

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**PART I - CRIMES****CHAPTER 119 - WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS****§ 2512. Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited**

- (1) Except as otherwise specifically provided in this chapter, any person who intentionally—
- (a) sends through the mail, or sends or carries in interstate or foreign commerce, any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications;
 - (b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications, and that such device or any component thereof has been or will be sent through the mail or transported in interstate or foreign commerce; or
 - (c) places in any newspaper, magazine, handbill, or other publication or disseminates by electronic means any advertisement of—
 - (i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications; or
 - (ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of wire, oral, or electronic communications,

knowing the content of the advertisement and knowing or having reason to know that such advertisement will be sent through the mail or transported in interstate or foreign commerce, shall be fined under this title or imprisoned not more than five years, or both.

- (2) It shall not be unlawful under this section for—
- (a) a provider of wire or electronic communication service or an officer, agent, or employee of, or a person under contract with, such a provider, in the normal course of the business of providing that wire or electronic communication service, or
 - (b) an officer, agent, or employee of, or a person under contract with, the United States, a State, or a political subdivision thereof, in the normal course of the activities of the United States, a State, or a political subdivision thereof,

to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire, oral, or electronic communications.

- (3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.

(Added Pub. L. 90–351, title III, § 802, June 19, 1968, 82 Stat. 214; amended Pub. L. 99–508, title I, § 101(c)(1)(A), (7), (f)(2), Oct. 21, 1986, 100 Stat. 1851, 1853; Pub. L. 103–322, title XXXIII, §§ 330016(1)(L), 330022, Sept. 13, 1994, 108 Stat. 2147, 2150; Pub. L. 104–294, title VI, § 604(b)(45), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 105–112, § 2, Nov. 21, 1997, 111 Stat. 2273; Pub. L. 107–296, title II, § 225(f), Nov. 25, 2002, 116 Stat. 2158.)

Amendments

2002—Par. (1)(c). Pub. L. 107–296, in introductory provisions, inserted “or disseminates by electronic means” after “or other publication” and, in concluding provisions, inserted “knowing the content of the advertisement and” before “knowing or having reason to know”.

1997—Par. (3). Pub. L. 105–112 added par. (3).

1996—Par. (2). Pub. L. 104–294 amended directory language of Pub. L. 103–322, § 330022. See 1994 Amendment note below.

1994—Par. (1). Pub. L. 103–322, § 330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” in concluding provisions.

Par. (2). Pub. L. 103–322, § 330022, as amended by Pub. L. 104–294, realigned margins of concluding provisions.

1986—Pub. L. 99–508, § 101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

Par. (1). Pub. L. 99–508, § 101(c)(1)(A), (f)(2), substituted “intentionally” for “willfully” in introductory provision and “wire, oral, or electronic” for “wire or oral” in subpars. (a), (b), and (c)(i), (ii).

Par. (2)(a). Pub. L. 99–508, § 101(c)(7), substituted “a provider of wire or electronic communication service or” for “a communications common carrier or”, “such a provider, in” for “a communications common carrier, in”, and “business of providing that wire or electronic communication service” for “communications common carrier’s business”.

Par. (2)(b). Pub. L. 99–508, § 101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral”.

Effective Date of 2002 Amendment

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

Effective Date of 1996 Amendment

Amendment by Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

Effective Date of 1986 Amendment

Amendment by Pub. L. 99–508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 111 of Pub. L. 99–508, set out as a note under section 2510 of this title.