



# US Legal Research 4

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Statutes



# Who enacts statutes?

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- the U.S. Congress
- the State legislature



# Why are statutes important?

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- Affect common law
- May codify common law
- May amend existing common law
- May overturn common law
- May create a new area of law

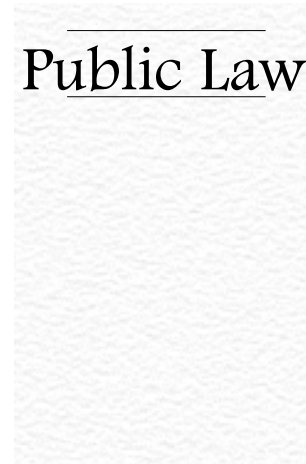
# Creation of Statutes



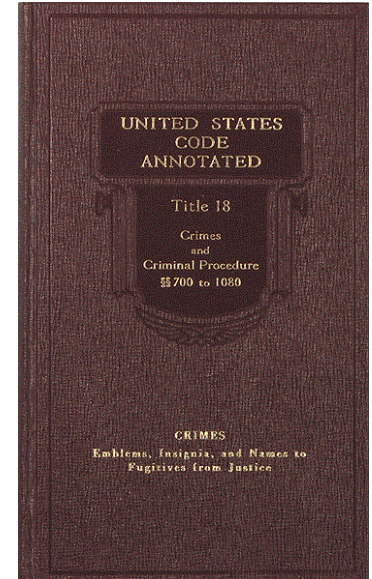
Bill Passes  
Congress



President  
Signs Bill



Public  
Law



Statutory  
Code

**Pvt.L. 108-004** For the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan. NOTE: Oct. 30, 2004 - [H.R. 867]



# How are statutes published?

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- Slip Laws
- Session Laws: chronological arrangement
- Codes: subject arrangement



# Slip Laws

- Elements:
  - 113 Stat.1732
  - Public Law 106-152, the 152 statute enacted by the 106<sup>th</sup> Congress; or Private Law 103-2
  - Date of Passage
  - Bill number: H.R. 1887, S. 507
  - Title of Act
  - Chapters and Sections

## Public Law 106–152 106th Congress

### An Act

Dec. 9, 1999  
[H.R. 1887]

To amend title 18, United States Code, to punish the depiction of animal cruelty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. PUNISHMENT FOR DEPICTION OF ANIMAL CRUELTY.**

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

##### **“§ 48. Depiction of animal cruelty**

“(a) CREATION, SALE, OR POSSESSION.—Whoever knowingly creates, sells, or possesses a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) EXCEPTION.—Subsection (a) does not apply to any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘depiction of animal cruelty’ means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording of conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed, if such conduct is illegal under Federal law or the law of the State in which the creation, sale, or possession takes place, regardless of whether the maiming, mutilation, torture, wounding, or killing took place in the State; and

“(2) the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

“48. Depiction of animal cruelty.”.

Approved December 9, 1999.

LEGISLATIVE HISTORY—H.R. 1887:

HOUSE REPORTS: No. 106–397 (Comm. on the Judiciary).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 19, considered and passed House.  
Nov. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):  
Dec. 9, Presidential statement.



# Session Laws, Chronological Arrangement

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- Statutes at Large—official, published by the Government Printing Office (GPO)
- United States Code & Congressional Administrative News (USCCAN), 82nd Congress, 2nd session (1952)—unofficial by West, Commercial publishers publish them much faster.
- Chronological compilation of both **public and private laws** enacted by each Congressional session



# Statutes at Large: 130 v







# US Codes,

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- a subject arrangement of public laws
- Types:
  - Official: un-annotated by official publishers
  - Unofficial: annotated by unofficial publishers

US Official Code: about 35 v





# USCA & USCS



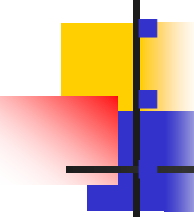



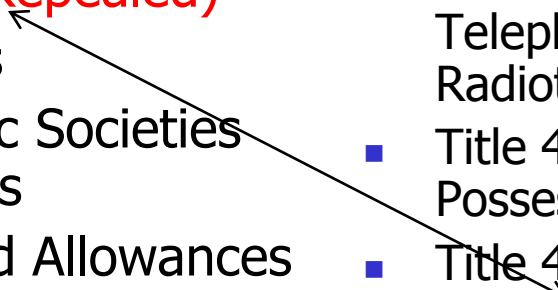
# United States Code

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- From 1926
- Subject arrangement of enacted laws
- Arranged in 50 subject titles (since 2010, 51 titles)
- Titles are divided into chapters and then into sections.
- Un-annotated

# 51 Titles of the United States Code

- 
- Title 1, General Provisions
  - Title 2, The Congress
  - Title 3, The President
  - Title 4, Flag and Seal, Seat of Government, and the States
  - Title 5, Government Organization and Employees; and Appendix
  - Title 6, Domestic Security
  - Title 7, Agriculture
  - Title 8, Aliens and Nationality
  - Title 9, Arbitration
  - Title 10, Armed Forces; and Appendix
  - Title 11, Bankruptcy; and Appendix
  - Title 12, Banks and Banking
  - Title 13, Census
  - Title 14, Coast Guard
  - Title 15, Commerce and Trade
  - Title 16, Conservation
  - Title 17, Copyrights
  - Title 18, Crimes and Criminal Procedure; and Appendix
  - Title 19, Customs Duties
  - Title 20, Education
  - Title 21, Food and Drugs
  - Title 22, Foreign Relations and Intercourses
  - Title 23, Highways
  - Title 24, Hospitals and Asylums
  - Title 25, Indians
  - Title 26, Internal Revenue Code; and Appendix

- 
- Title 27, Intoxicating Liquors
  - Title 28, Judiciary and Judicial Procedure; and Appendix
  - Title 29, Labor
  - Title 30, Mineral Lands and Mining
  - Title 31, Money and Finance
  - Title 32, National Guard
  - Title 33, Navigation and Navigable Waters
  - Title 34, Navy (Repealed)
  - Title 35, Patents
  - Title 36, Patriotic Societies and Observances
  - Title 37, Pay and Allowances of the Uniformed Services
  - Title 38, Veterans' Benefits; and Appendix
  - Title 39, Postal Service
  - Title 40, Public Buildings, Property, and Works; and Appendix
  - Title 41, Public Contracts
  - Title 42, The Public Health and Welfare
  - Title 43, Public Lands
  - Title 44, Public Printing and Documents
  - Title 45, Railroads
  - Title 46, Shipping; and Appendix
  - Title 47, Telegraphs, Telephones, and Radiotelegraphs
  - Title 48, Territories and Insular Possessions
  - Title 49, Transportation
  - Title 50, War and National Defense; and Appendix
  - Title 51—National and Commercial Space Programs
- 





