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TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 47--**FRAUD** AND FALSE STATEMENTS

Sec. 1028. **Fraud and related activity** in connection with
identification documents

(a) Whoever, in a circumstance described in subsection (c) of this
section--

(1) knowingly and without lawful authority produces an
identification document or a false identification document;

(2) knowingly transfers an identification document or a false
identification document knowing that such document was stolen or
produced without lawful authority;

(3) knowingly possesses with intent to use unlawfully or
transfer unlawfully five or more identification documents (other
than those issued lawfully for the use of the possessor) or false
identification documents;

(4) knowingly possesses an identification document (other than
one issued lawfully for the use of the possessor) or a false
identification document, with the intent such document be used to
defraud the United States; or

(5) knowingly produces, transfers, or possesses a document-
making implement with the intent such document-making implement will
be used in the production of a false identification document or
another document-making implement which will be so used;

(6) knowingly possesses an identification document that is or
appears to be an identification document of the United States which
is stolen or produced without lawful authority knowing that such
document was stolen or produced without such authority;

or attempts to do so, shall be punished as provided in subsection (b) of
this section.

(b) The punishment for an offense under subsection (a) of this
section is--

(1) a fine of \1\ under this title or imprisonment for not more
than five years, or both, if the offense is--

\1\ So in original. The word ``of'' probably should not appear.

(A) the production or transfer of an identification document
or false identification document that is or appears to be--

(i) an identification document issued by or under the
authority of the United States; or

(ii) a birth certificate, or a driver's license or
personal identification card;

(B) the production or transfer of more than five
identification documents or false identification documents; or

(C) an offense under paragraph (5) of such subsection;

(2) a fine of \1\ under this title or imprisonment for not more
than three years, or both, if the offense is--

(A) any other production or transfer of an identification

document or false identification document; or

(B) an offense under paragraph (3) of such subsection; and

(3) a fine of \1\ under this title or imprisonment for not more than one year, or both, in any other case.

(c) The circumstance referred to in subsection (a) of this section is that--

(1) the identification document or false identification document is or appears to be issued by or under the authority of the United States or the document-making implement is designed or suited for making such an identification document or false identification document;

(2) the offense is an offense under subsection (a)(4) of this section; or

(3) the production, transfer, or possession prohibited by this section is in or affects interstate or foreign commerce, or the identification document, false identification document, or document-making implement is transported in the mail in the course of the production, transfer, or possession prohibited by this section.

(d) As used in this section--

(1) the term ``identification document'' means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;

(2) the term ``produce'' includes alter, authenticate, or assemble;

(3) the term ``document-making implement'' means any implement or impression specially designed or primarily used for making an identification document, a false identification document, or another document-making implement;

(4) the term ``personal identification card'' means an identification document issued by a State or local government solely for the purpose of identification; and

(5) the term ``State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession or territory of the United States.

(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence **activity** of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any **activity** authorized under chapter 224 of this title.

(Added Pub. L. 97-398, Sec. 2, Dec. 31, 1982, 96 Stat. 2009; amended Pub. L. 99-646, Sec. 44(a), Nov. 10, 1986, 100 Stat. 3601; Pub. L. 100-690, title VII, Sec. 7023, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 101-647, title XII, Sec. 1205(e), Nov. 29, 1990, 104 Stat. 4831; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(K), (M), (O), Sept. 13, 1994, 108 Stat. 2147, 2148.)

Amendments

1994--Subsec. (b)(1). Pub. L. 103-322, Sec. 330016(1)(O), substituted ``under this title'' for ``not more than \$25,000''.

Subsec. (b)(2). Pub. L. 103-322, Sec. 330016(1)(M), substituted ``under this title'' for ``not more than \$15,000''.

Subsec. (b)(3). Pub. L. 103-322, Sec. 330016(1)(K), substituted

``under this title'' for ``not more than \$5,000''.

1990--Subsec. (d)(5). Pub. L. 101-647 inserted ``commonwealth,'' before ``possession or territory of the United States''.

1988--Subsec. (a)(6). Pub. L. 100-690 inserted ``knowingly'' before ``possesses'', ``lawful'' before first reference to ``authority'', and ``such'' before second reference to ``authority''.

1986--Subsec. (e). Pub. L. 99-646 substituted ``chapter 224 of this title'' for ``title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)''.

Fraud and Related Activity in Connection With Identification Documents

Pub. L. 98-473, title II, Sec. 609L, Oct. 12, 1984, 98 Stat. 2103, provided that:

``(a) For purposes of section 1028 of title 18, United States Code, to the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in such section, shall utilize common descriptive terms and formats designed to--

``(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities, and

``(2) facilitate positive identification of bona fide holders of identification documents.

``(b) The President shall, no later than 3 years after the date of enactment of this Act [Oct. 12, 1984], and after consultation with Federal, State, local, and international issuing authorities, and concerned groups make recommendations [recommendations] to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall--

``(1) give due consideration to protecting the privacy of persons who are the subject of any identification system,

``(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information, and

``(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.''

Section Referred to in Other Sections

This section is referred to in sections 922, 981, 982, 2257, 2326 of this title; title 8 section 1324a; title 22 section 2709; title 31 section 9703; title 42 section 5119a.