

Drug Trafficking and Organized Crimes (Amendment) Bill 2000

Overseas Anti-money Laundering Regimes

At the Bills Committee meeting on the Drug Trafficking and Organized Crimes (Amendment) Bill 2000 held on 8 February 2001, Members discussed at length the proposed amendments to sections 25 and 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the Organized and Serious Crimes Ordinance (Cap. 455). Members requested more information on overseas anti-money laundering regimes, in particular whether such regimes have provisions similar to the proposed sections 25(1)(A) and 25A of the two Ordinances.

The United Kingdom

Money Laundering offences

2. Currently there are three-types of money laundering offence, depending on whether the underlying crime (or “predicate offence”) is drug trafficking, terrorism or other crime. Under the Criminal Justice Act 1988 and Drug Trafficking Act 1994, it is an offence to assist in retaining or controlling the proceeds of crime. Such offence covers concealing or disguising property, removing it from the jurisdiction, or using the proceeds to place criminal funds at someone’s disposal. The Prevention of Terrorism (Temporary Provision) Act 1989 also includes money laundering offences. As considered in the Report on Recovering the Proceeds of Crime prepared by the UK Cabinet Office Performance and Innovation Unit, this creates unnecessary complexity, as prosecutors often have to allege three different offences as alternative counts. It is therefore proposed that “the Home Office should consider whether this can be achieved by extending all money laundering offences to cover circumstances in which the defendant had reasonable grounds to suspect”¹.

¹ Paragraph 9.62 of the Report on Recovering the Proceeds of Crime prepared by the UK Cabinet Office Performance and Innovation Unit in June 2000.

3. The Proceeds of Crime Bill which is the Bill to effect the above proposals was released in the UK on 5 March 2001. Relevant extract of the Bill is at **Annex I**.

Reporting suspicious transaction

4. According to the UK Report on Recovering the Proceeds of Crime, the Money Laundering Regulations 1993 (the Regulations) require designated financial institutions to put in place adequate systems of control to identify suspicious transactions. These systems include carrying out customer identification checks, maintaining records, and training and appointing a Money Laundering Reporting Officer to oversee compliance. Failure to comply with the Regulations can result in two years' imprisonment and unlimited fine, but there has been no conviction (paragraph 9.9 of the Report on Recovering the Proceeds of Crime refers).

5. The money laundering legislation in drug trafficking and terrorist cases compels all individuals (whether or not they are covered by the Regulations) to inform law enforcement whenever they are involved in a transaction that they know or suspect to be laundering the proceeds of drug trafficking or terrorism. Individuals may also choose to disclose details of transactions that they suspect are relating to other criminal activity. This is not a requirement to make an "all crime" disclosure, although the fact of having made one can be used as a defence if money laundering charges are subsequently brought. Failure to disclose carries a maximum sentence of five years but there has been only one conviction (paragraphs 9.12 and 9.13 of the Report on Recovering the Proceeds of Crime refer).

6. In line with the proposed amendments to simplify the money laundering offence, the offence regarding reporting of suspicious transaction is also being amended using the mental element of "having reasonable grounds to suspect". The relevant provisions can be found in section 314 of the Proceeds of Crime Bill at Annex I.

7. The UK does not have threshold or cross-border cash reporting system.

Australia

Money laundering offence

8. In Australia, there are two money laundering offences which have different penalty levels based on different mens rea. The penalty level for money laundering offence using the mental element of “knows or ought reasonably to know” in section 81 of the Proceeds of Crime Act 1987 attracts a maximum penalty of a fine of AUD \$200,000 (HK\$820,000) or imprisonment of 20 years, whereas the money laundering offence using the mental element of “reasonably suspected of” in section 82 attracts a maximum penalty of a fine AUD\$5,000 (HK\$20,500) or an imprisonment period of 2 years. Section 81 and section 82 of the Proceeds of Crime Act 1987 are extracted at **Annex II**.

9. The definition of proceeds of crime referred to under sections 81 and 82 of the Proceeds of Crimes Act 1987 is as follows:

- “(a) proceeds of an indictable offence; or
- (b) any property that is derived or realised, directly or indirectly, by any person from acts or omissions that:
 - (i) occurred outside Australia; and
 - (ii) would if they had occurred in Australia; have constituted an indictable offence or State indictable offence.”

Reporting requirements

10. In Australia, the reporting of financial transactions are governed by the Financial Transaction Reports Act 1988 (FTR Act). Under the Act, cash dealers are requested to report to the Australian Transaction Reports and Analysis Centre (AUSTRAC) suspicious transactions, significant cash transactions (of AUD\$ 10 000, or HK\$41,000 or more), international fund transfer instructions into and out of Australia, and to ensure that the identification procedures for accounts are undertaken. The persons and organisations referred to as “cash

dealers” in the FTR Act are as follows:

- (a) a financial institution;
- (b) a body corporate that is, or, if it had been incorporated in Australia, would be, a financial corporation within the meaning of paragraph 51(xx) of the Constitution;
- (c) an insurer or an insurance intermediary;
- (d) a securities dealer;
- (e) a futures broker;
- (f) a Registrar or Deputy Registrar of a Registry established under section 14 of the Commonwealth Inscribed Stock Act 1911;
- (g) a trustee or manager of a unit trust;
- (h) a person who carries on a business of issuing, selling or redeeming travellers cheques, money orders or similar instruments;
- (j) a person who is a bullion seller.
- (k) a person (other than a financial institution) who carries on a business of :
 - (i) collecting, holding, exchanging or remitting currency, or otherwise negotiating currency transfers, on behalf of other persons; or
 - (ii) preparing pay-rolls on behalf of other persons in whole or in part from currency collected; or
 - (iii) delivering currency (including payrolls);
- (m) a person who carries on a business of operating a gambling house or casino; and
- (n) a bookmarker, including a totalisator agency board and any other person who operates a totalisator betting service.

11. Since 1 July 1990, cash dealers are required to report to AUSTRAC significant (greater than AUD\$ 10 000 or about HK\$41,000) cash transactions. Cash transaction means a transaction involving the physical transfer of currency from one person to another.

12. In respect of reporting of suspicious transaction, section 16 of the FTR Act 1988 requires a cash dealer to report the transaction if he has reasonable grounds to suspect that information that he has concerning

the transaction may be of assistance in the enforcement of the Proceeds of Crimes Act 1987 or the regulations made under the Act. Section 16 of the Financial Transaction Reports Act 1988 is at **Annex III**.

New Zealand

Money laundering offence

13. New Zealand has a specific offence of money laundering, section 257A(2) of the Crimes Act specifies that :-

“anyone who engages in a money laundering transaction in respect of any property which is the proceeds of a serious offence, knowing or believing that all or part of the property is the proceeds of any serious offence, commits an offence.”

and sub-section (3) imposes liability on anyone who :

“obtains or has in his or her possession any property, which is the proceeds of a serious crime committed by another person, with the intent to engage in a money laundering transaction, in respect of that property, knowing or believing that all or part of the property is the proceeds of any serious offence.”

14. Anyone convicted is liable to imprisonment for a term not exceeding seven years, who engages in the activity specified in section 257A(2) or to imprisonment for a term not exceeding five years for engaging in the activity specified in section 257A(3).

15. Under the New Zealand law, the money laundering offence requires proof that the person “knew or believed” that all or part of the property is the proceeds of crime. Consistently, in other offence provisions of this kind in New Zealand, the test of knowledge is a subjective one.

Reporting Requirements

16. The Financial Transactions Reporting Act 1996 (FTR Act 1996) imposes obligations on a long list of financial institutions to report on suspicious transactions. Section 3 of the FTR Act 1996 which stipulates the list is at **Annex IV**. Section 15 and section 22 provide that the financial institution shall report to the Commissioner of Police any transaction (whether or not involving cash) which the institution suspects, on reasonable grounds, is or may be relevant to the investigation or prosecution of any person for a money laundering offence or to the enforcement of the Proceeds of Crime Act 1991. Penalties of up to NZ\$100,000 (about HK\$340,000) may be imposed on a body corporate and up to NZ\$20,000 (about HK\$68,000) in respect of an individual for failure to report a suspicious transaction. Section 15 and section 22 of the FTR Act 1996 are at **Annex V**.

17. In addition to suspicious transaction reporting, a cash border monitoring mechanism has been established under the FTR Act 1996. According to the Act, any person travelling to or from New Zealand is required to report any cash amount in excess of a prescribed sum (currently NZ\$9,999.99 (about HK\$34,000) or overseas currency equivalent) on his or her person or in his or her accompanying baggage. Reports are made in the first instance to a Customs officer as agent for the Police.

Singapore

Money laundering offence

18. In Singapore, sections 43 and 44 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65a) make it an offence for a person to assist another person to retain the benefits of drug trafficking or criminal conduct, based on the mental element of “knowing or having reasonable grounds to believe”. Sections 46 and 47 contain another money laundering offence which make it an offence to conceal or disguise, convert or transfer property of drug trafficking or criminal conduct for the purpose of assisting any person to avoid prosecution for a drug trafficking offence, or foreign drug trafficking offence, or a serious offence or a foreign serious offence, or the making or enforcement of a confiscation order. The offences in

these two sections also based on the mental element of “knowing or having reasonable grounds to believe”. An extract of section 43, section 44, section 46 and section 47 is attached at **Annex VI**.

19. The definition of “criminal conduct” and “serious offence” under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act, attached at **Annex VII**, covers a large scope of offences.

Reporting Requirements

20. Section 39 (1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act specifies that “Where a person knows or has reasonable grounds to suspect that any property -

- (a) in whole or in part, directly or indirectly, represent the proceeds of;
- (b) was used in connection with; or
- (c) is intended to be used in connection with,

drug trafficking or criminal conduct, as the case may be, and the information or matter on which the knowledge or suspicion is based came to his attention in the course of his trade, profession, business or employment, he shall disclose the knowledge or the information or other matter on which that knowledge or suspicion is based on to an authorised officer as soon as is reasonably practicable after it comes to his attention.”

21. Pursuant to the “Monetary Authority of Singapore (MAS) Guidelines”, supervised banks and non-bank financial institutions are required to institute a system for reporting suspicious transactions to the MAS. Failure to report suspicious transactions is an offence e.g. an institution may be liable to a fine of up to S\$50,000 under section 71 of the Banking Act.

Cross border money movements and the use of cash

22. Singapore has no measures in place to either detect or

monitor cross-border movement of cash and bearer negotiable instruments.