# TITLE 8. ALIENS AND NATIONALITY

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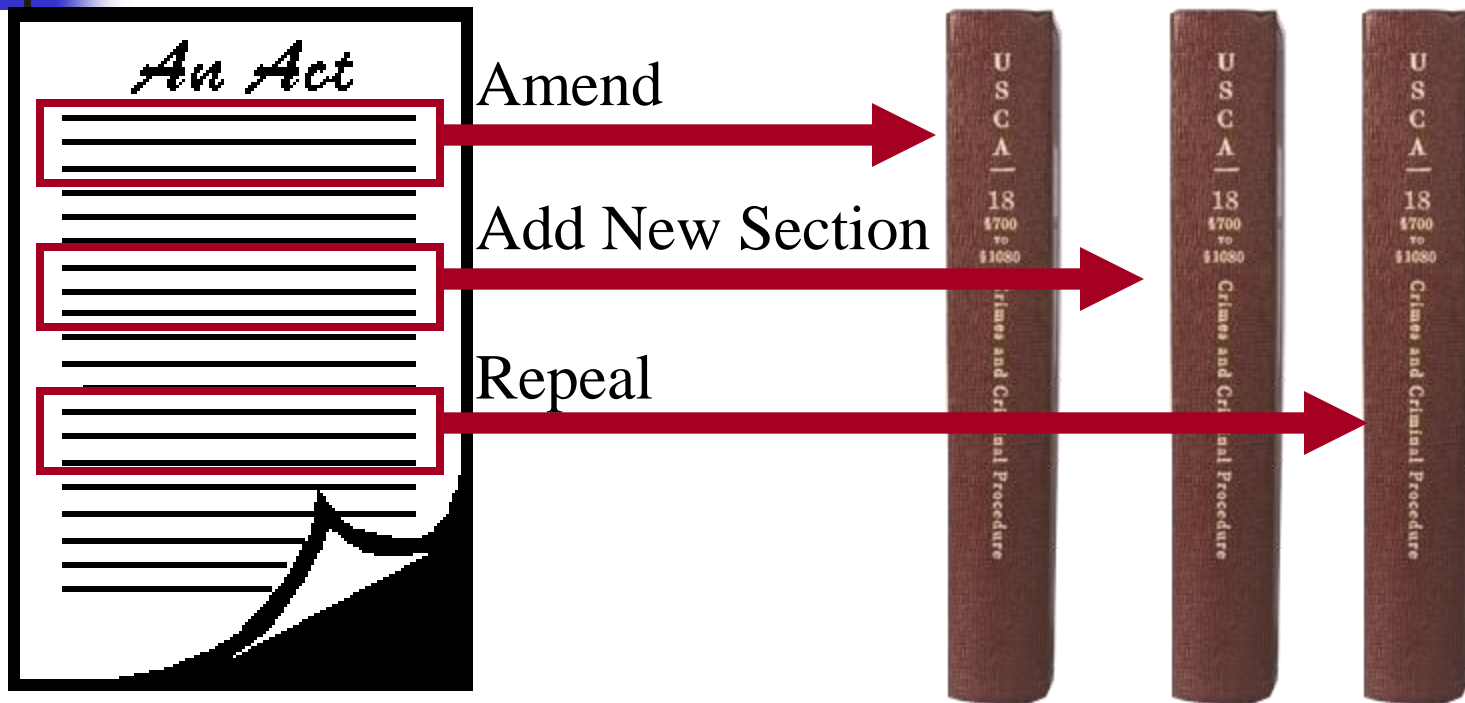
- CHAPTER 12-IMMIGRATION AND NATIONALITY
  - SUBCHAPTER I-GENERAL PROVISIONS
    - § 1101. Definitions
    - § 1102. Diplomatic and semidiplomatic immunities
    - § 1103. Powers and duties of the Secretary, the Under Secretary, and the Attorney General
    - § 1104. Powers and duties of Secretary of State
    - § 1105. Liaison with internal security officers; data exchange
    - § 1105a. Employment authorization for battered spouses of certain nonimmigrants
    - .....



# A Public Law's Broad Effect on the Code

Public Law

Statutory Code



One public law frequently affects many different sections and even titles of the statutory code.

# Amending a Code Section

Public Law

Statutory Code

*An Act*

8 § 1101

ALIENS AND NATIONALITY

(III) will be or has been placed in danger as a result of providing such information; and

(IV) is eligible to receive a reward under section 2708(a) of Title 22, and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien.

[See main volume for text of (16)]

Before October 1, 2000...

(i) for at least 2 years immediately preceding the time of application for religious denomination having a bona fide presence in the United States;

...serving on the vocation of a minister

(B) before October 1, 2000, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(C) before October 1, 2000, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of Title 26) at the request of the organization in a religious vocation or occupation; and

IN GENERAL -- Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii) is amended by striking “1997,” each place it appears and inserting “2000,”.

# Adding a New Code Section

Public Law

Statutory Code

*An Act*

PUBLIC HEALTH AND WELFARE

42 § 14401

## § 14401. Findings and purpose

### (a) Findings

Congress finds the following:

(1) The Federal Government provides financial support for the provision of and payment for health care services, as well as for advocacy activities to protect the rights of individuals.

(2) Assisted suicide, euthanasia, and mercy killing have been criminal offenses throughout the United States and, under current law, it would be unlawful to provide services in support of such illegal activities.

(3) Because of recent legal developments, it may become lawful in areas of the United States to furnish services in support of such activities.

## § 14401. Findings and purpose

### (a) Findings

Congress finds the following:

(1) The Federal Government provides financial support for the provision of and payment for health care services, as well as for advocacy activities to protect the rights of individuals.

(2) Assisted suicide, euthanasia, and mercy killing have been criminal offenses throughout the United States and, under current law, it would be unlawful to provide

# Repealing a Code Section

Public Law

Statutory Code

## *An Act*

15 § 776

COMMERCE AND TRADE Ch. 16B

entirely of full-time Government employees, to advise with respect to, or to formulate or carry out, any agreement or plan of action affecting any industry or segment thereof. The Administrator shall endeavor to insure that each such group is reasonably representative of the various points of view and functions of the industry and users affected, including the views of residents, commercial, and industrial consumers, and shall include, where appropriate, representation from both State and local governments, and from representatives of State regulatory utility commissions. Members shall be selected after consultation with the respective national associations.

(b) Public meetings; participation of interested persons; closed meetings; determination of national security, reasons

Each meeting of such board, task force, commission, committee, or similar group, shall be open to the public, and interested persons shall be permitted to attend, appear before, and file statements with, such group, except that the Administrator may determine that such meeting shall be closed in the interest of national security. Such determination shall be in writing, shall contain a detailed explanation of reasons in justification of the determination, and shall be made

§ 776. Repealed. Pub.L. 105-28, § 2(b)(2), July 18, 1997, 111 Stat. 245



# *Homeland Security Act of 2002* affects the following 20 titles of USC

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- |  |  |
|--|--|
| 1. Title 3 The President                         | 1. Title 28 Judiciary and Judicial Procedure             |
| 2. Title 5 Government Organization and Employees | 2. Title 31 Money and Finance                            |
| 3. <b>Title 6 Domestic Security</b>              | 3. Title 37 Pay and Allowances of the Uniformed Services |
| 4. Title 7 Agriculture                           | 4. Title 40 Public Buildings, Property, and Works        |
| 5. Title 8 Aliens and Nationality                | 5. Title 41 Public Contracts                             |
| 6. Title 10 Armed Forces                         | 6. Title 44 Public Printing and Documents                |
| 7. Title 14 Coast Guard                          | 7. Title 49 Transportation                               |
| 8. Title 15 Commerce and Trade                   | 8. Title 50 War and National Defense                     |
| 9. Title 19 Customs Duties                       |  |
| 10. Title 20 Education                           |  |
| 11. Title 21 Food and Drugs                      |  |
| 12. Title 26 Internal Revenue Code               |  |



## USC Model

In 1926, codified all laws  
into the USC

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After 1926, new acts



Legislative Approval



Codification



United States Code

## European Model

Codify individual codes &  
draft acts



Legislative Approval



Compilation



Individual codes & acts



# United States Code: extra contents

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- Historical Notes
- Cross References
- Index
- Tables





# Codes

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- Un-annotated:  
usually codes published by the federal or state governments
- Annotated:
  - published by commercial publishers based on official codes, the major publishers are West and Lexis
  - Annotated with descriptions of cases interpreting the statutes, historical notes, and references to secondary materials discussing the statutes



# United States Code Annotated (USCA)

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- Published by West
- Based on United States Code
- Annotated with cases, references to secondary materials, such as law review articles, etc.

# USCA & USCS







# USCA & USCS

- Law
- Historical Notes
- Cross References
- Editorial Enhancements
  - Library References: cited to secondary sources
  - Notes of Decisions: annotated with cases, regulations & administrative cases (USCS)

## § 3. Accessory after the fact

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

(June 25, 1948, c. 645, 62 Stat. 684; Nov. 10, 1986, Pub.L. 99-646, § 43, 100 Stat. 3601; Nov. 29, 1990, Pub.L. 101-647, Title XXXV, § 3502, 104 Stat. 4921; Sept. 13, 1994, Pub.L. 103-322, Title XXXIII, §§ 330011(h), 330016(2)(A), 108 Stat. 2145, 2148.)

### HISTORICAL AND STATUTORY NOTES

#### Revision Notes and Legislative Reports

1948 Acts. Based on Title 18, U.S.C., 1940 ed., § 551 (Mar. 4, 1909, c. 321, § 333, 35 Stat. 1152 [Derived from R.S. §§ 5533 to 5535]).

