

104TH CONGRESS
2D SESSION

H. R. 4137

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1996

Mr. SOLOMON (for himself, Mr. MCCOLLUM, Ms. MOLINARI, Mr. BARR of Georgia, Mr. HEINEMAN, Mr. ACKERMAN, Mr. BAKER of Louisiana, Mr. BILBRAY, Mr. BLUTE, Mr. CHRISTENSEN, Mr. CLYBURN, Ms. DUNN of Washington, Mrs. FOWLER, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GENE GREEN of Texas, Mr. JOHNSTON of Florida, Mrs. KELLY, Mr. MCINTOSH, Mr. NETHERCUTT, Mr. OXLEY, Ms. PRYCE, Mrs. SEASTRAND, Mr. SHAW, Ms. SLAUGHTER, Mrs. VUCANOVICH, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. WELLER, and Mr. PAYNE of New Jersey) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. USE OF CONTROLLED SUBSTANCES TO COMMIT**
5 **SEXUAL ASSAULT CRIMES OF VIOLENCE**

6 Section 404 of the Controlled Substances Act (21
7 U.S.C. 844) is amended by inserting “a person convicted
8 under this subsection for the possession of a mixture or
9 substance containing a detectable amount of a controlled
10 substance, with the intent to administer such mixture or
11 substance to another person to facilitate a crime of vio-
12 lence, as defined in section 16 of title 18, United States
13 Code, (including a sexual assault) against that person,
14 shall be fined under title 18, United States Code, or im-
15 prisoned not more than 15 years, or both, and if the victim
16 or intended victim of the crime of violence is age 14 or
17 under, shall be imprisoned not more than 20 years, and”
18 after “Notwithstanding the preceding sentence,”.

19 **SEC. 3. ADDITIONAL PENALTIES RELATING TO**
20 **FLUNITRAZEPAM.**

21 (a) GENERAL PENALTIES.—Section 401 of the Con-
22 trolled Substances Act (21 U.S.C. 841) is amended—

23 (1) in subsection (b)(1)(A)—

24 (A) by striking “or” at the end of clause
25 (vii);

1 (B) by inserting “or” at the end of clause
2 (viii);

3 (C) by inserting after clause (viii) the fol-
4 lowing:

5 “(ix) 1 gram or more of flunitrazepam;”;

6 (2) in subsection (b)(1)(B)—

7 (A) by striking “or” at the end of clause
8 (vii);

9 (B) by inserting “or” at the end of clause
10 (viii);

11 (C) by inserting after clause (viii) the fol-
12 lowing:

13 “(ix) 100 mg or more of flunitrazepam;”;

14 (3) in subsection (b)(1)(C), by inserting “or
15 flunitrazepam” after “I or II”.

16 (b) IMPORT AND EXPORT PENALTIES.—

17 (1) Section 1009(a) of the Controlled Sub-
18 stances Import and Export Act (21 U.S.C. 959(a))
19 is amended by inserting “or flunitrazepam” after “I
20 or II”.

21 (2) Section 1010(b) of the Controlled Sub-
22 stances Import and Export Act (21 U.S.C. 960(b))
23 is amended—

24 (A) in paragraph (1)—

1 (i) by striking “or” at the end of sub-
2 paragraph (G);

3 (ii) by inserting “or” at the end of
4 subparagraph (H);

5 (iii) by inserting after subparagraph
6 (H) the following:

7 “(I) 1 gram or more of flunitrazepam;” and

8 (B) in paragraph (2)—

9 (i) by striking “or” at the end of sub-
10 paragraph (G);

11 (ii) by inserting “or” at the end of
12 subparagraph (H);

13 (iii) by inserting after subparagraph
14 (H) the following:

15 “(I) 100 mg or more of flunitrazepam;”

16 and

17 (C) in paragraph (3), by inserting “or
18 flunitrazepam” after “I or II,”.

19 (3) Section 1010(b)(4) of the Controlled Sub-
20 stances Import and Export Act is amended by in-
21 serting “(except a violation involving
22 flunitrazepam)” after “III, IV, or V,”.

23 **SEC. 4. SENTENCING GUIDELINES.**

24 Pursuant to its authority under section 994 of title
25 28, United States Code, the United States Sentencing

1 Commission shall review and amend the sentencing guide-
2 lines for offenses involving flunitrazepam. The Commis-
3 sion shall submit to Congress a summary of its review,
4 and an explanation for any amendment to the sentencing
5 guidelines made pursuant to this section. In carrying out
6 this section, the Commission shall ensure that the sentenc-
7 ing guidelines for such offenses reflect the serious nature
8 of such offenses.

9 **SEC. 5. STUDY ON RESCHEDULING FLUNITRAZEPAM.**

10 The Administrator of the Drug Enforcement Admin-
11 istration shall conduct a study on the appropriateness and
12 desirability of rescheduling flunitrazepam as a Schedule
13 I controlled substance under the Controlled Substances
14 Act (21 U.S.C. 801 et seq.), and shall consult with other
15 Federal and State agencies as appropriate. Not later than
16 180 days after the date of the enactment of this Act, the
17 Administrator shall submit the results of such study, to-
18 gether with any recommendations as to such rescheduling,
19 to the Committees on the Judiciary of the House of Rep-
20 resentatives and the Senate.

21 **SEC. 6. EDUCATIONAL PROGRAM FOR POLICE DEPART-**
22 **MENTS.**

23 The Attorney General is authorized to create edu-
24 cational materials regarding the use of controlled sub-
25 stances in the furtherance of rapes and sexual assaults

1 and disseminate those materials to police departments
2 throughout the United States.

○