

Pub. L. 99-508, title III, §303(b), Oct. 21, 1986, 100 Stat. 1873, added item 1367.

1984—Section 1365(d) of this title as added by Pub. L. 98-473, title II, §1011(a), Oct. 12, 1984, 98 Stat. 2141, added item 1365, relating to destruction of an energy facility.

1983—Pub. L. 98-127, §3, Oct. 13, 1983, 97 Stat. 832, added item 1365, relating to tampering with consumer products.

### § 1361. Government property or contracts

Whoever willfully injures or commits any depredation 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, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 103-322, title XXXII, §320903(d)(1), title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2125, 2147; Pub. L. 104-294, title VI, §§601(a)(3), 605(e), 606(a), Oct. 11, 1996, 110 Stat. 3498, 3510, 3511.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §82 (Mar. 4, 1909, ch. 321, §35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

The embezzlement and theft provisions of section 82 of title 18, U.S.C., 1940 ed., are now incorporated in section 641 of this title.

Words "or any corporation in which the United States of America is a stockholder" were omitted as unnecessary in view of definition of "agency" in section 6 of this title.

Designation of the place of confinement as "in a jail" was omitted because section 4082 of this title commits all prisoners to the custody of the Attorney General or his authorized representative, who shall designate the place of confinement. (See reviser's note under section 1 of this title.)

The smaller penalty for offenses involving \$50 or less was extended to offenses involving \$100 or less. The use of \$50 as the dividing line between felonies and misdemeanors originated at a time when that sum was of much greater value than \$100 is now.

The word "damage" was substituted twice for the word "value", and the definition of "value" was omitted as inapplicable to this section. These words and definition, however, are retained in that part of said section 82 which is now section 641 of this title.

Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104-294, §605(e), inserted comma after "foregoing offenses" in first par.

Pub. L. 104-294, §§601(a)(3), 606(a), in second par., substituted "fine under this title" for "fine of under this title" in two places and "\$1,000" for "\$100" in two places.

1994—Pub. L. 103-322, §320903(d)(1)(A), inserted "or attempts to commit any of the foregoing offenses" before "shall be punished" in first par.

Pub. L. 103-322, §330016(1)(H), (L), in second par., substituted "under this title" for "not more than \$10,000"

before "or imprisonment for not more than ten years" and for "not more than \$1,000" before "or by imprisonment for not more than one year".

Pub. L. 103-322, §320903(d)(1)(B), inserted "or attempted damage" after "damage" in two places in second par.

### § 1362. Communication lines, stations or systems

Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system, or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, or attempts or conspires to do such an act, shall be fined under this title or imprisoned not more than ten years, or both.

In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 87-306, Sept. 26, 1961, 75 Stat. 669; Pub. L. 103-322, title XXXII, §320903(d)(2), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2125, 2147; Pub. L. 107-56, title VIII, §811(c), Oct. 26, 2001, 115 Stat. 381.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §116 (Mar. 4, 1909, ch. 321, §60, 35 Stat. 1099).

This section was extended to include radio and radio stations. Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

2001—Pub. L. 107-56, in first par., struck out "or attempts willfully or maliciously to injure or destroy" after "Whoever willfully or maliciously injures or destroys" and inserted "or attempts or conspires to do such an act," before "shall be fined".

1994—Pub. L. 103-322, in first par., inserted "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys" and substituted "fined under this title" for "fined not more than \$10,000".

1961—Pub. L. 87-306 extended the provisions of the section to means of communication used or intended to be used for military or civil defense functions of the United States, made the provisions inapplicable to lawful strike activities, which do not injure any line or system used for such functions, and increased the punishment by fine from \$1,000 to \$10,000 and by imprisonment from 3 to 10 years.

### § 1363. Buildings or property within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously destroys or injures any structure, conveyance, or other real or personal