The first paragraph is new. It is based upon authority of *Skelly v. United States* (C.C.A.Okla.1935, 76 F.2d 483, certiorari denied 55 S.Ct. 914, 295 U.S. 757, 79 L.Ed. 1699), where the court defined an accessory after the fact as—

one who knowing a felony to have been committed by another, receives, relieves, comforts, or assists the felon in order to hinder the felon's apprehension, trial, or punishment—

and cited Jones' Blackstone, books 3 and 4, page 2204; *U.S. v. Hartwell*, (Fed.Cas. No. 15,318); *Albritton v. State* (32 Fla. 358, 13 So. 955); *State v. Davis* (14 R.I. 281); *Schleeter v. Commonwealth* (218 Ky. 72, 290 S.W. 1075). (See also *State v. Potter*, 1942, 221 N.C. 153, 19 S.E.2d 257; *Hunter v. State*, 1935, 128 Tex.Cr.R. 191, 79 S.W.2d 855; *State v. Wells*, 1940, 195 La. 754, 197 So. 419).

The second paragraph is from § 551 of Title 18, U.S.C., 1940 ed. Here only slight changes were made in phraseology. 80th Congress House Report No. 304.

1986 Acts. House Report No. 99-797, see 1986 U.S. Code Cong. and Adm. News, p. 6138.

1990 Acts. House Report Nos. 101-681(Parts I and II) and 101-736, Senate Report No. 101-460, and Statement by President, see 1990 U.S. Code Cong. and Adm. News, p. 6472.

1994 Acts. House Report Nos. 103-324 and 103-489, and House Conference Report No. 103-711, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

#### Amendments

1994 Amendments. Pub.L. 103-322, § 330016(2)(A), inserted "(notwithstanding section 3571)" before "fined not more than one-half".

1990 Amendments. Pub.L. 101-647, § 3502, as amended Pub.L. 103-322, § 330011(h), substituted "15 years" for "ten years".

1986 Amendments. Pub.L. 99-646 inserted "life imprisonment or" after "punishable by".

#### Effective and Applicability Provisions

1994 Amendments. Section 330011(h) of Pub.L. 103-322 provided in part that the amendment made by such section, amending section 3502 of Pub.L. 101-647 (which amended this section), was to take effect on the date section 3502 of Pub.L. 101-647 took effect; section 3502 of Pub.L. 101-647 took effect on the date of enactment of Pub.L. 101-647, which was approved Nov. 29, 1990.



# USCA v. USCS in Editorial Enhancements

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## ■ USCA by West

- Library References: cited to West's secondary sources
- Notes of Decisions: annotated with judicial cases,

## ■ USCS by Lexis

- Library References: cited to Lexis' secondary sources
- Notes of Decisions: annotated with judicial cases, federal regulations & administrative cases



## Example: U.S. v. Diaz, 936 F.2d 786 (5<sup>th</sup> Cir. 1991)

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- To establish a violation of 8 USCA § 1324(a)(1)(A)(ii), the government must prove: (1) the transporting or moving of an alien within the United States; (2) that the alien was present in violation of the law; (3) that the defendant was aware of the alien's illegal status; and (4) that the defendant acted willfully in furtherance of the alien's violation of the law.

◀ [Previous Section](#) **8 U.S.C.A. § 1324** [Next Section](#) ▶  
§ 1324. Bringing in and harboring certain aliens  
[Effective:](#) **November 10, 2005** [Prior](#) | [Proposed](#)

**FOR EDUCATIONAL USE ONLY**  
8 U.S.C.A. § 1324

United States Code Annotated [Currentness](#)  
Title 8. Aliens and Nationality ([Refs & Annos](#))  
Chapter 12. Immigration and Nationality ([Refs & Annos](#))  
    ▢ [Subchapter II](#). Immigration  
        ▢ [Part VIII](#). General Penalty Provisions  
            ➔ **§ 1324. Bringing in and harboring certain aliens**

(a) Criminal penalties  
**(1)(A)** Any person who--

(i) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or remain in the United States and regardless of any future official action which may be taken with respect to such alien;

(ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by any means of transportation or otherwise, in furtherance of such violation of law;



[◀ Previous Section](#) **8 U.S.C.A. § 1324** [Next Section ▶](#)  
§ 1324. Bringing in and harboring certain aliens  
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[FN1] So in original. Probably should be “clause”.

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

1952 Acts. House Report No. 1365 and Conference Report No. 2096, see 1952 U.S. Code Cong. and Adm. News, p. 1653.

1978 Acts. [House Report No. 95-1447](#), see 1978 U.S. Code Cong. and Adm. News, p. 5566.

1981 Acts. [House Report No. 97-264](#), see 1981 U.S. Code Cong. and Adm. News, p. 2577.

1986 Acts. [House Report No. 99-682](#)(Parts I-V) and [House Conference Report No. 99-1000](#), see 1986 U.S. Code Cong. and Adm. News, p. 5649.

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2004 Acts. [House Conference Report No. 108-796](#), see 2004 U.S. Code Cong. and Adm. News, p. 3178.

Statement by President, see 2004 U.S. Code Cong. and Adm. News, p. S51.

2005 Acts. [House Conference Report No. 109-255](#), see 2005 U.S. Code Cong. and Adm. News, p. 974.

Links for  
8 USCA § 1324

KeyCite



[◀ Previous Section](#) **8 U.S.C.A. § 1324** [Next Section ▶](#)

§ 1324. Bringing in and harboring certain aliens

Effective: **November 10, 2005** [Prior](#) | [Proposed](#)

Definition of the term--

Alien, see [8 USCA § 1101\(a\)\(3\)](#).

Attorney General, see [8 USCA § 1101\(a\)\(5\)](#).

Crewman, see [8 USCA § 1101\(a\)\(10\)](#).

Entry, see [8 USCA § 1101\(a\)\(13\)](#).

Immigration officer, see [8 USCA § 1101\(a\)\(18\)](#).

Residence, see [8 USCA § 1101\(a\)\(33\)](#).

Service, see [8 USCA § 1101\(a\)\(34\)](#).

United States, see [8 USCA § 1101\(a\)\(38\)](#).

## FEDERAL SENTENCING GUIDELINES

See [Federal Sentencing Guidelines § 2L1.1](#), 18 USCA.

## CODE OF FEDERAL REGULATIONS

Vehicles, vessels and aircraft, seizure and forfeiture, see [8 CFR § 274.1 et seq.](#)

## LAW REVIEW COMMENTARIES

[America's minorities are shown the "back door" ... again: Discriminatory impact of the Immigration and Naturalization Service's new "burden of proof" rule. 18 Hous.J.Int'l L. 899 \(1996\).](#)

Compliance with and enforcement of the Immigration Reform and Control Act of 1986. Hous.J.Int'l L. 79 (Nov.1987).

Criminalization of employer [fraud against alien employees? A national priority. Roshani, J. of Law & Soc. Sci. 795 \(1991\).](#)

Debating conviction against conviction--Constitutional considerations on the sanctuary cities. 14 Hastings Const.L.Q. 25 (1986).

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ns

[Elements of Offenses:](#)

ns

[Seizure and Forfeiture  
Burden of Proof](#)

[Application of 274\(a\)\(1\)\(a\)\(II\)  
\(8 U.S.C.a. 1324\(a\)\(1\)\(a\)\)  
to Alien Who Has  
Burden of Law](#)

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8 USCA § 1324

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g and Harboring Aliens, Seizure and Forfeiture  
nces, Judicial Forfeiture-Burden of Proof

Construction, and Application of 274(a)(1)(a)(II)  
ion and Nationality Act (8 U.S.C.a. 1324(a)(1)(a)

strengthening employer sanctions through worker identification cards and a national data base. Effective barriers to illegal immigration? Jennifer K. Danburg, 9 Geo.Immigr.L.J. 525 (1995).

LIBRARY REFERENCES

American Digest System  
[Aliens](#) ¶56, 59.  
Key Number System Topic No. [24](#).

Corpus Juris Secundum

- [CJS Aliens § 296](#), Other Arrestees--Suspected Felons--Persons Bringing in or Harboring Certain Aliens.
- [CJS Aliens § 1574](#), Bringing in Aliens.
- [CJS Aliens § 1575](#), Transporting or Moving Aliens Within United States.
- [CJS Aliens § 1576](#), Transporting or Moving Aliens Within United States--Employment-Related Transportation.
- [CJS Aliens § 1577](#), Transporting or Moving Aliens Within United States--Unlawful Status Requirement.
- [CJS Aliens § 1578](#), Transporting or Moving Aliens Within United States--Effect of Government Misconduct.
- [CJS Aliens § 1580](#), Concealing or Harboring Aliens.
- [CJS Aliens § 1581](#), Concealing or Harboring Aliens--Employment Exception.
- [CJS Aliens § 1582](#), Encouraging or Inducing Entry of Aliens.
- [CJS Aliens § 1583](#), Prosecution of Sanctuary Workers.