The United States

Money laundering offence

23. In the United States, there are two principal money laundering offences which have different penalty levels - sections 1956 and 1957 of Title 18, United States Code. Section 1956 contains several money laundering offences, covering a wide range of acts to launder the proceeds of specified unlawful activities. Section 1957 creates a separate offence of knowingly being involved in a transaction by, through or to a financial institution, involving criminally derived funds of US\$10,000 or more. The two sections are extracted at **Annex VIII**. The list of specified unlawful activities is at **Annex IX**.

Reporting requirements

24. In the United States, there are two main streams of reporting requirements - reporting of suspicious transactions and currency reporting requirements.

Reporting of suspicious transactions

25. With the introduction of the new Suspicious Activity Report (SAR) in April 1996, procedures regarding suspicious transactions reporting have been standardised. There is now only one SAR form and all forms should be sent to the Financial Crimes Enforcement Network (FinCEN) for analysis.

26. Under Regulations (31 Code of Federal Regulations s.103.21), banks and other depository institutions are required to report suspicious transactions. The regulations are as follows :

“(2) A transaction requires reporting under the terms of this section if it is conducted or attempted by, at, or through the bank, involves or aggregates at least US\$5,000 (HK\$39,000) in funds or

other assets, and the bank knows, suspects, or has reasons to suspect that :

- (i) the transaction involves funds derived from illegal activity or is intended or conducted in order to hide or disguise funds or assets derived from illegal activity (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any federal law or regulation or to avoid any transaction reporting requirement under federal law;
- (ii) the transaction is designed to evade any requirements of this Part or of any other regulations promulgated under the Bank Secrecy Act; or
- (iii) the transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the bank knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.”

27. There is currently no obligation on non-bank financial institutions (NBFIs) to file SARs, though they have been encouraged to do so voluntarily, and some NBFIs, particularly securities brokers and dealers, are doing so on a limited basis.

Currency reporting requirements

28. Currency reports have been used as a key anti-money laundering measure in the United States. The reporting requirements are summarized as follows :

- i) **Currency Transaction Report (CTR)**
Domestic financial institutions are required to file with the Internal Revenue Service (IRS) of the Department of the

Treasury, Currency Transaction Reports for each deposit, withdrawal, exchange of currency or other payment or transfer by, through or to a financial institution that involves a transaction in currency of more than US\$10,000(HK\$78,000);

- ii) **Currency Transaction Report by Casino**
Casinos must report all transactions involving currency over US\$10,000 (HK\$78,000) (or its foreign equivalent) to the IRS;
- iii) **Report of International Transportation of Currency or Monetary Instruments**
All natural and legal persons must report the transportation of more than US\$10,000 (HK\$78,000)(or its foreign equivalent) in cash or negotiable monetary instruments into or out of the US to the US Customs Service. This applies whether the currency or the instruments are physically transported, mailed or shipped;
- iv) **IRS Form 8300 Reports**
All trades and businesses not subject to the Bank Secrecy Act currency reporting regime are required to report to the IRS receipts of currency or monetary instruments over US\$10,000 (HK\$78,000), whether in one or a series of transaction; and
- v) **Report of Foreign Bank and Financial Accounts**
Each United States citizen or a domestic partnership in a corporation or estate or trust, who has a financial interest in foreign accounts, which exceed \$10,000, must report that relationship to IRS, each calendar year.

29. In the United States, there are two systems to confiscate the assets of drug trafficking and other serious crimes. Other than criminal forfeiture system under which covers all things involved in, or traceable to the money laundering offence and permits forfeiture of substitute assets in appropriate circumstances, there is also a civil forfeiture system

which provides for an in rem action against the property itself and does not depend upon the conviction of the wrong-doer. The US government must make an initial showing that there is a probable cause for bringing the forfeiture action, and then the burden shifts to the claimant to defend his or her interest in the property by a preponderance of the evidence. Where the original asset to be forfeited is fungible i.e. it is cash or a monetary instrument, the government need not identify the specified property involved in the underlying offence. There is a defence available to an innocent owner of the property. In civil forfeiture cases, the seizing agency may also administratively forfeit personal property worth less than US\$500,000, or currency in any amount, if the case is not contested.

Conclusion

30. As shown in the information provided above, different countries have different systems to counter money laundering, having regard to their differences in legal and administrative systems, policy priority attached to money laundering, etc. As for the money laundering offence, while the Australian legislation provides a comprehensive anti-money laundering system with two different money laundering offences using different mental elements, the Singaporean legislation follows the existing Hong Kong model which has proved to be ineffective. As for the United States, the way to combat money laundering does not rely solely on criminalizing the money laundering act, but also confiscation of proceeds, either by criminal or civil forfeiture. In general, criminalizing the offence of failure to report suspicious transaction based on the mental element of “knowing or having reasonable grounds to suspect” has been or will shortly be adopted in some overseas countries. That said, while overseas systems may serve as a reference when considering the proposals in the Bill, it needs to be stressed that it is difficult to compare different countries’ systems directly, especially with regard to their effectiveness. The Administration is therefore of the view that emphasis should be placed on the actual difficulties Hong Kong is facing in its existing system when its proposals are scrutinised.

Security Bureau
March 2001

Proceeds of Crime

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PART VIII
MONEY LAUNDERING*Offences*

- 311.—(1) A person commits an offence if he—
- 5 (a) conceals criminal property;
(b) disguises criminal property;
(c) converts criminal property;
(d) transfers criminal property;
(e) removes criminal property from the jurisdiction.
- 10 (2) But a person does not commit such an offence if—
(a) he makes an authorised disclosure under section 318;
(b) he intended to make such a disclosure but had a reasonable excuse for not doing so.
- 15 (3) Concealing or disguising criminal property includes concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.
- 312.—(1) A person commits an offence if he enters into or becomes concerned in an arrangement which he knows or suspects facilitates (by whatever means) the acquisition, retention, use or control of criminal property by or on behalf of another person.
- 20 (2) But a person does not commit such an offence if—
(a) he makes an authorised disclosure under section 318;
(b) he intended to make such a disclosure but had a reasonable excuse for not doing so.
- 25 313.—(1) A person commits an offence if he—
(a) acquires criminal property;
(b) uses criminal property;
(c) has possession of criminal property.
- 30 (2) But a person does not commit such an offence if—
(a) he makes an authorised disclosure under section 318;
(b) he intended to make such a disclosure but had a reasonable excuse for not doing so;
(c) he acquired or used or had possession of the property for adequate consideration;
- 35 (d) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Act or of any other enactment relating to criminal conduct or benefit from criminal conduct.
- 40 (3) For the purposes of this section—
(a) having possession of property includes doing anything in relation to it;

Concealing etc.

Arrangements.

Acquisition, use and possession.

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- (b) a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property;
- (c) a person uses or has possession of property for inadequate consideration if the value of the consideration is significantly less than the value of the use or possession;
- (d) the provision for a person of goods or services which help him to carry out criminal conduct is not consideration.

Failure to disclose:
regulated sector.

314.—(1) A person commits an offence if each of the following three conditions is satisfied. 10

(2) The first condition is that he—

- (a) knows or suspects, or
- (b) has reasonable grounds for knowing or suspecting,

that another person is engaged in money laundering.

(3) The second condition is that the information or other matter— 15

- (a) on which his knowledge or suspicion is based, or
- (b) which gives reasonable grounds for such knowledge or suspicion,

came to him in the course of a business in the regulated sector.

(4) The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him. 20

(5) But a person does not commit an offence under this section if—

- (a) he has a reasonable excuse for not disclosing the information or other matter;
- (b) he is a professional legal adviser and the information or other matter 25 came to him in privileged circumstances.

(6) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—

- (a) issued by a supervisory authority or any other appropriate body, 30
- (b) approved by the Treasury, and
- (c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.

(7) A disclosure to a nominated officer is a disclosure which— 35

- (a) is made to a person nominated by the alleged offender's employer to receive disclosures under this section, and
- (b) is made in the course of the alleged offender's employment and in accordance with the procedure established by the employer for the purpose. 40

(8) Information or other matter comes to a professional legal adviser in privileged circumstances if it is communicated or given to him—

- (a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client.

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- (b) by (or by a representative of) a person seeking legal advice from the adviser, or
- (c) by a person in connection with legal proceedings or contemplated legal proceedings.
- 5 (9) But subsection (8) does not apply to information or other matter which is communicated or given with a view to furthering a criminal purpose.
- (10) Schedule 5 has effect for the purpose of determining what is—
- (a) a business in the regulated sector,
- (b) a supervisory authority.
- 10 (11) An appropriate body is any body which regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.
- 315.—(1) A person commits an offence if—
- Tipping off.
- 15 (a) he knows or suspects that a constable is acting (or proposing to act) in connection with an investigation which is being or is about to be conducted into money laundering, and
- (b) he makes a disclosure which is likely to prejudice the investigation or proposed investigation.
- (2) A person commits an offence if—
- 20 (a) he knows or suspects that a disclosure falling within section 317 or 318 has been made, and
- (b) he makes a disclosure which is likely to prejudice any investigation which might be conducted following the disclosure referred to in paragraph (a).
- 25 (3) But a person does not commit an offence under subsection (1) or (2) if—
- (a) he did not know or suspect that the disclosure was likely to be prejudicial as mentioned in the subsection concerned;
- 30 (b) the disclosure is made in carrying out a function he has relating to the enforcement of any provision of this Act or of any other enactment relating to criminal conduct or benefit from criminal conduct;
- (c) he is a professional legal adviser and the disclosure falls within subsection (4).
- 35 (4) A disclosure falls within this subsection if it is a disclosure—
- (a) to (or to a representative of) a client of the professional legal adviser in connection with the giving by the adviser of legal advice to the client, or
- 40 (b) to any person in connection with legal proceedings or contemplated legal proceedings.
- (5) But a disclosure does not fall within subsection (4) if it is made with a view to furthering a criminal purpose.

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Penalties

316.—(1) A person guilty of an offence under section 311, 312 or 313 is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years or to a fine or to both.

(2) A person guilty of an offence under section 314 or 315 is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

Disclosures

Protected disclosures

317.—(1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).

(2) The first condition is that the information or other matter disclosed came to the person making the disclosure in the course of a business in the regulated sector.

(3) The second condition is that the information or other matter—

- (a) causes the person making the disclosure to know or suspect, or
- (b) gives him reasonable grounds for knowing or suspecting,

that another person is engaged in money laundering.

(4) The third condition is that the disclosure is made to a constable or a nominated officer as soon as is practicable after the information or other matter comes to the person making the disclosure.

