MEMORANDUM ANALYSIS OF PAYNE NARCOTICS BILL

TITLE I -- ORGANIZATION

Sec. 101. Transfer of Bureau of Narcotics

This section would transfer the Bureau of Narcotics from the Treasury Department to the Department of Justice as recommended by the First Hoover Commission. In its report on the Treasury Department the Hoover Commission stated:

"The work of the Bureau of Narcotics is of two kinds. Law enforcement, or the detection and apprehension of violators of the narcotic laws, accounts for about 80 percent of the work of the Bureau. About 20 percent of its work consists of regulating the flow and manufacture of drugs and preparations made from narcotics. This latter phase of its work is done primarily through licensing.

"The relation of the Bureau to the rest of the Treasury Department is largely confined to cooperation with the Customs Bureau in administering the prohibitive features of the Narcotic Drugs Import and Export Act at the ports. Its other major relations are with the Federal Security Agency and the State Department.

"The police work of the Bureau involves much the same kind of relationship with State and local police authorities as is maintained by the Department of Justice for other types of Federal law enforcement. Duplication could be eliminated and economy achieved by consolidating the work of the Bureau of Narcotics with that of the law enforcement work of the Department of Justice. The same working relations would of necessity be maintained with the Customs Bureau.

"At the same time crime detection within the country would be facilitated by a single channel of contact with State and local authorities in the apprehension of violators who generally form a part of the criminal element shifting or combining their activities with other lawless acts." TREASURY DEPARTMENT, A REPORT TO THE CONGRESS BY THE COMMISSION ON THE ORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT (First Hoover Commission), March 1949, H. Doc. 115, 81st Cong. 1st Sess. pp. 8-9

Sec. 102. Powers of Bureau of Narcotics

This section would give agents of the Bureau of Narcotics power to carry firearms, execute and serve warrants, serve subpoenas, and make arrests without warrants for narcotic law violations. This would give narcotics agents powers similar to those of FBI agents.

Sec. 103 - 105. Division of Narcotic Clinics

These sections would create within the Public Health Service a
vision of Narcotic Clinics to establish and operate hospitals, farms, and other institutions for the treatment of narcotic addicts and to foster and aid States and reputable private groups working in this field.

TITLE II -- GENERAL PROVISIONS

Sec. 201 - 204. Public Health Service Act Amendments.

These sections would authorize the care and treatment by the Public Health Service of narcotic addicts committed by State courts and the U. S. District Court for the District of Columbia with the States and District of Columbia paying the cost of such care and treatment.

Sec. 205-206. Penalties for Narcotic Violations.

These sections would amend the Narcotic Drugs Import and Export Act and the Internal Revenue Code to increase penalties for regular narcotic violations as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Present Provision</th>
<th>Proposed Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>$2000 and &quot;not less than two or more than five years.&quot;</td>
<td>$3000. and not less than five or more than ten years.</td>
</tr>
<tr>
<td>2nd</td>
<td>$2000 and &quot;not less than five or more than ten years.&quot;</td>
<td>$5000. and not less than ten years or more than twenty years.</td>
</tr>
<tr>
<td>3rd or subsequent</td>
<td>$2000 and &quot;not less than ten or more than twenty years.&quot;</td>
<td>Imprisonment for life.</td>
</tr>
</tbody>
</table>

Sec. 207. Penalties for Sale or Furnishing of Narcotics to Minors.

This section would increase penalties for sale or furnishing of narcotics and marihuana to persons under twenty-one years of age as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Present Provision for Both Narcotics and Marihuana</th>
<th>Proposed Provision for Narcotics</th>
<th>Proposed Provision for Marihuana</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>$2000 and &quot;not less than two or more than five years&quot;</td>
<td>Twenty years.</td>
<td>Ten years</td>
</tr>
<tr>
<td>2nd, and subsequent</td>
<td>$2000 and &quot;not less than five or more than ten years.&quot;</td>
<td>Death unless jury qualifies verdict to read &quot;without capital punishment - then imprisonment for life.&quot;</td>
<td>Twenty years</td>
</tr>
</tbody>
</table>
Sec. 208-209. Educational Activities.

Section 208 would authorize grants to educational institutions preparing individuals to teach in elementary and secondary schools to help defray the cost of courses in the causes and effects of narcotic addiction.

Section 209 would authorize research and studies in narcotic addiction and its prevention.

Sec. 210. Effective date

Effective date to be first day of second month beginning after enactment.