IN THE SENATE OF THE UNITED STATES

Mr. PAYNE introduced the following joint resolution; which

was read twice and referred to the Committee on ______

JOINT RESOLUTION

To provide for a more effective control of narcotic drugs, and for other purposes.

Whereas the postwar period has witnessed a substantial and alarming increase in the illicit supply and demand for narcotic drugs in the United States, notwithstanding strenuous efforts on the part of Federal and State authorities; and

Whereas illicit traffic in narcotic drugs for profit are the primary and sustaining sources of addiction and are of material danger to public morals, health, safety, and welfare; and

Whereas narcotic-drug addiction on the part of minors is particularly undesirable, is observed similarly to have increased in the postwar period, and is known historically to occur during periods of increased juvenile delinquency such as appears today; and

Whereas strongly deterrent penal laws, with alert enforcement, are acknowledged to be the most effective method of terminating illicit traffic and supply of narcotic drugs for profit; and

Whereas the need continues and grows for reduction of the demand for such drugs through proper treatment, cure, and rehabilitation of persons already addicted to the use of narcotics: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act, divided into titles, may be cited as the "Narcotics Control Act of 1955."
TITLE I--ORGANIZATION
TRANSFER OF BUREAU OF NARCOTICS

Sec. 101. (a) There are hereby transferred to the Attorney General all functions of the Bureau of Narcotics, and all functions of the Secretary of the Treasury in relation thereto.

(b) The Attorney General may from time to time make such provisions as he may deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Justice of any function transferred to such Attorney General by the provisions of this section.

(c) There are hereby transferred to the Department of Justice, to be used, employed, and expended in connection with the functions transferred by the provisions of this section, the records and property now being used or held in connection with such functions, the personnel employed in connection with such functions, and the unexpended balances of appropriations, allocations, and other funds available or to be made available for use in connection with such functions. Such further measures and dispositions as the Director of the Budget shall determine to be necessary in order to effectuate the transfers provided in this subsection shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

POWERS OF BUREAU OF NARCOTICS

Sec. 102. (a) Chapter 203 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"3061. Powers of the Bureau of Narcotics

"The Commissioner, Deputy Commissioner, Assistant to the Commissioner, and agents of the Bureau of Narcotics of the Department of Justice may carry firearms, execute and serve search warrants and arrest warrants, serve subpoenas and summonses issued under the authority of the United States, and make arrests without warrant for violations of any law of the United States relating to narcotic drugs (as defined in the first section of the Narcotic Drugs Import and Export Act (21 U. S. C., sec. 171)) or marihuana (as defined in section 3238 of the Internal Revenue Code) where the violation is committed in the presence of the person making the arrest or where such person has reasonable grounds to believe that the person arrested has committed or is committing such violation."

(b) The analysis of chapter 203 of title 18 of the United States
Code, immediately preceding section 3041 of such title, is amended by adding at the end thereof the following new item:
"3061. Powers of the Bureau of Narcotics."

DIVISION OF NARCOTIC CLINICS

Sec. 103. The Secretary of Health, Education, and Welfare is authorized and directed to establish in the Public Health Service a Division of Narcotic Clinics for the treatment of narcotics addicts which shall--

(1) establish and maintain hospitals, farms, and other institutions for the care and rehabilitation of those suffering from drug addiction;

(2) assist the several States and reputable private agencies to establish and maintain hospitals, farms, and other institutions for the care and rehabilitation of those suffering from drug addiction;

(3) train and educate personnel for the several States and reputable private institutions in its approved methods for treatment, cure, and rehabilitation of those suffering from drug addiction;

(4) utilize the facilities of the United States Employment Service in obtaining useful and suitable employment for those former sufferers from chronic alcoholism and drug addiction who have been discharged from hospitals of the Bureau and assist States and reputable private institutions in placement of discharged patients; and

(5) cooperate with, advise, consult with, and encourage the organization of associations, public and private, engaged in work with drug addiction.

