

NATIONAL PARK SERVICE



AUTHORITY AND JURISDICTION STUDENT GUIDE

FEDERAL LAW ENFORCEMENT TRAINING CENTER
GLYNCO, GEORGIA

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AUTHORITY AND JURISDICTION
STUDENT GUIDE

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INTRODUCTION

THE FOUNDATION FOR THE NATIONAL PARK SERVICE TO EXIST GOES BACK TO THE 1780'S WHEN THE CONSTITUTION OF THE UNITED STATES OF AMERICA WAS BEING WRITTEN--SPECIFICALLY, 1789 WHEN THE CONSTITUTION WAS ACTUALLY PUT INTO EFFECT. ARTICLE IV, SECTION 3, CLAUSE 2, OF THE CONSTITUTION STATES, "THE CONGRESS SHALL HAVE POWER TO DISPOSE OF AND MAKE ALL NEEDFUL RULES AND REGULATIONS RESPECTING THE TERRITORY OR OTHER PROPERTY BELONGING TO THE UNITED STATES..." THE CONSTITUTION IS THE REAL FOUNDATION UPON WHICH THE FRAMEWORK OF OUR GOVERNMENT--SPECIFICALLY OUR AGENCY, IS BUILT.

WE MUST NEVER LOSE SIGHT OF THE FACT THAT THE ACTIONS OUR AGENCY TAKES ARE BASED UPON LAW (THE "WRITTEN LAW" AS SPELLED OUT BY ACTS OF CONGRESS OR AN INTERPRETATION OF THESE LAWS BY THE COURTS) AND "REGULATIONS AND POLICIES" ESTABLISHED BY THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR.

BEFORE DELVING INTO SPECIFIC LAWS, RULES AND REGULATIONS RELATING TO THE NATIONAL PARK SERVICE, IT IS IMPORTANT THAT WE FIRST BECOME FAMILIAR AND KNOWLEDGEABLE WITH THE VARIOUS SOURCE DOCUMENTS, AND LEGAL, ADMINISTRATIVE AND SUPPLEMENTAL REFERENCE PROCEDURES THAT WE USE IN OUR JOBS.

WHEN YOU TAKE A LAW ENFORCEMENT ACTION, THE RECIPIENT OF YOUR ACTIONS IS ENTITLED TO FULL CONSIDERATION BASED UPON A SOLID FOUNDATION OF LAW AND REGULATION. YOU ARE THE INITIAL INTERPRETER OF THE LAW.

YOU NEED TO BE AWARE THAT YOUR DECISIONS MAY BE CHALLENGED AND APPEALED, AND COULD ULTIMATELY END UP IN THE COURTS. ALL ACTIONS, THEREFORE, MUST BE BASED UPON SOUND JUDGMENT AND A WELL-ROUNDED UNDERSTANDING OF LAWS, RULES AND REGULATIONS.

SECTION I
LAWS AND REGULATIONS (GENERAL)

SECTION I--LAWS AND REGULATIONS (GENERAL)

A. UNITED STATES STATUTES AT LARGE

ALL OF THE PUBLIC AND PRIVATE LAWS (ACTS) ENACTED DURING A SESSION OF CONGRESS ARE ARRANGED CHRONOLOGICALLY AND PUBLISHED IN A BOUND VOLUME. THE VOLUMES ARE REFERRED TO AS "UNITED STATES STATUTES AT LARGE." THE STATUTE AT LARGE BEGINS WITH THE DECLARATION OF INDEPENDENCE. EACH SESSION'S LAWS ARE PRINTED AND GIVEN THE NEXT VOLUME NUMBER. GENERALLY ALL PUBLIC LAWS IN A SESSION WILL BE FOUND IN PART I OF A VOLUME AND THE PRIVATE LAWS IN PART II. THE STATUTES AT LARGE ARE COMMONLY REFERRED TO AS "STATS." A REFERENCE TO AN ACT OF CONGRESS IS "BY DATE, BY VOLUME IN WHICH THE ACT IS LOCATED AND THE PAGE ON WHICH IT APPEARS." THUS THE NPS ORGANIC ACT WOULD BE CITED AS "ACT OF AUGUST 25, 1916 (39 STAT. 535)", THE GENERAL AUTHORITIES ACT AS "ACT OF OCTOBER 7, 1976 (90 STAT. 1939)", AND THE NATIONAL PARK AND RECREATION ACT AS "ACT OF NOVEMBER 10, 1978 (92 STAT. 3476)".

REFERENCE IS OCCASIONALLY MADE TO "PL 94-458". THE PL MEANS PUBLIC LAW; THE 94 IS THE NUMBER OF THE SESSION OF CONGRESS (THE 94TH) AND THE 458 IS THE 458TH PUBLIC LAW SIGNED BY THE PRESIDENT DURING THAT SESSION OF CONGRESS. PL 94-458 IS THE GENERAL AUTHORITIES ACT.

THE "STATS." PROVIDE A READY REFERENCE TO ACTS OF CONGRESS, BUT OTHER OFTEN USED YET INCOMPLETE TERMS ARE NOT EASY TO FIND. FOR EXAMPLE, THE NATIONAL PARK SERVICE ORGANIC ACT, THE ACT OF OCTOBER 21, 1976 OR PUBLIC LAW 95-625. THERE IS NO LOCATION WHERE THESE LAWS ARE PUBLISHED UNDER THESE COMMON TERMS.

B. SLIP LAWS

A FEW DAYS AFTER A LAW IS PASSED BY CONGRESS AND APPROVED BY THE PRESIDENT, A PAMPHLET PRINT OF THE LAW IS ISSUED. THESE PAMPHLETS ARE KNOWN AS "SLIP LAWS". THESE SLIP LAWS ARE DISTRIBUTED TO VARIOUS OFFICES THEY AFFECT. THE SLIP LAW IS THE LAW AS IT WAS PASSED BY CONGRESS. IT ALSO BEARS A NOTATION SHOWING THE VOLUME AND PAGE OF THE STATUTES AT LARGE IN WHICH IT WILL BE PRINTED AND IS CITED IN THE SAME MANNER AS THE "STATS." (DATE OF ACT, VOLUME AND PAGE).

C. REVISED STATUTES

IN 1875 ALL THE GENERAL AND PERMANENT LAWS OF THE UNITED STATES, THEN IN FORCE, WERE ARRANGED BY SUBJECT UNDER 74 HEADINGS AND ENACTED INTO LAW BY CONGRESS. THIS CODIFICATION IS KNOWN AS REVISED STATUTES. THERE ARE MANY REVISED STATUTES STILL USED AS AUTHORITY FOR A PARTICULAR ACTION BY THE DEPARTMENT OF THE INTERIOR. THE REVISED STATUTES ARE CITED AS RS 2455. RS MEANING REVISED STATUTE AND 2455 BEING THE SPECIFIC STATUTES. WHEN IT IS NECESSARY TO FIND THE SECTIONS OF THE REVISED STATUTES STILL IN EFFECT, THEY MAY BE LOCATED IN THE TABLES OF THE UNITED STATES CODE.

D. UNITED STATES CODE (USC)

THE UNITED STATES CODE IS A COMPILATION OF THE GENERAL LAWS OF THE UNITED STATES IN FORCE AS OF THE DATE SHOWN ON THE VOLUME. THE UNITED STATES CODE WAS ESTABLISHED BY AN ACT OF CONGRESS IN 1926. SUBSEQUENT EDITIONS OF THE UNITED STATES CODE HAVE BEEN

PRINTED IN SEPARATE UPDATED VOLUMES; THESE PUBLICATIONS BEING EVERY SIX (6) YEARS, THE LATEST EDITION IS DATED 1976.

THE UNITED STATES CODE IS THE "EXISTING LAW TODAY" WITH ALL AMENDMENTS, DELETIONS AND SUPPLEMENTS.

AS MENTIONED EARLIER, THERE ARE 50 TITLES REFERRED TO IN THE UNITED STATES CODE. TITLE 16 IS CONSERVATION WHICH RELATES TO THE NATIONAL PARK SERVICE, TITLE 18 IS CRIMES AND CRIMINAL PROCEDURE AND TITLE 43 IS PUBLIC LANDS.

CUMULATIVE SUPPLEMENTS TO THE UNITED STATES CODE ARE PRINTED FOR EACH SESSION OF CONGRESS. THESE CUMULATIVE SUPPLEMENTS WILL INCLUDE ALL CHANGES IN THE CODIFIED LAWS SINCE THE LATEST COMPLETE EDITION OF THE UNITED STATES CODE UNTIL A NEW EDITION IS PRINTED.

A PROPER UNITED STATES CODE REFERENCE WOULD BE "16 USC 1A-1". THE 16 IS THE TITLE, USC IS UNITED STATES CODE AND 1A-1 IS THE PARAGRAPH NUMBER (NOT THE PAGE NUMBER).

SINCE THERE ARE AMENDMENTS AND SUPPLEMENTS TO ACTS OF CONGRESS, A REFERENCE TO STAT. WOULD NOT ALWAYS BE COMPLETE. THE ONLY SURE WAY TO OBTAIN THE NECESSARY CURRENT INFORMATION IS TO WORK WITH THE USC OR USCA.

E. UNITED STATES CODE ANNOTATED (USCA)

THE UNITED STATES CODE ANNOTATED IS A VERY HANDY REFERENCE, BUT AN UNOFFICIAL PUBLICATION. THE ANNOTATED CODE IS ARRANGED BY TITLES AND SECTION EXACTLY LIKE THE USC BUT ALSO HAS ANNOTATIONS FOLLOWING EACH SECTION WHICH GIVES BRIEF SUMMARIES OF JUDICIAL OPINIONS FROM BOTH STATE AND FEDERAL COURTS. THE PROPER CITATION OR A REFERENCE IS SIMILAR TO A USC CITATION EXCEPT USCA REFLECTS ANNOTATED, I.E., "16 USCA 1A".

F. CODE OF FEDERAL REGULATIONS

THE PASSAGE OF LEGISLATION BY CONGRESS DOES NOT PROVIDE FOR THE RULES AND PROCEDURES OF IMPLEMENTATION. THIS RESPONSIBILITY IS OFTEN AND SPECIFICALLY SPELLED OUT IN THE ACT OF CONGRESS. IN THE CASE OF THE NATIONAL PARK SERVICE, CONGRESS PLACED THIS RESPONSIBILITY WITH THE SECRETARY OF THE INTERIOR; "THE SECRETARY OF THE INTERIOR SHALL MAKE AND PUBLISH SUCH RULES AND REGULATIONS AS HE MAY DEEM NECESSARY OR PROPER FOR THE USE AND MANAGEMENT OF THE PARKS..."

THE CODE OF FEDERAL REGULATIONS ARE THOSE RULES AND REGULATIONS PROMULGATED BY THE SECRETARY TO IMPLEMENT THE ACT OF CONGRESS.

THE CODE OF FEDERAL REGULATIONS (CFR), LIKE THE UNITED STATES CODE, IS DIVIDED INTO 50 TITLES. THE TITLE NUMBERS IN THE CFR ARE NOT NECESSARILY THE SAME NUMBERS USED IN THE USC. TITLE 36 OF THE CODE OF FEDERAL REGULATIONS IS "PARKS, FORESTS, AND PUBLIC PROPERTY". TITLE 43 IS "PUBLIC LANDS: INTERIOR".

EACH TITLE OF THE CFR IS REVISED AT LEAST ONCE EACH CALENDAR YEAR AND ISSUED ON A QUARTERLY BASIS. TITLE 36 IS ISSUED AS OF JULY 1 EACH YEAR. CHANGES OR AMENDMENTS THAT OCCUR TO THE CFR BETWEEN REVISIONS ARE PUBLISHED IN THE FEDERAL REGISTER.

THE PROPER CITATION FOR A CODE OF FEDERAL REGULATIONS REFERENCE WOULD BE 36 CFR 2.5(A); 36 BEING TITLE 36, CFR BEING CODE OF FEDERAL REGULATIONS AND 2.5(A) BEING SECTION 2.5, SUBSECTION (A).

G. FEDERAL REGISTER

THE OFFICE OF THE FEDERAL REGISTER WAS CREATED IN 1935. THIS OFFICE IS RESPONSIBLE FOR THE CONTROL, FILING AND PUBLICITY OF THE ORIGINAL ACTS COMPRISING THE LAWS ENACTED BY CONGRESS, AND THE ORIGINAL DOCUMENTS COMPRISING THE PUBLIC RULES AND NOTICES ISSUED BY THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT.

THE FEDERAL REGISTER IS PUBLISHED DAILY MONDAY THROUGH FRIDAY EXCLUDING THE DAY AFTER AN OFFICIAL HOLIDAY. DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER INCLUDE PRESIDENTIAL PROCLAMATIONS, EXECUTIVE ORDERS, REGULATIONS, AND OTHER DOCUMENTS HAVING GENERAL APPLICABILITY AND LEGAL EFFECT.

