

Appendix 11

Federal Justice Statistics Program Methodology and definitions of terms

Note: The following was excerpted from U.S. Department of Justice, Bureau of Justice Statistics, *Compendium of Federal Justice Statistics, 2001*, NCJ 201627, pp. 109-123; *2002*, NCJ 205368, pp. 109-123; *2003*, NCJ 210299, pp. 115-130; *2004*, NCJ 213476, pp. 105-120 (Washington, DC: U.S. Department of Justice). Non-substantive editorial adaptations have been made.

Methodology

The data are from the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program database. The database is constructed from source files provided by the U.S. Marshals Service, the Drug Enforcement Administration, the Executive Office for U.S. Attorneys, the Administrative Office of the United States Courts (AO), the United States Sentencing Commission, and the Federal Bureau of Prisons. The AO also maintains data collected by the Federal Pretrial Services Agency and the Federal Probation and Supervision Service.

Cases have been selected according to an event that occurred during the Federal fiscal year:

2001--Oct. 1, 2000 through Sept. 30, 2001;
2002--Oct. 1, 2001 through Sept. 30, 2002;
2003--Oct. 1, 2002 through Sept. 30, 2003;
2004--Oct. 1, 2003 through Sept. 30, 2004.

The unit of analysis is a combination of a person (or corporation) and a matter or case. For example, if a single person is involved in three different criminal cases during the time period specified in the table, he or she is counted three times in the tabulation. Similarly, if a single criminal case involves a corporate defendant and four individual defendants, it is counted five times in the tabulation.

The unit of analysis for incarceration, probation, parole, or other supervised release is a person entering custody or supervision, a person leaving custody or supervision, or a person in custody or under supervision at yearend. For example, a person convicted in two concurrent cases and committed once to the custody of the Federal Bureau of Prisons in the indicated time period is counted as one admission to a term of incarceration. A person who terminates probation twice in the indicated time period, such as with a

violation and again after reinstatement, is counted as two terminations of probation. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants under pretrial release and detention, defendants sentenced to incarceration, and offenders under post-conviction supervision. Juvenile offenders who are charged as adults are included in the reported statistics.

The offense classifications in the tables are based on the classification system used by the AO. Specific offenses in the AO classification are combined to form the BJS categories in the tables. These categories are designed to be as consistent as possible with BJS publications on State criminal justice systems. Offense categories for tables focusing on prisoners are based on combinations of offense designations used by the Bureau of Prisons. They are similar to the BJS categories used in the other tables but may not be directly comparable.

Where more than one offense is charged or adjudicated, the most serious offense, the one that may or did result in the most severe sentence, is used to classify the offense. In tables focusing on prisoners, the data are classified according to the conviction offense having the longest sentence imposed, or if equal sentences were imposed or there was no imprisonment, to the offense carrying the highest AO offense severity code. The offense description may change as a case goes through the criminal justice process. Tables indicate whether charged or adjudicated offenses are used.

The availability of particular items of information is affected by the data source. Data on prosecutors' decisions prior to court filing are provided for cases investigated by U.S. attorneys, but not for those handled by other litigating divisions of the U.S. Department of Justice. Criminal Division cases enter the database once they are filed in U.S. District Court, however.

Time served in prison is the number of months from a prisoner's arrival into jurisdiction of the Bureau of Prisons until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the Bureau of Prisons. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, these data may differ from estimates of time served in previous publications by the Bureau of Prisons or in publications based on other data sources.

These data are designed to permit the user to make valid comparisons within each table and to compare percentages (but not raw

totals) across tables. The total number of subjects/defendants shown in a particular table may not equal the number of subjects/defendants involved in a particular stage of processing, since some records could not be linked and some data sources did not include information on particular data elements classified in a particular table. Accordingly, comparisons of absolute numbers across two or more tables, or between these data and other data sources, are not necessarily valid.

In addition, readers should note that offender characteristics, classifications of lengths of prior sentences of incarceration, and time served differ from the 1993 and prior years' Federal justice compendia. Therefore, comparisons of these elements with the 1993 compendium or compendia prior to 1993 should not be attempted.

