§ 1834. Criminal forfeiture

Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2322 to the extent provided in that section, in addition to any other similar remedies provided by law.


AMENDMENTS

2008—Pub. L. 110–403 amended section generally. Prior to amendment, section related to forfeiture of property either derived from or used to commit a violation of this chapter.

§ 1835. Orders to preserve confidentiality

In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision, order of a district court authorizing or directing the disclosure of any trade secret.


AMENDMENTS

2008—Pub. L. 110–403 amended section generally. Prior to amendment, section related to forfeiture of property either derived from or used to commit a violation of this chapter.

§ 1836. Civil proceedings to enjoin violations

(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this chapter.

(b) The district courts of the United States shall have exclusive original jurisdiction of civil actions under this section.


AMENDMENTS

2002—Subsec. (a). Pub. L. 107–273, § 4002(e)(9)(A), substituted “this chapter” for “this section”.

Subsec. (b). Pub. L. 107–273, § 4002(e)(9)(B), substituted “this section” for “this subsection”.

§ 1837. Applicability to conduct outside the United States

This chapter also applies to conduct occurring outside the United States if—

(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or

(2) an act in furtherance of the offense was committed in the United States.


§ 1838. Construction with other laws

This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret, or to affect the otherwise lawful disclosure of information by any Government employee under section 552 of title 5 (commonly known as the Freedom of Information Act).


§ 1839. Definitions

As used in this chapter—

(1) the term “foreign instrumentality” means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

(2) the term “foreign agent” means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

(3) the term “trade secret” means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

(A) the owner thereof has taken reasonable measures to keep such information secret; and

(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

(4) the term “owner”, with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.


CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

Sec. 1911. Protection of unborn children

§ 1841. Protection of unborn children

(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in sub-
section (b) and thereby causes the death of, or
bodily injury (as defined in section 1365) to,
a child, who is in utero at the time the conduct
takes place, is guilty of a separate offense under
this section.

(2) Except as otherwise provided in this
paragraph, the punishment for that separate of-
Fense is the same as the punishment provided
under Federal law for that conduct had that in-
jury or death occurred to the unborn child’s
mother.

(B) An offense under this section does not re-
quire proof that—

(i) the person engaging in the conduct had
knowledge or should have had knowledge that
the victim of the underlying offense was preg-
nant; or

(ii) the defendant intended to cause the
death of, or bodily injury to, the unborn child.

(C) If the person engaging in the conduct
thereby intentionally kills or attempts to kill
the unborn child, that person shall instead of
being punished under subparagraph (A), be pun-
ished as provided under sections 1111, 1112, and
1113 of this title for intentionally killing or at-
tempting to kill a human being.

(B) Notwithstanding any other provision of
law, the death penalty shall not be imposed for
an offense under this section.

(b) The provisions referred to in subsection (a)
are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115,
229, 222, 245, 247, 248, 351, 353, 831, 84(d), (f), (h) 1,
and (l), 924(j), 930, 1111, 1112, 1113, 1114, 1116,
1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203,
1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864,
1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958,
1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231,
2241(a), 2245, 2261, 2261A, 2280, 2281, 2292, 2292a,
2332b, 2340A, and 2441 of this title.

(2) Section 408(e) of the Controlled Sub-
stances Act of 1970 (21 U.S.C. 848(e)).

(3) Section 202 of the Atomic Energy Act

(c) Nothing in this section shall be construed
to permit the prosecution—

(1) of any person for conduct relating to an
abortion for which the consent of the pregnant
woman, or a person authorized by law to act
on her behalf, has been obtained or for which
such consent is implied by law;

(2) of any person for any medical treatment
of the pregnant woman or her unborn child; or

(3) of any woman with respect to her unborn
child.

(d) As used in this section, the term “unborn
child” means a child in utero, and the term
“child in utero” or “child, who is in utero”
means a member of the species homo sapiens, at
any stage of development, who is carried in the
womb.


REFERENCES IN TEXT
Section 202 of the Atomic Energy Act of 1954 (42
U.S.C. 2283), referred to in subsec. (b)(3), probably
means section 225 of the Atomic Energy Act of 1954, act
Aug. 1, 1946, ch. 724, title I, as added by Pub. L. 96–295,
title II, §202(a), June 30, 1980, 94 Stat. 786, which is clas-
sified to section 2283 of Title 42, The Public Health and
Welfare. Section 202 of the Atomic Energy Act of 1954,
which related to the authority of the Joint Committee
on Atomic Energy, was classified to section 2252 of
Title 42 and was repealed by act of Aug. 1, 1946, ch. 724,
title I, §302(a), as added Aug. 30, 1954, ch. 1073, §1, as
added Sept. 20, 1977, Pub. L. 95–110, § 1, 91 Stat. 884; re-
§902(a)(8), 106 Stat. 2944.

SHORT TITLE OF 2004 AMENDMENT
that: "This Act [enacting this chapter and section 919a
of Title 10, Armed Forces] may be cited as the ‘Unborn
Victims of Violence Act of 2004’ or ‘Laci and Conner’s
Law’.

CHAPTER 91—PUBLIC LANDS

Sec. 1851. Coal deprivations.
1852. Timber removed or transported.
1853. Trees cut or injured.
1854. Trees boxed for pitch or turpentine.
1855. Timber set aside.
1856. Fires left unattended and unextinguished.
1857. Fences destroyed; livestock entering.
1858. Survey marks destroyed or removed.
1859. Surveys interrupted.
1860. Bids at land sales.
1861. Deception of prospective purchasers.
1862. Repealed.
1863. Trespass on national forest lands.
1864. Hazardous or injurious devices on Federal
lands.

AMENDMENTS
104 Stat. 4927, struck out item 1862 “Trespass on Bull
Run National Forest”.
1988—Pub. L. 100–490, title VI, § 6254(g), Nov. 18, 1988,
102 Stat. 4927, added item 1863.
1949—Act May 24, 1949, ch. 139, § 41, 63 Stat. 95, sub-
tituted in analysis “1859” for “1859”, and added item
1863.

$1851. Coal deprivations

Whoever mines or removes coal of any char-
acter, whether anthracite, bituminous, or lign-
ite, from beds or deposits in lands of, or re-
served to the United States, with intent wrong-
fully to appropriate, sell, or dispose of the same,
shall be fined under this title or imprisoned not
more than one year, or both.

This section shall not interfere with any right
or privilege conferred by existing laws of the
United States.

(June 25, 1948, ch. 645, 62 Stat. 787; Pub. L.
3498.)

HISTORICAL AND REVISION NOTES
Based on title 18, U.S.C., 1940 ed., §§ 103a, 103b (July 3,
1926, ch. 780, §§ 1, 2, 44 Stat. 891).

Section consolidates sections 103a and 103b of title 18,

Words “deemed guilty of misdemeanor” were deleted as
unnecessary in view of definitive section 1 of this

Minor changes were made in phraseology.

AMENDMENTS
1996—Pub. L. 104–294 substituted “fined under this
title” for “fined not more than $1,000” in first par.