RESEARCH REFERENCES

ALR Library

Links for  
8 USCA § 1324

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§ 1324. Bringing in and harboring certain aliens

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[Wright & Miller: Federal Prac. & Proc. App. C](#), Advisory Committee Notes for the Federal  
for the United States District Courts.

[Wright & Miller: Federal Prac. & Proc. § 664.1](#), Objects of Search--Persons.

NOTES OF DECISIONS

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[Aliens, Elements of Offenses;](#)

Citizens

[Aliens, Seizure and Forfeiture](#)  
[Seizure-Burden of Proof](#)

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[v Act \(8 U.S.C.a. 1324\(a\)\(1\)\(a\)\)](#)



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[1/2](#). Preemption

Provision of Arizona's Support Our Law Enforcement and Safe Neighborhoods Act, making it illegal for person who violation of criminal offense to, inter alia, transport alien in Arizona in furtherance of alien's unlawful presence in United States, did not directly conflict with, so as to be preempted by, provision of federal alien smuggling statute providing exception for certain religious groups for contact with volunteer ministers and missionaries; Arizona statute was narrower than its federal counterpart because it required that person already be in violation of criminal offense. [U.S. v. Arizona, D.Ariz.2010, 703 F.Supp.2d 980](#), affirmed [641 F.3d 339](#). [Aliens, Immigration, And Citizenship](#) [↔](#) [States](#) [↔](#) [18.43](#)

[1](#). Constitutionality

In prosecution for harboring aliens unlawfully residing in United States, district court's use of term "illegal alien" during sentencing hearing did not violate corporate defendant's due process rights or right to appearance of fairness in sentencing proceedings, where term "illegal alien" was never used in front of jury, case resulted in conviction on plea, and term was used to describe individual's working for defendant, not defendant itself. [U.S. v. Acambaro Mexican Restaurant, Inc., C.A.8 \(Ark.\) 2011, 631 F.3d 880](#). [Constitutional Law](#) [↔](#) [4720](#); [Sentencing And Punishment](#) [993](#)

Statute permitting admission in an action brought for transporting illegal aliens of videotaped deposition of a witness who has been deported or otherwise expelled from the United States, or is otherwise unable to testify does not eliminate the requirement that the government establish the unavailability of a witness before the witness's

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*8 USCS § 1324*

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\*\*\* CURRENT THROUGH PL 112-31, APPROVED 9/23/2011 \*\*\*

TITLE 8. ALIENS AND NATIONALITY  
CHAPTER 12. IMMIGRATION AND NATIONALITY  
IMMIGRATION  
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§ 1324. Bringing in and harboring certain aliens



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(e) Outreach program. The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, may establish an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of

### History:

(June 27, 1952, ch 477, Title II, Ch 8, § 274, [66 Stat. 228](#); Nov. 2, 1978, [P.L. 95-582](#), § 2, [92 Stat. 2479](#); Dec. 29, 1981, [P.L. 97-116](#), § 1603, Title I, Part B, § 112, [100 Stat. 3381](#); Oct. 24, 1988, [P.L. 100-525](#), § 2(d)(1), [102 Stat. 2610](#); Sept. 13, 1994, [P.L. 103-322](#), Title VI, § 601, [P.L. 104-208](#), Div C, Title II, Subtitle A, § 203(a)-(d), Subtitle B, § 219, Title VI, Subtitle E, § 671(a)(1), [110 Stat. 3009-565](#), 3009-574, 3009-575, 3009-576, 3009-577, 3009-578, 3009-579, 3009-580, 3009-581, 3009-582, 3009-583, 3009-584, 3009-585, 3009-586, 3009-587, 3009-588, 3009-589, 3009-590, 3009-591, 3009-592, 3009-593, 3009-594, 3009-595, 3009-596, 3009-597, 3009-598, 3009-599, 3009-600, 3009-601, 3009-602, 3009-603, 3009-604, 3009-605, 3009-606, 3009-607, 3009-608, 3009-609, 3009-610, 3009-611, 3009-612, 3009-613, 3009-614, 3009-615, 3009-616, 3009-617, 3009-618, 3009-619, 3009-620, 3009-621, 3009-622, 3009-623, 3009-624, 3009-625, 3009-626, 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 § 1324. Bringing in and harboring certain aliens  
[Effective:](#) **November 10, 2005**
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#### DEFINITION OF THE TERM--

Alien, see [8 USCA § 1101\(a\)\(3\)](#).  
 Attorney General, see [8 USCA § 1101\(a\)\(5\)](#).  
 Crewman, see [8 USCA § 1101\(a\)\(10\)](#).  
 Entry, see [8 USCA § 1101\(a\)\(13\)](#).  
 Immigration officer, see [8 USCA § 1101\(a\)\(18\)](#).  
 Residence, see [8 USCA § 1101\(a\)\(33\)](#).  
 Service, see [8 USCA § 1101\(a\)\(34\)](#).  
 United States, see [8 USCA § 1101\(a\)\(38\)](#).

#### FEDERAL SENTENCING GUIDELINES

See [Federal Sentencing Guidelines § 2L1.1](#), 18 USCA.

#### CODE OF FEDERAL REGULATIONS

Vehicles, vessels and aircraft, seizure and forfeiture, see [8 CFR § 274.1 et seq.](#)

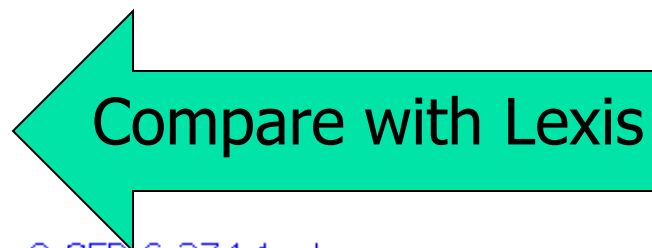
#### LAW REVIEW COMMENTARIES

[America's minorities are shown the "back door" ... again: Discriminatory impact of the Immigration Reform and Control Act.](#) 18 Hous.J.Int'l L. 899 (1996).

Compliance with and enforcement of the Immigration Reform and Control Act of 1986. Harry Gee, Jr., Corp.Couns.Rev. 79 (Nov.1987).

Criminalization of employer [fraud against alien employees? A national priority.](#) Roshani M. Gunewardene. Eng.L.Rev. 795 (1991).

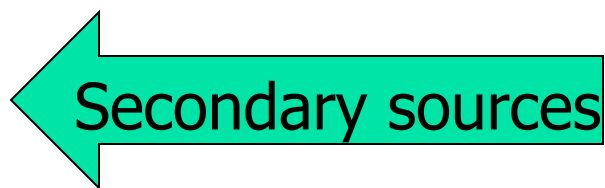
Debating conviction against conviction--Constitutional considerations on the sanctuary movement. Ru. 14 Hastings Const.L.Q. 25 (1986).



days after the date of the enactment of this Act.

**Notes:****📌 Code of Federal Regulations:**Department of Homeland Security--Seizure and forfeiture of conveyances, [8 CFR 274.1](#) et seq.Department of Justice--Regulations governing the remission or mitigation of civil and criminal forfeitures, [28 CFR 9.1](#) et seq.**📌 Related Statutes & Rules:**Alien defined, [8 USCS § 1101\(a\)\(3\)](#).Attorney General defined, [8 USCS § 1101\(a\)\(5\)](#).Crewman defined, [8 USCS § 1101\(a\)\(10\)](#).Immigration officer defined, [8 USCS § 1101\(a\)\(18\)](#).Residence defined, [8 USCS § 1101\(a\)\(33\)](#).Service defined, [8 USCS § 1101\(a\)\(34\)](#).United States defined, [8 USCS § 1101\(a\)\(38\)](#).Sentencing Guidelines for the United States Courts, [18 USCS Appx § 2L1.1](#).This section is referred to in [8 USCS § 1101](#); [10 USCS § 374](#); [18 USCS §§ 982, 1961, 2516, 3298](#).