PUBLICATION IN THE FEDERAL REGISTER OF A DOCUMENT CREATES A REBUTTABLE PRESUMPTION (PRIMA FACIE EVIDENCE OR NOTICE OF THE WORLD) THAT:

1. IT WAS DULY ISSUED, PRESCRIBED OR PROMULGATED;

2. IT WAS FILED WITH THE OFFICE OF THE FEDERAL REGISTER AND MADE AVAILABLE FOR PUBLIC INSPECTION AT THE DAY AND HOUR STATED IN THE PRINTED NOTATION;
3. THE COPY CONTAINED IN THE FEDERAL REGISTER IS A TRUE COPY OF THE ORIGINAL; AND,
4. ALL REQUIREMENTS OF THE ACT, FOR FILING AND PUBLISHING HAVE BEEN COMPLIED WITH.

WE RELY UPON THE FEDERAL REGISTER TO ADVISE US AS TO CHANGES IN, AND ADDITIONS TO THE CODE OF FEDERAL REGULATIONS. THESE CHANGES AS PUBLISHED IN THE FEDERAL REGISTER SERVE AS A SUPPLEMENT TO THE CFR UNTIL THE CFR IS REVISED TO INCLUDE THE CHANGES.

A PROPER FEDERAL REGISTER CITATION WHERE A REGULATION IS TOO NEW TO YET APPEAR IN A BOUND VOLUME OF THE CFR WOULD BE:
36 CFR 9.30(A) (43 FR 237, DECEMBER 8, 1978).

THE FIRST PART, 36 CFR 9.30(A) RELATES TO THE PART OF TITLE 36, CODE OF FEDERAL REGULATIONS CONCERNED, SPECIFICALLY SECTION 9.30, SUBSECTION (A). THE SECOND PART 43 FR 237, DECEMBER 8, 1978 INDICATES THAT THE CFR REFERENCE ABOVE WAS PUBLISHED IN VOLUME 43 OF THE FEDERAL REGISTER (FR) ON PAGE 237 AND ON DECEMBER 8, 1978.

SECTION II
LAWS AND REGULATIONS (NATIONAL PARK SERVICE)

SECTION II--LAWS AND REGULATIONS (NATIONAL PARK SERVICE)

LAW SETS THE BASIS FOR LEGALITY OF WHAT WE DO IN THE FIELD. THIS SECTION WILL FOLLOW THE SPECIFICS OF LAW AND REGULATION FROM THE CONSTITUTION TO THE PARK RANGER IN THE NATIONAL PARK SERVICE.

- A. CONSTITUTION OF THE UNITED STATES--THE BEGINNING, AS MENTIONED EARLIER, IS WITH THE CONSTITUTION OF THE UNITED STATES. ARTICLE IV, SECTION 3, CLAUSE 2 OF THE CONSTITUTION STATES, "THE CONGRESS SHALL HAVE POWER TO DISPOSE OF AND MAKE ALL NEEDFUL RULES AND REGULATIONS RESPECTING THE TERRITORY OR OTHER PROPERTY BELONGING TO THE UNITED STATES...".
- B. CONGRESSIONAL LEGISLATION--CONGRESS USED THE POWER GIVEN BY THE CONSTITUTION TO CREATE THE NATIONAL PARK SERVICE IN 1916. THE ACT OF AUGUST 25, 1916, 39 STAT 535, STATED, "THERE IS CREATED IN THE DEPARTMENT OF THE INTERIOR A SERVICE TO BE CALLED THE NATIONAL PARK SERVICE....., WHICH PURPOSE IS TO CONSERVE THE SCENERY AND THE NATURAL AND HISTORIC OBJECTS AND THE WILDLIFE THEREIN AND TO PROVIDE FOR THE ENJOYMENT OF THE SAME IN SUCH A MANNER AND BY SUCH MEANS AS WILL LEAVE THEM UNIMPAIRED FOR THE ENJOYMENT OF FUTURE GENERATIONS."
(16 USC 3)

ENABLING LEGISLATION--MANY OF THE AREAS WITHIN THE SYSTEM WERE ESTABLISHED BY SPECIFIC STATUTE. THESE INCLUDE ALL OF THE NATIONAL PARKS AS WELL AS MANY OTHER AREAS. IT IS IMPERATIVE THAT RANGERS ASSIGNED TO THESE AREAS BECOME FAMILIAR WITH THIS SPECIFIC LEGISLATION. IT OFTEN PROVIDES FOR STATEMENT OF

PURPOSE, BOUNDARY DESCRIPTIONS, CONCESSION PROVISIONS AND OPERATIONAL PROCEDURES. FREQUENTLY SPECIFIC REGULATIONS ARE CONTAINED IN THE ENABLING LEGISLATION. AN EXAMPLE IS 16 USC 58 WHICH PROVIDES; "THAT IN SEQUOIA AND YOSEMITE NATIONAL PARKS.....ALL FUGITIVES FROM JUSTICE TAKING REFUGE IN SAID PARKS OR EITHER OF THEM, SHALL BE SUBJECT TO THE SAME LAWS AS REFUGEES FROM JUSTICE FOUND IN THE STATE OF CALIFORNIA.

- C. THE FOLLOWING IS A SUMMATION OF THE DERIVATION OF AUTHORITY FOR THE NATIONAL PARK SERVICE TO PROMULGATE REGULATIONS AND ENFORCE REGULATIONS AND STATUTORY LAWS:

FROM THE CONSTITUTION OF THE UNITED STATES:

1. ARTICLE VI, CLAUSE 2 (SUPREMACY CLAUSE)

"THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF; AND ALL TREATIES MADE, OR WHICH SHALL BE MADE, UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING."

2. ARTICLE I, SECTION 8, CLAUSES 17 & 18 (LEGISLATIVE AUTHORITY)

"(THE CONGRESS SHALL HAVE POWER) TO EXERCISE EXCLUSIVE LEGISLATION IN ALL CASES WHATSOEVER,.....OVER ALL PLACES PURCHASED BY THE CONSENT OF THE LEGISLATURE OF THE STATE IN WHICH THE SAME SHALL BE, FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCK-YARDS, AND OTHER NEEDFUL BUILDINGS."

TO MAKE ALL LAWS WHICH SHALL BE NECESSARY AND PROPER FOR CARRYING

INTO EXECUTION THE FOREGOING POWERS, AND ALL OTHER POWERS VESTED BY THIS CONSTITUTION IN THE GOVERNMENT OF THE UNITED STATES, OR IN ANY DEPARTMENT OR OFFICER THEREOF.

3. ARTICLE IV, SECTION 3, CLAUSE 2 (PROPERTY CLAUSE)

"THE CONGRESS SHALL HAVE POWER TO DISPOSE OF AND MAKE ALL NEEDFUL RULES AND REGULATIONS RESPECTING THE TERRITORY OR OTHER PROPERTY BELONGING TO THE UNITED STATES....."

4. AMENDMENT X

THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE.

5. ACT OF AUGUST 25, 1916 (CREATION OF THE NATIONAL PARK SERVICE)
39 STAT. 535 CODIFIED AS 16 USC 3:

THE SECRETARY OF INTERIOR SHALL MAKE AND PUBLISH SUCH RULES AND REGULATIONS AS HE MAY DEEM NECESSARY OR PROPER FOR THE USE AND MANAGEMENT OF THE PARKS, MONUMENTS, AND RESERVATIONS UNDER THE JURISDICTION OF THE NATIONAL PARK SERVICE.....

6. ACT OF OCTOBER 7, 1976 (GENERAL AUTHORITIES ACT) 90 STAT. 1941
CODIFIED AS 16 USC 1A-6:

IN ADDITION TO ANY OTHER AUTHORITY CONFERRED BY LAW, THE SECRETARY OF THE INTERIOR IS AUTHORIZED TO DESIGNATE, PURSUANT TO STANDARDS PRESCRIBED IN REGULATIONS BY THE SECRETARY, CERTAIN OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR WHO SHALL MAINTAIN LAW AND ORDER AND PROTECT PERSONS AND PROPERTY WITHIN AREAS OF THE

NATIONAL PARK SYSTEM. IN THE PERFORMANCE OF SUCH DUTIES,
THE OFFICERS OR EMPLOYEES, SO DESIGNATED, MAY.....

D. CODE OF FEDERAL REGULATIONS--USING THE POWER GRANTED BY
CONGRESS TO ESTABLISH RULES AND REGULATIONS, THE SECRETARY OF
THE INTERIOR HAS PROMULGATED RULES AND REGULATIONS PUBLISHED IN
TITLE 36, CODE OF FEDERAL REGULATIONS, RELATING TO PARKS, FORESTS,
AND PUBLIC PROPERTY. CHAPTER 1 OF TITLE 36 CONTAINS 60 PARTS
(SECTIONS) WHICH RELATE SPECIFICALLY TO THE NATIONAL PARK
SERVICE. SECTIONS 1-6 "SHALL APPLY TO ALL VISITORS ENTERING,
USING, VISITING, OR WHO ARE OTHERWISE WITHIN THE BOUNDARIES
OF ANY FEDERALLY OWNED OR CONTROLLED AREAS ADMINISTERED BY THE
NATIONAL PARK SERVICE....." (36 CFR 1.1(A)). THERE ARE
EXCEPTIONS TO THIS SECTION AND SPECIFIC SECTIONS SHOULD BE REVIEWED
FOR THESE. THE SUBJECT HEADINGS OF THE PARTS 1-7 ARE LISTED BELOW
FOR REFERENCE:

1. MISCELLANEOUS PROVISIONS
2. PUBLIC USE AND RECREATION
3. BOATING
4. VEHICLES AND TRAFFIC SAFETY
5. COMMERCIAL AND PRIVATE OPERATIONS
6. MISCELLANEOUS FEES
7. SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM.

SECTION 7 AS MENTIONED ABOVE RELATES TO SPECIAL REGULATIONS OF
MANY AREAS IN THE NATIONAL PARK SYSTEM. "THE REGULATIONS
CONTAINED IN PART 7.....ARE SPECIAL REGULATIONS.....(THAT)

MAY AMEND, MODIFY, RELAX, OR MAKE MORE STRINGENT THE REGULATIONS CONTAINED IN PARTS 2 THROUGH 6.....(36 CFR 1.1(c)."

ALL RANGERS SHOULD BE THOROUGHLY FAMILIAR WITH ANY SPECIAL REGULATIONS FOR THEIR AREA. IT SHOULD BE RECOGNIZED THAT SPECIAL REGULATIONS MAY EITHER RELAX OR MAKE MORE STRINGENT THE GENERAL REGULATIONS CONTAINED IN PARTS 2 THRU 6. FOR EXAMPLE; 7.4 h(7) PERMITS PICNICKING ON THE BEACH AREAS ALONG THE COLORADO RIVER. THIS IS A RELAXATION OF 2.18 (A) WHICH PROHIBITS PICNICKING IN NATURAL AREAS EXCEPT IN LOCATIONS DESIGNATED BY THE SUPERINTENDENTS BY THE POSTING OF APPROPRIATE SIGNS.

INDIVIDUAL AREAS ARE RESPONSIBLE FOR THE DEVELOPMENT AND SUBMISSION OF SPECIAL REGULATIONS. THESE SHOULD BE IN THE FORMAT AND CONTEXT PRESCRIBED BY THE WASHINGTON OFFICE.

SECTION III
AUTHORITY

SECTION III--AUTHORITY

AUTHORITY, AS DEFINED IN A DICTIONARY, IS THE "POWER TO INFLUENCE OR COMMAND THOUGHT, OPINION OR BEHAVIOR". THE POWER FOR AN INDIVIDUAL RANGER TO "INFLUENCE OR COMMAND BEHAVIOR" (ENFORCE RULES AND REGULATIONS) FOLLOWS A FLOW FROM THE CONSTITUTION, TO CONGRESS, THE SECRETARY OF THE INTERIOR, THE DIRECTOR OF THE NATIONAL PARK SERVICE.....AND ULTIMATELY TO THE RANGER.

A. BACKGROUND

AS DESCRIBED IN A PRECEDING SECTION, ARTICLE IV, SECTION 3, CLAUSE 2 OF THE CONSTITUTION GIVES THE CONGRESS OF THE UNITED STATES THE "POWER TO.....MAKE ALL NEEDFUL RULES AND REGULATIONS RESPECTING THE TERRITORY OR OTHER PROPERTY BELONGING TO THE UNITED STATES....."