The Bureau of Justice Statistics did not receive 2004 data from the United States Sentencing Commission or from the Federal Bureau of Prisons. As a result, tables describing demographic characteristics of convicted offenders and Federal prisoners were unavailable for 2004.

Definitions of terms

Agriculture--Violation of Federal statutes on agriculture and conservation, for example, violations of the Agricultural Acts, Insecticide Act, and Packers and Stockyards Act; also violation of laws concerning plant quarantine and the handling of animals pertaining to research.

Antitrust--Violation of Federal antitrust statutes, which aim to protect trade and commerce from unlawful restraints, price fixing, monopolies, and discrimination in pricing or in furnishing services or facilities.

Arson--Willfully or maliciously setting, or attempting to set, fire to any property within the special maritime and territorial jurisdiction of the United States.

Assault--Intentionally inflicting, attempting, or threatening to inflict bodily injury to another person; applies to anyone within the special maritime and territorial jurisdiction of the United States or to any Government official, foreign official, official guest, internationally protected person, or any officer or employee of the United States designated in 18 U.S.C. 1114; also certain violations of the Fair Housing Act of 1968.

Bail--The sum of money promised as a condition of release, to be paid if a released defendant defaults.

Bribery--Offering or promising anything of value with intent to unlawfully influence a public official, bank employee, officer or employee of the Government, witness, or any common carrier. Soliciting or receiving anything of value in consideration of aiding a person to obtain employment in the U.S.

Government. Receiving or soliciting any remuneration, directly or indirectly, in cash or in kind in return for purchasing, ordering, leasing, or recommending to purchase any good, service, or facility.

Burglary--Breaking and entering into another's property with intent to steal within the special maritime and territorial jurisdiction of the United States; includes breaking and entering into any official bank, credit union, savings and loan institution, post office, vessel or steamboat assigned to the use of mail service, or personal property of the United States, or breaking the seal or lock of any carrier facility containing interstate or foreign shipments of freight or express.

Civil rights--Violations of civil liberties such as the personal, natural rights guaranteed and protected by the U.S. Constitution. Includes the Civil Rights Acts, such as those enacted after the Civil War, and more recently in 1957 and 1964.

Collateral bond--An agreement made by a defendant as a condition of pretrial release that requires the defendant to post property valued at the full bail amount as an assurance of his or her intention to appear at trial.

Communication--Violations covering areas of communication such as the Communications Act of 1934 (including wiretapping and wire interception). A communication is ordinarily considered to be a deliberate interchange of thoughts or opinions between two or more persons.

Conditional release--At the pretrial stage, release from detention contingent on any combination of restrictions that are deemed necessary to guarantee a defendant's appearance at trial or the safety of the community.

Conspiracy--An agreement by two or more persons to commit or to effect the commission of an unlawful act or to use unlawful means to accomplish an act that is not in itself unlawful; also any overt act in furtherance of the agreement. A person charged with conspiracy is classified under the substantive offense alleged.

Counterfeiting--Falsely making, forging, or altering any obligation or security of the United States, foreign obligation or security, coin or bar stamped at any mint in the United States, money order issued by the U.S. Postal Service, domestic or foreign stamp, or seal of any department or agency of the United States. Passing, selling, attempting to pass or sell, or bringing into the United States any of the above falsely made articles. Making, selling, or possessing any plates or stones (or any other instrument) used for printing counterfeit obligations or securities of the United States, foreign obligations or securities, Government transportation requests, or postal stamps; or knowingly and intentionally trafficking in

falsified labels affixed to phonorecords, motion pictures, or audio visual works.

Customs laws--Violations regarding taxes that are payable upon goods and merchandise imported or exported. Includes the duty, toll, tribute, or tariff payable upon merchandise exported or imported.

Deposit bond--An agreement made by a defendant as a condition of release that requires the defendant to post a fraction of the bail before he or she is released.

Detention--The legally authorized confinement of persons after arrest, whether before or during prosecution. Only those persons held 2 or more days are classified as detained.

Drug offenses--Manufacture, import, export, distribution, or dispensing of a controlled substance (or counterfeit substance), or the possession of a controlled substance (or counterfeit substance) with intent to manufacture, import, export, distribute, or dispense. Also using any communication facility that causes or facilitates a felony under title 21. Also furnishing of fraudulent or false information concerning prescriptions as well as any other unspecified drug-related offense.