📌 Research Guide:



Federal Procedure:

- 22 [Moore's Federal Practice](#) (Matthew Bender 3d ed.), ch 409, Jurisdiction Over Administrative Agencies and Orders § 409.02.
- 25 [Moore's Federal Practice](#) (Matthew Bender 3d ed.), ch 615, Depositions § 615.03.
- 26 [Moore's Federal Practice](#) (Matthew Bender 3d ed.), ch 632, Sentencing and Judgment § 632.20.
- 1 [Administrative Law](#) (Matthew Bender), ch 2, Preemption § 2.02.
- 4 Fed Proc L Ed, Aviation and Space § 7:921.
- 8A Fed Proc L Ed, Criminal Procedure § 22:250.
- 12 Fed Proc L Ed, Evidence § 33:350.
- 18A Fed Proc L Ed, Immigration, Naturalization, and Nationality §§ 45:90, 713, 1112.
- 18B Fed Proc L Ed, Immigration, Naturalization, and Nationality §§ 45:2510, 2511, 2514, 2518, 2520, 2524, 2527-2530, 2533-2537, 2540

Am Jur:

- 3A Am Jur 2d, Aliens and Citizens §§ 6, 7, 106.
- 3C Am Jur 2d, Aliens and Citizens §§ 2309, 2605-2607, 2611-2614, 2616-2619, 2623, 2626-2628, 2630, 2631, 2635, 2641, 2644.
- 30 Am Jur 2d, Executions and Enforcements of Judgments § 33.

Criminal Law and Practice:

- 2 [Criminal Constitutional Law \(Matthew Bender\)](#), ch 9, Prosecutorial Decisionmaking § 9.04.
- 2 [Criminal Constitutional Law \(Matthew Bender\)](#), ch 11, Pretrial Motions § 11.01.
- 3 [Criminal Defense Techniques \(Matthew Bender\)](#), ch 60A, Defending Aliens in Criminal Cases § 60A.10.
- 5 [Business Crime \(Matthew Bender\)](#), ch 24, Racketeer Influenced and Corrupt Organizations Act of 1970 "RICO" P 24.07.

Immigration:

- 1 [Immigration Law and Procedure \(rev. ed.\)](#), ch 2, The Development of the Immigration Laws § 2.04.
- 1 [Immigration Law and Procedure \(rev. ed.\)](#), ch 4, Attorneys and Representatives/Fees/Ethics and Sanctions § 4.04.
- 1 [Immigration Law and Procedure \(rev. ed.\)](#), ch 7, Sanctions, Discrimination and Employment Authorization § 7.05.
- 1 [Immigration Law and Procedure \(rev. ed.\)](#), ch 8, Overview of the Admission Process § 8.02.
- 6 [Immigration Law and Procedure \(rev. ed.\)](#), ch 71, Grounds for Deportation §§ 71.04, 71.05, 71.08.
- 8 [Immigration Law and Procedure \(rev. ed.\)](#), ch 111, Civil Liabilities and Criminal Offenses §§ 111.08, 111.09.

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- Validity and construction of Federal Statute ([18 USCS § 1546](#)) making fraud and misuse of visas, permits, and other entry documents a c
- Construction and application of § 245 of the Immigration and Nationality Act of 1952 ([8 USCS § 1255](#)) authorizing adjustment of status c

Manns. Private Monitoring of Gatekeepers: The Case of Immigration Enforcement. [2006 U Ill L Rev 887](#), 2006.

Wishnie. 22nd Annual Edward v Sparer Symposium: Terrorism and the Constitution: Civil Liberties in a New America: State and Local Policy. [Pa J Const L 1084](#), May 2004.

Legomsky. The New Path of Immigration Law: Asymmetric Incorporation of Criminal Justice Norms. [64 Wash & Lee L Rev 469](#), Spring 2007.

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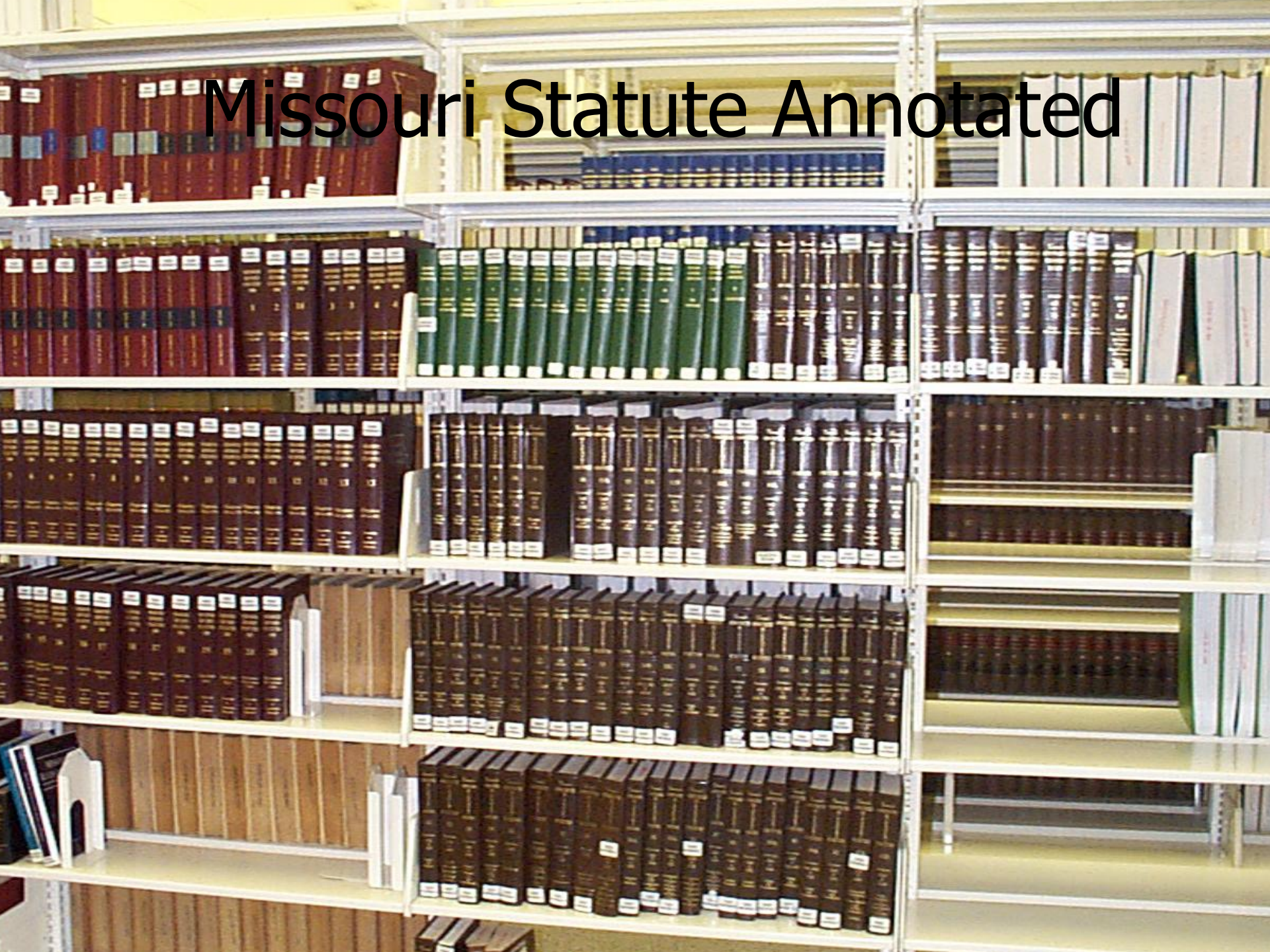


# State Codes

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- Some states call them codes, such as Code of Alabama, Revised Code of Ohio; some states call them statute, such as New Mexico Statutes, Revised Missouri Statute
- Similar to USCA & USCS, most of the annotated states codes are published by West, Lexis and Michie

# Missouri Statute Annotated





# Methods of Retrieving Federal Statutes

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- By Specific Issue or Facts
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  - Word Search on Westlaw or Lexis
- By Popular Name
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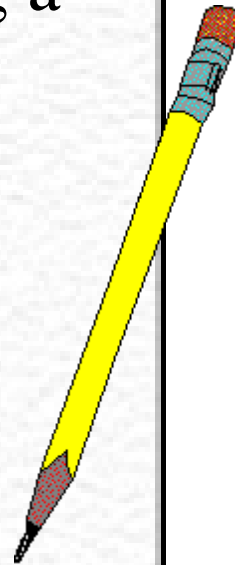




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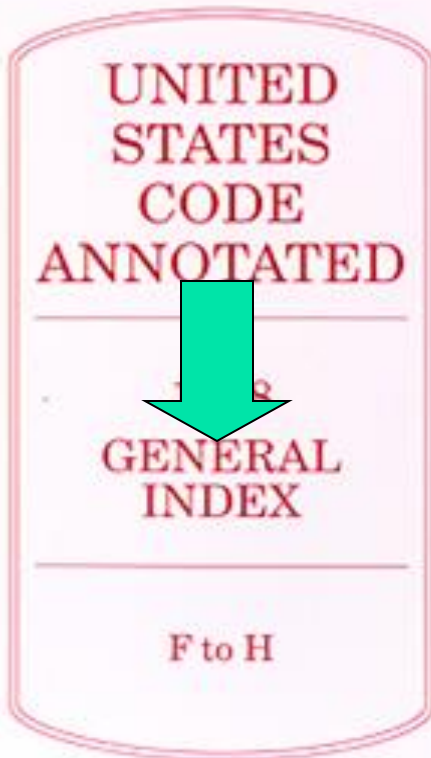
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Is a **background  
check** required  
before selling a  
**handgun**?