ORIGINALLY THE NATIONAL PARK SERVICE ORGANIC ACT (ACT OF AUGUST 25, 1916, 39 STAT. 535) ALLOWED PARK SERVICE EMPLOYEES TO MAKE ARRESTS. "ALL PERSONS EMPLOYED IN THE NATIONAL PARK SERVICE OF THE UNITED STATES SHALL HAVE AUTHORITY TO MAKE ARRESTS FOR THE VIOLATION OF THE LAWS AND REGULATIONS RELATING TO THE.....NATIONAL PARKS.....(16 USC 10), (REPEALED). THIS VERY GENERAL AND VAGUE SECTION WAS REPEALED AS IT RELATED TO THE NATIONAL PARK SERVICE. THE LAW THAT REPEALED THIS OLD AUTHORITY ALSO PROVIDED THE PARK SERVICE WITH NEW AUTHORITY TO ENFORCE LAWS. THIS ACT IS THE "GENERAL AUTHORITIES ACT", PUBLIC LAW 94-458, ACT OF OCTOBER 7, 1976, 90 STAT. 1939.

B. GENERAL AUTHORITIES BILL--AUTHORITY SECTION

THERE ARE ELEVEN BASIC ELEMENTS OF THE GENERAL AUTHORITIES ACT. THE FIRST AREA COVERED IS THAT WHICH RELATES DIRECTLY TO THE AUTHORITY TO ENFORCE LAWS. THE REMAINING SECTION WILL BE SUMMARIZED LATER.

THE GENERAL AUTHORITIES ACT CLARIFIES AUTHORITIES AS FOLLOWS:
16 USC 1A-6(A)

"IN ADDITION TO ANY OTHER AUTHORITY CONFERRED BY LAW, THE SECRETARY OF THE INTERIOR IS AUTHORIZED TO DESIGNATE, PURSUANT TO THE STANDARDS PRESCRIBED IN REGULATIONS BY THE SECRETARY, CERTAIN OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR WHO SHALL MAINTAIN LAW AND ORDER AND PROTECT PERSONS AND PROPERTY WITHIN AREAS OF THE NATIONAL PARK SYSTEM. IN PERFORMANCE OF SUCH DUTIES, THE OFFICERS OR EMPLOYEES, SO DESIGNATED, MAY:

1. "CARRY FIREARMS AND MAKE ARRESTS WITHOUT WARRANT FOR ANY OFFENSE AGAINST THE UNITED STATES COMMITTED IN HIS PRESENCE, OR FOR ANY FELONY COGNIZABLE UNDER THE LAWS OF THE UNITED STATES IF HE HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON TO BE ARRESTED HAS COMMITTED OR IS COMMITTING SUCH FELONY, PROVIDED SUCH ARRESTS OCCUR WITHIN THAT SYSTEM OR THE PERSON TO BE ARRESTED IS FLEEING THERE FROM TO AVOID ARREST;
2. "EXECUTE ANY WARRANT OR OTHER PROCESS ISSUED BY A COURT OR OFFICER OF COMPETENT JURISDICTION FOR THE ENFORCEMENT OF THE PROVISIONS OF ANY FEDERAL LAW OR REGULATION ISSUED PURSUANT

TO LAW ARISING OUT OF AN OFFENSE COMMITTED IN THAT SYSTEM OR, WHERE THE PERSON SUBJECT TO THE WARRANT OR PROCESS IS IN THAT SYSTEM, IN CONNECTION WITH ANY FEDERAL OFFENSE; AND

3. "CONDUCT INVESTIGATIONS OF OFFENSES AGAINST THE UNITED STATES COMMITTED IN THAT SYSTEM IN THE ABSENCE OF INVESTIGATION THEREOF BY ANY OTHER FEDERAL LAW ENFORCEMENT AGENCY HAVING INVESTIGATIVE JURISDICTION OVER THE OFFENSE COMMITTED OR WITH THE CONCURRENCE OF SUCH OTHER AGENCY".

THE INTENT OF THE EFFECT OF THE AUTHORITIES ACT AS ACTIVATED BY CONGRESS IS QUOTED BELOW IN PART FROM A REPORT OF THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON INTERIOR AND INSULAR AFFAIRS:

"THE COMMITTEE INTENDS THAT THE CLEAR AND SPECIFIC AUTHORITY CONTAINED IN THIS SUBSECTION, WHILE NECESSARY FOR THE PROTECTION OF THE FEDERAL EMPLOYEES SO INVOLVED, WILL BE IMPLEMENTED BY THE SECRETARY TO ENSURE THAT LAW ENFORCEMENT ACTIVITIES IN OUR NATIONAL PARK SYSTEM WILL CONTINUE TO BE VIEWED AS ONE FUNCTION OF A BROAD PROGRAM OF VISITOR AND RESOURCE PROTECTION. LAW ENFORCEMENT DUTIES SHOULD BE A FUNCTION OF THE NATIONAL PARK RANGER, ALONG WITH A DIVERSITY OF OTHER PROTECTION CONCERNS. IT IS NOT INTENDED HERE, THAT LAW ENFORCEMENT RESPONSIBILITIES SHOULD FALL ON A SMALL NUMBER OF INDIVIDUALS AS THEIR EXCLUSIVE DUTY. IN LIKE MANNER, THE CARRYING OF FIREARMS AND OTHER DEFENSIVE EQUIPMENT SHOULD BE DONE WITH A VIEW TOWARD MAINTAINING THE APPEARANCE OF ALL DESIGNATED EMPLOYEES AS REPRESENTATIVES OF A RESOURCE AND PEOPLE SERVING AGENCY, AND NOT AS MEMBERS OF

AN ORGANIZATION WHOSE ONLY FUNCTION IS LAW ENFORCEMENT."

AS WITH OTHER LAWS BY CONGRESS, THE SECRETARY OF INTERIOR IS AUTHORIZED TO IMPLEMENT THIS PARTICULAR LAW, AS MENTIONED ABOVE.

C. DEPARTMENTAL GUIDANCE

ALONG WITH THE LEGAL AUTHORITY TO ENFORCE LAW THERE IS ALSO GUIDANCE PROVIDED FROM BOTH THE SECRETARY OF THE INTERIOR AND THE DIRECTOR OF THE NATIONAL PARK SERVICE. THIS GUIDANCE IS INTENDED TO ASSURE THAT ENFORCEMENT OFFICIALS OPERATE WITHIN SPECIFIED CONSTRAINTS AND REFLECT THE INTENT OF THE DEPARTMENT AND THE SERVICE.

SECRETARIAL GUIDANCE IS IN THE FORM OF DEPARTMENTAL MANUALS. IN THE SPECIFIC CASE OF LAW ENFORCEMENT THE APPLICABLE PORTION OF THE MANUAL IS PART 446. DEPARTMENTAL MANUAL, PART 446, SECTION 3 (DM 446.3) IS A POLICY STATEMENT. ALL LAW ENFORCEMENT FUNCTIONS AND PROGRAMS WITHIN THE DEPARTMENT SHALL ADHERE TO THE FOLLOWING GUIDELINES AND PRINCIPLES:

1. "WHERE APPLICABLE AND FEASIBLE, THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF THE INTERIOR AND ITS CONSTITUENT BUREAUS AND OFFICES SHALL REFLECT A COMMITMENT TO MAINTAIN EFFECTIVE AND PROFESSIONAL LAW ENFORCEMENT PROGRAM ON ALL LANDS IT ADMINISTERS.
2. "THE DEPARTMENT SHALL ENTRUST LAW ENFORCEMENT RESPONSIBILITY ONLY TO FULL-TIME LAW ENFORCEMENT PROFESSIONALS, VESTED WITH AUTHORITY COMMENSURATE WITH THEIR RESPONSIBILITIES..."

D. NATIONAL PARK SERVICE GUIDANCE

THE DIRECTOR OF THE NATIONAL PARK SERVICE HAS "COMPILED ADDITIONAL GUIDELINES AND PROCEDURES WHICH MUST BE FOLLOWED TO KEEP NATIONAL PARK SERVICE LAW ENFORCEMENT ACTIVITIES WITHIN ESTABLISHED LEGAL AND POLICY PERIMETERS." (NPS 9, Pg. III). THESE GUIDELINES ARE FOUND IN "NPS GUIDELINES #9, LAW ENFORCEMENT." NPS 9, CHAPTER 2, PAGE 1, IS "LAW ENFORCEMENT PRINCIPLES" WHICH PROVIDES A BASIC OVERALL POLICY STATEMENT OF THE DIRECTORATE REGARDING LAW ENFORCEMENT AND THE NATIONAL PARK SERVICE.

IN PART "ALL LAW ENFORCEMENT PROGRAMS SHALL BE FORMULATED AND EXECUTED IN CONSONANCE WITH THE FUNDAMENTAL MISSION OF THE NATIONAL PARK SERVICE, WHICH IS ".....TO CONSERVE THE SCENERY AND THE NATURAL AND HISTORIC OBJECTS AND THE WILDLIFE THEREIN AND TO PROVIDE FOR THE ENJOYMENT OF THE SAME IN SUCH MANNER AND BY SUCH MEANS AS WILL LEAVE THEM UNIMPAIRED FOR THE ENJOYMENT OF FUTURE GENERATIONS....."

"THE GOAL OF ALL LAW ENFORCEMENT ACTIONS MUST BE THE SAFETY OF THE PARK VISITOR, THE PROTECTION OF THE RESOURCE, AND THE ABSENCE OF CRIME. ALL OF THESE ACTIONS MUST BE WITHIN THE LEGAL PARAMETERS AS ESTABLISHED BY LAW AND INTERPRETED BY THE COURTS."

"THE SERVICE MUST BE EVER MINDFUL THAT AS AN AGENCY WITH LAW ENFORCEMENT RESPONSIBILITIES, IT MUST BE ABLE TO PROJECT TO ITS COMMUNITY OF VISITORS ITS WILLINGNESS TO SERVE WITH INTEGRITY

AND EFFECTIVENESS. THE ABILITY TO DEAL WITH PEOPLE IS THE LAW ENFORCEMENT OFFICER'S MOST IMPORTANT SOCIAL SKILL. THE MANNER IN WHICH CITIZENS ARE AFFECTED AND REACT TO HIS ACTIONS AND WORDS REFLECTS THE DEGREE OF TRUST AND RESPECT THEY ASSIGN TO HIM AS A PERSON AND TO THE ENTIRE SERVICE."

E. GENERAL AUTHORITIES ACT--REMAINING SECTIONS

AS MENTIONED EARLIER, THERE ARE ELEVEN BASIC ELEMENTS OF THE GENERAL AUTHORITIES ACT. ALSO INCLUDED ARE THE USC REFERENCES:

1. THIS SECTION DEALS WITH A SPECIFIC DISPOSAL OF PARK RESOURCES RELATED TO CONCESSIONS (16 USC 1A-2(c)).
2. ALLOWS FOR THE PROMULGATION OF BOATING REGULATIONS; PRIMARILY FOR WHITE WATER AND NON-NAVIGABLE STREAMS (16 USC 1A-2(h)).
3. PROVIDES FOR PAYMENT OF MEALS AND LODGING IN LAW ENFORCEMENT SITUATIONS (16 USC 1A-2(i)).
4. THIS PROVIDES FOR THE PAYMENT OF MOVING EXPENSES OF EMPLOYEES AND ALSO FOR TRAVELING EXPENSES FOR DEPENDENTS OF DECEASED EMPLOYEES (16 USC 17(j)).
5. PROVIDES FOR THE RELINQUISHMENT OF PART OF THE LEGISLATIVE JURISDICTION OF THE UNITED STATES OVER NATIONAL PARK SYSTEM LANDS. GENERALLY EXCLUSIVE TO CONCURRENT (16 USC 1A-3).
6. PROVIDES FOR A UNIFORM ALLOWANCE OF UP TO \$400 ANNUALLY (16 USC 1A-4).
7. DIRECTS THE SECRETARY OF THE INTERIOR THROUGH THE NATIONAL PARK SERVICE TO INVESTIGATE AND TRANSMIT TO THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE A LISTING OF NO LESS THAN TWELVE AREAS OF NATIONAL SIGNIFICANCE FOR POTENTIAL INCLUSION IN THE NATIONAL PARK SYSTEM (16 USC 1A-5).

8. ESTABLISHES A NATIONAL PARK SYSTEM ADVISORY BOARD (16 USC 463A).
9. LAW ENFORCEMENT AUTHORITY AS DESCRIBED EARLIER.
10. AUTHORITY FOR ALLOWING NONDISCLOSURE OF INFORMATION RELATING TO OBJECTS OR SITES LISTED ON THE "NATIONAL REGISTER (16 USC 470 (A) (4))".
11. PROVIDES FOR CONGRESSIONAL REVIEW OF GENERAL MANAGEMENT PLANS.

SECTION IV
JURISDICTION

SECTION IV--JURISDICTION

JURISDICTION IS ANOTHER FACTOR THAT LAW ENFORCEMENT OFFICERS MUST BE KNOWLEDGEABLE ABOUT IN ORDER TO BE EFFECTIVE.

