

103^D CONGRESS
1ST SESSION

H. R. 762

To amend the Controlled Substances Act to increase penalties for the distribution of controlled substances at truck stops and rest areas.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. CLEMENT (for himself, Mr. TANNER, Mr. GORDON, Mr. GILMAN, Mr. SHUSTER, Mr. DE LUGO, Mr. EMERSON, Mr. STUMP, Mr. SKELTON, Mr. BARTON of Texas, Mr. MONTGOMERY, Mr. DURBIN, Mr. LEWIS of Florida, Mr. MANTON, Mr. OXLEY, and Mr. PACKARD) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and the Judiciary

A BILL

To amend the Controlled Substances Act to increase penalties for the distribution of controlled substances at truck stops and rest areas.

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 Free Truck Stop
5 Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the illegal use of controlled substances by
2 operators of private and commercial motor vehicles
3 represents a threat to the safety of all motorists and
4 their passengers on the Nation’s roadways; and

5 (2) as indicated by numerous studies, congres-
6 sional hearings, and investigations, individuals often
7 use the areas surrounding roadside truck stops and
8 roadside rest areas as sites for the distribution of
9 these controlled substances to the operators of com-
10 mercial motor vehicles.

11 **SEC. 3. INCREASED PENALTIES FOR DISTRIBUTION OF**
12 **CONTROLLED SUBSTANCES AT TRUCK STOPS**
13 **AND REST AREAS.**

14 (a) IN GENERAL.—Part D of the Controlled Sub-
15 stances Act (21 U.S.C. 801 et seq.) is amended by insert-
16 ing after section 408 the following new section:

17 “TRANSPORTATION SAFETY OFFENSES

18 “SEC. 409. (a) Any person who violates section
19 401(a)(1) or section 416 by distributing or possessing
20 with intent to distribute a controlled substance in or on,
21 or within 1,000 feet of, a truck stop or safety rest area
22 is (except as provided in subsection (b)) punishable—

23 “(1) by a term of imprisonment, or fine, or
24 both, up to twice that authorized by section 401(b)
25 of this title; and

1 “(2) at least twice any term of supervised re-
2 lease authorized by section 401(b) for a first offense.
3 Except to the extent a greater minimum sentence is other-
4 wise provided by section 401(b), a term of imprisonment
5 under this subsection shall be not less than one year.

6 “(b) Any person who violates section 401(a)(1) or
7 section 416 by distributing or possessing with intent to
8 distribute a controlled substance in or on, or within 1,000
9 feet of, a truck stop or a safety rest area after a prior
10 conviction or convictions under subsection (a) have become
11 final is punishable—

12 “(1) by the greater of (A) a term of imprison-
13 ment of not less than three years and not more than
14 life imprisonment or (B) a term of imprisonment of
15 up to three times that authorized by section 401(b)
16 of this title for a first offense, or a fine up to three
17 times that authorized by section 401(b) of this title
18 for a first offense, or both; and

19 “(2) at least three times any term of supervised
20 release authorized by section 401(b) of this title for
21 a first offense.

22 “(c) In the case of any sentence imposed under sub-
23 section (b), imposition or execution of such sentence shall
24 not be suspended and probation shall not be granted. An
25 individual convicted under subsection (b) shall not be eligi-

1 ble for parole under chapter 311 of title 18 of the United
2 States Code until the individual has served the minimum
3 sentence required by such subsection.

4 “(d) For purposes of this section—

5 “(1) the term ‘safety rest area’ has the mean-
6 ing given that term in part 752 of title 23, Code of
7 Federal Regulations, as in effect on the date of en-
8 actment of this section; and

9 “(2) the term ‘truck stop’ means any facility
10 (including any parking lot appurtenant thereto) with
11 the capacity to provide fuel or service, or both, to
12 any commercial motor vehicle as defined under sec-
13 tion 12019(6) of the Commercial Motor Vehicle
14 Safety Act of 1986, operating in commerce as de-
15 fined in section 12019(3) of such Act, and located
16 adjacent to or within 2,500 feet of a highway on the
17 National System of Interstate and Defense High-
18 ways or the Federal-aid primary system.”.

19 (b) CONFORMING AMENDMENT.—Section 401(b) of
20 such Act (21 U.S.C. 841(b)) is amended by striking “or
21 405B” each place it appears and inserting “405B, or
22 409”.

23 (c) AMENDMENT TO TABLE OF CONTENTS.—The
24 table of contents of the Comprehensive Drug Abuse Pre-
25 vention and Control Act of 1970 is amended by inserting

1 after the item relating to section 408 the following new
2 item:

“Sec. 409. Transportation safety offenses.”.

3 **SEC. 4. SENTENCING COMMISSION GUIDELINES.**

4 (a) IN GENERAL.—Pursuant to its authority under
5 section 994 of title 28, United States Code, and section
6 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note),
7 the United States Sentencing Commission shall promul-
8 gate guidelines, or shall amend existing guidelines, to pro-
9 vide that a defendant convicted of violating section 409
10 of the Controlled Substances Act, as added by section 3,
11 shall be assigned an offense level under chapter 2 of the
12 sentencing guidelines that is—

13 (1) two levels greater than the level that would
14 have been assigned for the underlying controlled
15 substance offense; and

16 (2) in no event less than level 26.

17 (b) IMPLEMENTATION OF INSTRUCTION.—If the sen-
18 tencing guidelines are amended after the effective date of
19 this section, the Sentencing Commission shall implement
20 the instruction set forth in subsection (a) so as to achieve
21 a comparable result.

22 (c) OFFENSES WHICH COULD BE SUBJECT TO MUL-
23 TIPLE ENHANCEMENTS.—The guidelines referred to in
24 subsection (a), as promulgated or amended under such
25 subsection, shall provide that an offense that could be sub-

- 1 ject to multiple enhancements pursuant to such subsection
- 2 is subject to not more than one such enhancement.

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