THE LAW

United States Code
(1976)

Title 18
Part I. Crimes
Chapter 103. Robbery and Burglary

Section 2113. Bank Robbery and Incidental Crimes

(a) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association; or

Whoever enters or attempts to enter any bank, credit union, or any savings and loan association, or any building used in whole or in part as a bank, credit union, or as a savings and loan association, with intent to commit in such bank, credit union, or loan association, or building, or part thereof, so used, any felony affecting such bank, credit union, or such savings and loan association and in violation of any statute of the United States, or any larceny—

Shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

(b) Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding $100 belonging to, or in the care, custody, management, or possession of any bank, credit union, or any savings and loan association, shall be fined not more than $5,000 or imprisoned not more than ten years, or both; or

Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value not exceeding $100 belonging to, or in the care, custody, management, or possession of any bank, credit union, or any savings and loan association, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(c) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing knowing the same to have been taken from a bank, credit union, or any savings and loan association, in violation of subsection (b) of this section shall be subject to the punishment by said subsection (b) for the taker.

(d) Whoever, in committing, or in attempting to commit, any offense defined in subsections (a) and (b) of this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 or imprisoned not more than twenty-five years, or both.

(e) Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in
freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany him without the consent of such person, shall be imprisoned not less than ten years, or punished by death if the verdict of the jury shall so direct.

(f) As used in this section the term “bank” means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(g) As used in this section the term “savings and loan association” means any federal savings and loan association and any “insured institution” as defined in section 401 of the National Housing Act, as amended, and any “Federal credit union” as defined in section 2 of the Federal Credit Union Act.

(h) As used in this section the term “credit union” means any federal credit union and any State-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

Chapter 19. Conspiracy

Section 371. Conspiracy to Commit Offense or to Defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both. If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

Title 26
Subtitle E. Alcohol, Tobacco and Certain Other Excise Taxes
Chapter 53. Machine Guns, Destructive Devices and Certain Other Firearms
Subchapter C. Prohibited Acts

Section 5861. Prohibited Acts

It shall be unlawful for any person—

(a) to engage in business as a manufacturer or importer or dealer in firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or
(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or
(c) to receive or possess a firearm made in violation of the provisions of this chapter; or
(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or
(e) to transfer a firearm in violation of the provisions of this chapter; or
(f) to make a firearm in violation of the provisions of this chapter; or
(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or
(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or
(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or
(j) to transport, deliver, or receive any firearm in interstate commerce which has been registered as required by this chapter; or
(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or
(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

United States v. Mandujano
499 F.2d 370 (5th Cir. 1974)

Defendant appealed his conviction for attempted distribution of heroin. He had procured an ounce of heroin from a third party for an undercover narcotics agent. The Court affirmed his conviction, and defined the extent of action necessary to establish an attempt as "conduct which constitutes a substantial step toward commission of the crime." This substantial step must be "strongly corroborative of the firmness of the defendant’s criminal intent.... [O]mission or possession, as well as positive acts, may in certain cases provide a basis for liability." The Court contrasted a substantial step, which would constitute an attempt, with mere preparation, which would not. The culpability required for an attempt was "the kind of culpability otherwise required for the commission of the crime which he is charged with attempting."

Model Penal Code
(Official Draft 1962)

Section 5.01. Criminal Attempt

(1) Definition of Attempt. A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he:

(a) purposely engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or