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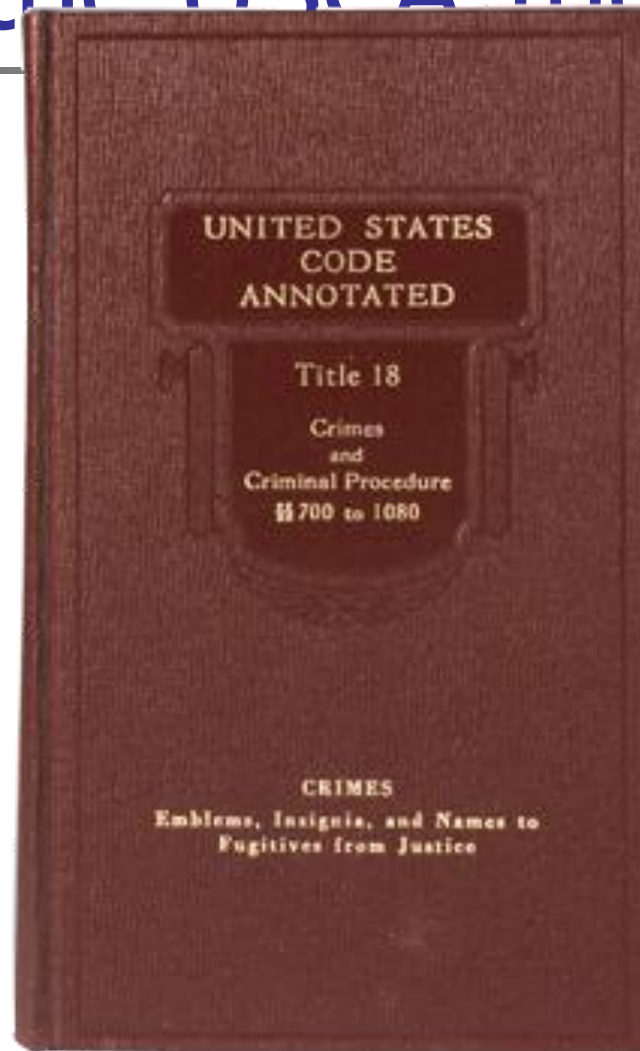
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# Using the USCA Index in Print

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18 § 922

## CRIMES AND CRIMINAL PROCEDURE

§ 922. Unlawful acts

### § 922 Unlawful acts

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

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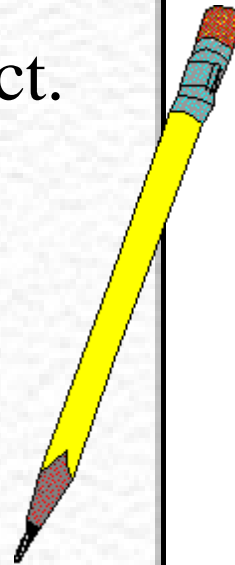
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  - USCA Popular Name Table

# USCA Popular Name Table in Print

Retrieve the  
Brady Handgun  
Violence  
Prevention Act.



# James Brady and President Clinton 1993







March 30, 1981



# USCA Popular Name Table in Print

Retrieve the  
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Pub.L. 103-150, Nov. 30, 1993, 107 Stat. 1536 (18 §§ 921, 921 note, 922, 922 note, 923, 924, 925A)

Pub.L. 103-322, Title XXI, Subtitle F, § 210603(b), Sept. 13, 1994, 108 Stat. 2074 (18 § 922 note)

Pub.L. 104-294, Title VI, § 603(h), Oct. 11, 1996, 110 Stat. 3504 (18 § 922 note)

Retrieve  
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### Brady Handgun Violence Prevention Act

Pub.L. 103-159, Title I, Nov. 30, 1993, 107 Stat. 1536 (18 §§ 921, 921 note, 922, 922 note, 923, 924, 925A)

Pub.L. 103-322, Title XXI, Subtitle F, § 210603(b), Sept. 13, 1994, 108 Stat. 2074 (18 § 922 note)

Pub.L. 104-294, Title VI, § 603(h), Oct. 11, 1996, 110 Stat. 3504 (18 § 922 note)