JURISDICTION MAY BE DEFINED AS THE LIMITS OR TERRITORY WITHIN WHICH AUTHORITY MAY BE EXERCISED.

JURISDICTION RELATES TO THE PLACE, ACT AND PERSON OR THING AS CONTRASTED TO AUTHORITY WHICH RELATES TO THE OFFICER AND HIS POWERS TO ENFORCE LAW.

SINCE THERE ARE MANY TYPES OF JURISDICTION, IT IS VERY IMPORTANT THAT A RANGER OR ANY OTHER LAW ENFORCEMENT OFFICER KNOW THE TYPE OF JURISDICTION UNDER WHICH HE MUST WORK.

A. BACKGROUND

THE "JURISDICTION CLAUSE" OF THE CONSTITUTION OF THE UNITED STATES, ARTICLE 1, SECTION 8, CLAUSE 17, PROVIDES THAT THE "FEDERAL GOVERNMENT SHALL HAVE EXCLUSIVE JURISDICTION OVER SUCH AREA, NOT EXCEEDING 10 MILES SQUARE, AS MAY BECOME THE SEAT OF GOVERNMENT, AND SIMILAR AUTHORITY OVER ALL PLACES ACQUIRED BY THE FEDERAL GOVERNMENT, WITH THE CONSENT OF THE STATE INVOLVED, FOR FEDERAL WORKS".

CONGRESS ENACTED LEGISLATION IN 1841 WHICH REQUIRED STATES TO CONSENT TO EXCLUSIVE FEDERAL LEGISLATIVE JURISDICTION OVER PROPERTIES ACQUIRED BY THE FEDERAL GOVERNMENT ON WHICH IT WOULD PLACE IMPROVEMENTS (40 USC 255).

THROUGH RESERVATIONS IN STATEHOOD ACTS AND BY OUTRIGHT CESSIONS, THE FEDERAL GOVERNMENT HAS ALSO ACQUIRED LEGISLATIVE JURISDICTION OVER SUBSTANTIAL ACREAGES OF PUBLIC DOMAIN LAND TO WHICH THE 1841 STATUTE NEVER APPLIED.

THIS 1841 STATUTE WAS AMENDED BY CONGRESS IN 1940 TO ELIMINATE THE PRESUMPTION OF FEDERAL ACCEPTANCE AND TO MAKE THE ACQUISITION OF EXCLUSIVE JURISDICTION DISCRETIONARY WITH FEDERAL ADMINISTRATORS.

STEMMING FROM ACQUISITION UNDER THE 1841 ACT, THE 1940 AMENDMENT, THE STATUS OF PUBLIC DOMAIN LANDS, AND VARIED RESERVATIONS BY THE STATES, THERE IS NOW A HODGEPODGE OF DIVERSE SHADES OF LEGISLATIVE JURISDICTION OVER FEDERAL LANDS. THERE ARE FOUR GENERAL CATEGORIES OF FEDERAL JURISDICTION WHICH HAVE EVOLVED AND THEY WILL BE DESCRIBED AND DISCUSSED BELOW. INDIVIDUAL AREAS OFTEN HAVE MORE THAN ONE TYPE OF JURISDICTION WITHIN THE DESIGNATED BOUNDARIES DEPENDENT ON HOW THE PROPERTY WAS ACQUIRED AND THE STATES INVOLVED.

B. EXCLUSIVE JURISDICTION

EXCLUSIVE LEGISLATIVE JURISDICTION, OR EXCLUSIVE JURISDICTION, IS WHEN THE FEDERAL GOVERNMENT POSSESSES ALL OF THE AUTHORITY OF THE STATE, WITH THE ONLY RESERVATION BEING THE RIGHT OF THE STATE TO SERVE CRIMINAL AND CIVIL PROCESS IN THE AREA FOR ACTIVITIES OCCURRING OUTSIDE THE AREA.

EXCLUSIVE JURISDICTION IS OBTAINED BY THE FEDERAL GOVERNMENT IN THREE (3) WAYS:

1. WHEN LAND IS PURCHASED BY THE UNITED STATES AND THE STATE CONSENTS TO TRANSFER EXCLUSIVE JURISDICTION PURSUANT TO ARTICLE I, SECTION 8, CLAUSE 17 OF THE CONSTITUTION;
2. WHEN THE STATE CEDES JURISDICTION TO THE FEDERAL GOVERNMENT; AND
3. WHERE THE FEDERAL GOVERNMENT HAS RETAINED JURISDICTION OVER AN AREA WHICH WAS PROPERTY OF THE UNITED STATES PRIOR TO THE TIME A STATE WAS ADMITTED INTO THE UNION.

UNDER EXCLUSIVE JURISDICTION, ONLY FEDERAL LAWS ARE APPLICABLE. THE STATE CAN NEITHER DEFINE NOR PUNISH CRIME IN SUCH AN AREA. ALL FEDERAL LAW IS STATUTORY.

C. CONCURRENT JURISDICTION

CONCURRENT LEGISLATIVE JURISDICTION, OR CONCURRENT JURISDICTION, IS WHEN A STATE GRANTS, THROUGH LEGISLATION, TO THE FEDERAL GOVERNMENT WHAT WOULD OTHERWISE BE EXCLUSIVE JURISDICTION, BUT RESERVES TO ITSELF THE RIGHT TO EXERCISE CONCURRENTLY THE STATE POWERS.

THE LAWS OF BOTH SOVEREIGNS, FEDERAL AND STATE, ARE APPLICABLE IN THE AREA. EACH MAY ENFORCE AND TAKE TO TRIAL PERSONS ACCUSED OF VIOLATION WITHOUT VIOLATING THE "DOUBLE JEOPARDY CLAUSE" OF THE 5TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

BASED UPON CONGRESSIONAL LEGISLATION IN THE GENERAL AUTHORITIES ACT, "THE SECRETARY SHALL DILIGENTLY PURSUE THE CONSUMATION.....THAT..... THE UNITED STATES SHALL EXERCISE CONCURRENT LEGISLATIVE JURISDICTION WITHIN UNITS OF THE NATIONAL PARK SYSTEM". (16 USC 1A-3).

D. PARTIAL JURISDICTION

PARTIAL LEGISLATIVE JURISDICTION, OR PARTIAL JURISDICTION, IS WHEN THE FEDERAL GOVERNMENT HAS BEEN GRANTED THE RIGHT TO EXERCISE CERTAIN OF THE STATE'S AUTHORITY, WITH THE STATE RESERVING THE RIGHT TO EXERCISE BY ITSELF, OR CONCURRENTLY, OTHER AUTHORITY BEYOND THE MERE RIGHT TO SERVE PROCESS PAPERS.

THIS JURISDICTION EXTENDS ONLY TO THE FEDERAL GOVERNMENT, THOSE MATTERS WHICH WERE SPECIFICALLY LEGISLATED BY THE STATE.

PARTIAL JURISDICTION IS BY FAR THE LEAST COMMON OF THE FOUR TYPES OF JURISDICTION.

E. PROPRIETORIAL INTEREST

PROPRIETORIAL OR PROPRIETARY INTEREST IS WHERE THE UNITED STATES HAS ACQUIRED SOME RIGHT OR TITLE TO AN AREA WITHIN A STATE BUT NO MEASURE OF THE STATE'S AUTHORITY OVER THE AREA. THE FEDERAL GOVERNMENT HAS NO "LEGISLATIVE JURISDICTION" BECAUSE OF EITHER NOT HAVING EXPRESSLY RESERVED JURISDICTION AT THE TIME THE STATE WAS ADMITTED TO THE UNION, OR BY HAVING NOT ACQUIRED JURISDICTION FROM THE STATE.

THIS DOES NOT MEAN THE FEDERAL GOVERNMENT IS WITHOUT POWER TO CARRY OUT DUTIES AND FUNCTIONS, BECAUSE AS YOU WILL RECALL, "CONGRESS SHALL HAVE.....POWER TO.....MAKE ALL NEEDFUL RULES AND REGULATIONS RESPECTING THE TERRITORY AND OTHER PROPERTY BELONGING TO THE UNITED STATES.....". TITLE 36, CODE OF FEDERAL

REGULATIONS AND ALSO SOME FEDERAL LAWS ARE ENFORCEABLE UNDER THIS TYPE OF JURISDICTION. BASICALLY, THESE ARE THOSE FEDERAL LAWS WHICH, IF VIOLATED, CONSTITUTE FEDERAL OFFENSES ANYWHERE IN THE UNITED STATES, REGARDLESS OF PROPERTY OWNERSHIP OR JURISDICTION. FOR EXAMPLE, IT IS A VIOLATION OF 21 USC 841(A) FOR ANY PERSON KNOWINGLY OR INTENTIONALLY TO MANUFACTURE, DISTRIBUTE OR DISPENSE A CONTROLLED SUBSTANCE (WHICH INCLUDES MARIJUANA, HEROIN OR OTHER NARCOTICS). THIS IS A VIOLATION IN ANY AREA, REGARDLESS OF THE TYPE OF JURISDICTION. THEREFORE, AN EMPLOYEE DESIGNATED AS A LAW ENFORCEMENT OFFICER FOR THE SERVICE MAY MAKE SUCH AN ARREST IN AN AREA OF PROPRIETARY JURISDICTION. IT IS CRITICAL TO RECOGNIZE THAT THE INCIDENT MUST HAVE TAKEN PLACE WITHIN THE TERRITORIAL JURISDICTION OF THE NATIONAL PARK SERVICE.

LAW ENFORCEMENT OFFICERS WORKING IN AREAS WITH PROPRIETARY JURISDICTION SHOULD BECOME FAMILIAR WITH THOSE PROVISIONS OF THE U.S. CODE WHICH ARE ENFORCEABLE REGARDLESS OF THE LOCATION OF AN OFFENSE. THIS SHOULD BE COORDINATED WITH THE U.S. ATTORNEY'S OFFICE AND THOSE FEDERAL AGENCIES HAVING PRIMARY INVESTIGATIVE RESPONSIBILITY FOR THE PARTICULAR OFFENSE.

"THE CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF;.....SHALL BE THE SUPREME LAW OF THE LAND;.....: (CONSTITUTION OF THE UNITED STATES, ARTICLE VI, CLAUSE 2).

THE UNITED STATES GOVERNMENT HAS THE RIGHT TO USE ITS REAL PROPERTY AS IT DEEMS NECESSARY AND STATE LAW MAY NOT IMPAIR OR PREVENT THE FEDERAL GOVERNMENT FROM CARRYING OUT ITS FEDERAL FUNCTION.

SECTION V
ASSIMILATIVE CRIMES AND SPECIFIC LAWS

SECTION V--ASSIMILATIVE CRIMES AND SPECIFIC LAWS

THE TERM "ASSIMILATE" AS IT RELATES TO LAW AND CRIME MEANS THE ABSORBING OR INCORPORATING INTO A SET OF LAWS ANOTHER SECOND SET OF LAW. THERE ARE A NUMBER OF ASSIMILATIVE LAWS AND REGULATIONS WHICH RELATE TO THE NATIONAL PARK SERVICE.

A. ASSIMILATIVE CRIMES ACT

IN AREAS OF EXCLUSIVE OR CONCURRENT JURISDICTION, THE ASSIMILATIVE CRIMES ACT, 18 USC 13, PROVIDES FOR THE LAWS OF STATES TO BE ADOPTED.

THIS ACT READS, IN PART, "WHOEVER WITHIN OR UPON ANY OF THE PLACES NOW EXISTING OR HEREAFTER RESERVED OR ACQUIRED.....IS GUILTY OF ANY ACT OR OMISSION WHICH, ALTHOUGH NOT MADE PUNISHABLE BY ANY ENACTMENT OF CONGRESS, WOULD BE PUNISHABLE IF COMMITTED OR OMITTED WITHIN THE JURISDICTION OF THE STATE.....IN WHICH SUCH PLACE IS SITUATED, BY THE LAWS THEREOF IN FORCE AT THE TIME OF SUCH ACT OR OMISSION, SHALL BE GUILTY OF A LIKE OFFENSE AND SUBJECT TO A LIKE PUNISHMENT."

IT SHOULD BE RECOGNIZED THAT THE STATE LAWS ARE ASSIMILATED AS VIOLATIONS OF FEDERAL LAW. THEREFORE, THESE VIOLATIONS ARE HANDLED AS VIOLATIONS OF FEDERAL LAW UTILIZING THE FEDERAL COURT SYSTEM.

B. ASSIMILATIVE REGULATIONS--36 CFR

THERE ARE SECTIONS OF TITLE 36, CODE OF FEDERAL REGULATIONS, WHICH INCORPORATE AND ASSIMILATE CERTAIN OTHER FEDERAL AND STATE RULES AND LAWS.

