

Estado Libre Asociado de Puerto Rico
Senado de Puerto Rico
Capitolio

Yo, JULIO C. TORRES, Secretario del Senado del Estado
Libre Asociado de Puerto Rico

C E R T I F I C O

Que la R. C. del S. 1443, titulada:

"RESOLUCION CONJUNTA

Para expresar el consentimiento de la Asamblea Legislativa
para la aplicación en Puerto Rico de las disposicio-
nes contenidas en las secciones 4701 a 4707, inclusive,
y 4721 a 4776, inclusive, del Código Federal de Rentas
Internas de 1954, según enmendado.",

ha sido aprobada por el Senado de Puerto Rico y la Cámara
de Representantes en la forma que expresa la copia que se
acompaña.

EN EL SENADO DE PUERTO RICO, a veinticuatro de julio
del año mil novecientos cincuenta y seis.

Julio C. Torres

Secretario.

8.1.0. 7 y 24 de Julio 1956
[Signature]
Secretario del Senado

(R. C. del S. 1443)

Núm. 1
25 de julio de 1956
RESOLUCION CONJUNTA

Para expresar el consentimiento de la Asamblea Legislativa para la aplicación en Puerto Rico de las disposiciones contenidas en las secciones 4701 a 4707, inclusive, y 4721 a 4776, inclusive, del Código Federal de Rentas Internas de 1954, según enmendado.

POR CUANTO, el Congreso de los Estados Unidos ha aprobado la Ley Pública número 728 a los fines de disponer un control más efectivo sobre las drogas narcóticas y la marihuana;

POR CUANTO, la Ley Pública número 728 enmienda la Sección 4774 del Código Federal de Rentas Internas de 1954, según enmendado, que fija los límites geográficos dentro de los cuales se aplican las disposiciones de las Secciones 4701 a 4707, inclusive, y de las Secciones 4721 a 4776, inclusive, del mismo Código, a los fines de disponer que las mismas no han de ser aplicables en el Estado Libre Asociado a menos que la Asamblea Legislativa consienta a ello expresamente en la forma prescrita en la Constitución de Puerto Rico para la aprobación de las leyes;

POR CUANTO, conviene al interés público que las citadas disposiciones continúen rigiendo en Puerto Rico sin interrupción;

POR TANTO, *Resuélvese por la Asamblea Legislativa de Puerto Rico:*

Expresar su consentimiento para que las disposiciones contenidas en las Secciones 4701 a 4707, inclusive, y 4721 a 4776, inclusive, del Código Federal de Rentas Internas de 1954, según enmendado, tengan efectividad en Puerto Rico a partir de la fecha de vigencia de la Ley Pública Núm. 728 del 84º Congreso.

Samuel R. [Signature]
.....
Presidente del Senado

[Signature]
.....
Presidente de la Cámara

Aprobada en 25 de julio de 1956

[Signature]
GOBERNADOR

Commonwealth of Puerto Rico
DEPARTMENT OF STATE

Translation Division

I, JOSEPH J. PALACIOS, Head
Translator of the Department of State, certify that
I have duly compared the English and Spanish texts
of the annexed J.R. No. 1 (S.J.R. 1443) of the
Ninth ^{Special}~~Regular~~ Session of the
Second Legislature of the Common-
wealth of Puerto Rico, and find that the same are full,
true and correct versions of each other.

Joseph J. Palacios
Head Translator

Commonwealth of Puerto Rico
DEPARTMENT OF STATE

Translation Division

I, JOSEPH J. PALACIOS, Head
Translator of the Department of State, certify that
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Second Legislature of the Common-
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true and correct versions of each other.

Joseph J. Palacios
Head Translator

A. FERNÓS- IERN
RESIDENT COMMISSIONER
COMMONWEALTH OF PUERTO RICO

ORVILLE WATKINS
ADMINISTRATIVE ASSISTANT

Congress of the United States
House of Representatives
Washington, D. C.