Embezzlement--Fraudulently appropriating property by a person to whom such property has been lawfully entrusted. Includes offenses committed by bank officers or employees; officers or employees of the U.S. Postal Service; officers of lending, credit, or insurance institutions; any officer or employee of a corporation or association engaged in commerce as a common carrier; court officers of the U.S. courts; or officers or employees of the United States. Stealing from employment and training funds, programs receiving Federal funds, and Indian tribal organizations; or selling, conveying, or disposing of any money, property, records, or thing of value to the United States or any department thereof without authority.

Environmental offenses--Violations of Federal law enacted to protect the environment, such as the Clean Air Act and the Clean Water Act. Environmental protection laws protect the safety and well-being of communities from excessive and unnecessary emission of environmental pollutants.

Escape--Departing or attempting to depart from the custody of a correctional institution; a judicial, correctional, or law enforcement officer; or a hospital where one is committed for drug abuse and drug dependency problems. Knowingly advising, aiding, assisting, or procuring the escape or attempted escape of any person from a correctional facility, an officer, or the above-mentioned hospital as well as concealing an escapee. Providing or attempting to provide to an inmate in prison a prohibited object or making, possessing, obtaining, or attempting to make or obtain a prohibited object. Instigating, assisting, attempting to cause, or causing any mutiny or riot at any Federal

penal, detention, or correctional facility or conveying into any of these institutions any dangerous instrumentalities.

Explosives--Violations of Federal law involving importation, manufacture, distribution, and storage of explosive material. Includes unlawful receipt, possession, or transportation of explosives without a license, where prohibited by law, or using explosives during commission of a felony. Also includes violations relating to dealing in stolen explosives, using mail or other forms of communication to threaten an individual with explosives, and possessing explosive materials at an airport.

Failure to appear--Willful absence from any court appointment.

Felony--A criminal offense punishable by death or imprisonment for a term exceeding 1 year.

Financial conditions--Monetary conditions upon which release of a defendant before trial is contingent. Includes deposit bond, surety bond, and collateral bond (see individual definitions).

Food and drug--Violations of the Federal Food, Drug, and Cosmetic Act, such as regulations for clean and sanitary movement of animals, adulteration or misbranding of any food or drug, failure to transmit information about prescription drugs, and intent to defraud and distribute adulterated material.

Forgery--Falsely and with intent to defraud, making or materially altering, or possessing with intent to pass off as genuine any U.S. Postal Service money order; post-marking stamp or impression; obligation or security of the United States; foreign obligation, security, or bank note; contractor's bond, bid, or public record; seal of a court or any department or agency of the Government; the signature of a judge or court officer; ships' papers; documents on entry of vessels; deed; power of attorney; customs matters; coin or bar; and so forth. Also making, possessing, selling, or printing plates or stones for counterfeiting obligations or securities. Detaching, altering, or defacing any official device, mark, or certificate.

Fraud--Unlawfully depriving a person of his or her property or legal rights through intentional misrepresentation of fact or deceit other than forgery or counterfeiting. Includes violations of statutes pertaining to lending and credit institutions, the U.S. Postal Service, interstate wire, radio, television, computer, credit card, veterans benefits, allotments, bankruptcy, marketing agreements, commodity credit, the Securities and Exchange Commission, railroad retirement, unemployment, Social Security, food stamps, false personation, citizenship, passports, conspiracy, and claims and statements, excluding tax fraud. Excludes fraud involving tax violations that are shown in a separate category under "public-order, other offenses."

Gambling--Transporting, manufacturing, selling, possessing, or using any gambling device in the District of Columbia or any possession of the United States or within Indian country or the special maritime and territorial jurisdiction of the United States. Also transporting gambling devices in the jurisdiction of the United States, (except under authority of the Federal Trade Commission or any State that has a law providing for their exemption from these provisions), transmitting wagering information in interstate or foreign commerce, interstate transporting of wagering paraphernalia, importing or transporting lottery tickets, or mailing lottery tickets or related matter.

Hispanic--Ethnic category based on classification by reporting agency. Hispanic persons may be of any race.

