

104TH CONGRESS
2D SESSION

S. 2040

To amend the Controlled Substances Act to provide a penalty for the use of a controlled substance with the intent to rape, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 1996

Mr. HATCH (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to provide a penalty for the use of a controlled substance with the intent to rape, 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 “Drug-Induced Rape
5 Prevention Act of 1996”.

6 **SEC. 2. PENALTIES FOR DISTRIBUTION OF A CONTROLLED**
7 **SUBSTANCE WITH INTENT TO RAPE.**

8 Section 401(b) of the Controlled Substances Act is
9 amended by adding at the end the following:

1 “(7)(A) Whoever, with intent to rape an individual,
 2 violates subsection (a) by distributing a controlled sub-
 3 stance to that individual without that individual’s knowl-
 4 edge, shall be imprisoned not more than 20 years and
 5 fined as provided under title 18, United States Code.

6 “(B) As used in this paragraph—

7 “(i) the term ‘intent to rape’ means the intent
 8 to facilitate conduct defined in section 2241(b) or
 9 2242(2) of title 18, United States Code; and

10 “(ii) the term ‘without that individual’s knowl-
 11 edge’ means that the individual is unaware that a
 12 substance with the ability to alter that individual’s
 13 ability to appraise conduct or to decline participation
 14 in or communicate unwillingness to participate in
 15 conduct is administered to the individual.”.

16 **SEC. 3. ADDITIONAL PENALTIES RELATING TO**
 17 **FLUNITRAZEPAM.**

18 (a) **GENERAL PENALTIES.**—Section 401 of the Con-
 19 trolled Substances Act (21 U.S.C. 841) is amended—

20 (1) in subsection (b)(1)(C), by inserting “or 1
 21 gram of flunitrazepam” after “I or II”; and

22 (2) in subsection (b)(1)(D), by inserting “or 30
 23 milligrams of flunitrazepam,” after “schedule III,”.

24 (b) **IMPORT AND EXPORT PENALTIES.**—

1 (1) Section 1009(a) of the Controlled Sub-
2 stances Import and Export Act (21 U.S.C. 959(a))
3 is amended by inserting “or flunitrazepam” after “I
4 or II”.

5 (2) Section 1010(b)(3) of the Controlled Sub-
6 stances Import and Export Act (21 U.S.C. 960(b))
7 is amended by inserting “or flunitrazepam” after “I
8 or II,”.

9 (3) Section 1010(b)(4) of the Controlled Sub-
10 stances Import and Export Act is amended by in-
11 serting “(except a violation involving
12 flunitrazepam)” after “III, IV, or V,”.

13 (c) SENTENCING GUIDELINES.—The United States
14 Sentencing Commission shall amend the Sentencing
15 Guidelines so that one dosage unit of flunitrazepam shall
16 be equivalent to one gram of marihuana for determining
17 the offense level under the Drug Quantity Table.

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