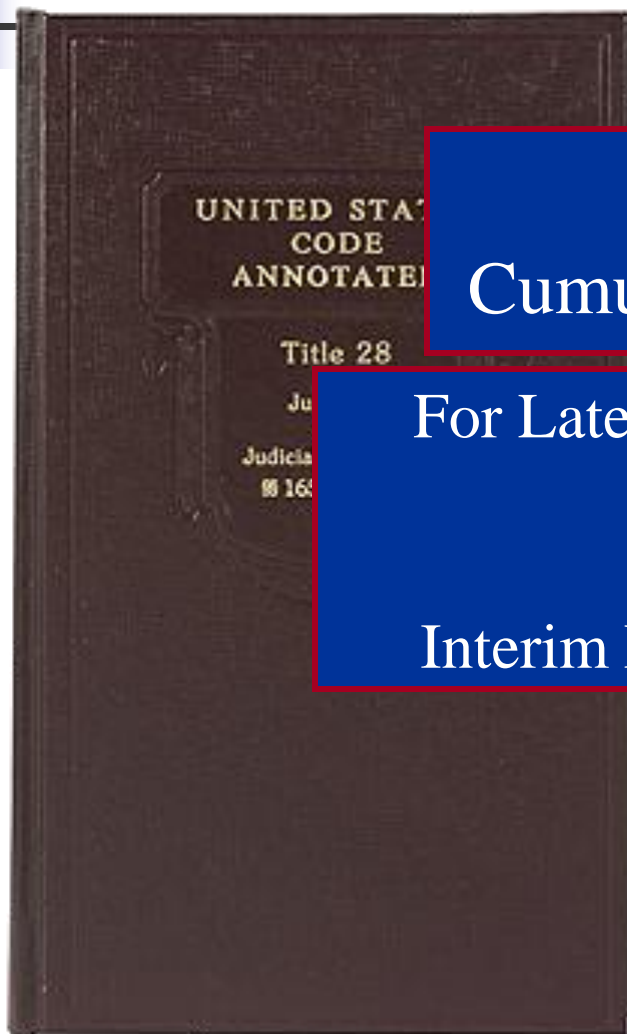
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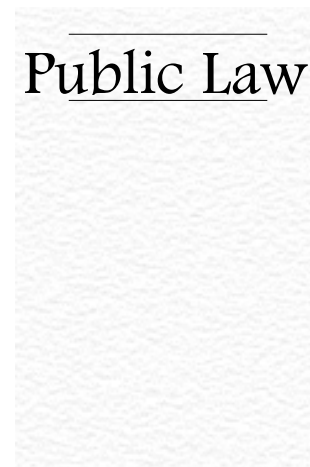
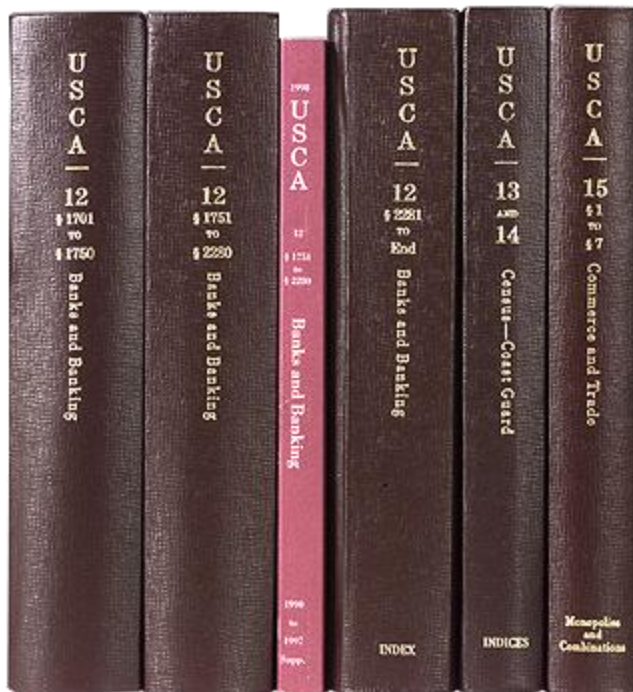
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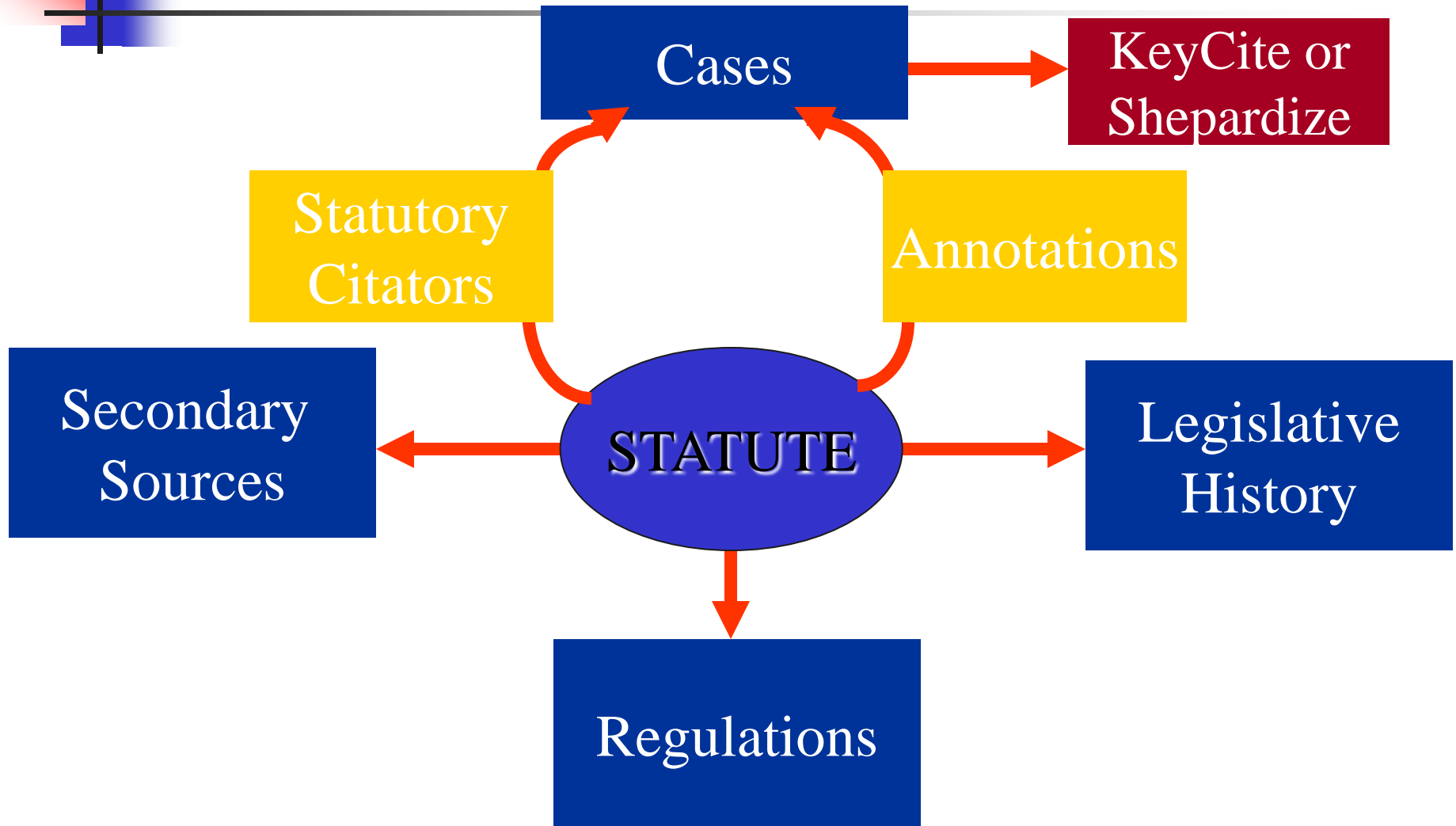
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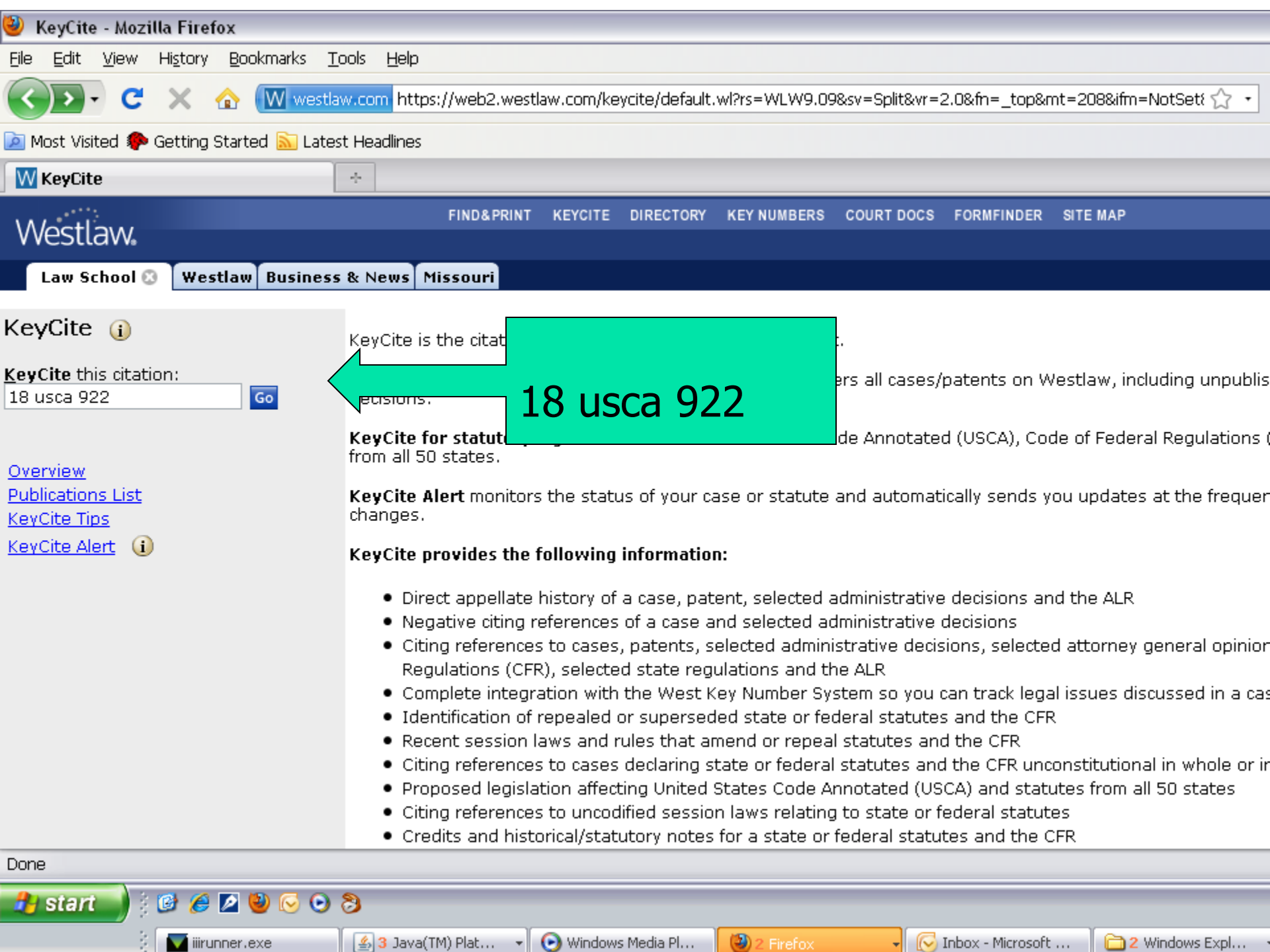
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§ 922. Unlawful acts

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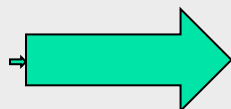
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are published and disseminated to licensed dealers, law enforcement officials, and the public.

