

104TH CONGRESS
2D SESSION

S. 2050

To provide an enhanced penalty for distribution of controlled substances
to recovering addicts.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3, 1996

Mr. BIDEN introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To provide an enhanced penalty for distribution of controlled
substances to recovering addicts.

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 “Recovering Addict Pro-
5 tection Act of 1996”.

6 **SEC. 2. ENHANCED PENALTY FOR DISTRIBUTION OF CON-**
7 **TROLLED SUBSTANCES TO RECOVERING AD-**
8 **DICTS.**

9 (a) IN GENERAL.—Pursuant to its authority under
10 section 994 of title 28, United States Code, the United

1 States Sentencing Commission shall promulgate guidelines
2 or amend existing guidelines to provide an appropriate en-
3 hancement of the punishment for a defendant convicted
4 of violating section 401(a)(1) of the Controlled Substances
5 Act (21 U.S.C. 841(a)(1)) if the defendant distributes,
6 dispenses, or possesses with intent to distribute or dis-
7 pense, a controlled substance to a person the defendant
8 knows or should know is a recovering narcotics addict.

9 (b) RECOVERING NARCOTICS ADDICT.—For purposes
10 of subsection (a), the term “recovering narcotics addict”
11 means any individual who—

12 (1)(A) has previously habitually used any nar-
13 cotic drug, as defined in section 102 of the Con-
14 trolled Substances Act (21 U.S.C. 802(17)), so as to
15 endanger the public morals, health, safety, or wel-
16 fare; or

17 (B) who has been so far addicted to the use of
18 such narcotic drug as to have lost the power of self-
19 control with reference to such addiction; and

20 (2) has stopped using such narcotic drug by en-
21 gaging in treatment as defined in section 2901(d) of
22 title 28, United States Code.

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