1. 36 CFR 1.1 (c)--APPLICABILITY AND SCOPE

THE REGULATIONS CONTAINED IN PART 7 OF THIS CHAPTER ARE SPECIAL REGULATIONS PRESCRIBED FOR SPECIFIC AREAS, AND SUCH REGULATIONS MAY AMEND, MODIFY, RELAX, OR MAKE MORE STRINGENT THE REGULATIONS CONTAINED IN PARTS 2 THROUGH 6 OF THIS CHAPTER.

2. 36 CFR 2.13 (A)--FISHING

UNLESS FURTHER RESTRICTED HEREIN OR BY SPECIAL REGULATIONS, FISHING SHALL BE IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OR LEGAL SUBDIVISION THEREOF.....

3. 36 CFR 2.32 (B) (1)--WILDLIFE; HUNTING

EXCEPT AS OTHERWISE PROVIDED HEREIN, HUNTING AND TRAPPING ARE PERMITTED IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS APPLICABLE TO THESE AREAS OR PORTIONS THEREOF.....

4. 36 CFR 3.0--BOATING--APPLICABLE REGULATIONS

IN ADDITION TO THE REGULATIONS CONTAINED IN THIS PART, THE U.S. COAST GUARD REGULATIONS, TITLE 33 AND 46, CFR, ARE APPLICABLE ON NAVIGABLE WATERS OF THE UNITED STATES.

5. 36 CFR 4.1--VEHICLES AND TRAFFIC SAFETY--STATE LAWS APPLICABLE

UNLESS SPECIFICALLY COVERED BY THE GENERAL AND SPECIAL REGULATIONS SET FORTH IN THIS CHAPTER, THE LAWS AND REGULATIONS OF THE STATE WITHIN WHOSE EXTERIOR BOUNDARIES A PART AREA OR PORTION THEREOF IF LOCATED, SHALL GOVERN TRAFFIC AND THE OPERATION AND USE OF VEHICLES. SUCH STATE LAWS AND REGULATIONS, WHICH ARE NEW AND MAY HEREAFTER BE IN EFFECT, ARE HEREBY ADOPTED AND MADE PART OF THE REGULATIONS IN THIS PART.

C. LACEY ACT--16 USC 3371-78

THE LACEY ACT AMENDMENTS OF 1981, WHICH WERE SIGNED INTO LAW BY PRESIDENT REAGAN ON NOVEMBER 16, 1981, COMBINED THE LACEY AND BLACK BASS ACTS INTO A SINGLE COMPREHENSIVE STATUTE TO PROVIDE MORE EFFECTIVE ENFORCEMENT OF STATE, FEDERAL, INDIAN TRIBAL, AND FOREIGN CONSERVATION LAWS PROTECTING FISH, WILDLIFE, AND RARE PLANTS.

AS IN THE PAST, THE LACEY ACT AMENDMENTS OF 1981 DO NOT CONSTITUTE A BROADENING OF FEDERAL AUTHORITY, BUT MERELY ALLOW THE FEDERAL GOVERNMENT TO PROVIDE MORE ADEQUATE SUPPORT FOR THE FULL RANGE OF LAWS THAT PROTECT FISH, WILDLIFE, AND PLANTS. WITH THE EXCEPTION OF THE MARKING PROVISIONS, NONE OF THE SUBSTANTIVE PROVISIONS OF THE AMENDMENTS STAND ON THEIR OWN. IN ORDER TO PROSECUTE A CASE, IT REMAINS NECESSARY TO FIRST PROVE THAT THERE HAS BEEN A VIOLATION OF AN UNDERLYING LAW RELATING TO FISH, WILDLIFE, OR PLANTS.

D. OTHER LAWS

APPENDED IS A LIST OF FEDERAL LAW FROM 18 USC WHICH RELATE TO USE IN THE NATIONAL PARK SERVICE. THIS INFORMATION IS IN MANY CASES A QUOTE OR PARAPHRASE AND SPECIFIC CITATION OF LAW MUST COME FROM THE UNITED STATES CODE ITSELF. THIS ITEM IS INCLUDED SOLELY AS A REFERENCE.

TITLE 18 UNITED STATES CODE

NOTE: THOSE SECTIONS OF 18 USC THAT ARE ONLY APPLICABLE IN AREAS DESCRIBED AS "WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION" PER 18 USC 7 ARE IDENTIFIED BY AN ASTERISK (*). THESE SECTIONS MAY BE ENFORCED ONLY IN THOSE AREAS HAVING EXCLUSIVE OR CONCURRENT JURISDICTION.

CHAPTER 2--GENERAL PROVISIONS

SEC. 1. OFFENSES CLASSIFIED

NOTWITHSTANDING ANY ACT OF CONGRESS TO THE CONTRARY:

- (1) ANY OFFENSE PUNISHABLE BY DEATH OR IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR IS A FELONY.
- (2) ANY OTHER OFFENSE IS A MISDEMEANOR.
- (3) ANY MISDEMEANOR, THE PENALTY FOR WHICH DOES NOT EXCEED IMPRISONMENT FOR PERIOD OF SIX MONTHS OR A FINE OF NOT MORE THAN \$500, OR BOTH, IS A PETTY OFFENSE.

SEC. 2. PRINCIPALS

- (A) WHOEVER COMMITS AN OFFENSE AGAINST THE UNITED STATES OR AIDS, ABETS, COUNSELS, COMMANDS, INDUCES OR PROCURES ITS COMMISSION, IS PUNISHABLE AS A PRINCIPAL.
- (B) WHOEVER WILLFULLY CAUSES AN ACT TO BE DONE WHICH IF

DIRECTLY PERFORMED BY HIM OR ANOTHER WOULD BE AN OFFENSE AGAINST THE UNITED STATES, IS PUNISHABLE AS A PRINCIPAL.

SEC. 3. ACCESSORY AFTER THE FACT.

WHOEVER, HAVING KNOWLEDGE OF THE ACTUAL COMMISSION OF A FELONY COGNIZABLE BY A COURT OF THE UNITED STATES, CONCEALS AND DOES NOT AS SOON AS POSSIBLE MAKE KNOWN THE SAME TO SOME JUDGE OR OTHER PERSON IN CIVIL AUTHORITY, SHALL BE FINED NOT MORE THAN \$500 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH.

SEC. 5. UNITED STATES DEFINED.

THE TERM UNITED STATES AS USED IN THIS TITLE IN A TERRITORIAL SENSE, INCLUDES ALL PLACES AND WATERS, CONTINENTAL OR INSULAR, SUBJECT TO THE JURISDICTION OF THE UNITED STATES, EXCEPT THE CANAL ZONE.

SEC. 7. SPECIAL MARITIME & TERRITORIAL JURISDICTION OF THE U.S. DEFINED.

THE TERM SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES AS USED IN THIS TITLE, INCLUDED:

- (3) ANY LANDS RESERVED OR ACQUIRED FOR THE USE OF THE UNITED STATES, AND UNDER THE EXCLUSIVE OR CONCURRENT JURISDICTION THEREOF, OR ANY PLACE PURCHASED OR OTHERWISE ACQUIRED BY THE UNITED STATES BY CONSENT OF THE LEGISLATURE OF THE STATE IN WHICH THE SAME SHALL BE, FOR THE ERECTION OF A FORT, MAGAZINE, ARSENAL, DOCKYARD, OR OTHER NEEDFUL BUILDING.

SEC. 13. LAWS OF STATES ADOPTED FOR AREAS WITHIN FEDERAL JURISDICTION.

WHOEVER WITHIN OR UPON ANY OF THE PLACES NOW EXISTING OR HEREAFTER RESERVED OR ACQUIRED AS PROVIDED IN SECTION 7 OF THIS TITLE, IS GUILTY OF ANY ACT OR OMISSION WHICH, ALTHOUGH NOT MADE PUNISHABLE BY ANY ENACTMENT OF CONGRESS, WOULD BE PUNISHABLE IF COMMITTED OR OMITTED WITHIN THE JURISDICTION OF THE STATE, TERRITORY, POSSESSION, OR DISTRICT IN WHICH SUCH PLACE IS SITUATED, BY THE LAW THEREOF IN FORCE AT THE TIME OF SUCH ACT OR OMISSION, SHALL BE GUILTY OF A LIKE OFFENSE AND SUBJECT TO A LIKE PUNISHMENT.

CHAPTER 3--ANIMALS, BIRDS, FISH AND PLANTS

SEC. 41. HUNTING, FISHING, TRAPPING; DISTURBANCE OR INJURY ON WILDLIFE REFUGES.

WHOEVER, EXCEPT IN COMPLIANCE WITH RULES AND REGULATIONS PROMULGATED BY AUTHORITY OF LAW, HUNTS, TRAPS, CAPTURES, WILLFULLY DISTURBS OR KILLS ANY BIRD, FISH, OR WILD ANIMAL OF ANY KIND WHATEVER, OR TAKES OR DESTROYS THE EGGS OR NEST OF ANY SUCH BIRD OR FISH, ON ANY LANDS OR WATERS WHICH ARE SET APART OR RESERVED AS SANCTUARIES, REFUGES, OR BREEDING GROUNDS FOR SUCH BIRDS, FISH, OR ANIMALS UNDER ANY LAW OF THE UNITED STATES OR WILLFULLY INJURES, MOLESTS, OR DESTROYS ANY PROPERTY OF THE UNITED STATES ON ANY SUCH LANDS OR WATERS, SHALL BE FINED NOT MORE THAN \$500 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH.

*CHAPTER 5--ARSON

SEC. 81. ARSON WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

WHOEVER WILLFULLY AND MALICIOUSLY SETS FIRE TO OR BURNS, OR ATTEMPTS TO SET FIRE TO OR BURN ANY BUILDING, STRUCTURE OR VESSEL, ANY MACHINERY OR BUILDING MATERIALS OR SUPPLIES.....SHALL BE FINED NOT MORE THAN \$1,000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH.

IF THE BUILDING BE A DWELLING OR IF THE LIFE OF ANY PERSON BE PLACED IN JEOPARDY, HE SHALL BE FINED NOT MORE THAN \$5,000 OR IMPRISONED NOT MORE THAN TWENTY YEARS, OR BOTH.

CHAPTER 7--ASSAULT

SEC. 111. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES

WHOEVER FORCIBLY ASSAULTS, RESISTS, OPPOSES, IMPEDED, INITMIDATES, OR INTERFERES WITH ANY PERSON DESIGNATED IN SECTION 1114 (NPS EMPLOYEES) OF THIS TITLE WHILE ENGAGED IN OR ON ACCOUNTS OF THE PERFORMANCE OF HIS OFFICIAL DUTIES, SHALL BE FINED NOT MORE THAN \$5,000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH. WHOEVER, IN THE COMMISSION OF ANY SUCH ACTS USES A DEADLY OR DANGEROUS WEAPON, SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN TEN YEARS, OR BOTH.

*SEC. 113. ASSAULTS WITHIN MARITIME AND TERRITORIAL
JURISDICTION

WHOEVER IS GUILTY OF AN ASSAULT SHALL BE PUNISHED AS
FOLLOWS:

- (A) ASSAULT WITH INTENT TO COMMIT MURDER OR RAPE,
BY IMPRISONMENT FOR NOT MORE THAN TWENTY YEARS.
- (B) ASSAULT WITH INTENT TO COMMIT ANY DELONY,
EXCEPT MURDER OR RAPE, BY FINE OF NOT MORE
THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN
TEN YEARS, OR BOTH.
- (C) ASSAULT WITH A DANGEROUS WEAPON, WITH INTENT
TO DO BODILY HARM, AND WITHOUT JUST CAUSE OR
EXCUSE, BY FINE OF NOT MORE THAN \$1,000 OR
IMPRISONMENT FOR NOT MORE THAN FIVE YEARS,
OR BOTH.
- (D) ASSAULT BY STRIKING, BEATING, OR WOUNDING,
BY FINE OF NOT MORE THAN \$500 OR IMPRISONMENT
FOR NOT MORE THAN SIX MONTHS, OR BOTH.
- (E) SIMPLE ASSAULT, BY FINE OR NOT MORE THAN
\$300 OR IMPRISONMENT FOR NOT MORE THAN THREE
MONTHS, OR BOTH.

*SEC. 114. MAIMING WITHIN MARITIME AND TERRITORIAL
JURISDICTION

WHOEVER WITH INTENT TO MAIM OR DISFIGURE, CUTS, BITES,
OR SLITS THE NOSE, EAR, OR LIP, OR CUTS OUT OR DISABLES
THE TONGUE, OR PUTS OUT OR DESTROYS AN EYE, OR CUTS OFF

OR DISABLES A LIMB OR ANY MEMBER OF ANOTHER PERSON; OR WHOEVER WITH LIKE INTENT, THROWS, OR POURS UPON ANOTHER PERSON, ANY SCALDING WATER, CORROSIVE ACID, OR CAUSTIC SUBSTANCE.....SHALL BE FINED NOT MORE THAN \$1,000 OR IMPRISONED NOT MORE THAN SEVEN YEARS, OR BOTH.