Sec. 104. The director of the Division of Narcotic Clinics and all other necessary personnel, shall be appointed by the Secretary of Health, Education, and Welfare without regard to the civil-service laws and without reference to political affiliations, solely on the grounds of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1949.

Sec. 105. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 103 and 104 of this title.
TITLE II --GENERAL PROVISIONS
PUBLIC HEALTH SERVICE AMENDMENTS

Sec. 201. The Public Health Service Act (42 U. S. C., ch. 6A) is amended by redesignating section 345 as section 346 and by inserting after section 344 the following new section:

"PERSONS COMMITTED BY STATE COURTS"

"Sec. 345. (a) The Surgeon General is authorized to admit for care and treatment in any hospital of the Service suitably equipped therefor, and thereafter to transfer between hospitals of the Service in accordance with section 321 (b), any addict, other than one under sentence for violation of any State law, who is committed by a court of competent jurisdiction of a State or by the United States District Court for the District of Columbia, to the Service or to a hospital thereof for care and treatment and who the Surgeon General determines is a proper subject for such care and treatment. No such addict shall be admitted unless suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted, and unless the State agrees to pay to the United States, either in advance or otherwise, as may be determined by the Surgeon General, all costs involved in providing such care and treatment (including the cost of transportation to and from facilities of the Public Health Service). Such costs may be determined for each addict or on the basis of rates established for all or particular classes of patients.

"(b) Any person admitted to a hospital of the Service pursuant to subsection (a) shall be discharged therefrom when he is found by the Surgeon General to be cured and rehabilitated, or at the request of the proper authorities of the State in which is situated the committing court.

"(c) With respect to the detention, transfer, parole, or discharge of any person committed to a hospital of the Service in accordance with subsection (a), the Surgeon General and the officer in charge of the hospital, in addition to authority otherwise vested in them, shall have such authority as may be conferred upon them, respectively, by the law of the State in which is situated the committing court.

"(d) Moneys paid to the United States for the care and treatment of persons committed in accordance with subsection (a) shall be covered into the Treasury of the United States as miscellaneous receipts. Appropriations available for the care and treatment of addicts admitted to a hospital of the Service under this section shall be available, subject to regulations, for paying the cost of transportation to any State, including subsistence allowance while traveling, for any such addict who is indigent and is discharged."
Sec. 202. The first sentence of section 341 of such Act is amended to read: "The Surgeon General is authorized to provide for the confinement, care, protection, treatment, and discipline of persons addicted to the use of habit-forming narcotic drugs who voluntarily submit themselves for treatment, addicts who have been or are hereafter convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and addicts who are committed to the Service or to a hospital thereof pursuant to section 345."

Sec. 203. The third sentence of section 344 (b) of such Act is amended to read as follows: "No such addict shall be admitted unless he agreed to submit to treatment for the maximum amount of time estimated by the Surgeon General to be necessary to effect a cure, and unless suitable accommodations are available after all eligible addicts convicted of offenses against the United States and all eligible addicts committed pursuant to section 345 have been admitted."

Sec. 204. Such Act is further amended by adding the following new section after the section herein redesignated as section 346:

"RELEASE OF PATIENTS

"Sec. 347. For purposes of this Act, an individual shall be deemed cured of his addiction if the Surgeon General determines that he has received the maximum benefits of treatment and care by the Service for his addiction or if the Surgeon General determines that his further treatment and care for such purpose would be detrimental to the interests of the Service."

PENALTIES

Sec. 205. 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 $3,000 and imprisoned not less than five or more than ten years. For a second offense, the offender shall be fined not more than $5,000 and imprisoned not less than ten or more than twenty years. For a third or subsequent offense, the offender shall be imprisoned for life. 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.

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.

"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."