HOME OFFICE:
FEDERAL BLDG., SAN JUAN

COMMITTEES:
INTERIOR AND INSULAR AFFAIRS
AGRICULTURE
ARMED SERVICES

21 de julio de 1956

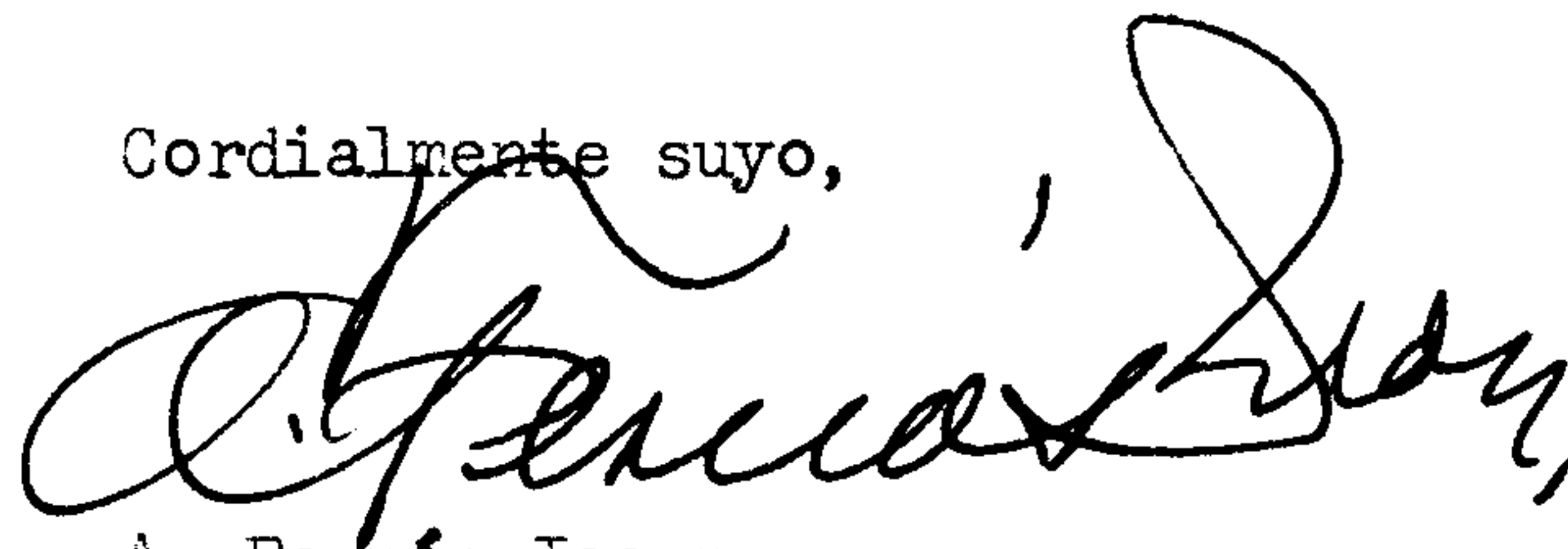
Hon. Luis Muñoz Marín
Gobernador de Puerto Rico
La Fortaleza
San Juan, Puerto Rico

Estimado Muñoz:

Le acompaño tres ejemplares de la Ley 728,
NARCOTIC CONTROL ACT OF 1956, que se acaba de recibir
de la imprenta.

También se han enviado copias al Presidente del
Senado, al Speaker de la Cámara y a Trías.

Cordialmente suyo,



A. Fernós Isern
Comisionado Residente

Anexos: 3

Public Law 728 - 84th Congress
Chapter 629 - 2d Session
H. R. 11619

AN ACT

All 70 Stat. 567.

To amend the Internal Revenue Code of 1954 and the Narcotic Drugs Import and Export Act to provide for a more effective control of narcotic drugs and marihuana, and for other related purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Narcotic Control Act of 1956."

Narcotic Control
Act of 1956.

TITLE I—AMENDMENTS TO THE 1954 CODE, THE NARCOTIC DRUGS IMPORT AND EXPORT ACT, ETC.

SEC. 101. UNLAWFUL ACQUISITION, ETC., OF MARIHUANA.

Subsection (a) of section 4744 of the Internal Revenue Code of 1954 (unlawful acquisition of marihuana) is amended to read as follows: 68A Stat. 562.
26 USC 4744.

"(a) **PERSONS IN GENERAL.**—It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 4741 26 USC 4741.

(a)—

"(1) to acquire or otherwise obtain any marihuana without having paid such tax, or

"(2) to transport or conceal, or in any manner facilitate the transportation or concealment of, any marihuana so acquired or obtained.

Proof that any person shall have had in his possession any marihuana and shall have failed, after reasonable notice and demand by the Secretary or his delegate, to produce the order form required by section 4742 to be retained by him shall be presumptive evidence of guilt under this subsection and of liability for the tax imposed by section 4741 (a)." 26 USC 4742.

