

(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

(C) the activities of which affect interstate or foreign commerce.

“State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) **PENALTY.**—The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

(c) **OFFENSES.**—The offenses described in this section are—

(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(3) a Federal offense involving human trafficking, sexual abuse, sexual exploitation, or transportation for prostitution or any illegal sexual activity; and

(4) a conspiracy to commit an offense described in paragraph (1), (2), or (3).

(d) **CIRCUMSTANCES.**—The circumstances described in this section are that the offense described in subsection (c) was committed by a person who—

(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

(3) has been convicted within the past 5 years for—

(A) an offense described in subsection (c);

(B) a State offense—

(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years’ imprisonment; or

(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

(Added Pub. L. 103-322, title XV, § 150001(a), Sept. 13, 1994, 108 Stat. 2034; amended Pub. L. 104-294, title VI, § 607(q), Oct. 11, 1996, 110 Stat. 3513; Pub. L. 107-273, div. B, title IV, § 4002(b)(3), Nov. 2, 2002, 116 Stat. 1807; Pub. L. 115-392, § 12, Dec. 21, 2018, 132 Stat. 5255.)

## Editorial Notes

### AMENDMENTS

2018—Subsec. (c)(3), (4). Pub. L. 115-392 added par. (3), redesignated former par. (3) as (4), and in par. (4), substituted “(1), (2), or (3)” for “(1) or (2)”.

2002—Subsec. (a). Pub. L. 107-273 realigned margins of par. defining “State”.

1996—Subsec. (a). Pub. L. 104-294 inserted par. defining “State” at end.

## CHAPTER 27—CUSTOMS

Sec.

- 541. Entry of goods falsely classified.
- 542. Entry of goods by means of false statements.
- 543. Entry of goods for less than legal duty.
- 544. Relanding of goods.
- 545. Smuggling goods into the United States.
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- 547. Depositing goods in buildings on boundaries.
- 548. Removing or repacking goods in warehouses.
- 549. Removing goods from customs custody; breaking seals.
- 550. False claim for refund of duties.
- 551. Concealing or destroying invoices or other papers.
- 552. Officers aiding importation of obscene or treasonous books and articles.
- 553. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft.
- 554. Smuggling goods from the United States.
- 555. Border tunnels and passages.

## Editorial Notes

### AMENDMENTS

2007—Pub. L. 110-161, div. E, title V, § 553(a)(2), Dec. 26, 2007, 121 Stat. 2082, added item 555 and struck out item 554 “Border tunnels and passages”.

2006—Pub. L. 109-295, title V, § 551(b), Oct. 4, 2006, 120 Stat. 1390, added item 554 “Border tunnels and passages”.

Pub. L. 109-177, title III, § 311(b), Mar. 9, 2006, 120 Stat. 242, added item 554 “Smuggling goods from the United States”.

1984—Pub. L. 98-547, title III, § 301(b), Oct. 25, 1984, 98 Stat. 2771, added item 553.

### § 541. Entry of goods falsely classified

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 715; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 126 (Mar. 4, 1909, ch. 321, § 69, 35 Stat. 1101).

Reference to persons aiding, contained in words “or aid in effecting,” was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

## Editorial Notes

### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

### § 542. Entry of goods by means of false statements

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the