CHAPTER 11--BRIBERY, GRAFT, AND CONFLICT OF INTEREST

SEC. 201. BRIBERY OF PUBLIC OFFICIALS AND WITNESSES

- (A) FOR THE PURPOSE OF THIS SECTION: "PUBLIC OFFICIAL" MEANS.....AN OFFICER OR EMPLOYEE OR PERSON ACTING FOR OR ON BEHALF OF THE UNITED STATES, OR ANY DEPARTMENT, AGENCY, OR BRANCH OF GOVERNMENT THEREOF, IN ANY OFFICIAL FUNCTION, UNDER OR BY AUTHORITY OF ANY SUCH DEPARTMENT, AGENCY, OR BRANCH OF GOVERNMENT, AND "OFFICIAL ACT" MEANS ANY DECISION OR ACTION ON ANY QUESTION, MATTER, CAUSE, SUIT, PROCEEDING, OR CONTROVERSY, WHICH MAY AT ANY TIME BE PENDING, OR WHICH MAY BE LAW BE BROUGHT BEFORE ANY PUBLIC OFFICIAL, IN HIS OFFICIAL CAPACITY, OR IN HIS PLACE OF TRUST OR PROFIT.
- (B) WHOEVER, DIRECTLY OR INDIRECTLY, CORRUPTLY GIVES, OFFERS, OR PROMISES ANYTHING OF VALUE TO ANY PUBLIC OFFICIAL WHO HAS BEEN SELECTED TO BE A PUBLIC OFFICIAL, OR OFFERS OR PROMISES ANY PUBLIC OFFICIAL WITH INTENT:

- (1) TO INFLUENCE ANY OFFICIAL ACT; OR
- (2) TO INFLUENCE SUCH PUBLIC OFFICIAL OR PERSON WHO HAS BEEN SELECTED TO COMMIT OR AID IN COMMITTING, OR ALLOW ANY FRAUD; OR
- (3) WHOEVER, BEING A PUBLIC OFFICIAL CORRUPTLY ASKS, DEMANDS, EXACTS, SOLICITS, SEEKS, ACCEPTS, RECEIVES, OR AGREES TO RECEIVE ANYTHING OF VALUE FOR HIMSELF OR FOR ANY OTHER PERSON OR ENTITY IN RETURN FOR:
 - (A) BEING INFLUENCED
 - (B) ALLOWING FRAUD
 - (C) OMITTING

THE CONSEQUENCES AND PENALTIES FOR THESE AND A SERIES OF RELATED OFFENSES ARE SPECIFICALLY MENTIONED UNDER THIS SECTION. THE RESULTS ARE VARIED ACCORDING TO THE NATURE AND DEGREE OF PARTICIPATION BY THE OFFICIAL OR THE PUBLIC.

SEC. 231. CIVIL DISORDERS

(A)(1) WHOEVER TEACHES OR DEMONSTRATES TO ANY OTHER PERSON THE USE, APPLICATION, OR MAKING OF ANY FIREARM OR EXPLOSIVE OR INCENDIARY DEVICE, OR TECHNIQUE CAPABLE OF CAUSING INJURY OR DEATH TO PERSONS, KNOWING OR HAVING REASON TO TO KNOW OR INTENDING THAT THE SAME WILL BE UNLAWFULLY EMPLOYED FOR USE IN, OR THE SAME WILL BE IN FURTHERANCE OF A CIVIL DISORDER WHICH MAY IN ANY WAY OR DEGREE OBSTRUCT, DELAY OR ADVERSELY AFFECT COMMERCE OR THE MOVEMENT OF ANY ARTICLE OR COMMODITY IN COMMERCE OR THE CONDUCT OR PERFORMANCE OF ANY FEDERALLY PROTECTED FUNCTION; OR

(2) WHOEVER TRANSPORTS OR MANUFACTURES FOR TRANSPORTATION IN COMMERCE ANY FIREARM, OR EXPLOSIVE OR INCENDIARY DEVICE, KNOWING OR HAVING REASON TO KNOW OR INTENDING THAT THE SAME WILL BE USED UNLAWFULLY IN FURTHERANCE OF A CIVIL DISORDER; OR

(3) WHOEVER COMMITS OR ATTEMPTS TO COMMIT ANY ACT TO OBSTRUCT, IMPETE, OR INTERFERE WITH ANY FIREMAN OR LAW ENFORCEMENT OFFICER LAWFULLY ENGAGED IN THE PERFORMANCE OF HIS OFFICIAL DUTIES INCIDENT TO AND DURING THE COMMISSION OF A CIVIL DISORDER WHICH IN ANY WAY OR DEGREE OBSTRUCTS, DELAYS, OR ADVERSELY AFFECTS COMMERCE OR THE MOVEMENT OF ANY ARTICLE OR COMMODITY IN COMMERCE OR THE CONDUCT OR PERFORMANCE OF ANY FEDERALLY PROTECTED FUNCTION.....SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH.

SEC. 232. DEFINITION

THE TERM "CIVIL DISORDER" MEANS ANY PUBLIC DISTURBANCE INVOLVING ACTS OF VIOLENCE BY ASSEMBLAGES OF THREE OR MORE PERSONS, WHICH CAUSES AN IMMEDIATE DANGER OF OR RESULTS IN DAMAGE OR INJURY TO THE PROPERTY OR PERSON OF ANY OTHER INDIVIDUAL.

CHAPTER 13--CIVIL RIGHTS

SEC. 241. CONSPIRACY AGAINST THE RIGHTS OF CITIZENS

IF TWO OR MORE PERSONS CONSPIRE TO INJURE, OPPRESS, THREATEN, OR INTIMIDATE ANY CITIZEN IN THE FREE EXERCISE OR ENJOYMENT OF ANY RIGHT OR PRIVILEGE SECURED TO HIM BY THE CONSTITUTION OR LAWS OF THE UNITED STATES, OR BECAUSE OF HIS HAVING SO EXERCISED THE SAME; OR IF TWO OR MORE PERSONS GO IN DISGUISE ON THE HIGHWAY

OR ON THE PREMISES OF ANOTHER, WITH INTENT TO PREVENT, OR HINDER HIS FREE EXERCISE OR ENJOYMENT OF ANY RIGHT OR PRIVILEGE SO SECURED, THEY ARE GUILTY OF A FELONY AND SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN TEN YEARS, OR BOTH; AND IF DEATH RESULTS, THEY SHALL BE SUBJECT TO IMPRISONMENT FOR ANY TERM OF YEARS OR FOR LIFE.

SEC. 242. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

WHOEVER, UNDER COLOR OF ANY LAW, STATUTE, ORDINANCE, REGULATION OR CUSTOM, WILLFULLY SUBJECTS ANY INHABITANT OF ANY STATE, TERRITORY, OR DISTRICT TO THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES, OR TO DIFFERENT PUNISHMENTS, PAINS, OR PENALTIES, ON ACCOUNT OF SUCH INHABITANT BEING AN ALIEN, OR BY REASON OF HIS COLOR, OR RACE, THAN ARE PRESCRIBED FOR THE PUNISHMENT OF CITIZENS, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH; AND IF DEATH RESULTS SHALL BE SUBJECT TO IMPRISONMENT FOR ANY TERM OF YEARS OR FOR LIFE.

CHAPTER 19--CONSPIRACY

SEC. 371. CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD THE UNITED STATES
IF TWO OR MORE PERSONS CONSPIRE EITHER TO COMMIT ANY OFFENSE AGAINST THE UNITED STATES, OR TO DEFRAUD THE UNITED STATES, OR ANY AGENCY THEREOF, IN ANY MANNER OR FOR ANY PURPOSE, AND ONE OR MORE OF SUCH PERSONS DO ANY ACT TO EFFECT THE OBJECT OF THE CONSPIRACY, EACH SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH. IF, HOWEVER, THE OFFENSE, THE COMMISSION OF WHICH ONLY IS A MISDEMEANOR, THE

PUNISHMENT FOR SUCH CONSPIRACY SHALL NOT EXCEED THE MAXIMUM PUNISHMENT PROVIDED FOR SUCH MISDEMEANOR.

CHAPTER 25--COUNTERFEITING AND FORGERY

SEC. 471. OBLIGATIONS OR SECURITIES OF UNITED STATES

WHOEVER, WITH INTENT TO DEFRAUD, FALSELY MAKES, FORGES, COUNTERFEITS, OR ALTERS ANY OBLIGATION OR OTHER SECURITY OF THE UNITED STATES, SHALL BE FINED NOT MORE THAN \$5000 OR IMPRISONED NOT MORE THAN FIFTEEN YEARS, OR BOTH.

CHAPTER 31--EMBEZZLEMENT AND THEFT

SEC. 641. PUBLIC MONEY, PROPERTY OR RECORDS

WHOEVER EMBEZZLES, STEALS, PURLOINS, OR KNOWINGLY CONVERTS TO HIS USE OR THE USE OF ANOTHER, OR WITHOUT AUTHORITY SELLS, OR DISPOSES OF ANY RECORD, VOUCHER, MONEY, OR THING OF VALUE; OR WHOEVER RECEIVES, CONCEALS, OR RETAINS THE SAME WITH INTENT TO CONVERT IT TO HIS USE OR GAIN, KNOWING IT TO HAVE BEEN EMBEZZLED, STOLEN, PURLOINED, OR CONVERTED SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN TEN YEARS, OR BOTH, BUT IF THE VALUE OF THE PROPERTY DOES NOT EXCEED \$100 HE SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

*SEC. 661. THEFT WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION

WHOEVER, WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES, TAKES AND CARRIES AWAY, WITH INTENT TO STEAL OR PURLOIN, ANY PERSONAL PROPERTY OF ANOTHER SHALL BE PUNISHED AS FOLLOWS:

IF THE PROPERTY TAKEN IS OF A VALUE EXCEEDING \$100 OR IS TAKEN FROM THE PERSON OF ANOTHER, BY A FINE OF NOT MORE THAN \$5000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH; IN ALL OTHER CASES BY A FINE OF NOT MORE THAN \$1000 OR BY IMPRISONMENT NOT MORE THAN ONE YEAR, OR BOTH.

*SEC. 662--RECEIVING STOLEN PROPERTY WITHIN SPECIAL MARITIME
AND TERRITORIAL JURISDICTION

WHOEVER, WITHIN TERRITORIAL JURISDICTION OF THE UNITED STATES, BUYS, RECEIVES, OR CONCEALS ANY MONEY, GOODS, BANK NOTES, OR OTHER THING WHICH MAY BE THE SUBJECT OF LARCENY, WHICH HAS BEEN FELONIOUSLY TAKEN, STOLEN FROM ANY OTHER PERSON, KNOWING THE SAME TO HAVE BEEN SO TAKEN, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH; BUT IF THE AMOUNT OR VALUE OF THE THING SO TAKEN, STOLEN OR EMBEZZLED DOES NOT EXCEED \$100, HE SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

CHAPTER 33--EMBLEMS, INSIGNIA AND NAMES

SEC. 700. DESECRATION OF THE FLAG OF THE UNITED STATES; PENALTIES

(A) WHOEVER KNOWINGLY CASTS CONTEMPT UPON ANY FLAG OF THE UNITED STATES BY PUBLICLY MUTILATING, DEFACING, DEFILING, BURNING, OR TRAMPLING UPON IT SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 701. OFFICIAL BADGES, IDENTIFICATION CARDS, OTHER INSIGNIA

WHOEVER MANUFACTURES, SELLS, OR POSSESSES ANY BADGE, IDENTIFICATION CARD, OR OTHER INSIGNIA, OF THE DESIGN PRESCRIBED BY THE HEAD OF

ANY DEPARTMENT OR AGENCY OF THE UNITED STATES FOR USE BY ANY OFFICER OR EMPLOYEE THEREOF, OF ANY COLORABLE IMITATION THEREOF, OR PHOTOGRAPHS, PRINTS, OR IN ANY OTHER MANNER MAKES OR EXECUTES ANY ENGRAVING, PHOTOGRAPH, PRINT, OR IMPRESSION IN THE LIKENESS OF ANY SUCH BADGE, IDENTIFICATION CARD, OR OTHER INSIGNIA, OR ANY COLORABLE IMITATION THEREOF, EXCEPT AS AUTHORIZED UNDER REGULATIONS MADE PURSUANT TO LAW, SHALL BE FINED NOT MORE THAN \$250 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH.

SEC. 711. "SMOKEY BEAR" CHARACTER OR NAME

WHOEVER, EXCEPT AS AUTHORIZED UNDER RULES AND REGULATIONS ISSUED BY THE SECRETARY OF THE AGRICULTURE, KNOWINGLY MANUFACTURES, REPRODUCES, OR USES THE CHARACTER "SMOKEY BEAR: SHALL BE FINED NOT MORE THAN \$250 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH.