**(t)(1)** Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal **background** check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless--

**(A)** before the completion of the transfer, the licensee contacts the national instant criminal **background** check system established under section 103 of that Act;

**(B)(i)** the system provides the licensee with a unique identification number; or

**(ii)** 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

**(C)** the transferor has verified the identity of the transferee by examining a valid identification document (as defined in [section 1028\(d\)](#) of this title) of the transferee containing a photograph of the transferee.

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persons were unlicensed, like burden of proof in establishing each of other essential elements of the crime charged, necessarily rested with the government. [U. S. v. Barker, C.A.8 \(Mo.\) 1976, 521 F.2d 479](#), on remand [425 F.Supp. 1283](#). [Weapons](#) ⇌ [17\(1\)](#); [Weapons](#) ⇌ [17\(2\)](#)

68. Background checks of handgun transferees

State chief law enforcement officers (CLEO) who had not voluntarily chosen to participate in the administration of federal scheme of background checks of prospective handgun purchasers set forth in Brady Handgun Violence Prevention Act, were not in position to challenge Act's requirements that CLEOs destroy all handgun-applicant statements received from firearm purchaser and that CLEOs provide would-be purchasers written statements of reasons for determining applicant's ineligibility to receive handguns; those provisions applied only to CLEOs who had voluntarily chosen to participate in administration of scheme. [Printz v. U.S., U.S.Mont.1997, 117 S.Ct. 271, 521 U.S. 898, 138 L.Ed.2d 914](#). [Constitutional Law](#) ⇌ [42.1\(1\)](#)

Justice Department regulation providing for temporary retention of data generated during background checks of prospective firearms purchasers was not prohibited by section of Brady Handgun Violence Prevention Act requiring destruction of records for lawful firearms transactions as statute did not unambiguously require immediate destruction of such records, even if one step of background check had to be performed immediately. [National Rifle Ass'n of America v. Reno, C.A.D.C.2000, 216 F.3d 122, 342 U.S.App.D.C. 231](#), rehearing denied, certiorari denied, [121 S.Ct. 2549, 533 U.S. 928, 150 L.Ed.2d 716](#). [Records](#) ⇌ [22](#)

Section of federal statute requiring that certain state or local officials conduct background checks of potential handgun purchasers was consistent with structural limits of Tenth Amendment; although state could avoid section by enacting its own scheme for prepurchase background checks, such scheme was neither mandated nor significantly encouraged

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scheme was neither mandated nor significantly encouraged, section was meant to regulate individuals, not states, section did not jeopardize political accountability, and section in fact furthered purpose of federalism. [Frank v. U.S., C.A.2 \(Vt.\) 1996, 78 F.3d 815](#), vacated [117 S.Ct. 2501, 521 U.S. 1114, 138 L.Ed.2d 1007](#), on remand [129 F.3d 273, 184 A.L.R. Fed. 731](#). [States](#) ⇐ [4.16\(2\)](#); [Weapons](#) ⇐ [106\(4\)](#); [Weapons](#) ⇐ [107\(5\)](#)

Sheriff was not entitled to injunction prohibiting enforcement of Brady Act, which imposed upon him duty to conduct background check before issuing handgun permits; sheriff failed to show irreparable harm based on his claims that his assignment of jailor to processing of handgun permit applications increased likelihood of injury to inmates, as sheriff cited no actual incidents of inmate injury occurring during approximately 20 months since he had jailor assigned to researching permits, and balance of harm between parties did not support granting of preliminary injunction, as, if injunction were issued, but Brady Act later found to be constitutional, United States would not be able to correct issuance of handgun permits without background check required by Brady Act. [Frye v. U.S., M.D.N.C.1995, 916 F.Supp. 546](#). [Injunction](#) ⇐ [1247](#); [Injunction](#) ⇐ [1497](#)

Provision of Brady Act which required local law enforcement officials to conduct background searches of prospective purchasers of handguns was unconstitutionally vague in failing to make explicit what would be "reasonable" effort to determine whether receipt or possession of handgun would be in violation of the law while providing for criminal punishment of officers who failed to make such reasonable effort

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- [1](#) 2013 CONG US S 1290, 113th CONGRESS, 1st Session (Jul 11, 2013), Introduced in Senate, PROPOSED ACTION: Amended.
- [2](#) 2013 CONG US HR 2665, 113th CONGRESS, 1st Session (Jul 11, 2013), Introduced in House, PROPOSED ACTION: Amended.
- [3](#) 2013 CONG US HR 2648, 113th CONGRESS, 1st Session (Jul 10, 2013), Introduced in House, PROPOSED ACTION: Amended.
- [4](#) 2013 CONG US HR 2541, 113th CONGRESS, 1st Session (Jun 27, 2013), Introduced in House, PROPOSED ACTION: Amended.
- [5](#) 2013 CONG US S 1149, 113th CONGRESS, 1st Session (Jun 12, 2013), Introduced in Senate, PROPOSED ACTION: Amended.
- [6](#) 2013 CONG US HR 2277, 113th CONGRESS, 1st Session (Jun 06, 2013), Introduced in House, PROPOSED ACTION: Amended.
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19 Results

Service: **Pending Legislation**Citation: From the current session, the following bills propose to **amend, repeal, or enact** a change to **18 U.S.C. sec. 922****Below is a list of links to pending legislation documents that reference the *Shepardized*™ citation:**

1. [2011 S. 34 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, January 25, 2011
2. [2011 S. 35 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, January 25, 2011
3. [2011 H.R. 58 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 5, 2011
4. [2011 H.R. 227 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 7, 2011
5. [2011 H.R. 263 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 12, 2011
6. [2011 H.R. 367 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 20, 2011
7. [2011 H.R. 420 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 25, 2011
8. [2011 S. 436 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, March 2, 2011
9. [2011 H.R. 496 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 26, 2011
10. [2011 H.R. 505 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, January 26, 2011
11. [2011 S. 798 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, April 12, 2011
12. [2011 S. 835 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, April 14, 2011
13. [2011 H.R. 1093 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, March 15, 2011
14. [2011 H.R. 1552 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, April 14, 2011
15. [2011 S. 1691 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, October 12, 2011
16. [2011 H.R. 1781 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, May 5, 2011
17. [2011 S. 1973 \(AS INTRODUCED IN THE SENATE\)](#), 112th Congress, 1st Session, December 8, 2011
18. [2011 H.R. 2613 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, July 21, 2011
19. [2011 H.R. 2615 \(AS INTRODUCED IN THE HOUSE\)](#), 112th Congress, 1st Session, July 21, 2011

Service: **Pending Legislation**Citation: From the current session, the following bills propose to **amend, repeal, or enact** a change to **18 U.S.C. sec. 922**





# Statute Update

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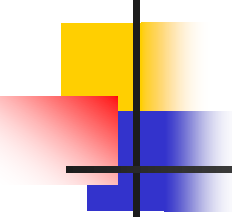
- Use an Annotated Code
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# USCA & USCS







# Proper Citation For Statues: Bluebook Rule 12

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- *Brady Handgun Violence Prevention Act* (Brady Bill), Pub.L. 103-159, 107 Stat. 1536 (1993) (codified as amended at 18 U.S.C.A. §§ 921-925A (West 2009)).
- For the abbreviated state code name, see T.1: United States Jurisdictions to find your state
- McKinney's Consolidated Laws of New York Annotated
  - N.Y. [subject] Law § x (McKinney Year)
- § (MS Word, Insert—Symbols §)



# Strategy – Statutory Research

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1. **Access generally through the index or popular name table**
2. **Browse the statutory outline for pertinent related statutes**
3. **You must be sure the statute is exactly on point**
4. **If it is a complex statute make sure you thoroughly understand the statutory scheme**
5. **Don't just read the section you find from the index, browse the whole chapter**
6. **You must be prepared to analogize other similar statutes**
7. **You must update**