

111TH CONGRESS  
1ST SESSION

# H. R. 2848

To amend the Controlled Substances Act with regard to penalties for trafficking in high potency marihuana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2009

Mr. KIRK introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and 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

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## A BILL

To amend the Controlled Substances Act with regard to penalties for trafficking in high potency marihuana, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “High Potency Mari-  
5       huana Sentencing Enhancement Act of 2009”.

1 **SEC. 2. HIGH POTENCY MARIHUANA TRAFFICKING**  
2 **PENALITES.**

3 Section 401(b) of the Controlled Substances Act (21  
4 U.S.C. 841(b)) is amended by adding at the end the fol-  
5 lowing:

6 “(8)(A) Unless a higher penalty is otherwise  
7 provided in this Act, in the case of a violation of  
8 subsection (a) involving high potency marihuana  
9 such person shall be sentenced to a term of impris-  
10 onment of not more than 25 years and if death or  
11 serious bodily injury result shall be sentenced to a  
12 term of imprisonment of not less than 20 years or  
13 more than life, a fine not to exceed the greater of  
14 that provided in title 18, United States Code, or  
15 \$1,000,000 if the defendant is an individual or  
16 \$5,000,000 if the defendant is other than an indi-  
17 vidual, or both. If any person commits such a viola-  
18 tion after a prior conviction for a felony drug offense  
19 has become final, such person shall be sentenced to  
20 a term of imprisonment of not more than 35 years,  
21 and if death or serious bodily injury result from the  
22 use of such substance shall be sentenced to life im-  
23 prisonment, a fine not the exceed the greater of that  
24 provided in title 18, United States Code, or  
25 \$2,000,000 if the defendant is an individual or  
26 \$10,000,000 if the defendant is other than an indi-

1       vidual, or both. Notwithstanding any other provision  
2       of law, the court shall not place on probation or sus-  
3       pend the sentence of any person sentenced under the  
4       provisions of this subparagraph which provide for a  
5       mandatory term of imprisonment.

6               “(B) In this paragraph, the term ‘high potency  
7       marihuana’ means marihuana with a  
8       Tetrahydrocannabinol content of 15 percent or  
9       more.”.

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