Immigration--Offenses involving illegal entrance into the United States, illegally reentering after being deported, willfully failing to deport when so ordered, willfully remaining beyond days allowed on conditional permit, or falsely representing oneself as a citizen of the United States. Includes violations relating to agricultural workers and to limitations on immigrant status (e.g., employment). Also bringing in or harboring any aliens not duly admitted by an immigration officer.

Incarceration--Any sentence of confinement, including prison, jail, and other residential placements.

Kidnaping--Unlawfully seizing any person, for ransom or reward, except in the case of a minor by a parent. Includes receiving, possessing, or disposing of any money or other property that has been delivered as ransom or reward in connection with a kidnaping as well as conspiring to kidnap. Includes kidnaping or attempting to kidnap any Government official, the President of the United States, the President-elect, the Vice President, any foreign official, any official guest, or any internationally protected person.

Larceny--Taking and carrying away with intent to steal any personal property of another. Stealing, possessing, converting to one's own use, or illegally selling or disposing of anything of value to the United States or any of its departments or agencies. Stealing anything of value from a bank, the U.S. Postal Service, or any interstate or foreign shipments by carrier. Receiving or possessing stolen property or pirate property. Stealing or obtaining by fraud any funds, assets, or property that belongs to or is entrusted to the custody of an Indian tribal organization. Excludes the transportation of stolen property.

Liquor--Violations of Internal Revenue Service laws on liquor as well as violations of liquor laws not cited under these laws, such as dispensing or unlawfully possessing intoxicants in Indian country; transporting intoxicating liquors into any State, territory,

district, or possession where sale is prohibited; shipping packages containing unmarked and unlabeled intoxicants; shipping liquor by C.O.D.; knowingly delivering a liquor shipment to someone other than to whom it has been consigned; and violating in any way the Federal Alcohol Administration Act.

Mailing or transportation of obscene materials--Knowingly using the mail for mailing obscene or crime-inciting matter. Also transporting for sale or distribution, importing, or transporting any obscene matter in interstate or foreign commerce.

Migratory birds--Taking, killing, or possessing migratory birds, or any part, nest, or egg thereof, in violation of Federal regulations or the transportation laws of the State, territory, or district from which the bird was taken. Misuse or nonuse of a migratory-bird hunting and conservation stamp. This category was replaced by the "Wildlife" category beginning in 2002.

Misdemeanor--A criminal offense punishable by a jail term not exceeding 1 year and any offenses specifically defined as a misdemeanor by the Administrative Office of the United States Courts for the purposes of data collection. (Includes offenses previously called minor offenses that were reclassified under the Federal Magistrates Act of 1979.)

Mixed sentence--A sentence requiring the convicted offender to serve a term of incarceration, followed by a term of probation. Unless otherwise noted, offenders receiving mixed sentences are included in both incarceration and probation categories.

Most serious offense--The offense with the greatest potential sentence. For Federal prisoners, the offense with the greatest imposed sentence.

Motor vehicle theft--Interstate or foreign transporting, receiving, concealing, storing, bartering, selling, or disposing of any stolen motor vehicle or aircraft.

Murder--The unlawful killing of a human being with malice aforethought, either expressed or implied. Nonnegligent manslaughter is the unlawful killing of a human being without malice; includes committing or attempting to commit murder (first or second degree) or voluntary manslaughter within the special maritime and territorial jurisdiction of the United States. Killing or attempting to kill any Government official, the President of the United States, the President-elect, the Vice President, any officers and employees of the United States, any foreign officials, any official guests, or any internationally protected persons. As applied to the owner or charterer of any steamboat or vessel, knowingly and willfully causing or allowing fraud, neglect, misconduct, or violation of any law resulting in loss of life.

National defense--Violations of the national defense laws of the Military Selective Service Act, the Defense Production Act of 1950, the Economic Stabilization Act of 1970 (which includes prices, rents, and

wages), the Subversive Activities Control Act, alien registration, treason (including espionage, sabotage, sedition, and the Smith Act of 1940), also violations relating to energy facilities, curfew and restricted areas, exportation of war materials, trading with an enemy, illegal use of uniform, and any other violations of the Federal statutes concerning national defense.

