

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70504	46 App.:1903(f).	Pub. L. 96-350, §3(f), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99-570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207-97; Pub. L. 99-640, §17, Nov. 10, 1986, 100 Stat. 3554; Pub. L. 104-324, §1138(a)(5), Oct. 19, 1996, 110 Stat. 3989.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-407 inserted “or 70508” after “70503” in introductory provisions.

§ 70505. Failure to comply with international law as a defense

A person charged with violating section 70503 of this title, or against whom a civil enforcement proceeding is brought under section 70508, does not have standing to raise a claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this chapter may be made only by a foreign nation. A failure to comply with international law does not divest a court of jurisdiction and is not a defense to a proceeding under this chapter.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 110-407, title II, §202(b)(3), Oct. 13, 2008, 122 Stat. 4300.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70505	46 App.:1903(d).	Pub. L. 96-350, §3(d), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99-570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207-96; Pub. L. 99-640, §17, Nov. 10, 1986, 100 Stat. 3553; Pub. L. 104-324, §1138(a)(4), Oct. 19, 1996, 110 Stat. 3989.

AMENDMENTS

2008—Pub. L. 110-407 substituted “this title, or against whom a civil enforcement proceeding is brought under section 70508,” for “this title”.

§ 70506. Penalties

(a) VIOLATIONS.—A person violating paragraph (1) of section 70503(a) of this title shall be punished as provided in section 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 960). However, if the offense is a second or subsequent offense as provided in section 1012(b) of that Act (21 U.S.C. 962(b)), the person shall be punished as provided in section 1012 of that Act (21 U.S.C. 962).

(b) ATTEMPTS AND CONSPIRACIES.—A person attempting or conspiring to violate section 70503 of this title is subject to the same penalties as provided for violating section 70503.

(c) SIMPLE POSSESSION.—

(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall

be liable to the United States for a civil penalty of not to exceed \$5,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.

(d) PENALTY.—A person violating paragraph (2) or (3) of section 70503(a) shall be fined in accordance with section 3571 of title 18, imprisoned not more than 15 years, or both.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 111-281, title III, §302, Oct. 15, 2010, 124 Stat. 2923; Pub. L. 114-120, title III, §314(c), Feb. 8, 2016, 130 Stat. 59.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70506(a)	46 App.:1903(g).	Pub. L. 96-350, §3(g), (j), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99-570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207-97; Pub. L. 99-640, §17, Nov. 10, 1986, 100 Stat. 3554; Pub. L. 101-647, title XII, §1203, Nov. 29, 1990, 104 Stat. 4830.
70506(b)	46 App.:1903(j).	

In subsection (b), the words “the commission of which was the object of the attempt or conspiracy” are omitted as unnecessary.

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (c)(1), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-120, §314(c)(1), substituted “A person violating paragraph (1) of section 70503(a)” for “A person violating section 70503”.

Subsec. (d). Pub. L. 114-120, §314(c)(2), added subsec. (d).

2010—Subsec. (c). Pub. L. 111-281 added subsec. (c).

§ 70507. Forfeitures

(a) IN GENERAL.—Property described in section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)) that is used or intended for use to commit, or to facilitate the commission of, an offense under section 70503 or 70508 of this title may be seized and forfeited in the same manner that similar property may be seized and forfeited under section 511 of that Act (21 U.S.C. 881).

(b) PRIMA FACIE EVIDENCE OF VIOLATION.—Practices commonly recognized as smuggling