(5) A disclosure to a nominated officer is a disclosure which—

- (a) is made to a person nominated by the alleged offender's employer to receive disclosures under this section, and
- (b) is made in the course of the alleged offender's employment and in accordance with the procedure established by the employer for the purpose.

(6) The reference to a business in the regulated sector must be construed in accordance with Schedule 5.

Authorised disclosures

318.—(1) For the purposes of this Part a disclosure is authorised if—

- (a) it is a disclosure to a constable or a nominated officer by the alleged offender that property is criminal property, and
- (b) the first or second condition set out below is satisfied.

(2) The first condition is that—

- (a) the disclosure is made before the alleged offender does the prohibited act, and

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(b) he does the act with the consent of the constable or nominated officer. PART VIII

(3) The second condition is that—

(a) the disclosure is made after the alleged offender does the prohibited act,

(b) there is a good reason for his failure to make the disclosure before he did the act, and

(c) the disclosure is made on his own initiative and as soon as it is practicable for him to make it.

(4) An authorised disclosure is not to be taken to breach any restriction on the disclosure of information (however imposed).

(5) A disclosure to a nominated officer is a disclosure which—

(a) is made to a person nominated by the alleged offender's employer to receive authorised disclosures, and

(b) is made in the course of the alleged offender's employment and in accordance with the procedure established by the employer for the purpose.

(6) References to the prohibited act are to an act mentioned in section 311(1), 312(1) or 313(1) (as the case may be).

Interpretation

319.—(1) This section applies for the purposes of this Part. Interpretation.

(2) Property is criminal property if—

(a) it constitutes a person's benefit from criminal conduct or it represents such a benefit (in whole or part and whether directly or indirectly), and

(b) the alleged offender knows or suspects that it constitutes or represents such a benefit.

(3) It is immaterial—

(a) who carried out the conduct,

(b) who benefited from it.

(4) Whether a person benefits from conduct must be construed in accordance with Part I; and "criminal conduct" and "property" have the same meanings as in that Part.

(5) Money laundering is an act which—

(a) constitutes an offence under section 311, 312 or 313,

(b) would constitute an offence specified in paragraph (a) if done in England and Wales,

(c) constitutes an attempt, conspiracy or incitement to commit an offence specified in paragraph (a), or

(d) constitutes aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a).

(6) References to a constable include references to—

(a) an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979; 1979 c. 2

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(b) a person authorised for the purposes of this Part by the Director General of the National Criminal Intelligence Service.

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Proceeds of Crime Act 1987

Section 81

Part V—Offences

Division 1—Money laundering

81 Money laundering

- (1) In this section:

transaction includes the receiving or making of a gift.

- (2) A person who, after the commencement of this Act, engages in money laundering is guilty of an offence against this section punishable, upon conviction, by:

- (a) if the offender is a natural person—a fine not exceeding \$200,000 or imprisonment for a period not exceeding 20 years, or both; or
- (b) if the offender is a body corporate—a fine not exceeding \$600,000.

- (3) A person shall be taken to engage in money laundering if, and only if:

- (a) the person engages, directly or indirectly, in a transaction that involves money, or other property, that is proceeds of crime; or
- (b) the person receives, possesses, conceals, disposes of or brings into Australia any money, or other property, that is proceeds of crime;

and the person knows, or ought reasonably to know, that the money or other property is derived or realised, directly or indirectly, from some form of unlawful activity.

82 Possession etc. of property suspected of being proceeds of crime

- (1) A person who, after the commencement of this Act, receives, possesses, conceals, disposes of or brings into Australia any money, or other property, that may reasonably be suspected of being proceeds of crime is guilty of an offence against this section punishable, upon conviction, by:
 - (a) if the offender is a natural person—a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both; or
 - (b) if the offender is a body corporate—a fine not exceeding \$15,000.

- (2) Where a person is charged with an offence against this section, it is a defence to the charge if the person satisfies the court that he or she had no reasonable grounds for suspecting that the property referred to in the charge was derived or realised, directly or indirectly, from some form of unlawful activity.

**Financial Transaction Reports
Act 1988**

Division 2—Reports of suspect transactions

16 Reports of suspect transactions

- (1) Where:
- (a) a cash dealer is a party to a transaction; and
 - (b) the cash dealer has reasonable grounds to suspect that information that the cash dealer has concerning the transaction:
 - (i) may be relevant to investigation of an evasion, or attempted evasion, of a taxation law;
 - (ii) may be relevant to investigation of, or prosecution of a person for, an offence against a law of the Commonwealth or of a Territory; or
 - (iii) may be of assistance in the enforcement of the *Proceeds of Crimes Act 1987* of the regulations made under that Act;
- the cash dealer, whether or not required to report the transaction under Division 1 or 3, shall, as soon as practicable after forming that suspicion:
- (c) prepare a report of the transaction; and
 - (d) communicate the information contained in the report to the Director.
- (2) The report shall:
- (a) be prepared in the approved form;
 - (b) contain the reportable details of the transaction;
 - (c) contain a statement of the grounds on which the cash dealer holds the suspicion referred to in subsection (1); and
 - (d) be signed by the cash dealer.
- (3) The communication shall be made to the Director:
- (a) by giving the Director a copy of the report; or
 - (b) in such other manner and form as is approved by the Director, in writing, in relation to the cash dealer or to a class of cash dealers that includes the cash dealer.

- (4) Where a cash dealer communicates information to the Director under subsection (1), the cash dealer shall, if requested to do so by:
- (a) the Director;
 - (b) a relevant authority; or
 - (c) an investigating officer who is carrying out an investigation arising from, or relating to the matters referred to in, the information contained in the report;
- give such further information as is specified in the request to the extent to which the cash dealer has that information.
- (5) An action, suit or proceeding does not lie against:
- (a) a cash dealer; or
 - (b) an officer, employee or agent of the cash dealer acting in the course of that person's employment or agency;
- in relation to any action by the cash dealer or person taken:
- (c) under this section; or
 - (d) in the mistaken belief that such action was required under this section.
- (5A) Where a cash dealer communicates to the Director, under subsection (1), information about the cash dealer's suspicion in relation to a transaction to which the cash dealer is a party, the cash dealer must not, unless required to do so under this Act or any other Act, disclose to anyone else:
- (a) that the cash dealer has formed the suspicion; or
 - (b) that information has been communicated to the Director; or
 - (c) any other information from which the person to whom the information is disclosed could reasonably be expected to infer that the suspicion had been formed or that the first-mentioned information had been communicated.
- (5AA) If a cash dealer gives further information pursuant to a request under subsection (4), the cash dealer must not, unless required to do so under this Act or any other Act, disclose to anyone else:
- (a) that the information has been given; or
 - (b) any other information from which the person to whom the information is disclosed could reasonably be expected to infer that the first-mentioned information had been given.

- (5B) A cash dealer who contravenes subsection (5A) or (5AA) is guilty of an offence punishable, upon conviction, by imprisonment for not more than 2 years.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose in respect of an offence an appropriate fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on an individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act. If a body corporate is convicted of an offence, subsection 4B(3) of that Act allows a court to impose a fine that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

- (5C) Neither subsection (5A) nor (5AA) prohibits a cash dealer from communicating or disclosing to any court any information, or matter, referred to in that subsection, but this subsection does not affect the operation of subsection (5D).

- (5D) In any legal proceeding other than a prosecution for an offence against subsection 29(1) or 30(1):

- (a) none of the following is admissible in evidence:
- (i) a report prepared (whether before or after the commencement of this subsection) under subsection (1);
 - (ii) a copy of such a report;
 - (iii) a document purporting to set out information contained in such a report;
 - (iv) a document given (whether before or after the commencement of this subsection) under subsection (4); and
- (b) evidence is not admissible as to:
- (i) whether or not a report was prepared (whether before or after the commencement of this subsection) under subsection (1); or
 - (ii) whether or not a copy of a report prepared under that subsection (whether before or after the commencement of this subsection), or a document purporting to set out information contained in such a report, was given to, or received by, the Director (whether before or after the commencement of this subsection); or

- (iii) whether or not particular information was contained in a report prepared under that subsection (whether before or after the commencement of this subsection); or
- (iv) whether or not particular information was given under subsection (4) (whether before or after the commencement of this subsection).

(5E) In subsection (5D):

information includes the formation or existence of a suspicion referred to in subsection (1).

(6) In this section:

investigating officer means a taxation officer, an AFP member, a customs officer (other than the Chief Executive Officer of Customs) or a member, or member of staff, of the NCA.

relevant authority means:

- (a) the Commissioner of the Australian Federal Police; or
- (b) the Chairperson of the NCA; or
- (c) the Commissioner of Taxation; or
- (d) the Chief Executive Officer of Customs.

reportable details, in relation to a transaction, means the details of the transaction that are referred to in Schedule 4.

17 Protection for cash dealer etc. where information communicated under section 16

Where a cash dealer, or a person who is an officer, employee or agent of a cash dealer, communicates or gives information under section 16, the cash dealer or person shall be taken, for the purposes of sections 81 and 82 of the *Proceeds of Crimes Act 1987*, not to have been in possession of that information at any time.

**Extracts from the New Zealand
Financial Transaction Reporting Act 1996**

3. Definition of "financial institution" - (1) In this Act, unless the context otherwise requires, and subject to any regulations made under this Act, the term "financial institution" means any of the following:

- (a) A bank, being -
 - (i) A registered bank within the meaning of the Reserve Bank of New Zealand Act 1989; or
 - (ii) The Reserve Bank of New Zealand continued by the Reserve Bank of New Zealand Act 1989; or
 - (iii) Any other person, partnership, corporation, or company carrying on in New Zealand the business of banking;
- (b) A life insurance company, being a company as defined in section 2 of the Life Insurance Act 1908;
- (c) A building society as defined in section 2 of the Building Societies Act 1965;
- (d) A friendly society or credit union registered or deemed to be registered under the Friendly Societies and Credit Unions Act 1982;
- (e) A licensed casino operator within the meaning of the Casino Control Act 1990;
- (f) A sharebroker within the meaning of section 2 of the Sharebrokers Act 1908;
- (g) A real estate agent, but only to the extent that the real estate agent receives funds in the course of that person's business for the purpose of settling real estate transactions;
- (h) A trustee or administration manager or investment manager of a superannuation scheme;

- (i) A trustee or manager of a unit trust within the meaning of the Unit Trusts Act 1960;
 - (j) The Totalisator Agency Board continued by section 62 of the Racing Act 1971;
 - (k) Any person whose business or a principal part of whose business consists of any of the following:
 - (i) Borrowing or lending or investing money;
 - (ii) Administering or managing funds on behalf of other persons;
 - (iii) Acting as trustee in respect of funds of other persons;
 - (iv) Dealing in life insurance policies;
 - (v) Providing financial services that involve the transfer or exchange of funds, including (without limitation) payment services, foreign exchange services, or risk management services (such as the provision of forward foreign exchange contracts); but not including the provision of financial services that consist solely of the provision of financial advice;
 - (l) A lawyer, but only to the extent that the lawyer receives funds in the course of that person's business -
 - (i) For the purposes of deposit or investment; or
 - (ii) For the purpose of settling real estate transactions;
 - (m) An accountant, but only to the extent that the accountant receives funds in the course of that person's business for the purposes of deposit or investment.
- (2) A person shall not be regarded as a financial institution for the purposes of this Act merely because that person carries on business as a security guard within the meaning of section 4 of the Private Investigators and Security Guards Act 1974.

