisting the public in complying with the technical requirements of the laws and regulations administered by the Bureau. The material contained in the forms and instructions and the arrangement thereof, is

carefully considered and is designed to lead the preparer step-by-step through an orderly accumulation of data to an accurate report of the information required.

(c) **Procurement of forms and instructions.** (1) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(2) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

[T.D. ATF-47, 43 FR 10687, Mar. 15, 1978, as amended by T.D. ATF-92, 46 FR 46914, Sept. 23, 1981; T.D. ATF-249, 52 FR 5962, Feb. 27, 1987]

## PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

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72.2 Forms prescribed.

### Subpart B—Definitions

72.11 Meaning of terms.

### Subpart C—Seizures and Forfeitures

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72.67 Sale on open, competitive bids.

72.68 Sale on sealed, competitive bids.

72.69 Alternate disposition of seized carriers.

### Subpart G—Disposal of Forfeited Firearms, Ammunition, Explosive Materials, or Contraband Cigarettes

72.81 Authority for disposal.

AUTHORITY: 18 U.S.C. 921, 1261; 19 U.S.C. 1607, 1610, 1612, 1613, 1618; 26 U.S.C. 7101, 7322, 7325, 7326, 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 40 U.S.C. 304(k); 49 U.S.C. 784, 788.

SOURCE: T.D. ATF-9, 39 FR 9954, Mar. 15, 1974, unless otherwise noted.

### Subpart A—Scope of Regulations

#### § 72.1 Procedures relating to personal property and carriers.

Regulations in this part shall relate to personal property and carriers seized by alcohol, tobacco and firearms officers as subject to forfeiture as being involved, used, or intended to be used, as the case may be, in any violation of Federal laws.

#### § 72.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, or necessary for its administration. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of



forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

[T.D. ATF-92, 46 FR 46914, Sept. 23, 1981, as amended by T.D. ATF-249, 52 FR 5962, Feb. 27, 1987]

### Subpart B—Definitions

#### § 72.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

**ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, and Firearms (ATF) duly authorized to perform any function relating to the administration or enforcement of this part.

**Appraised value.** The value placed upon seized property or carriers by the appraiser or appraisers designated for the purpose of determining whether the property or carriers may be forfeited administratively.

**Carrier.** A vessel, vehicle, or aircraft seized under 49 U.S.C. Chapter 11 for having been used to transport, carry, or conceal a contraband firearm or contraband cigarettes. Vessels, vehicles, or aircraft seized under other provisions of applicable laws shall be considered personal property.

**Commercial crimes.** Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any

of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

**Contraband cigarettes.** Any quantity of cigarettes in excess of 60,000, if:

(a) The cigarettes bear no evidence of the payment of applicable State cigarette taxes in the State where the cigarettes are found;

(b) The State in which the cigarettes are found requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of cigarette taxes; and

(c) The cigarettes are in the possession of any person other than any person who is:

(1) Holding a permit issued under 26 U.S.C. Chapter 52 as a manufacturer of tobacco products or as an export warehouse proprietor;

(2) Operating a customs bonded warehouse under 19 U.S.C. 1311 or 1555;

(3) An agent of a tobacco products manufacturer, an export warehouse proprietor, or an operator of a customs bonded warehouse;

(4) A common or contract carrier transporting the cigarettes involved under a proper bill of lading or freight bill which states the quantity, source, and destination of the cigarettes;

(5) Licensed or otherwise authorized by the State where the cigarettes are found to account for and pay cigarette taxes imposed by that State; and who has complied with the accounting and payment requirements relating to the license or authorization with respect to the cigarettes involved; or

(6) An agent of the United States, of an individual State, or of a political subdivision of a State and having possession of cigarettes in connection with the performance of official duties.

(7) Operating within a foreign-trade zone, established under 19 U.S.C. 81b, when the cigarettes involved have been entered into the foreign-trade zone under zone-restricted status or when foreign cigarettes have been admitted into the foreign-trade zone but have not been entered into the United States.

**Contraband firearm.** A firearm with respect to which there has been committed a violation of the National

Firearms Act (26 U.S.C., Chapter 53) or any regulation issued thereunder.

**Director.** The Director, Bureau of Alcohol, Tobacco, and Firearms, the Department of the Treasury, Washington, DC.

**Equity.** As used in administrative action on petitions for remission or mitigation of forfeitures, shall mean that interest which a petitioner has in the personal property or carrier petitioned for at the time of final administrative action on the petition, but such interest shall not be considered to include any unearned finance charges from the date of seizure or the date of default, if later; any amount rebatable on account of paid insurance premiums; attorney's fees for collection; any amount identified as dealer's reserve; or any amount in the nature of liquidated damages that may have been agreed upon by the buyer and the petitioner.

**Person.** An individual, trust, estate, partnership, association, company or a corporation.

**Re-appraisal.** An up-to-date statutory appraisal to determine the present value of the property or carrier involved in a petition for remission or mitigation of forfeiture made in the same manner as the original appraisal, and performed at the written request of the petitioner whose petition in regard to the property or carrier has been allowed and who, for reasonable cause, is not satisfied that the original appraisal represents the present value of the property or carrier.

**Region.** A Bureau of Alcohol, Tobacco, and Firearms Region.

**U.S.C.** The United States Code.

[T.D. ATF-48, 43 FR 13535, Mar. 31, 1978; 44 FR 55841, Sept. 28, 1979, as amended by T.D. ATF-65, 45 FR 8593, Feb. 8, 1980; T.D. ATF-183, 49 FR 37061, Sept. 21, 1984]

### Subpart C—Seizures and Forfeitures

#### § 72.21 Personal property and carriers subject to seizure.

(a) Personal property may be seized by duly authorized ATF officers for forfeiture to the United States when involved, used, or intended to be used, in violation of the laws of the United States which ATF officers are empow-

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