

Subsec. (d). Pub. L. 100-690, § 6053(c), added subsec. (d). 1986—Pub. L. 99-570, § 1005(c), amended Pub. L. 98-473, § 225. See 1984 Amendment note below.

Subsec. (b)(1), (2). Pub. L. 99-570, § 1302(a)(2), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) In the case of a violation under subsection (a) of this section involving—

“(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

“(i) coca leaves;

“(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

“(iii) a substance chemically identical thereto;

“(B) a kilogram or more of any other narcotic drug in schedule I or II;

“(C) 500 grams or more of phencyclidine (PCP);

“(D) 5 grams or more of lysergic acid diethylamide (LSD);

the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than \$250,000, or both.

“(2) In the case of a violation under subsection (a) of this section with respect to a controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3), be imprisoned not more than fifteen years, or fined not more than \$125,000, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than three years in addition to such term of imprisonment.”

Subsec. (b)(3). Pub. L. 99-570, § 1302(a)(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 99-570, § 1302(a)(1), (3), (b)(2), (3), redesignated former par. (3) as (4), inserted “except in the case of 100 or more marihuana plants regardless of weight,” and substituted “fined not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual” for “fined not more than \$50,000”.

Pub. L. 99-570, §§ 1302(b)(1), 1866(e), made identical amendment striking out “, except as provided in paragraph (4)” after “such violation shall”.

Pub. L. 99-570, § 1004(a), substituted “term of supervised release” for “special parole term” in two places.

Subsec. (c). Pub. L. 99-570, § 1004(a), substituted “term of supervised release” for “special parole term” wherever appearing, effective Nov. 1, 1987, the effective date of the repeal of subsec. (c) by Pub. L. 98-473, § 225. See 1984 Amendment note below.

1984—Subsec. (b). Pub. L. 98-473, § 225(a), which directed amendment of this subsection effective Nov. 1, 1987 (see section 235(a)(1) of Pub. L. 98-473 set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure) was omitted in the general amendment of section 225 of Pub. L. 98-473 by Pub. L. 99-570, § 1005(c).

Subsec. (b)(1). Pub. L. 98-473, § 504(1), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 98-473, § 504(1), (2), redesignated former par. (1) as (2), inserted provisions excepting pars. (1) and (3), and substituted reference to controlled substance for reference to narcotic drug, and “\$125,000” for “\$25,000”. Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 98-473, § 504(1), (3), redesignated former par. (2) as (3) and substituted “less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4)” for “a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall”, and “\$50,000” for “\$15,000”.

Subsec. (c). Pub. L. 98-473, § 225, as amended by Pub. L. 99-570, § 1005(c), struck out subsec. (c) which related to special parole terms imposed under this section or

section 962 of this title. Notwithstanding directory language that the amendment be made to “Section 1515 of the Controlled Substances Import and Export Act (21 U.S.C. 960)”, the amendment was executed to this section as the probable intent of Congress.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 330024(d)(2) of Pub. L. 103-322 effective 120 days after Dec. 17, 1993, see section 330024(f) of Pub. L. 103-322, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-200 effective on date that is 120 days after Dec. 17, 1993, see section 11 of Pub. L. 103-200, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6053(c) of Pub. L. 100-690 effective 120 days after Nov. 18, 1988, see section 6061 of Pub. L. 100-690, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1004(a) of Pub. L. 99-570 effective on date of taking effect of section 3583 of Title 18, Crimes and Criminal Procedure (Nov. 1, 1987), see section 1004(b) of Pub. L. 99-570 set out as a note under section 841 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 225 of Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 961. Prohibited acts B

Any person who violates section 954 of this title or fails to notify the Attorney General of an importation or exportation under section 971 of this title shall be subject to the following penalties:

(1) Except as provided in paragraph (2), any such person shall, with respect to any such violation, be subject to a civil penalty of not more than \$25,000. Sections 842(c)(1) and (c)(3) of this title shall apply to any civil penalty assessed under this paragraph.

(2) If such a violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally and the trier of fact specifically finds that the violation was so committed, such person shall be sentenced to imprisonment for not more than one year or a fine of not more than \$25,000 or both.

(Pub. L. 91-513, title III, § 1011, Oct. 27, 1970, 84 Stat. 1290; Pub. L. 100-690, title VI, § 6053(d), Nov. 18, 1988, 102 Stat. 4316.)

AMENDMENTS

1988—Pub. L. 100-690 inserted “or fails to notify the Attorney General of an importation or exportation under section 971 of this title”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective 120 days after Nov. 18, 1988, see section 6061 of Pub. L. 100-690, set out as a note under section 802 of this title.

§ 962. Second or subsequent offenses

(a) Term of imprisonment and fine

Any person convicted of any offense under this subchapter is, if the offense is a second or subse-