SEC. 711A. "WOODSY OWL" CHARACTER, NAME, OR SLOGAN

WHOEVER, EXCEPT AS AUTHORIZED UNDER RULES AND REGULATIONS ISSUED BY THE SECRETARY, KNOWINGLY AND FOR PROFIT MANUFACTURES, REPRODUCES, OR USES THE CHARACTER "WOODSY OWL", THE NAME "WOODSY OWL", OR THE ASSOCIATED SLOGAN, "GIVE A HOOT, DON'T POLLUTE" SHALL BE FINED NOT MORE THAN \$250 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH.

SEC. 714. "JOHNNY HORIZON" CHARACTER OR NAME

WHOEVER, EXCEPT AS AUTHORIZED UNDER RULES AND REGULATIONS ISSUED BY THE SECRETARY OF THE INTERIOR, KNOWINGLY MANUFACTURES, REPRODUCES, OR USES THE CHARACTER "JOHNNY HORIZON:", OR ANY FACSIMILE THEREOF,

OR THE NAME "JOHNNY HORIZON" AS A TRADE NAME OR MARK, OR IN SUCH A MANNER AS SUGGESTS THE CHARACTER "JOHNNY HORIZON", SO THAT SUCH USE IS LIKELY TO CAUSE CONFUSION, OR TO CAUSE MISTAKE, OR TO DECEIVE, SHALL BE FINED NOT MORE THAN \$250 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH.

CHAPTER 35--ESCAPE AND RESCUE

SEC. 751. PRISONERS IN CUSTODY OF INSTITUTION OR OFFICER 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 AS THE RESULT OF A FEDERAL INCARCERATION; IF THE INCARCERATION IS FOR A FELONIOUS ACT THE PERSON IS GUILTY OF A FELONY. IF THE ABOVE INCARCERATION IS FOR A MISDEMEANOR, THEN THE ESCAPE IS A MISDEMEANOR.

SEC. 752. INSTIGATING OR ASSISTING ESCAPE

WHOEVER RESCUES OR ATTEMPTS TO RESCUE OR INSTIGATES, AIDS OR ASSISTS THE ESCAPE, OR ATTEMPT TO ESCAPE OF ANY PERSON ARRESTED LAWFULLY FOR A FELONIOUS ACT IS GUILTY OF A FELONY. IF THE ABOVE ATTEMPT, INSTIGATION, OR ASSIST INVOLVES ANY PERSON ARRESTED FOR A MISDEMEANOR ACT HE IS GUILTY OF A MISDEMEANOR.

CHAPTER 41--EXTORTION AND THREATS

SEC. 872. EXTORTION BY OFFICERS OR EMPLOYEES OF THE UNITED STATES WHOEVER, BEING AN OFFICER, OR EMPLOYEE OF THE UNITED STATES OR ANY DEPARTMENT OR AGENCY THEREOF, OR REPRESENTING HIMSELF TO BE OR ASSUMING TO ACT AS SUCH, UNDER COLOR OR PRETENSE OF OFFICE OR EMPLOYMENT COMMITS OR ATTEMPTS AN ACT OF EXTORTION,

SHALL BE FINED NOT MORE THAN \$5000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH; BUT IF THE AMOUNT SO EXTORTED OR DEMANDED DOES NOT EXCEED \$100, HE SHALL BE FINED NOT MORE THAN \$500 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 873. BLACKMAIL

WHOEVER, UNDER A THREAT OF INFORMING, OR AS A CONSIDERATION FOR NOT INFORMING, AGAINST ANY VIOLATION OF ANY LAW OF THE UNITED STATES, DEMANDS OR RECEIVES ANY MONEY OR OTHER VALUABLE THING, SHALL BE FINED NOT MORE THAN \$2000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

CHAPTER 43--FALSE PERSONATION

SEC. 913. IMPERSONATOR MAKING ARREST OR SEARCH

WHOEVER FALSELY REPRESENTS HIMSELF TO BE AN OFFICER, AGENT, OR EMPLOYEE OF THE UNITED STATES, AND IN SUCH ASSUMED CHARACTER ARRESTS OR DETAINS ANY PERSON OR IN ANY MANNER SEARCHES THE PERSON, BUILDINGS, OR OTHER PROPERTY OF ANY PERSON, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH.

CHAPTER 44--FIREARMS

SEC. 924. FIREARMS; PENALTIES

WHOEVER:

- (1) USES A FIREARM TO COMMIT ANY FELONY FOR WHICH HE MAY BE PROSECUTED IN A COURT OF THE UNITED STATES, OR
- (2) CARRIES A FIREARM UNLAWFULLY DURING THE COMMISSION

OF ANY FELONY FOR WHICH HE MAY BE PROSECUTED IN A COURT OF THE UNITED STATES;
SHALL, IN ADDITION TO THE PUNISHMENT PROVIDED FOR THE COMMISSION OF SUCH FELONY, BE SENTENCED TO A TERM OF IMPRISONMENT FOR NOT LESS THAN ONE YEAR NOR MORE THAN TEN YEARS.

CHAPTER 47--FRAUD AND FALSE STATEMENTS

SEC. 1001. STATEMENTS OR ENTRIES GENERALLY

WHOEVER, IN ANY MATTER WITHIN THE JURISDICTION OF ANY DEPARTMENT OR AGENCY OF THE UNITED STATES KNOWINGLY AND WILLFULLY FALSIFIES, CONCEALS OR COVERS UP BY ANY TRICK, SCHEME, OR DEVICE A MATERIAL FACT, OR MAKES ANY FALSE, FICTITIOUS OR FRAUDULENT STATEMENTS OR REPRESENTATIONS, OR MAKES OR USES ANY FALSE WRITING OR DOCUMENT KNOWING THE SAME TO CONTAIN ANY FALSE, FICTITIOUS OR FRAUDULENT STATEMENT OR ENTRY, SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH.

CHAPTER 49--FUGITIVES FROM JUSTICE

SEC. 1071. CONCEALING PERSON FROM ARREST

WHOEVER HARBORS OR CONCEALS ANY PERSON FOR WHOSE ARREST A WARRANT OR PROCESS HAS BEEN ISSUED UNDER THE PROVISIONS OF ANY LAW OF THE UNITED STATES, SO AS TO PREVENT HIS DISCOVERY AND ARREST, AFTER NOTICE OR KNOWLEDGE OF THE FACT THAT A WARRANT OR PROCESS HAS BEEN ISSUED FOR THE APPREHENSION OF SUCH PERSON, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH; EXCEPT THAT IF THE WARRANT OR PROCESS ISSUED ON A CHARGE OF FELONY, OR AFTER CONVICTION OF SUCH PERSON OF ANY OFFENSE, THE PUNISHMENT SHALL BE A FINE OF NOT MORE THAN \$5000

OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH.

SEC. 1072. CONCEALING ESCAPED PRISONER

WHOEVER WILLFULLY HARBORS OR CONCEALS ANY PRISONER AFTER HIS ESCAPE FROM THE CUSTODY OF THE ATTORNEY GENERAL OR FROM A FEDERAL PENAL OR CORRECTIONAL INSTITUTION, SHALL BE IMPRISONED NOT MORE THAN THREE YEARS.

CHAPTER 51--HOMICIDE

*SEC. 1111. MURDER

(A) MURDER IS THE UNLAWFUL KILLING OF A HUMAN BEING WITH MALICE AFORETHOUGHT. EVERY MURDER PERPETRATED BY POISON, LYING IN WAIT, OR ANY OTHER KIND OF WILLFUL, DELIBERATE, MALICIOUS, AND PREMEDITATED KILLING; OR COMMITTED IN THE PERPETRATION OF, OR ATTEMPT TO PERPETRATE, ANY ARSON, RAPE, BURGLARY, OR ROBBERY; OR PERPETRATED FROM A PREMEDITATED DESIGN UNLAWFULLY AND MALICIOUSLY TO EFFECT THE DEATH OF ANY HUMAN BEING OTHER THAN HIM WHO IS KILLED, IS MURDER IN THE FIRST DEGREE. ANY OTHER MURDER IS MURDER IN THE SECOND DEGREE.

(B) WHOEVER IS GUILTY OF MURDER IN THE FIRST DEGREE, SHALL SUFFER DEATH UNLESS THE JURY QUALIFIES ITS VERDICT BY ADDING THERETO "WITHOUT CAPITAL PUNISHMENT", IN WHICH EVENT HE SHALL BE SENTENCED TO IMPRISONMENT FOR LIFE.

WHOEVER IS GUILTY OF MURDER IN THE SECOND DEGREE, SHALL BE IMPRISONED FOR ANY TERM OF YEARS OR FOR LIFE.

*SEC. 1112. MANSLAUGHTER

(A) MANSLAUGHTER IS THE UNLAWFUL KILLING OF A HUMAN BEING WITHOUT MALICE. IT IS OF TWO KINDS:

(1) VOLUNTARY--UPON A SUDDEN QUARREL OR HEAT OF PASSION.

(2) INVOLUNTARY--IN THE COMMISSION OF AN UNLAWFUL ACT NOT AMOUNTING TO A FELONY, OR IN THE COMMISSION IN AN UNLAWFUL MANNER, OR WITHOUT DUE CAUTION AND CIRCUMSPECTION, OF A LAWFUL ACT WHICH MIGHT PRODUCE DEATH.

(B) WHOEVER IS GUILTY OF VOLUNTARY MANSLAUGHTER, SHALL BE IMPRISONED NOT MORE THAN TEN YEARS;

WHOEVER IS GUILTY OF INVOLUNTARY MANSLAUGHTER, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH.

*SEC. 1113. ATTEMPT TO COMMIT MURDER OR MANSLAUGHTER

EXCEPT AS PROVIDED IN SECTION 113 OF THIS TITLE, WHOEVER, WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES, ATTEMPTS TO COMMIT MURDER OR MANSLAUGHTER, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH.

SEC. 1114. PROTECTION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES

WHOEVER KILLS ANY.....OFFICER OR EMPLOYEE OF THE NATIONAL PARK SERVICE.....WHILE ENGAGED IN THE PERFORMANCE OF HIS OFFICIAL DUTIES, OR ON ACCOUNT OF THE PERFORMANCE OF HIS OFFICIAL DUTIES,

OR ON ACCOUNT OF THE PERFORMANCE OF HIS OFFICIAL DUTIES, SHALL BE PUNISHED AS PROVIDED UNDER SECTIONS 1111 AND 1112 OF THIS TITLE.

CHAPTER 55--KIDNAPING

SEC. 1202. KIDNAPING

- (A) WHOEVER UNLAWFULLY SEIZES, CONFINES, INVEIGLES, DECOYS, KIDNAPS, ABDUCTS, OR CARRIES AWAY AND HOLDS FOR RANSOM OR REWARD OR OTHERWISE ANY PERSON, EXCEPT IN THE CASE OF A MINOR BY THE PARENT THEREOF, WHEN:
- (1) THE PERSON IS WILLFULLY TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE;
 - (2) ANY SUCH ACT AGAINST THE PERSON IS DONE WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES;
 - (3) ANY SUCH ACT AGAINST THE PERSON IS DONE WITHIN THE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES; OR
 - (4) THE PERSON IS A FOREIGN OFFICIAL;
- SHALL BE PUNISHED BY IMPRISONMENT FOR ANY TERM OF YEARS OR FOR LIFE.
- (B) THE FAILURE TO RELEASE THE VICTIM WITHIN TWENTY-FOUR HOURS AFTER HE SHALL HAVE BEEN UNLAWFULLY SEIZED, CONFINED, INVEIGLED, DECOYED, KIDNAPED, ABDUCTED, OR CARRIED AWAY SHALL CREATE A REBUTTABLE PRESUMPTION THAT SUCH PERSON HAS BEEN TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE.

(c) IF TWO OR MORE PERSONS CONSPIRE TO VIOLATE THIS SECTION AND ONE OR MORE OF SUCH PERSONS DO ANY OVERT ACT TO EFFECT THE OBJECT OF THE CONSPIRACY, EACH SHALL BE PUNISHED BY IMPRISONMENT FOR ANY TERM OF YEARS OR FOR LIFE.

Sec. 1202. RANSOM MONEY

WHOEVER RECEIVES, POSSESSES, OR DISPOSES OF ANY MONEY OR OTHER PROPERTY, OR ANY PORTION THEREOF, WHICH HAS AT ANY TIME BEEN DELIVERED AS RANSOM OR REWARD IN CONNECTION WITH A VIOLATION OF SECTION 1201 OF THIS TITLE, KNOWING THE SAME TO BE MONEY OR PROPERTY WHICH HAS BEEN AT ANY TIME DELIVERED AS SUCH RANSOM OR REWARD, SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN TEN YEARS, OR BOTH.

