

“(2) any vessel if the individual is a citizen of the United States or a resident alien of the United States.”

Subsec. (e). Pub. L. 114–120, §314(b), added subsec. (e).

§ 70504. Jurisdiction and venue

(a) JURISDICTION.—Jurisdiction of the United States with respect to a vessel subject to this chapter is not an element of an offense. Jurisdictional issues arising under this chapter are preliminary questions of law to be determined solely by the trial judge.

(b) VENUE.—A person violating section 70503 or 70508—

(1) shall be tried in the district in which such offense was committed; or

(2) if the offense was begun or committed upon the high seas, or elsewhere outside the jurisdiction of any particular State or district, may be tried in any district.

(Pub. L. 109–304, §10(2), Oct. 6, 2006, 120 Stat. 1688; Pub. L. 110–407, title II, §202(b)(2), Oct. 13, 2008, 122 Stat. 4300; Pub. L. 115–91, div. A, title X, §1012(a), Dec. 12, 2017, 131 Stat. 1546.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

2017—Subsec. (b). Pub. L. 115–91 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(b) VENUE.—A person violating section 70503 or 70508 of this title shall be tried in the district court of the United States for—

“(1) the district at which the person enters the United States; or

“(2) the District of Columbia.”

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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.)