

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 13701 of this title and Tables.

The Violence Against Women Act of 1994, referred to in subsec. (a), is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

The Violence Against Women Act of 2000, referred to in subsec. (a), is div. B of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1491, as amended. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under section 13701 of this title and Tables.

The Violence Against Women Reauthorization Act of 2013, referred to in subsec. (a), is Pub. L. 113-4, Mar. 7, 2013, 127 Stat. 54. For complete classification of this Act to the Code, see Short Title of 2013 Amendment note set out under section 13701 of this title and Tables.

CODIFICATION

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-4, §903(1), substituted “, the Violence Against Women Act of 2000” for “and the Violence Against Women Act of 2000” and inserted “, and the Violence Against Women Reauthorization Act of 2013” before period at end.

Subsec. (b). Pub. L. 113-4, §903(2)(A), substituted “Secretary of Health and Human Services, the Secretary of the Interior,” for “Secretary of the Department of Health and Human Services” in introductory provisions.

Subsec. (b)(2). Pub. L. 113-4, §903(2)(B), substituted “stalking, and sex trafficking” for “and stalking”.

Subsecs. (c), (d). Pub. L. 113-4, §903(3), added subsecs. (c) and (d).

SUBCHAPTER IV—DRUG CONTROL

§ 14051. Increased penalties for drug-dealing in “drug-free” zones

Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement for a defendant convicted of violating section 860 of title 21.

(Pub. L. 103-322, title IX, §90102, Sept. 13, 1994, 108 Stat. 1987.)

CODIFICATION

Section is comprised of section 90102 of Pub. L. 103-322 which is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 14052. Enhanced penalties for illegal drug use in Federal prisons and for smuggling drugs into Federal prisons**(a) Declaration of policy**

It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation’s Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) Sentencing guidelines

Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 844 of title 21 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 841(b) of title 21 involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) No probation

Notwithstanding any other law, the court shall not sentence a person convicted of an offense described in subsection (b) to probation.

(Pub. L. 103-322, title IX, §90103, Sept. 13, 1994, 108 Stat. 1987.)

CODIFICATION

Section is comprised of section 90103 of Pub. L. 103-322. Subsec. (b) of section 90103 of Pub. L. 103-322 is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 14053. Violent crime and drug emergency areas**(a) Definitions**

In this section—

“major violent crime or drug-related emergency” means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Declaration of violent crime and drug emergency areas

If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President may declare the State or part of a State to be a violent crime or drug emergency area and may take appropriate actions authorized by this section.

(c) Procedure**(1) In general**

A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.