

Public Law 104–305
104th Congress

An Act

To combat drug-facilitated crimes of violence, including sexual assaults.

Oct. 13, 1996

[H.R. 4137]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Drug-Induced
Rape Prevention
and Punishment
Act of 1996.
21 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drug-Induced Rape Prevention and Punishment Act of 1996”.

SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) **PENALTIES FOR DISTRIBUTION.**—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

21 USC 841.

“(7) **PENALTIES FOR DISTRIBUTION.**—

“(A) **IN GENERAL.**—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual’s knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

“(B) **DEFINITION.**—For purposes of this paragraph, the term ‘without that individual’s knowledge’ means that the individual is unaware that a substance with the ability to alter that individual’s ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.”.

(b) **ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.**—

(1) **GENERAL PENALTIES.**—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting “, or 1 gram of flunitrazepam,” after “I or II”; and

(B) in subsection (b)(1)(D), by inserting “or 30 milligrams of flunitrazepam,” after “schedule III.”.

(2) **IMPORT AND EXPORT PENALTIES.**—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting “or flunitrazepam” after “I or II”.

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting “or flunitrazepam,” after “I or II”.

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting “(except a violation involving flunitrazepam)” after “III, IV, or V.”.

28 USC 994 note.

(3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after “exceeds 1 gram.” the following: “Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both.”.

SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

21 USC 872 note.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

Approved October 13, 1996.

LEGISLATIVE HISTORY—H.R. 4137:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 25, 26, considered and passed House.

Oct. 3 considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendment.

