



UNITED NATIONS

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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE
CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

UNITED STATES OF AMERICA

COMMUNICATED BY THE GOVERNMENT OF
THE UNITED STATES OF AMERICA

NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931
for Limiting the Manufacture and Regulating the Distribution of Narcotic
Drugs, as amended by the Protocol of 11 December 1946, the Secretary-
General has the honour to communicate the following legislative text.

New York, 1951

PUBLIC LAW 255 - 82d CONGRESS
CHAPTER 666 - 1st SESSION
H. R. 3490

AN ACT

To amend the penalty provisions applicable to persons convicted of violating certain narcotic laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (c) of the Narcotic Drugs Import and Export Act, as amended (U.S.C, title 21, sec. 174), is amended to read as follows:

"(c) Whoever fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, or conspires to commit any of such acts in violation of the laws of the United States, shall be fined not more than \$2,000 and imprisoned not less than two or more than five years. For a second offense, the offender shall be fined not more than \$2,000 and imprisoned not less than five or more than ten years. For a third or subsequent offense, the offender shall be fined not more than \$2,000 and imprisoned not less than ten or more than twenty years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this subdivision, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this subdivision or in section 2557 (b) (1) of the Internal Revenue Code, or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the Act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202 of the Act of May 26, 1922 (42 Stat. 596), as amended; section 12, chapter 553, of the Act of August 2, 1937 (50 Stat. 556), as amended; or sections 2557 (b) (1) or 2596 of the Internal Revenue Code enacted February 10, 1939 (ch. 2, 53 Stat. 274, 282), as amended.

Narcotic law
violations,
penalties.
42 Stat. 596.

Infra.

21 U.S.C. §§ 171,
173, 174-177.

After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this subdivision.

65 Stat. 768.

"Whenever on trial for a violation of this subdivision the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury."

65 Stat. 767.

65 Stat. 768.

SEC. 2. Section 2557 (b) (1) of the Internal Revenue Code is amended to read as follows:

53 Stat. 274.

26 U.S.C. § 2557.

"(1) Whoever commits an offense or conspires to to commit an offense described in this subchapter, subchapter C of this chapter, or parts V or VI of subchapter A of chapter 27, for which no specific penalty is otherwise provided, shall be fined not more than \$2,000 and imprisoned not less than two or more than five years. For a second offense, the offender shall be fined not more than \$2,000 and imprisoned not less than five or more than ten years. For a third or subsequent offense, the offender shall be fined not more than \$2,000 and imprisoned not less than ten or more than twenty years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this paragraph, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this paragraph or in section 2 (c) of the Narcotic Drugs Import and Export Act, as amended (U.S.C., title 21, sec. 174) or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the Act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202, of the Act of May 26, 1922 (42 Stat. 596), as amended; section 12, Chapter 553, of the Act of August 2, 1937 (50 Stat. 556), as amended; or sections 2557 (b) (1) or 2596 of the

53 Stat. 269.

26 U.S.C.

§§ 2550-2565,

2590-2604,

3220-3239.

Infra.

Internal Revenue Code enacted February 10, 1939 (ch. 2, 53-Stat. 274, 282), as amended. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this paragraph."

SEC. 3. Section 2596 of the Internal Revenue Code is amended to read as follows:

"SEC. 2596. PENALTIES.

"For penalties for violating or failing to comply with any of the provisions of this subchapter, see section 2557 (b) (1)."

SEC. 4. Section 3235 of the Internal Revenue Code is amended to read as follows:

"SEC. 3235. PENALTIES.

"For penalties for violating or failing to comply with any of the provisions of this part, see section 2557 (b) (1)."

SEC. 5. There are hereby repealed

(1) section 2 (f) of the Narcotic Drugs Import and Export Act, as amended (U.S.C., title 21, sec. 174);

(2) the Act of August 12, 1937, as amended (U.S.C., title 21, secs. 200-200 (b));

(3) sections 2557 (b) (5), (6), and (7) of the Internal Revenue Code.

SEC. 6. Any rights or liabilities now existing under the laws or parts thereof repealed by this Act shall not be affected by such repeal.

53 Stat. 282.
26 U.S.C.
§ 2596.

53 Stat. 387.
26 U.S.C.
§ 3235.

65 Stat. 768.
65 Stat. 769.
Repeals.
42 Stat. 597.

50 Stat. 627.
21 U.S.C.
 §§ 200-200b.
All 65 Stat. 769
53 Stat. 275.
26 U.S.C.
§ 2557.

Approved November 2, 1951.

EXECUTIVE ORDER 10302

Interdepartmental Committee on Narcotics

By virtue of the authority vested in me as President of the United States, and subject to the provisions of section 214 of the Independent Offices Appropriation Act, 1946 (59 Stat. 134; 31 U.S.C. 691), it is ordered as follows:

SECTION 1. There is hereby established the Interdepartmental Committee on Narcotics, which shall have as members one representative of each of the Departments of the Treasury, State, Defense, Justice, and Agriculture, and of the Federal Security Agency. The head of each such department and agency shall designate the representative thereof, and shall also designate an alternate representative. The Chairman of the Committee shall be designated by the President, from among its representative members or as an additional member.

SECTION 2. It shall be the duty of the said Committee:

(a) To maintain information regarding Federal, State, and local law-enforcement action taken in connection with the illegal sale and use of narcotic drugs and marihuana, and to disseminate such information to Federal, State, and local law enforcement agencies and crime commissions.

(b) To maintain information regarding the character and effects of narcotic drugs and marihuana and the nature and results of drug addiction.

(c) To examine and study problems and developments arising in the administration and enforcement, national and international, of the laws and conventions relating to narcotic drugs and marihuana.

(d) To examine and study the problems of prevention and control of drug addiction and habituation and of the treatment and rehabilitation of addicts and other habituated persons.

(e) To advise the President as to such problems and developments, and to recommend such international, national, State, and local measures as, in the opinion of the Committee, should be taken with respect to such problems.

(f) To perform such other functions, authorized or permitted by law, with respect to the enforcement of the laws relating to narcotic drugs and marihuana or with respect to other matters within the scope of this section as the President may direct.

SECTION 3. All executive departments and agencies of the Government are requested to cooperate with the said Committee and to furnish it such available information as it may require for the performance of its duties; but this order shall not be construed as otherwise modifying the functions or responsibilities of any such department or agency.

THE WHITE HOUSE, November 2, 1951.
[F.R. Doc. 51-13424; Filed, Nov 5, 1951; 10:02 a.m.]