



- ▼ **Criminal Resource Manual**
 - ▶ CRM 1-499
 - ▶ CRM 500-999
 - ▶ CRM 1000-1499
 - ▶ **CRM 1500-1999**
 - ▶ Criminal Resource Manual 1501-1599
 - ▶ Criminal Resource Manual 1601-1699
 - ▶ **Criminal Resource Manual 1701-1799**
 - 1701. Trademark Counterfeiting -- Introduction
 - 1702. Trademark Counterfeiting -- Charging Considerations
 - 1703. Trademark Counterfeiting -- Reporting Requirements
 - 1704. Trademark Counterfeiting -- Elements -- 18 U.S.C. § 2320
 - 1705. Trademark Counterfeiting -- First Element -- The Defendant Trafficked Or Attempted To Traffic In Goods Or Services
 - 1706. Joint Statement On Trademark Counterfeiting Legislation, 130 Cong. Rec. H12076, H12078 -- Introduction
 - 1707. Joint Statement -- Part A. Title 18 Amendment
 - 1708. Joint Statement -- Part B. Defenses
 - 1709. Joint Statement -- Parts C And D. Definitions -- "Trafficking" -- "Counterfeit Marks"
 - 1710. Joint Statement -- Part E. Lanham Act Amendment
 - 1711. Joint Statement -- Part G. Ex Parte Seizures
 - 1712. Joint Statement -- Part H. Treble Damages And Att'y's Fees
 - 1713. Trademark Counterfeiting -- Second Element -- The Defendant's Trafficking Or Attempt To Traffic Was Intentional
 - 1714. Trademark Counterfeiting -- Third Element -- The Defendant Used A "Counterfeit Mark" On Or In Connection With Such Goods Or Services
 - 1715. Trademark Counterfeiting -- Requirements For A "Counterfeit Mark"
 - 1716. Trademark Counterfeiting -- Specific Exclusions From Definition Of "Counterfeit Mark"
 - 1717. Trademark Counterfeiting -- Fourth Element -- The Defendant Knew The Mark Was Counterfeit
 - 1718. Trademark Counterfeiting -- Defenses
 - 1719. Trademark Counterfeiting -- Notification To The U.S. Atty Of Applications For Ex Parte Seizure Orders
 - 1720. Protection Of Government Processes -- Overview
 - 1721. Protection Of Government Processes -- Obstruction Of Justice -- Scope Of 18 U.S.C. 1503
 - 1722. Protection Of Government Processes -- Pending Proceeding Requirement -- 18 U.S.C. 1503
 - 1723. Protection Of Government Processes -- State Of Mind Requirement -- 18 U.S.C. 1503
 - 1724. Protection Of Government Processes -- Omnibus Clause -- 18 U.S.C. 1503
 - 1725. Protection Of Government Processes -- Obstruction Of Pending Proceeding -- 18 U.S.C. 1505
 - 1726. Protection Of Government Processes -- Scope Of 18 U.S.C. 1505
 - 1727. Protection Of Government Processes -- Omnibus Clause -- 18 U.S.C. 1505
 - 1728. Protection Of Government Processes -- Obstruction Of Federal Criminal Investigation -- 18 U.S.C. 1510
 - 1729. Protection Of Government Processes -- Tampering With Victims, Witnesses, Or Informants -- 18 U.S.C. 1512
 - 1730. Protection Of Government Processes -- "Official Proceeding" Requirement -- 18 U.S.C. 1512
 - 1731. Protection Of Government Processes -- State Of Mind -- 18 U.S.C. 1512
 - 1732. Protection Of Government Processes -- Constitutionality -- 18 U.S.C. 1512(d)
 - 1733. Scope Of 18 U.S.C. 1513
 - 1734. Protection Of Government Processes -- State Of Mind -- 18 U.S.C. 1513
 - 1735. Obstruction Of Health Care Investigations -- 18 U.S.C. 1518
 - 1736. Inchoate Obstruction Of Justice Offenses
 - 1737. Civil Action To Enjoin The Obstruction Of Justice - - 18 U.S.C. 1514
 - 1738. Protection Of Government Processes -- Venue
 - 1739. Offenses Related To Obstruction Of Justice Offenses
 - 1740. Protection Of Government Processes -- Other Research Aids
 - 1741. Perjury And False Declarations Before Grand Jury Or Court
 - 1742. Perjury Cases -- Investigative Responsibility
 - 1743. Perjury -- Overview Of 18 U.S.C. §1621 And 1623 Violations
 - 1744. Elements Of Perjury
 - 1745. Elements Of Perjury -- Federal Proceeding Under Oath
 - 1746. Elements Of Perjury-- Making of a False Statement
 - 1747. Elements Of Perjury -- Specific Intent
 - 1748. Elements Of Perjury -- Materiality
