

section 2656f(d)(2) of title 22), shall be sentenced to a term of imprisonment of not less than twice the minimum punishment under section 841(b)(1),¹ and not more than life, a fine in accordance with the provisions of title 18, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this subsection shall include a term of supervised release of at least 5 years in addition to such term of imprisonment.

(b) Jurisdiction

There is jurisdiction over an offense under this section if—

(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

(2) the offense, the prohibited drug activity, or the terrorist offense occurs in or affects interstate or foreign commerce;

(3) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

(4) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

(5) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

(c) Proof requirements

To violate subsection (a), a person must have knowledge that the person or organization has engaged or engages in terrorist activity (as defined in section 1182(a)(3)(B) of title 8) or terrorism (as defined in section 2656f(d)(2) of title 22).

(d) Definition

As used in this section, the term “anything of pecuniary value” has the meaning given the term in section 1958(b)(1) of title 18.

(Pub. L. 91-513, title III, §1010A, as added Pub. L. 109-177, title I, §122, Mar. 9, 2006, 120 Stat. 225.)

REFERENCES IN TEXT

Section 841, referred to in the original in subsec. (a), probably should have been a reference to section 401 of Pub. L. 91-513, which is classified to section 841 of this title. Pub. L. 91-513 does not contain a section 841.

§ 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 subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both. If the conviction is for an offense punishable under section 960(b) of this title, and if it is the offender’s second or subsequent offense, the court shall impose, in addition to any term of imprisonment and fine, twice the term of supervised release otherwise authorized.

(b) Determination of status

For purposes of this section, a person shall be considered convicted of a second or subsequent offense if, prior to the commission of such offense, one or more prior convictions of such person for a felony drug offense have become final.

(c) Procedures applicable

Section 851 of this title shall apply with respect to any proceeding to sentence a person under this section.

(Pub. L. 91-513, title III, §1012, Oct. 27, 1970, 84 Stat. 1290; Pub. L. 98-473, title II, §§225(b), 505, Oct. 12, 1984, 98 Stat. 2030, 2070; Pub. L. 99-570, title I, §§1004(a), 1005(c), Oct. 27, 1986, 100 Stat. 3207-6; Pub. L. 103-322, title IX, §90105(b), Sept. 13, 1994, 108 Stat. 1988.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “one or more prior convictions of such person for a felony drug offense have become final” for “one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final”.

1986—Subsec. (a). Pub. L. 99-570, §1005(c), amended Pub. L. 98-473, §225. See 1984 Amendment note below.

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

1984—Subsec. (a). Pub. L. 98-473, §225(b), which directed amendment of this section effective Nov. 1, 1987