Negligent manslaughter--Causing the death of another, within the special maritime and territorial jurisdiction of the United States by wanton or reckless disregard for human life. Also negligent manslaughter of any Government official, the President of the United States, the President-elect, the Vice President, any officers and employees of the United States, any foreign officials, any official guests, or any internationally protected persons. Also includes misconduct, negligence, or inattention to duties by ship officers on a steamboat or vessel resulting in death to any person.

Nolo contendere--Defendant's plea in a criminal case indicating that he or she will not contest charges, but not admitting or denying guilt.

Nonviolent sex offenses--Transporting, coercing, or enticing any individual (including minors) to go from one place to another in interstate or foreign commerce, in the District of Columbia, or in any territory or possession of the United States with the intent and purpose to engage in prostitution, or any sexual activity for which any person can be charged with a criminal offense.

Offense--Violation of U.S. criminal law. Where more than one offense is charged, the offense with the greatest potential penalty is reported.

Other property offenses--Offenses that involve the destruction of property moving in interstate or foreign commerce in the possession of a common or contract carrier. The malicious destruction of Government property, or injury to U.S. postal property such as mailboxes or mailbags. Trespassing on timber and Government lands also is included.

Other public-order offenses--Violations of laws pertaining to bigamy; disorderly conduct on the U.S. Capitol grounds; civil disorder; and travel to incite riot. Included in "public-order, non-regulatory offenses."

Perjury--Making any false material declarations under oath in any proceeding before or ancillary to any court or grand jury of the United States. Includes knowingly or willfully giving false evidence or swearing to false statements under oath, or by any means procuring or instigating any person to commit perjury. Also includes any officers and employees of the Government listed under 13 U.S.C. 21-25 who willfully or knowingly furnish or cause to be furnished any false information or statement.

Personal recognizance--Pretrial release condition in which the defendant promises to appear at trial and no financial conditions are required to be met

Pretrial release--The release of a defendant from custody, for all or part of the time, before or during prosecution. The defendant may be released either on personal recognizance, unsecured bond, or on financial conditions. Includes defendants released within 2 days after arrest and defendants who were initially detained but subsequently released after raising bail or having release conditions changed at a subsequent hearing.

Property offenses, fraudulent--Property offenses involving the elements of deceit or intentional misrepresentation. Specifically includes embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.

Property offenses, non-fraudulent--Offenses against property: burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses (destruction of property and trespassing). These offenses are termed "non-fraudulent" only for the purpose of distinguishing them from the category "property offenses, fraudulent," above.

Public-order, non-regulatory offenses--Offenses concerning weapons; immigration; tax law violations (tax fraud); bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mailing or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses; and "other public-order offenses." These offenses are termed "non-regulatory" only for the purpose of distinguishing them from the category "public-order, regulatory offenses," below.

Public-order, regulatory offenses--Violations of regulatory laws and regulations in agriculture, antitrust, labor, food and drug, motor carrier, and other regulatory offenses that are not specifically listed in the category "public-order, non-regulatory offenses" above.

Racketeering and extortion--Racketeering is demanding, soliciting, or receiving anything of value from the owner, proprietor, or other person having a financial interest in a business, by means of a threat or promise, either expressed or implied. Extortion is the obtaining of money or property from another, without his or her consent, induced by the wrongful use of force or fear. Includes using interstate or foreign commerce or any facility in interstate or foreign commerce to aid racketeering enterprises such as arson, bribery, gambling, liquor, narcotics, prostitution, and extortionate credit transactions; obtaining property or money from another, with his or her consent induced by actual or threatened force; violence, blackmail, or committing unlawful

interference with employment or business; transmitting by interstate commerce or through the mail any threat to injure the property, the person, or the reputation of the addressee or of another; or kidnaping any person with intent to extort.

Robbery--Taking anything of value from the person or presence of another by force or intimidation, within the special maritime and territorial jurisdiction of the United States. Includes robbery of bank property, U.S. postal property, or personal property of the United States. Assaulting or putting the life of any person in jeopardy by the use of a dangerous weapon while committing or attempting to commit such robbery.