 - 1749. Comparison Of Perjury Statutes -- 18 USC 1621 And 1623
 - 1750. Comparison Of Perjury Statutes -- 18 USC 1621 And 1623
 - 1751. Comparison Of Perjury Statutes -- 18 USC 1621 And 1623
 - 1752. Subornation Of Perjury
 - 1753. Perjury Cases -- Special Problems And Defenses -- Evasive And Unresponsive Answers
 - 1754. Perjury Cases -- Special Problems And Defenses -- Venue
 - 1755. Perjury Cases -- Special Problems And Defenses -- Charging Considerations
 - 1756. Perjury Cases -- Special Problems And Defenses -- Perjury Trap
 - 1757. Perjury Cases -- Special Problems And Defenses -- Collateral Estoppel
 - 1758. Perjury Cases -- Special Problems And Defenses -- Immunity
 - 1759. Perjury Cases -- 28 USC 1746 Declarations
 - 1760. Perjury Cases -- 28 U.S.C. 1746 -- Unsworn Declarations Under Penalty Of Perjury
 - 1761. Perjury Cases -- Sentencing Issues
 - 1762. Perjury Cases -- Sample Indictment -- 18 USC 1621 (first Paragraph)
 - 1763. Perjury Cases -- Sample Indictment -- 18 USC 1621 (Second Paragraph)
 - 1764. Perjury Cases -- Sample Indictment -- 18 USC 1622
 - 1765. Perjury Cases -- Sample Indictment -- 18 USC 1623
 - 1766. Perjury Cases -- Sample Indictment -- 18 USC 1623
 - 1767. Perjury Cases -- Sample Indictment -- 18 USC 1623
 - 1768. Prison Offenses -- Introduction
 - 1769. Prison Offenses -- Elements -- 18 U.S.C. 1791(a)(1)
 - 1770. [reserved]
 - 1771. Prison Offenses -- Elements -- 18 U.S.C. 1791(a)(1) -- "Contraband"
 - 1772. [reserved]
 - 1773. Prison Offenses -- Elements -- 18 U.S.C. 1791(a)(2) -- "Possess Or Provide"
 - 1774. Prison Offenses -- Elements -- 18 U.S.C. 1791(a)(2) -- "Contraband"
 - 1775. Prison Offenses -- Elements -- 18 U.S.C. 1792 -- "Participation"
 - 1776. Prison Offenses -- Elements -- 18 U.S.C. 1792 -- "Mutiny Or Riot"
 - 1777. Prison Offenses -- Elements -- 18 U.S.C. 1792 -- "Federal Penal, Detention, Or Correctional Facility"
 - 1778. Prison Offenses -- Double Jeopardy
 - 1779. Prison Offenses -- Knowledge Of Warden
 - 1780. Fugitive Felon Act--18 U.S.C. 1073**
 - 1781. Parental Kidnapping
 - 1782. Unlawful Flight Warrants-Post Arrest Procedures
 - 1783. Unlawful Flight To Avoid Custody Or Confinement After Conviction
 - 1784. Unlawful Flight To Avoid Giving Testimony
 - 1785. Unlawful Flight To Avoid Service Of Process
 - ▶ Criminal Resource Manual 1801-1899
 - ▶ Criminal Resource Manual 1901-1999
 - ▶ CRM 2000 - 2500

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1780. FUGITIVE FELON ACT--18 U.S.C. 1073

Though drawn as a penal statute, and therefore permitting prosecution by the Federal government for its violation, the primary purpose of the Fugitive Felon Act is to permit the Federal government to assist in the location and apprehension of fugitives from state justice. No prior Criminal Division approval is required to authorize unlawful flight complaints in aid of the states.

The Act does not supersede nor is it an alternative for state extradition proceedings. Normally, the federal complaint will be dismissed when the fugitive has been apprehended and turned over to state authorities to await interstate extradition. Thus, an unlawful flight complaint should not be filed in cases in which the location of the fugitive is already known by state authorities unless the location was ascertained through active investigation conducted, or participated in, by the FBI or other federal investigative agency, and the warrant request is made by that agency.

Since the primary purpose of the Act is to assist the states in apprehending fugitives from state justice, the Act should not be applied to the interstate or international flight of federal fugitives.

[cited in JM 9-69-400]

◀ 1779. Prison Offenses -- Knowledge Of Warden up 1781. Parental Kidnapping ▶
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