Sec. 206. Section 2557(b) (1) of the Internal Revenue Code is amended to read as follows:

"(1) Whoever commits an offense or conspires 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 $3,000 and imprisoned not less than five nor more than ten years. For a second offense, the offender shall be fined not more than $5,000 and imprisoned not less than ten or more than twenty years. For a third or subsequent offense, the offender shall be imprisoned for life. 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 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. 207. (a) Whoever sells, transfers, barters, exchanges, or gives away, or facilitates the sale, transfer, barter, exchange, or giving away, of any narcotic drug as defined in section 1 of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, sec. 171), in violation of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, secs. 171-185), or of sections 2550-2565 or 3220-3228 of the Internal Revenue Code, to any person who has not attained the age of twenty-one years, shall, notwithstanding any other penalties provided by law, be punished by imprisonment for twenty years. For a second offense, notwithstanding any other penalties provided by law, the offender shall suffer death, unless the jury qualifies its verdict by adding thereto "without capital punishment", in which event he shall be sentenced to imprisonment for life.

(b) Whoever sells, transfers, barters, exchanges, or gives away, or facilitates the sale, transfer, barter, exchange, or giving away, of marihuana as defined in section 3238 (b) of the Internal Revenue Code, in violation of sections 2590-2603 or 3230-3238 of the Internal Revenue Code, to any person who has not attained the age of twenty-one years, shall, notwithstanding any other penalties provided by law, be punished by imprisonment for ten years. For a second or subsequent offense, notwithstanding any other penalties provided by law, the offender shall be punished by imprisonment for twenty years.

(c) For the purposes of this section, an offender shall be considered a second offender if he previously has been convicted of any offense the penalty for which is provided in this section. After conviction, but prior to a pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or second 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 section. Upon conviction for an offense, the penalty for which is provided for in this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.

(d) The provisions of this section shall apply only with respect to offenses committed on or after the effective date of this Act.

EDUCATIONAL ACTIVITIES

Sec. 208. (a) It is the purpose of this section to encourage the establishment in teachers' colleges of courses to instruct teachers and prospective teachers in the causes and effects of narcotic addiction, so that they may be better prepared, as teachers, to minimize or prevent narcotic addiction among their students.

(b) As used in this section--

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "teachers' college" means any college, university, or other educational institution which offers courses designed to prepare individuals to teach in elementary or secondary schools.

(c) (1) There are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1956, such sums as Congress may determine for grants to carry out the purpose of this section. From the sums available therefor for any fiscal year, the Secretary shall make grants to eligible teachers' colleges to pay, in whole or in part, the compensation of instructors teaching courses in the causes and effects of narcotic addiction. Payments under this subsection may be made in advance or by way of reimbursement, as determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(2) A teachers' college shall be eligible for a grant under this section if it offers a course of not less than four hours of instruction in the causes and effects of narcotic addiction, and if it complies with such other conditions of eligibility as the Secretary prescribes by regulation in order to carry out the purpose of this section.
(d) (1) The Secretary may delegate any of his functions under this section (except the making of regulations under subsection (c) (2)) to any officer or employee of the Department of Health, Education, and Welfare.

(2) The Secretary shall make annual reports to the Congress as to the administration of this section.

Sec. 209. (a) In order to enable the Office of Education more effectively to determine the best methods of educating students enrolled in and pursuing a program of education or training leading to a teacher's certificate or a teacher's degree to all aspects of the narcotic addiction problem, the Commissioner of Education is authorized to enter into contracts or jointly financed cooperative arrangements with State educational agencies, local school systems, and public and nonprofit educational institutions and organizations for the conduct of research, surveys, and demonstrations with respect to all phases of such problem with particular reference to the prevention of narcotic addiction.

(b) There are hereby authorized to be appropriated annually to the Office of Education, Department of Health, Education, and Welfare, such sums as the Congress determines to be necessary to carry out the purposes of this section.

EFFECTIVE DATE

Sec. 210. This Act shall become effective on the first day of the second month beginning after the date of enactment of this Act.