Sexual abuse--Rape, assault with intent to commit rape, and carnal knowledge of a female under 16 who is not one's wife, within the territorial and special maritime jurisdiction of the United States. Also includes cases of sexual abuse, including abuse of a minor and abuse in Federal prisons.

Supervised release--Under the Sentencing Reform Act of 1984, a form of post-imprisonment supervision to be imposed by the court as a part of the sentence of imprisonment at the time of initial sentencing. Unlike parole, a term of supervised release does not replace a portion of the sentence of imprisonment, but rather is an order of supervision in addition to any term of imprisonment imposed by the court.

Surety bond--An agreement by the defendant as a condition of release that requires a third party (usually a bail bondsman) to promise to pay the full bail amount in the event that the defendant fails to appear.

Tax law violations--Tax fraud offenses such as income tax evasion and fraud; counterfeiting any stamps with intent to defraud the collection or payment of tax; willfully failing to collect or pay tax; failure to obey summons to produce any papers concerning taxes; failing to furnish receipts for employees of tax withheld; failing to furnish information relating to certain trusts, annuity, and bond purchase plans; putting fraudulent or false statements on tax returns; and not obtaining a license for a business that makes a profit from foreign items. Also included are violations of excise and wagering tax laws and other laws from the Internal Revenue Service code.

Technical violation--Failure to comply with conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. May result in revocation of release status. Examples of conditions that may be imposed and then violated include remaining within a specified jurisdiction, or appearing at specified intervals for drug tests.

Threats against the President--Knowingly and willfully depositing in the mail, at any post office, or by any letter carrier a letter, paper, writing, print, missive, or document containing any threat to take the life of

or to inflict bodily harm upon the President, Vice President, or any other officer in order of succession to the Presidency. Knowingly and willfully making such threats in any way to the above-named people.

Traffic offenses--Driving while intoxicated or any moving or parking violation on Federal lands.

Trafficking--Knowingly and intentionally importing or exporting any controlled substance in schedules I-V (as defined by 21 U.S.C. 812). Manufacturing, distributing, dispensing, selling, or possessing with intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance. Exporting any controlled substance in schedules I-V. Manufacturing or distributing a controlled substance in schedule I or II for purposes of unlawful importation. Making or distributing any punch, die, plate, stone, or any other thing designed to reproduce the label on any drug or container or removing or obliterating the label or symbol of any drug or container. Knowingly opening, maintaining, or managing any place for the purpose of manufacturing, distributing, or using any controlled substance.

Transportation--Violations of Federal statutes relating to the Motor Carrier Act, which regulate (routes, rates) motor carriers of freight and passengers in interstate commerce.

Transportation of stolen property--Transporting, selling, or receiving stolen goods, stolen securities, stolen moneys, stolen cattle, fraudulent State tax stamps, or articles used in counterfeiting if the above articles or goods involve or constitute interstate or foreign commerce.

Unsecured bond--An agreement by the defendant as a condition of release in which the defendant agrees to pay full bond amount in the event of nonappearance at trial, but is not required to post security as a condition of release.

Violation (of pretrial release, probation, or parole)--Allegation of either a new crime or a technical violation while on pretrial release, probation, or parole.

Violent offenses--Threatening, attempting, or actually using physical force against a person. Includes murder and non-negligent manslaughter, negligent manslaughter, assault, robbery, sexual abuse, kidnaping, and threats against the President. (See specific offenses.)

Weapons--Violations of any of the provisions of 18 U.S.C. 922, 923 concerning the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Manufacturing, selling, possessing, or transporting (within any territory or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States) any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms

Registration Transfer Record. Engaging in importing, manufacturing, or dealing in firearms if not registered with the secretary in the Internal Revenue Service District in which the business is conducted, or not having paid a special occupational tax. This code covers cases where in a crime-of-violence- or drug-trafficking-enhanced punishment is handed down when committed with a deadly weapon.

Wildlife offenses--Violations of Federal law enacted to protect endangered or threatened species, as well as migratory birds. The Endangered Species Act makes it unlawful for any person to take, import, sell, or ship endangered or threatened wildlife, and the Migratory Bird Treaty Act protects migratory birds. The Lacey Act prohibits the trade in illegally taken fish and wildlife. This category replaces the "Migratory birds" category beginning in 2002.