**Extracts from the New Zealand
Financial Transaction Reporting Act 1996**

PART III

OBLIGATION TO REPORT SUSPICIOUS TRANSACTIONS

Obligation to Report Suspicious Transactions

15. Financial institutions to report suspicious transactions—(1)

Notwithstanding any other enactment or any rule of law, but subject to section 19 of this Act, where—

- (a) Any person conducts or seeks to conduct any transaction through a financial institution (whether or not the transaction or proposed transaction involves cash); and
- (b) The financial institution has reasonable grounds to suspect—

- (i) That the transaction or proposed transaction is or may be relevant to the investigation or prosecution of any person for a money laundering offence; or

- (ii) That the transaction or proposed transaction is or may be relevant to the enforcement of the Proceeds of Crime Act 1991, —

the financial institution shall, as soon as practicable after forming that suspicion, report that transaction or proposed transaction to the Commissioner.

(2) Subject to subsection (3) of this section, every suspicious transaction report shall —

- (a) Be in the prescribed form (if any); and
- (b) Contain the details specified in the Schedule to this Act; and
- (c) Contain a statement of the grounds on which the financial institution holds the suspicion referred to in subsection (1)(b) of this section; and

(d) Be forwarded, in writing, to the Commissioner at Police National Headquarters at Wellington—

- (i) By way of facsimile transmission; or
 - (ii) By such other means (including, without limitation, electronic mail or other similar means of communication) as may be agreed from time to time between the Commissioner and the financial institution concerned.

(3) Notwithstanding paragraph (a) or paragraph (d) of subsection (2) of this section, where the urgency of the situation requires, a suspicious transaction report may be made orally to any member of the Police authorised for the purpose by the Commissioner, but in any such case the financial institution shall, as soon as practicable, forward to the Commissioner a suspicious transaction report that complies with the requirements of subsection (2) of this section.

(4) The Commissioner may confer the authority to receive a suspicious transaction report under subsection (3) of this section on any specified member of the Police or on members of the Police of any specified rank or class, or on any member or members of the Police for the time being holding any specified office or specified class of offices.

22. Offences—(1) Every financial institution commits an offence against this section who, in any case where—

- (a) A transaction is conducted or is sought to be conducted through that financial institution; and
- (b) That financial institution has reasonable grounds to suspect—
 - (i) That the transaction or, as the case requires, the proposed transaction is or may be relevant to the investigation or prosecution of any person for a money laundering offence; or
 - (ii) That the transaction or, as the case requires, the proposed transaction is or may be relevant to the enforcement of the Proceeds of Crime Act 1991, —

fails, in contravention of section 15(1) of this Act, to report that transaction or, as the case requires, that proposed transaction to the Commissioner as soon as practicable after forming that suspicion.

(2) Every financial institution who commits an offence against subsection (1) of this section is liable to a fine not exceeding,—

- (a) In the case of an individual, \$20,000;
- (b) In the case of a body corporate, \$100,000.

(3) Every person commits an offence and is liable to a fine not exceeding \$10,000 who, in making a suspicious transaction report,—

- (a) Makes any statement that the person knows is false or misleading in a material particular; or
- (b) Omits from any statement any matter or thing without which the person knows that the statement is false or misleading in a material particular.

(4) Every person commits an offence who,—

- (a) For the purpose of obtaining, directly or indirectly, an advantage or a pecuniary gain for that person or any other person; or
- (b) With intent to prejudice any investigation into the commission or possible commission of a money laundering offence,—

contravenes any of subsections (1) to (3) of section 20 of this Act.

(5) Every person commits an offence who,—

- (a) Being an officer or employee or agent of a financial institution; and
- (b) Having become aware, in the course of that person's duties as such an officer or employee or agent, that any investigation into any transaction or proposed transaction that is the subject of a suspicious transaction report is being, or may be, conducted by the Police; and
- (c) Knowing that he or she is not legally authorised to disclose the information; and

(d) Either—

(i) For the purpose of obtaining, directly or indirectly, an advantage or a pecuniary gain for that person or any other person; or

(ii) With intent to prejudice any investigation into the commission or possible commission of a money laundering offence,—

discloses that information to any other person.

(6) Every person who commits an offence against subsection (4) or subsection (5) of this section is liable to imprisonment for a term not exceeding 2 years.

(7) Every person who knowingly contravenes any of subsections (1) to (3) of section 20 of this Act commits an offence and is liable,—

(a) In the case of an individual, to imprisonment for a term not exceeding 6 months or a fine not exceeding \$5,000:

(b) In the case of a body corporate, to a fine not exceeding \$20,000.

Annex VI

PART VI

OFFENCES

Assisting another to retain benefits of drug trafficking

43.—(1) Subject to subsection (3), a person who enters into, or is otherwise concerned in an arrangement, knowing or having reasonable grounds to believe that by the arrangement —

- (a) the retention or control by or on behalf of another (referred to in this section as that other person) of that other person's benefits of drug trafficking is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); or
- (b) that other person's benefits of drug trafficking —
 - (i) are used to secure funds that are placed at that other person's disposal, directly or indirectly; or
 - (ii) are used for that other person's benefit to acquire property by way of investment or otherwise,

and knowing or having reasonable grounds to believe that that other person is a person who carries on or has carried on drug trafficking or has benefited from drug trafficking, shall be guilty of an offence.

[25/99]

(2) In this section, references to any person's benefits of drug trafficking include a reference to any property which, in whole or in part, directly or indirectly, represented in his hands his benefits of drug trafficking.

(3) Where a person discloses to an authorised officer a suspicion or belief that any property, funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based —

- (a) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he shall not be guilty of an offence under this section if the disclosure is made in accordance with this paragraph, that is —
 - (i) it is made before he does the act concerned, being an act done with the consent of the authorised officer; or

- (ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it;
- (b) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct; and
- (c) he shall not be liable in damages for any loss arising out of —
 - (i) the disclosure; or
 - (ii) any act done or omitted to be done in relation to the property, funds or investments in consequence of the disclosure.

[25/99]

(4) In any proceedings against a person for an offence under this section, it is a defence to prove —

- (a) that he did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds of drug trafficking;
- (b) that he did not know and had no reasonable ground to believe that, by the arrangement, the retention or control by or on behalf of the relevant person of any property was facilitated or, as the case may be, that, by the arrangement, any property was used as mentioned in subsection (1); or
- (c) that —
 - (i) he intended to disclose to an authorised officer such suspicion, belief or matter as is mentioned in subsection (3) in relation to the arrangement; and
 - (ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3) (a); or
- (d) that, in the case of a person who was in employment at the time in question and he enters or is otherwise concerned in the arrangement in the course of his employment, he disclosed the suspicion, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

[25/99]

(5) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 7 years or to both.

[41
[25/99]

Assisting another to retain benefits from criminal conduct

44.—(1) Subject to subsection (3), a person who enters into or is otherwise concerned in an arrangement, knowing or having reasonable grounds to believe that, by the arrangement —

- (a) the retention or control by or on behalf of another (referred to in this section as that other person) of that other person's benefits of criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise); or
- (b) that other person's benefits from criminal conduct —
 - (i) are used to secure funds that are placed at that other person's disposal, directly or indirectly; or
 - (ii) are used for that other person's benefit to acquire property by way of investment or otherwise,

and knowing or having reasonable grounds to believe that that other person is a person who engages in or has engaged in criminal conduct or has benefited from criminal conduct shall be guilty of an offence.

[25/99]

(2) In this section, references to any person's benefits from criminal conduct include a reference to any property which, in whole or in part, directly or indirectly, represented in his hands his benefits from criminal conduct.

[25/99]

(3) Where a person discloses to an authorised officer his knowledge or belief that any property, funds or investments are derived from or used in connection with criminal conduct or any matter on which such knowledge or belief is based —

- (a) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he shall not be guilty of an offence under this section if the disclosure is made in accordance with this paragraph, that is —
 - (i) it is made before he does the act concerned, being an act done with the consent of the authorised officer; or *1.7.2000*

- (ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it;
 - (b) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct; and
 - (c) he shall not be liable in damages for any loss arising out of —
 - (i) the disclosure; or
 - (ii) any act done or omitted to be done in relation to the property, funds or investments in consequence of the disclosure.
- [25/99]*
- (4) In any proceedings against a person for an offence under this section, it is a defence to prove —
- (a) that he did not know and had no reasonable ground to believe that the arrangement related to any person's proceeds derived from criminal conduct;
 - (b) that he did not know and had no reasonable ground to believe that, by the arrangement, the retention or control by or on behalf of the relevant person of any property was facilitated or, as the case may be, that, by the arrangement, any property was used as mentioned in subsection (1);
 - (c) that —
 - (i) he intended to disclose to an authorised officer such knowledge, belief or matter as is mentioned in subsection (3) in relation to the arrangement; and
 - (ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3) (a);
 - (d) that, in the case of a person who was in employment at the time in question and he enters or is otherwise concerned in the arrangement in the course of his employment, he disclosed the knowledge, belief or matter as is mentioned in subsection (3) to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures.

[25/99]

(5) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 7 years or to both.

[41A]

Concealing or transferring benefits of drug trafficking

46.—(1) Any person who —

(a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits of drug trafficking; or

(b) converts or transfers that property or removes it from the jurisdiction, shall be guilty of an offence.

(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug trafficking —

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from the jurisdiction, for the purpose of assisting any person to avoid prosecution for a drug trafficking offence or a foreign drug trafficking offence or the making or enforcement of a confiscation order shall be guilty of an offence.

