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105TH CONGRESS
2D SESSION

H. R. 3919

To direct the United States Sentencing Commission to provide penalty enhancements for drug offenses committed in the presence of children.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1998

Mr. NETHERCUTT (for himself, Mr. LIVINGSTON, Ms. DUNN of Washington, Mr. HAYWORTH, Mrs. MYRICK, Mrs. EMERSON, Mr. LATHAM, Mr. GILMAN, Mr. SAM JOHNSON, Mr. HASTERT, Mr. WICKER, Mr. HUTCHINSON, Mr. BARR of Georgia, Mr. MCCOLLUM, Mr. SOUDER, Mr. HASTINGS of Washington, Mr. METCALF, Mr. MICA, Mr. SESSIONS, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To direct the United States Sentencing Commission to provide penalty enhancements for drug offenses committed in the presence of children.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Save Our Children Act of 1998''.

SEC. 2. GUIDELINES.

The United States Sentencing Commission shall amend or promulgate sentencing guidelines no later than 120 days after the date of enactment of this Act to provide that an offense under part D of the Controlled Substances Act which is committed in the presence of a child receives a penalty enhancement. The Sentencing Guidelines, as so amended or promulgated, shall reflect a minimum 2 offense levels greater than the offense level for the underlying offense or one year, whichever is greater, and in the case of a second such offense, not less than 4 offense levels greater or 2 years than the offense level, whichever is higher, for the underlying offense.

SEC. 3. DEFINITION.

For the purposes of this Act, an offense is in the presence of a child if—

(1) it takes place in the line of sight of an individual who has not attained the age of 18 years; or

(2) an individual who has not attained the age of 18 years habitually resides in the place where the violation occurs.

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