CHAPTER 65--MALICIOUS MISCHIEF

Sec. 1361. GOVERNMENT PROPERTY OR CONTRACTS

WHOEVER WILLFULLY INJURES OR COMMITS ANY DEPREDACTION AGAINST ANY PROPERTY OF THE UNITED STATES, OR OF ANY DEPARTMENT OR AGENCY THEREOF, OR ANY PROPERTY WHICH HAS BEEN OR IS BEING MANUFACTURED OR CONSTRUCTED FOR THE UNITED STATES, SHALL BE PUNISHED AS FOLLOWS: IF THE DAMAGE TO SUCH PROPERTY EXCEEDS THE SUM OF \$100, BY A FINE OR NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN TEN YEARS, OR BOTH; IF THE DAMAGE TO SUCH PROPERTY DOES NOT EXCEED THE SUM OF \$100, BY A FINE OF NOT MORE THAN \$1000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 1363. BUILDINGS OR PROPERTY WITHIN SPECIAL MARITIME
AND TERRITORIAL JURISDICTION

WHOEVER WILLFULLY AND MALICIOUSLY DESTROYS OR INJURES OR ATTEMPTS TO DESTROY OR INJURE ANY BUILDING, STRUCTURE OR VESSEL, ANY MACHINERY OR BUILDING MATERIALS AND SUPPLIES.....SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH; AND IF THE BUILDING IS A SWELLING, OR THE LIFE OF ANY PERSON BE PLACED IN JEOPARDY, THE PARTY IS GUILTY OF A FELONY.

CHAPTER 71--OBSCENITY

SEC. 1464. BROADCASTING OBSCENE LANGUAGE

WHOEVER UTTERS ANY OBSCENE, INDECENT, OR PROFANE LANGUAGE BY MEANS OF RADIO COMMUNICATION SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN TWO YEARS, OR BOTH.

CHAPTER 73--OBSTRUCTION OF JUSTICE

SEC. 1501. ASSAULT ON PROCESS SERVER

WHOEVER KNOWINGLY AND WILLFULLY OBSTRUCTS, RESISTS, OR OPPOSES ANY OFFICER OF THE UNITED STATES, OR OTHER PERSON DULY AUTHORIZED, IN SERVING, OR ATTEMPTING TO SERVE OR EXECUTE, ANY LEGAL OR JUDICIAL WRIT OR PROCESS OF ANY COURT OF THE UNITED STATES, OR UNITED STATES MAGISTRATE; OR, WHOEVER ASSAULTS, BEATS, OR WOUNDS ANY OFFICER OR OTHER PERSON DULY AUTHORIZED, KNOWING HIM TO BE SUCH OFFICER, OR OTHER PERSON SO DULY AUTHORIZED, IN SERVING OR EXECUTING ANY SUCH WRIT, RULE, ORDER, PROCESS, WARRANT, OR OTHER LEGAL OR JUDICIAL WRIT OR PROCESS.....SHALL BE FINED NOT MORE THAN \$300 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 1510. OBSTRUCTION OF CRIMINAL INVESTIGATIONS

WHOEVER WILLFULLY ENDEAVORS BY MEANS OF BRIBERY, MISREPRESENTATION, INTIMIDATION, OR FORCE OR THREATS THEREOF TO OBSTRUCT, DELAY, OR PREVENT THE COMMUNICATION OF INFORMATION RELATING TO A VIOLATION OF ANY CRIMINAL STATUTE OF THE UNITED STATES BY ANY PERSON TO A CRIMINAL INVESTIGATOR; OR, WHOEVER INJURES ANY PERSON IN HIS PERSON OR PROPERTY ON ACCOUNT OF THE GIVING BY SUCH PERSON OR BY ANY OTHER PERSON OF ANY SUCH INFORMATION TO ANY CRIMINAL INVESTIGATOR.....SHALL BE FINED NOT MORE THAN \$5000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH.

CHAPTER 83--POSTAL SERVICE

SEC. 1719. FRANKING PRIVILEGE

WHOEVER MAKES USE OF ANY OFFICIAL ENVELOP, LABEL, OR INDORSEMENT AUTHORIZED BY LAW, TO AVOID THE PAYMENT OF POSTAGE OR REGISTRY FEE ON HIS PRIVATE LETTER, PACKET, PACKAGE, OR OTHER MATTER IN THE MAIL, SHALL BE FINED NOT MORE THAN \$300.

CHAPTER 91--PUBLIC LANDS

SEC. 1852. TIMBER REMOVED OR TRANSPORTED

WHOEVER CUTS, OR WANTONLY DESTROYS ANY TIMBER GROWING ON THE PUBLIC LANDS OF THE UNITED STATES.....SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 1853. TREES CUT OR INJURED

WHOEVER UNLAWFULLY CUTS, OR WANTONLY INJURES OR DESTROYS ANY TREE GROWING, STANDING, OR BEING UPON ANY LAND OF THE UNITED

STATES WHICH, IN PURSUANCE OF LAW, HAS BEEN RESERVED OR PURCHASED BY THE UNITED STATES FOR ANY PUBLIC USE, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 1855. TIMBER SET AFIRE

WHOEVER, WILLFULLY AND WITHOUT AUTHORITY, SETS 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, OR EXCLUSIVE JURISDICTION OF THE UNITED STATES.....SHALL BE GUILTY OF A FELONY.

SEC. 1856. FIRES LEFT UNATTENDED AND UNEXTINGUISHED

WHOEVER, HAVING KINDLED OR CAUSED TO BE KINDLED, A FIRE 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,..... LEAVES SAID FIRE WITHOUT TOTALLY EXTINGUISHING THE SAME, OR PERMITS OR SUFFERS SAID FIRE TO BURN OR SPREAD BEYOND HIS CONTROL, OR LEAVES OR SUFFERS SAID FIRE TO BURN UNATTENDED, SHALL BE FINED NOT MORE THAN \$500 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH.

CHAPTER 99--RAPE

*SEC. 2031. RAPE

WHOEVER, WITHIN THE TERRITORIAL JURISDICTION OF THE UNITED STATES, COMMITS RAPE SHALL SUFFER DEATH, OR IMPRISONMENT, FOR ANY TERM OF YEARS OR FOR LIFE.

*SEC. 2032. CARNAL KNOWLEDGE OF FEMALE UNDER 16

WHOEVER, WITHIN THE TERRITORIAL JURISDICTION OF THE UNITED STATES, CARNALLY KNOWS ANY FEMALE, NOT HIS WIFE, WHO HAS NOT ATTAINED THE AGE OF SIXTEEN YEARS SHALL, FOR A FIRST OFFENSE, BE IMPRISONED NOT MORE THAN FIFTEEN YEARS, AND FOR A SUBSEQUENT OFFENSE, BE IMPRISONED NOT MORE THAN THIRTY YEARS.

CHAPTER 103--ROBBERY AND BURGLARY

*SEC. 2111. SPECIAL MARITIME AND TERRITORIAL JURISDICTION--ROBBERY

WHOEVER, WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES, BY FORCE AND VIOLENCE, OR BY INTIMIDATION, TAKES FROM THE PERSON OR PRESENCE OF ANOTHER ANYTHING OF VALUE, SHALL BE IMPRISONED NOT MORE THAN FIFTEEN YEARS.

SEC. 2112. PERSONAL PROPERTY OF UNITED STATES

WHOEVER ROBS ANOTHER OF ANY KIND OR DESCRIPTION OF PERSONAL PROPERTY BELONGING TO THE UNITED STATES, SHALL BE IMPRISONED NOT MORE THAN FIFTEEN YEARS.

SEC. 2115. POST OFFICE

WHOEVER FORCIBLY BREAKS INTO OR ATTEMPTS TO BREAK INTO ANY POST OFFICE, OR ANY BUILDING USED IN WHOLE OR IN PART AS A POST OFFICE, WITH INTENT TO COMMIT IN SUCH POST OFFICE, OR BUILDING OR PART THEREOF, SO USED, ANY LARCENY OR OTHER DEPREDACTION, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH.

CHAPTERS 109--SEARCHES AND SEIZURES

SEC. 2231. ASSAULT OR RESISTANCE

- (A) WHOEVER FORCIBLY ASSAULTS, RESISTS, OPPOSES, PREVENTS, IMPEDES, INTIMIDATES, OR INTERFERES WITH ANY PERSON AUTHORIZED TO SERVE OR EXECUTE SEARCH WARRANTS OR TO MAKE SEARCHES AND SEIZURES WHILE ENGAGED IN THE PERFORMANCE OF HIS DUTIES WITH REGARD THERETO OR ON ACCOUNT OF THE PERFORMANCE OF SUCH DUTIES, SHALL BE FINED NOT MORE THAN \$5000 OR IMPRISONED NOT MORE THAN THREE YEARS, OR BOTH; AND
- (B) WHOEVER, IN COMMITTING ANY ACT IN VIOLENCE, USES ANY DEADLY OR DANGEROUS WEAPON, SHALL BE FINED NOT MORE MORE THAN \$10,000 OR IMPRISONED NOT MORE THAN TEN YEARS, OR BOTH.

SEC. 2232. DESTRUCTION OR REMOVAL OF PROPERTY OT PREVENT SEIZURE
WHOEVER, BEFORE, DURING, OR AFTER SEIZURE OF ANY PROPERTY BY ANY PERSON AUTHORIZED TO MAKE SEARCHES AND SEIZURES, IN ORDER TO PREVENT THE SEIZURE OR SECURING OF ANY GOODS, WARES, OR MERCHANDISE BY SUCH PERSON, STAVES, BREAKS, THROWS OVERBOARD, DESTROYS, OR REMOVES THE SAME, SHALL BE FINED NOT MORE THAN \$2000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

SEC. 2234. AUTHORITY EXCEEDED IN EXECUTING WARRANT
WHOEVER, IN EXECUTING A SEARCH WARRANT, WILLFULLY EXCEEDS HIS AUTHORITY OR EXERCISES IT WITH UNNECESSARY SEVERITY, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR.

SEC. 2235. SEARCH WARRANT PROCURED MALICIOUSLY

WHOEVER MALICIOUSLY AND WITHOUT PROBABLE CAUSE PROCURES A SEARCH WARRANT TO BE ISSUED AND EXECUTED, SHALL BE FINED NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR.

SEC. 2236. SEARCHES WITHOUT WARRANT

WHOEVER, BEING AN OFFICER, AGENT, OR EMPLOYEE OF THE UNITED STATES, ENGAGED IN THE ENFORCEMENT OF ANY LAW OF THE UNITED STATES, SEARCHES ANY PRIVATE DWELLING USED AND OCCUPIED AS SUCH DWELLING WITHOUT A WARRANT DIRECTING SUCH SEARCH, OR MALICIOUSLY AND WITHOUT REASONABLE CAUSE SEARCHES ANY OTHER BUILDING OR PROPERTY WITHOUT A SEARCH WARRANT, SHALL BE FINED FOR A FIRST OFFENSE NOT MORE THAN \$1000 OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH.

THIS SECTION SHALL NOT APPLY TO ANY PERSON:

- (A) SERVING A WARRANT OF ARREST; OR
- (B) ARRESTING OR ATTEMPTING TO ARREST A PERSON COMMITTING OR ATTEMPTING TO COMMIT AN OFFENSE IN HIS PRESENCE, OR WHO HAS COMMITTED OR IS SUSPECTED ON REASONABLE GROUNDS OF HAVING COMMITTED A FELONY; OR
- (C) MAKING A SEARCH AT THE REQUEST OR INVITATION OR WITH THE CONSENT OF THE OCCUPANT OF THE PREMISES.

CHAPTER 113--STOLEN PROPERTY

SEC. 2312. TRANSPORTATION OF STOLEN VEHICLES

WHOEVER TRANSPORTS IN INTERSTATE OR FOREIGN COMMERCE A MOTOR VEHICLE OR AIRCRAFT, KNOWING THE SAME TO HAVE BEEN STOLEN, SHALL

BE FINED NOT MORE THAN \$5000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH.

CHAPTER 213--LIMITATIONS

SEC. 3281. CAPITAL OFFENSES

AN INDICTMENT FOR ANY OFFENSE PUNISHABLE BY DEATH MAY BE FOUND AT ANY TIME WITHOUT LIMITATION EXCEPT FOR OFFENSES BARRED BY THE PROVISIONS OF LAW EXISTING ON AUGUST 4, 1939.

SEC. 3282. OFFENSES NOT CAPITAL

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, NO PERSON SHALL BE PROSECUTED, TRIED, OR PUNISHED FOR ANY OFFENSE, NOT CAPITAL, UNLESS THE INDICTMENT IS FOUND OR THE INFORMATION IS INSTITUTED WITHIN FIVE YEARS NEXT AFTER SUCH OFFENSE SHALL HAVE BEEN COMMITTED.