[25/99]

(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits of drug trafficking, acquires that property for no or inadequate consideration shall be guilty of an offence.

[25/99]

(4) In subsections (1) (a) and (2) (a), references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

(5) For the purposes of subsection (3), consideration given for any property is inadequate if its value is significantly less than the market value of that property, and there shall not be treated as consideration the provision for any person of services or goods which are of assistance to him in drug trafficking.

(6) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 7 years or to both.

Concealing or transferring benefits of criminal conduct

47.—(1) Any person who —

(a) conceals or disguises any property which is, or in whole or in part, directly or indirectly, represents, his benefits from criminal conduct; or

(b) converts or transfers that property or removes it from the jurisdiction, shall be guilty of an offence.

[25/99]

(2) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct —

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from the jurisdiction, for the purpose of assisting any person to avoid prosecution for a serious offence or a foreign serious offence or the making or enforcement of a confiscation order shall be guilty of an offence.

[25/99]

(3) Any person who, knowing or having reasonable grounds to believe that any property is, or in whole or in part, directly or indirectly, represents, another person's benefits from criminal conduct, acquires that property for no or inadequate consideration, shall be guilty of an offence.

[25/99]

(4) In subsection (1) (a) and (2) (a), references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

[25/99]

(5) For the purposes of subsection (3), consideration given for any property is inadequate if its value is significantly less than the market value of that property, and there shall not be treated as consideration the provision for any person of services or goods which are of assistance to him in criminal conduct.

[25/99]

(6) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 7 years or to both.

[43A

[25/99]

Annex VII

"criminal conduct" means —

- (a) doing or being concerned in, whether in Singapore or elsewhere, any act constituting —
 - (i) a serious offence (other than an offence under section 44 or 47); or
 - (ii) a foreign serious offence;
- (b) entering into or being otherwise concerned in, whether in Singapore or elsewhere, an arrangement whereby —
 - (i) the retention or control by or on behalf of another person of that other person's benefits from an act referred to in paragraph (a) is facilitated; or
 - (ii) the benefits from an act referred to in paragraph (a) by another person are used to secure funds that are placed at that other person's disposal, directly or indirectly, or are used for that other person's benefit to acquire property by way of investment or otherwise;

1.7.2000

- (c) the concealing or disguising by a person of any property which is, or in part, directly or indirectly, represents, his benefits from an act referred to in paragraph (a); or
- (d) the conversion or transfer, by a person, of any property referred to in paragraph (c) or the removal of such property from the jurisdiction;

SECOND SCHEDULE

Section 2

SERIOUS OFFENCES

<i>Offences</i>		<i>Description*</i>
1.	Section 44 of this Act	Assisting another to retain benefits from criminal conduct
2.	Section 47 of this Act	Concealing or transferring benefits from criminal conduct
Children and Young Persons Act (Cap. 38)		
3.	Section 4 (1) and (6) (a) and (b)	Cruelty to children and young persons
Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)		
4.	Section 3	Possession of corrosive or explosive substance for purpose of causing hurt
Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap. 124)		
5.	Section 3 (3)	Hijacking
6.	Section 4	Violence against passengers or crew
7.	Section 5	Destroying, damaging or endangering safety of aircraft
8.	Section 7	Endangering safety at aerodromes
Kidnapping Act (Cap. 151)		
9.	Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
10.	Section 4	Knowingly receiving ransom

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SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
11.	Section 5	Knowingly negotiating to obtain or for payment of ransom
Penal Code (Cap. 224)		
12.	Section 130	Aiding escape of, rescuing, or harbouring such prisoner
13.	Section 130B	Piracy by law of nations
14.	Section 130C	Piratical acts
15.	Section 161	Public servant taking a gratification, other than legal remuneration, in respect of an official act
16.	Section 162	Taking a gratification in order, by corrupt or illegal means, to influence a public servant
17.	Section 164	Punishment for abetment by public servant of the offences above defined
18.	Section 165	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant
19.	Section 181	False statement on oath to public servant or person authorised to administer an oath
20.	Section 193	Punishment for false evidence
21.	Section 194	Giving or fabricating false evidence with intent to procure conviction of a capital offence
22.	Section 195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment
23.	Section 196	Using evidence known to be false
24.	Section 201	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
25.	Section 203	Giving false information respecting an offence committed
26.	Section 204	Destruction of document to prevent its production as evidence
27.	Section 205	False personation for the purpose of any act or proceeding in a suit
28.	Section 206	Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree
29.	Section 207	Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree
30.	Section 208	Fraudulently suffering a decree for a sum not due
31.	Section 212	Harbouring an offender
32.	Section 213	Taking gift, etc., to screen an offender from punishment
33.	Section 214	Offering gift or restoration of property in consideration of screening offender
34.	Section 215	Taking gift to help to recover stolen property, etc.
35.	Section 216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered
36.	Section 216A	Harbouring robbers or gang-robbers, etc.
37.	Section 217	Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture

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SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
38.	Section 218	Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture
39.	Section 221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend
40.	Section 222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of court of justice
41.	Section 225A	Public servant omitting to apprehend or suffering other persons to escape in cases not already provided for
42.	Section 231	Counterfeiting coin
43.	Section 232	Counterfeiting current coin
44.	Section 233	Making or selling instrument for counterfeiting coin
45.	Section 234	Making or selling instrument for counterfeiting current coin
46.	Section 235	Possession of instrument or material for the purpose of using the same for counterfeiting coin
47.	Section 236	Abetting in Singapore the counterfeiting out of Singapore of coin
48.	Section 237	Import or export of counterfeit coin
49.	Section 238	Import or export of counterfeits of current coin
50.	Section 239	Delivery to another of coin possessed with knowledge that it is counterfeit
51.	Section 240	Delivery of current coin, possessed with the knowledge that it is counterfeit

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
52.	Section 241	Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit
53.	Section 242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof
54.	Section 302	Punishment for murder
55.	Section 304	Punishment for culpable homicide not amounting to murder
56.	Section 307 (1)	Attempt to murder
57.	Section 307 (2)	Other offences by convicts
58.	Section 308	Attempt to commit culpable homicide
59.	Section 312	Causing miscarriage
60.	Section 313	Causing miscarriage without woman's consent
61.	Section 315 (1)	Child destruction before, at or immediately after birth
62.	Section 316	Causing death of a quick unborn child by an act amounting to culpable homicide
63.	Section 324	Voluntarily causing hurt by dangerous weapons or means
64.	Section 325	Punishment for voluntarily causing grievous hurt
65.	Section 326	Voluntarily causing grievous hurt by dangerous weapons or means
66.	Section 327	Voluntarily causing hurt to extort property or to constrain to an illegal act
67.	Section 328	Causing hurt by means of poison, etc., with intent to commit an offence

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
68.	Section 329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
69.	Section 330	Voluntarily causing hurt to extort confession or to compel restoration of property
70.	Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property
71.	Section 332	Voluntarily causing hurt to deter public servant from his duty
72.	Section 333	Voluntarily causing grievous hurt to deter public servant from his duty
73.	Section 335	Causing grievous hurt on provocation
74.	Section 338	Causing grievous hurt by an act which endangers life or personal safety of others
75.	Section 343	Wrongful confinement for 3 or more days
76.	Section 344	Wrongful confinement for 10 or more days
77.	Section 345	Wrongful confinement of person for whose liberation a writ has been issued
78.	Section 346	Wrongful confinement in secret
79.	Section 347	Wrongful confinement for the purpose of extorting property or constraining to an illegal act
80.	Section 348	Wrongful confinement for the purpose of extorting confession or of compelling restoration of property
81.	Section 354	Assault or use of criminal force to a person with intent to outrage modesty
82.	Section 354A	Outraging modesty in certain circumstances
83.	Section 363	Punishment for kidnapping

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
84.	Section 364	Kidnapping or abducting in order to murder
85.	Section 365	Kidnapping or abducting with intent to secretly and wrongfully to confine a person
86.	Section 366	Kidnapping or abducting a woman to compel her marriage, etc.
87.	Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
88.	Section 368	Wrongfully concealing or keeping in confinement a kidnapped person
89.	Section 369	Kidnapping or abducting child under 10 years with intent to steal moveable property from the person of such child
90.	Section 370	Buying or disposing of any person as a slave
91.	Section 371	Habitual dealing in slaves
92.	Section 372	Selling minor for purposes of prostitution, etc.
93.	Section 373	Buying minor for purposes of prostitution, etc.
94.	Section 373A	Importing by fraud, brings, assist in bringing, sells or buys, with intent that any woman be used for purpose of prostitution
95.	Section 376 (1) and (2)	Punishment for rape
96.	Section 379	Punishment for theft
97.	Section 379A	Punishment for theft of a motor vehicle
98.	Section 380	Theft in dwelling house, etc.
99.	Section 381	Theft by clerk or servant of property in possession of master
100.	Section 382	Theft after preparation made for causing death or hurt in order to commit theft

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SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
101.	Section 384	Punishment for extortion
102.	Section 385	Putting person in fear of injury in order to commit extortion
103.	Section 386	Extortion by putting a person in fear of death or grievous hurt
104.	Section 387	Putting person in fear of death or of grievous hurt in order to commit extortion
105.	Section 388	Extortion by threat of accusation of an offence punishable with death, or imprisonment, etc.
106.	Section 389	Putting person in fear of accusation of offence, in order to commit extortion
107.	Section 392	Punishment for robbery
108.	Section 393	Attempt to commit robbery
109.	Section 394	Voluntarily causing hurt in committing robbery
110.	Section 395	Punishment for gang-robbery
111.	Section 396	Gang-robbery with murder
112.	Section 399	Making preparation to commit gang-robbery
113.	Section 400	Punishment for belonging to gang-robbers
114.	Section 402	Assembling for purpose of committing gang-robbery
115.	Section 403	Dishonest misappropriation of property
116.	Section 404	Dishonest misappropriation of property possessed by a deceased person at the time of his death
117.	Section 406	Punishment of criminal breach of trust
118.	Section 407	Criminal breach of trust by carrier, etc.

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
119.	Section 408	Criminal breach of trust by clerk or servant
120.	Section 409	Criminal breach of trust by public servant, or by banker, merchant or agent
121.	Section 411	Dishonestly receiving stolen property
122.	Section 412	Dishonestly receiving property stolen in the commission of a gang-robbery
123.	Section 413	Habitually dealing in stolen property
124.	Section 414	Assisting in concealment of stolen property
125.	Section 418	Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect
126.	Section 419	Punishment for cheating by personation
127.	Section 420	Cheating and dishonestly inducing a delivery of property
128.	Section 421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
129.	Section 422	Dishonestly or fraudulently preventing a debt or demand due to the offender from being made available for his creditors
130.	Section 423	Dishonest or fraudulent execution of deed of transfer containing a false statement of consideration
131.	Section 424	Dishonest or fraudulent removal or concealment of property or release of claim
132.	Section 430A	Mischief affecting railway engine, train, etc.
133.	Section 431	Mischief by injury to public road, bridge or river
134.	Section 431A	Mischief by injury to telegraph cable, wire, etc.

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SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
135.	Section 432	Mischief by causing inundation or obstruction to public drainage, attended with damage
136.	Section 433	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark
137.	Section 435	Mischief by fire or explosive substance with intent to cause damage to amount of \$50
138.	Section 436	Mischief by fire or explosive substance with intent to destroy a house, etc.
139.	Section 438	Punishment for the mischief described in section 437 when committed by fire or any explosive substance
140.	Section 439	Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.
141.	Section 440	Mischief committed after preparation made for causing death or hurt
142.	Section 449	House-trespass in order to commit an offence punishable with death
143.	Section 450	House-trespass in order to commit an offence punishable with imprisonment for life
144.	Section 451	House-trespass in order to commit an offence punishable with imprisonment
145.	Section 452	House-trespass after preparation made for causing hurt, etc.
146.	Section 453	Punishment for lurking house-trespass or house-breaking
147.	Section 454	Lurking house-trespass or house-breaking in order to commit an offence punishable with imprisonment

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
148.	Section 455	Lurking house-trespass or house-breaking after preparation made for causing hurt, etc.
149.	Section 456	Punishment for lurking house-trespass by night or house-breaking by night
150.	Section 457	Lurking house-trespass by night or house-breaking by night in order to commit an offence punishable with imprisonment
151.	Section 458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, etc.
152.	Section 459	Grievous hurt caused while committing lurking house-trespass or house-breaking
153.	Section 460	Lurking house-trespass by night or house-breaking by night when death or grievous hurt is caused
154.	Section 465	Punishment for forgery
155.	Section 466	Forgery of record of a court of justice, or a public register of births, etc.
156.	Section 467	Forgery of a valuable security or will
157.	Section 468	Forgery for the purpose of cheating
158.	Section 469	Forgery for the purpose of harming the reputation of any person
159.	Section 471	Using as genuine a forged document
160.	Section 472	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable under section 467
161.	Section 473	Making or possessing a counterfeit seal, plate, etc., with intent to commit a forgery punishable otherwise

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SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
162.	Section 474	Having possession of a valuable security or will known to be forged, with intent to use it as genuine
163.	Section 475	Counterfeiting a device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material
164.	Section 476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material
165.	Section 489A	Forging or counterfeiting currency notes or bank notes
166.	Section 489B	Using as genuine forged or counterfeit currency notes or bank notes
167.	Section 489C	Possession of forged or counterfeit currency notes or bank notes
Prevention of Corruption Act (Cap. 241)		
168.	Section 5	Punishment for corrupt transactions where no agents involved
169.	Section 6	Punishment for corrupt transactions involving agents or use of false documents to mislead principal
170.	Section 10	Bribery in relation to Government contracts
171.	Section 11	Bribery of Member of Parliament
172.	Section 12	Bribery of member of public body
173.	Section 29	Abetment of offences
174.	Section 30	Attempts
175.	Section 31	Conspiracy

SECOND SCHEDULE — *continued*

<i>Offences</i>		<i>Description*</i>
Termination of Pregnancy Act (Cap. 324)		
176.	Section 3 (4)	Medical termination of pregnancy
177.	Section 5	Coercion or intimidation
Vandalism Act (Cap. 341)		
178.	Section 3	Penalty for acts of vandalism
Women's Charter (Cap. 353)		
179.	Section 140	Offences relating to prostitution
180.	Section 141	Trafficking in women and girls
181.	Section 142	Importation of woman or girl by false pretences
182.	Section 145	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl below the age of 16

*Note: The short description of offences in this Schedule is for ease of reference only.

[25/99]

Sec. 1956. Laundering of monetary instruments

- (a)
 - (1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity -
 - (A)
 - (i) with the intent to promote the carrying on of specified unlawful activity; or
 - (ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or
 - (B) knowing that the transaction is designed in whole or in part -
 - (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or
 - (ii) to avoid a transaction reporting requirement under State or Federal law, shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.
- (2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States -
 - (A) with the intent to promote the carrying on of specified unlawful activity; or
 - (B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part -
 - (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or
 - (ii) to avoid a transaction reporting requirement under State or Federal law, shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both. For the purpose of the offense described in subparagraph (B), the defendant's knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant's subsequent statements or actions indicate that the defendant believed such representations to be true.
- (3) Whoever, with the intent -
 - (A) to promote the carrying on of specified unlawful activity;
 - (B) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of

- specified unlawful activity; or
 - (C) to avoid a transaction reporting requirement under State or Federal law, conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph and paragraph (2), the term "represented" means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.
- (b) Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of -
 - (1) the value of the property, funds, or monetary instruments involved in the transaction; or
 - (2) \$10,000.
- (c) As used in this section -
 - (1) the term "knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, Federal, or foreign law, regardless of whether or not such activity is specified in paragraph (7);
 - (2) the term "conducts" includes initiating, concluding, or participating in initiating, or concluding a transaction;
 - (3) the term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;
 - (4) the term "financial transaction" means (A) a transaction which in any way or degree affects interstate or foreign commerce
 - involving the movement of funds by wire or other means or
 - involving one or more monetary instruments, or (iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or (B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;
 - (5) the term "monetary instruments" means (i) coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or (ii) investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

- (6) the term "financial institution" has the definition given that term in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder;
- (7) the term "specified unlawful activity" means -
 - (A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;
 - (B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving -
 - (i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);
 - (ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;¹¹
 - (iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978);
 - (C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848);
 - (D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 215 (relating to commissions or gifts for procuring loans), section 351 (relating to congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006 (relating to

fraudulent Federal credit institution entries), 1007 (relating to Federal Deposit Insurance transactions), 1014 (relating to fraudulent loan or credit applications), 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnaping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services),^[2]

section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code,,

- (E) a felony violation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Ocean Dumping Act (33 U.S.C. 1401 et seq.), the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or the Resources Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
- (F) Any [3] act or activity constituting an offense involving a Federal health care offense. [3] So in original. Probably should not be capitalized.

○ (8) the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

- (d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.
- (e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7) (E) may be investigated by such components of the Department of Justice as the Attorney General

may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.

- (f) There is extraterritorial jurisdiction over the conduct prohibited by this section if -
 - (1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and
 - (2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding \$10,000.
- (g) Notice of Conviction of Financial Institutions. - If any financial institution or any officer, director, or employee of any financial institution has been found guilty of an offense under this section, section 1957 or 1960 of this title, or section 5322 or 5324 of title 31, the Attorney General shall provide written notice of such fact to the appropriate regulatory agency for the financial institution.
- (h) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

Footnotes

[1] So in original. Probably should be followed by "or".

[2] a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than \$5,000, or any felony violation of the Foreign Corrupt Practices Act; or

[2] So in original. ENVIRONMENTAL CRIMES

Sec. 1957. Engaging in monetary transactions in property derived from specified unlawful activity

- (a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).
- (b)
 - (1) Except as provided in paragraph (2), the punishment for an offense under this section is a fine under title 18, United States Code, or imprisonment for not more than ten years or both.
 - (2) The court may impose an alternate fine to that imposable under paragraph (1) of not more than twice the amount of the criminally derived property involved in the transaction.
- (c) In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.
- (d) The circumstances referred to in subsection (a) are -
 - (1) that the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or
 - (2) that the offense under this section takes place outside the United States and such special jurisdiction, but the defendant is a United States person (as defined in section 3077 of this title, but excluding the class described in paragraph (2)(D) of such section).
- (e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.
- (f) As used in this section -
 - (1) the term "monetary transaction" means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined in section 1956(c)(5) of this title) by, through, or to a financial institution (as defined in section 1956 of this title), including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title, but such term does not include any transaction necessary to preserve a person's right to representation as guaranteed by the sixth amendment to the Constitution;
 - (2) the term "criminally derived property" means any property

constituting, or derived from, proceeds obtained from a criminal offense; and

(3) the term "specified unlawful activity" has the meaning given that term in section 1956 of this title.

Specified Unlawful Activity¹
18 U.S.C. §§ 1956 and 1957
Money Laundering Control Act of 1986 as amended

The following table lists all of those violations of federal and state or foreign law identified as "specified unlawful activity" under 18 U.S.C. § 1956(c)(7):

Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
7	2024	Food Stamp Program (felony violations involving a quantity of coupons having a value of not less than \$5,000)	1956(c)(7)(D)	10/28/94
8	1324	Immigration and Nationality (bringing in and harboring certain aliens, if the act indictable was committed for the purpose of financial gain)	1961(1)(F)	4/24/96
8	1327	Immigration and Nationality (aiding or assisting certain aliens to enter, if the act indictable was committed for the purpose of financial gain)	1961(1)(F)	4/24/96
8	1328	Immigration and Nationality (importation of alien for immoral purpose, if the act indictable was committed for the purpose of financial gain)	1961(1)(F)	4/24/96
11	101 et seq.	Bankruptcy (any offense involving fraud connected with a case under Title 11 except a case under 11 U.S.C. § 157)	1961(1)(D)	10/27/86
15	78m 78dd-1 78dd-2 78ff	Foreign Corrupt Practices Act (felony violations of the Foreign Corrupt Practices Act)	1956(c)(7)(D)	10/28/92
18	32	Aircraft and Motor Vehicles (destruction of aircraft or aircraft facilities)	1956(c)(7)(D)	4/24/96
18	37	Aircraft and Motor Vehicles (violence at international airports)	1956(c)(7)(D)	4/24/96

¹ Also included, but not listed in the chart above, are any offenses involving fraud in the sale of securities.

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	115	Assault (influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member)	1956(c)(7)(D)	4/24/96
18	152	Bankruptcy (concealment of assets; false oaths and claims; bribery)	1956(c)(7)(D)	10/27/86
18	201	Bribery, Graft and Conflicts of Interest (bribery of public officials and witnesses)	1961(1)(B)	10/27/86
18	215	Bribery, Graft and Conflicts of Interest (receipt of commissions or gifts for procuring loans)	1956(c)(7)(D)	10/27/86
18	224	Bribery, Graft and Conflicts of Interest (bribery in sporting contests)	1961(1)(B)	10/27/86
18	287	False Claims involving Health Care programs	1956(c)(7)(F)	8/21/96
18	351	Congressional, Cabinet, and Supreme Court Assassination, Kidnapping, and Assault (Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault penalties)	1956(c)(7)(D)	4/24/96
18	371	Conspiracy involving Health Care Programs	1956(c)(7)(F)	8/21/96
18	471	Counterfeiting and Forgery (obligations or securities of United States)	1961(1)(B)	10/27/86
18	472	Counterfeiting and Forgery (uttering counterfeit obligations or securities)	1961(1)(B)	10/27/86
18	473	Counterfeiting and Forgery (dealing in counterfeit obligations or securities)	1961(1)(B)	10/27/86
18	500	Counterfeiting and Forgery (money orders)	1956(c)(7)(D)	10/27/86
18	501	Counterfeiting and Forgery (postage stamps, postage meter stamps, and postal cards)	1956(c)(7)(D)	10/27/86

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	502	Counterfeiting and Forgery (postage and revenue stamps of foreign governments)	1956(c)(7)(D)	10/27/86
18	503	Counterfeiting and Forgery (postmarking stamps)	1956(c)(7)(D)	10/27/86
18	513	Counterfeiting and Forgery (securities of the States and private entities)	1956(c)(7)(D)	10/27/86
18	542	Customs (entry of goods by means of false statements)	1956(c)(7)(D)	11/18/88
18	545	Customs (smuggling goods into the United States)	1956(c)(7)(D)	10/27/86
18	549	Customs (removing goods from Customs custody, breaking seals)	1956(c)(7)(D)	11/18/88
18	641	Embezzlement and Theft (public money, property or records)	1956(c)(7)(D)	10/27/86
18	656	Embezzlement and Theft (theft, embezzlement, or misapplication by bank officer or employee)	1956(c)(7)(D)	10/27/86
18	657	Embezzlement and Theft (lending, credit, and insurance institutions)	1956(c)(7)(D)	11/18/88
18	658	Embezzlement and Theft (property mortgaged or pledged to farm credit agencies)	1956(c)(7)(D)	11/18/88
18	659	Embezzlement and Theft (felonious theft from interstate shipment)	1961(1)(B)	10/27/86
18	664	Embezzlement and Theft (theft or embezzlement from employee benefit plan)	1961(1)(B)	10/27/86
		Involving a Health Care Offense	1956(c)(7)(F)	8/21/96
18	666	Embezzlement and Theft (theft or bribery concerning programs receiving Federal funds)	1956(c)(7)(D)	10/27/86
		Involving a Health Care Offense	1956(c)(7)(F)	8/21/96

Table Depicting Specified Unlawful Activity

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Money Laundering Statutes and Related Materials

Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	669	Theft and Embezzlement involving Health Care Offenses	1956(c)(7)(F)	8/21/96
18	793	Espionage and Censorship (gathering, transmitting, or losing defense information)	1956(c)(7)(D)	10/27/86
18	794	Espionage and Censorship (gathering or delivering defense information to aid foreign government)	1956(c)(7)(D)	10/27/86
18	798	Espionage and Censorship (disclosure of classified information)	1956(c)(7)(D)	10/27/86
18	831	Explosives and Other Dangerous Articles (prohibited transactions involving nuclear materials)	1956(c)(7)(D)	4/24/96
18	844(f) 844(i)	Importation, Manufacture, Distribution and Storage of Explosive Materials (damage or destruction by means of fire or explosives of government property affecting interstate or foreign commerce)	1956(c)(7)(D)	4/24/96
18	875	Extortion and Threats (interstate communications)	1956(c)(7)(D)	10/27/86
18	892	Extortionate Credit Transactions (making extortionate extensions of credit)	1961(1)(B)	10/27/86
18	893	Extortionate Credit Transactions (financing extortionate extensions of credit)	1961(1)(B)	10/27/86
18	894	Extortionate Credit Transactions (collection of extensions of credit by extortionate means)	1961(1)(B)	10/27/86
18	956	Foreign Relations (conspiracy to injure property of a foreign government)	1956(c)(7)(D)	4/24/96
18	1001	Fraud and False Statements involving a Health Care Offense	1956(c)(7)(F)	8/21/96
18	1005	Fraud and False Statements (fraudulent bank entries, reports and transactions)	1956(e)(7)(D)	11/29/90

Money Laundering Statutes and Related Materials

Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	1006	Fraud and False Statements (fraudulent Federal credit institution entries, reports and transactions)	1956(c)(7)(D)	11/29/90
18	1007	Fraud and False Statements (Federal Deposit Insurance Corporation transactions)	1956(c)(7)(D)	11/29/90
18	1014	Fraud and False Statements (fraudulent loan and credit applications)	1956(c)(7)(D)	11/29/90
18	1027	False Statement/ERISA involving Health Care Offenses	1956(c)(7)(F)	8/21/96
18	1028	Fraud and False Statements (fraud and related activity in connection with identification documents, if the act indictable was committed for the purpose of financial gain)	1961(1)(B)	4/24/96
18	1029	Fraud And False Statements (fraud and related activity in connection with access devices)	1961(1)(B)	11/18/88
18	1032	Fraud And False Statements (concealment of assets from conservator, receiver, or liquidating agent of financial institution)	1956(c)(7)(D)	11/29/90
18	1035	False Statements regarding Health Care Offenses	1956(c)(7)(F)	8/21/96
18	1084	Gambling (transmission of wagering information)	1961(1)(B)	10/27/86
18	1111	Homicide (murder)	1956(c)(7)(D)	4/24/96
18	1114	Homicide (protection of officers and employees of the United States)	1956(c)(7)(D)	4/24/96
18	1116	Homicide (murder or manslaughter of foreign officials, official guests, or internationally protected persons)	1956(c)(7)(D)	4/24/96
18	1201	Kidnapping	1956(c)(7)(D)	10/27/86
18	1203	Kidnapping (hostage taking)	1956(c)(7)(D)	10/27/86

Table Depicting Specified Unlawful Activity

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	1341	Mail Fraud (frauds and swindles) Involving a Health Care Offense	1961(1)(B) 1956(c)(7)(F)	10/27/86 8/21/96
18	1343	Wire Fraud (fraud by wire, radio, or television) Involving a Health Care Offense	1961(1)(B) 1956(c)(7)(F)	10/27/86 8/21/96
18	1344	Bank Fraud (defrauding a federally chartered or insured financial institution)	1961(1)(B)	8/9/89
18	1347	Health Care Fraud	1956(c)(7)(F)	8/21/96
18	1361	Malicious Mischief (willful injury of government property or contracts)	1956(c)(7)(D)	4/24/96
18	1363	Malicious Mischief (damage or destruction of buildings or property within special maritime and territorial jurisdiction)	1956(c)(7)(D)	4/24/96
18	1425	Nationality and Citizenship (procurement of citizenship or naturalization unlawfully)	1961(1)(B)	
18	1426	Nationality and Citizenship (reproduction of naturalization or citizenship)	1961(1)(B)	
18	1427	Nationality and Citizenship (sale of naturalization or citizenship papers)	1961(1)(B)	
18	1461	Obscenity (mailing obscene or crime-inciting matter)	1961(1)(B)	10/27/86
18	1462	Obscenity (importation or transportation of obscene matters)	1961(1)(B)	10/27/86
18	1463	Obscenity (mailing indecent matter on wrappers or envelopes)	1961(1)(B)	10/27/86
18	1464	Obscenity (broadcasting obscene language)	1961(1)(B)	10/27/86
18	1465	Obscenity (transportation of obscene matters for sale or distribution)	1961(1)(B)	10/27/86

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	1503	Obstruction of Justice (influencing or injuring officer or juror generally)	1961(1)(B)	10/27/86
18	1510	Obstruction of Justice (obstruction of criminal investigations)	1961(1)(B)	10/27/86
18	1511	Obstruction of Justice (obstruction of State or local law enforcement)	1961(1)(B)	10/27/86
18	1512	Obstruction of Justice (tampering with a witness, victim, or an informant)	1961(1)(B)	11/10/86
18	1513	Obstruction of Justice (retaliating against a witness, victim, or an informant)	1961(1)(B)	11/10/86
18	1518	Obstruction of Health Care Criminal Investigation regarding Health Care Offenses	1956(c)(7)(F)	8/21/96
18	1542	Passports and Visas (false statement in application and use of passport, if the act indictable was committed for the purpose of financial gain)	1961(1)(B)	4/24/96
18	1543	Passports and Visas (forgery or false use of passport, if the act indictable was committed for the purpose of financial gain)	1961(1)(B)	4/24/96
18	1544	Passports and Visas (misuse of passport, if the act indictable was committed for the purpose of financial gain)	1961(1)(B)	4/24/96
18	1546	Passports and Visas (fraud and misuse of visas, permits, and other documents, if the act indictable was committed for the purpose of financial gain)	1961(1)(B)	4/24/96
18	1581	Peonage and Slavery (peonage; obstructing enforcement)	1961(1)(B)	4/24/96
18	1582	Peonage and Slavery (vessels for slave trade)	1961(1)(B)	4/24/96
18	1583	Peonage and Slavery (enticement into slavery)	1961(1)(B)	4/24/96

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	1584	Peonage and Slavery (sale into involuntary servitude)	1961(1)(B)	4/24/96
18	1585	Peonage and Slavery (seizure, detention, transportation or sale of slaves)	1961(1)(B)	4/24/96
18	1586	Peonage and Slavery (service on vessels in slave trade)	1961(1)(B)	4/24/96
18	1587	Peonage and Slavery (possession of slaves aboard vessel)	1961(1)(B)	4/24/96
18	1588	Peonage and Slavery (transportation of slaves from United States)	1961(1)(B)	4/24/96
18	1708	Theft from the Mail	1956(c)(7)(D)	10/28/92
18	1751	Presidential and Presidential Staff Assassination, Kidnapping, and Assault	1956(c)(7)(D)	4/24/96
18	1951	Racketeering (interference with commerce by threats or violence)	1961(1)(B)	10/27/86
18	1952	Racketeering (interstate and foreign travel or transportation in aid of racketeering enterprises)	1961(1)(B)	10/27/86
18	1953	Racketeering (interstate transportation of wagering paraphernalia)	1961(1)(B)	10/27/86
18	1954	Racketeering (offer, acceptance, or solicitation to influence operations of employee benefit plan) Involving a Health Care Offense	1961(1)(B) 1956(c)(7)(F)	10/27/86 8/21/96
18	1955	Racketeering (prohibition of illegal gambling businesses)	1961(1)(B)	10/27/86
18	1956	Racketeering (laundering of monetary instruments)	1961(1)(B)	10/27/86
18	1957	Racketeering (engaging in monetary transactions in property derived from specified unlawful activity)	1961(1)(B)	10/27/86

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	1958	Racketeering (use of interstate commerce facilities in the commission of murder-for-hire)	1961(1)(B)	11/18/88
18	2113	Robbery and Burglary (bank robbery and incidental crimes)	1956(c)(7)(D)	10/27/86
18	2114	Robbery and Burglary (mail, money, or other property of United States)	1956(c)(7)(D)	10/27/86
18	2251	Sexual Exploitation and Other Abuse of Children (sexual exploitation of children)	1961(1)(B)	11/18/88
18	2251 A	Sexual Exploitation and Other Abuse of Children (selling or buying of children)	1961(1)(B)	11/18/88
18	2252	Sexual Exploitation and Other Abuse of Children (certain activities relating to material involving the sexual exploitation of minors)	1961(1)(B)	11/18/88
18	2260	Sexual Exploitation and Other Abuse of Children (production of sexually explicit depictions of a minor for importation into the United States)	1961(1)(B)	9/13/96
18	2280	Shipping (violence against maritime navigation)	1956(c)(7)(D)	4/24/96
18	2281	Shipping (violence against maritime fixed platforms)	1956(c)(7)(D)	4/24/96
18	2312	Stolen Property (interstate transportation of stolen motor vehicles)	1961(1)(B)	10/27/86
18	2313	Stolen Property (sale or receipt of stolen motor vehicles)	1961(1)(B)	10/27/86
18	2314	Stolen Property (interstate transportation of stolen property)	1961(1)(B)	10/27/86

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	2315	Stolen Property (sale, receipt, or possession of stolen property moved interstate)	1961(1)(B)	10/27/86
18	2318	Stolen Property (trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging)	1961(1)(B)	7/2/96
18	2319	Stolen Property (criminal infringement of a copyright)	1956(c)(7)(D) 1961(1)(B)	11/18/88 7/2/96
18	2319A	Stolen Property (unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances)	1961(1)(B)	7/2/96
18	2320	Stolen Property (trafficking in counterfeit goods or services)	1956(c)(7)(D) 1961(1)(B)	9/13/94 7/2/96
18	2321	Stolen Property (trafficking in certain motor vehicles or motor vehicle parts)	1961(1)(B)	10/27/86
18	2332	Terrorism (Homicide abroad against U.S. Nationals)	1956(c)(7)(D)	4/24/96
18	2332a	Terrorism (use of weapons of mass destruction)	1956(c)(7)(D)	4/24/96
18	2332b	Terrorism (acts of terrorism transcending national boundaries)	1956(c)(7)(D)	4/24/96
18	2339A	Terrorism (providing material support to terrorists)	1956(c)(7)(D)	4/24/96
18	2342	Trafficking in Contraband Cigarettes (unlawful acts)	1961(1)(B)	10/27/86
18	2343	Trafficking in Contraband Cigarettes (recordkeeping and inspection)	1961(1)(B)	10/27/86
18	2344	Trafficking in Contraband Cigarettes (penalties)	1961(1)(B)	10/27/86

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Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
18	2345	Trafficking in Contraband Cigarettes (effect on state law)	1961(1)(B)	10/27/86
18	2346	Trafficking in Contraband Cigarettes (enforcement and regulations)	1961(1)(B)	10/27/86
18	2421	Transportation for Illegal Sexual Activity (transportation of an individual interstate to engage in criminal sexual activity)	1961(1)(B)	10/27/86
18	2422	Transportation for Illegal Sexual Activity (coercion and enticement to travel interstate to engage in criminal sexual activity)	1961(1)(B)	10/27/86
18	2423	Transportation for Illegal Sexual Activity (transportation of minors interstate to engage in criminal sexual activity)	1961(1)(B)	10/27/86
18	2424	Transportation for Illegal Sexual Activity (filing factual statement about alien individuals)	1961(1)(B)	10/27/86
19	1590	Tariff Act of 1930 (aviation smuggling)	1956(c)(7)(D)	11/18/88
21	841	Drug Abuse Prevention and Control (felony violations of certain prohibited acts)	1961(1)(D) 1956(c)(7)(D)	10/27/86 11/29/90
21	842	Drug Abuse Prevention and Control (subsequent violations of subparagraph (A) after one or more prior convictions of a drug-related offense)	1961(1)(D) 1956(c)(7)(D)	10/27/86 11/29/90
21	843	Drug Abuse Prevention and Control (felony violations of certain other prohibited acts)	1961(1)(D) 1956(c)(7)(D)	10/27/86 11/29/90
21	844	Drug Abuse Prevention and Control (penalties for simple possession after one or more prior convictions for any drug or narcotic offense)	1961(1)(D)	10/27/86

Table Depicting Specified Unlawful Activity

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Money Laundering Statutes and Related Materials

Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
21	846	Drug Abuse Prevention and control (attempt and conspiracy to commit any felonious offense defined in Subchapter I)	1961(1)(D)	10/27/86
21	848	Drug Abuse Prevention and Control (continuing criminal enterprise)	1956(c)(7)(C) 1961(1)(D)	10/27/86 10/27/86
21	854	Drug Abuse Prevention and Control (investment of illicit drug profits obtained from a felonious violation of either Subchapter I or Subchapter II)	1961(1)(D)	10/27/86
21	856	Drug Abuse Prevention and Control (establishment of manufacturing operations)	1961(1)(D)	10/27/86
21	858	Drug Abuse Prevention and Control (endangering human life while illegally manufacturing a controlled substance)	1961(1)(D)	10/27/86
21	859	Drug Abuse Prevention and Control (felonious distribution to persons under the age of twenty-one)	1961(1)(D)	10/27/86
21	860	Drug Abuse Prevention and Control (felonious distribution or manufacturing in or near schools and colleges)	1961(1)(D)	10/27/86
21	861	Drug Abuse Prevention and Control (felonious employment of persons under 18 years of age)	1961(1)(D)	10/27/86
21	863	Drug Abuse Prevention and Control (transportation of drug paraphernalia)	1961(1)(D) 1956(c)(7)(D)	10/27/86 11/18/88
21	952	Drug Abuse Prevention and Control (felonious importation of controlled substances)	1961(1)(D)	10/27/86
21	953	Drug Abuse Prevention and Control (felonious exportation of controlled substances)	1961(1)(D)	10/27/86
21	955	Drug Abuse Prevention and Control (felonious possession on board vessels, etc., arriving in or departing from the United States)	1961(1)(D)	10/27/86
21	957	Drug Abuse Prevention and Control (felonious offenses by persons required to register)	1961(1)(D)	10/27/86

Money Laundering Statutes and Related Materials

Title:	Section:	Violations of Federal Law Relating to:	Appearing in Title 18, Section:	Effective Date:
21	959	Drug Abuse Prevention and Control (felonious possession, manufacture, or distribution for purpose of unlawful importation)	1961(1)(D)	10/27/86
21	960	Drug Abuse Prevention and Control (certain unlawful acts and penalties defined)	1961(1)(D) 1956(c)(7)(D)	10/27/86 11/29/90
21	962	Drug Abuse Prevention and Control (second or subsequent offenses penalties defined)	1961(1)(D)	10/27/86
21	963	Drug Abuse Prevention and Control (attempt and conspiracy to commit any felonious offense defined in Subchapter II)	1961(1)(D)	10/27/86
22	2778(c)	Arms Export Control (criminal violations of Arms Export Control Act)	1956(c)(7)(D)	10/27/86
29	186	Labor-Management Relations (restrictions on financial transactions)	1961(1)(C)	10/27/86
29	501(e)	Reporting and Disclosure (fiduciary responsibility of officers of labor organizations embezzlement of assets)	1961(1)(C)	10/27/86
33	1251 et seq.	Federal Water Pollution Control Act (felony violations concerning the discharge of pollutants into the Nation's waters)	1956(c)(7)(E)	11/29/90
33	1401 et seq.	Ocean Dumping Act (felony violations concerning the dumping of materials into ocean waters)	1956(c)(7)(E)	11/29/90
33	1901 et seq.	Act to Prevent Pollution From Ships (felony violations concerning the discharge of pollutants from ships)	1956(c)(7)(E)	11/29/90
42	300f et seq.	Safe Drinking Water Act (felony violations concerning the safety of public water systems)	1956(c)(7)(E)	11/29/90
42	6901 et seq.	Resources Conservation and Recovery Act (felony violations concerning resource conservation and recovery)	1956(c)(7)(E)	11/29/90

Table Depicting Specified Unlawful Activity

Money Laundering Statutes and Related Materials

Any Act Or Threat (chargeable under State Law and punishable by imprisonment for more than one year) Involving:	Appearing in 18 U.S.C., Section:	Effective Date:
Murder	1961(1)(A)	10/27/86
Kidnapping	1961(1)(A)	10/27/86
Gambling	1961(1)(A)	10/27/86
Arson	1961(1)(A)	10/27/86
Robbery	1961(1)(A)	10/27/86
Bribery	1961(1)(A)	10/27/86
Extortion	1961(1)(A)	10/27/86
Dealing In Obscene Matter	1961(1)(A)	10/27/86
Dealing in a Controlled Substance or Listed Chemical (as defined in 21 U.S.C. § 802)	1961(1)(A)	10/27/86

An Offense Against A Foreign Nation (with respect to a financial transaction occurring in whole or in part in the United States) Involving:	Appearing in 18 U.S.C., Section:	Effective Date:
The Manufacture, Importation, Sale, or Distribution of a Controlled Substance	1956(c)(7)(B)(i)	10/27/86
Murder	1956(c)(7)(B)(ii)	4/24/96
Kidnapping	1956(c)(7)(B)(ii)	10/28/92
Robbery	1956(c)(7)(B)(ii)	10/28/92
Extortion	1956(c)(7)(B)(ii)	10/28/92
Destruction of Property by Means of Explosive or Fire	1956(c)(7)(B)(ii)	4/24/96
Fraud, or Any Scheme or Attempt to Defraud, By or Against a Foreign Bank (as defined in 12 U.S.C. § 3101(7))	1956(c)(7)(B)(iii)	10/28/92