SEC. 102. UNLAWFUL TRANSPORTATION OF MARIHUANA.

Subsection (b) of section 4755 of the Internal Revenue Code of 1954 (unlawful transportation of marihuana) is amended to read as follows: 68A Stat. 565.
26 USC 4755.

"(b) **Transportation.**—Except as otherwise provided in this subsection, it shall be unlawful for any person to send, ship, carry, transport, or deliver any marihuana within any Territory, the District of Columbia, or any insular possession of the United States, or from any State, Territory, the District of Columbia, or any insular possession of the United States into any other State, Territory, the District of Columbia, or insular possession of the United States. Nothing contained in this subsection shall apply—

"(1) to any person who shall have registered and paid the special tax as required by sections 4751 to 4753, inclusive; 26 USC 4751-4753.

"(2) to any common carrier engaged in transporting marihuana;

"(3) to any employee acting within the scope of his employment for any person who shall have registered and paid the special tax as required by sections 4751 to 4753, inclusive, or to any contract carrier or other agent acting within the scope of his agency for such registered person;

"(4) to any person who shall deliver marihuana which has been prescribed or dispensed by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4753 and employed to prescribe for the particular patient receiving such marihuana;

"(5) to any person carrying marihuana which has been obtained by the person from a registered dealer in pursuance of a written prescription referred to in section 4742 (b) (2), issued for legitimate medical uses by a physician, dentist, veterinary 26 USC 4742.

surgeon, or other practitioner registered under section 4753, if the bottle or other container in which such marihuana is carried bears the name and registry number of the druggist; serial number of prescription, name and address of the patient, and name, address, and registry number of the person issuing such prescription;

"(6) to any person carrying marihuana which has been obtained by the person as a patient from a registered physician, dentist, or other practitioner in the course of his professional practice if such marihuana is dispensed to the patient for legitimate medical purposes; or

"(7) to any United States, State, county, municipal, District, Territorial, or insular officer or official acting within the scope of his official duties."

SEC. 103. VIOLATIONS OF NARCOTIC DRUG AND MARIHUANA LAWS.

68A Stat. 860.
26 USC 7237. Section 7237 of the Internal Revenue Code of 1954 (violations of laws relating to narcotic drugs and marihuana) is amended to read as follows:

"SEC. 7237. VIOLATION OF LAWS RELATING TO NARCOTIC DRUGS AND TO MARIHUANA.

68A Stat. 549,
560.
26 USC 4701-4762. "(a) WHERE NO SPECIFIC PENALTY IS OTHERWISE PROVIDED.—Whoever commits an offense, or conspires to commit an offense, described in part I or part II of subchapter A of chapter 39 for which no specific penalty is otherwise provided, shall be imprisoned not less than 2 or more than 10 years and, in addition, may be fined not more than \$20,000. For a second offense, the offender shall be imprisoned not less than 5 or more than 20 years and, in addition, may be fined not more than \$20,000. For a third or subsequent offense, the offender shall be imprisoned not less than 10 or more than 40 years and, in addition, may be fined not more than \$20,000.

26 USC 4705,
4742. "(b) SALE OR OTHER TRANSFER WITHOUT WRITTEN ORDER.—Whoever commits an offense, or conspires to commit an offense, described in section 4705 (a) or section 4742 (a) shall be imprisoned not less than 5 or more than 20 years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense, the offender shall be imprisoned not less than 10 or more than 40 years and, in addition, may be fined not more than \$20,000. If the offender attained the age of 18 before the offense and—

"(1) the offense consisted of the sale, barter, exchange, giving away, or transfer of any narcotic drug or marihuana to a person who had not attained the age of 18 at the time of such offense, or

"(2) the offense consisted of a conspiracy to commit an offense described in paragraph (1),
the offender shall be imprisoned not less than 10 or more than 40 years and, in addition, may be fined not more than \$20,000.

"(c) CONVICTION OF SECOND OR SUBSEQUENT OFFENSE.—

65 Stat. 767.
Post, p. 570.
55 Stat. 584.
Post, p. 571. "(1) PRIOR OFFENSES COUNTED.—For purposes of subsections (a), (b), and (d) of this section, subsections (c) and (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 174), and the Act of July 11, 1941, as amended (21 U. S. C., sec. 184a), an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which was provided in subsection (a) or (b) of this section or in—

Post, pp. 570, 571.

"(A) subsection (c), (h), or (i) of section 2 of the Narcotic Drugs Import and Export Act (21 U. S. C., sec. 174);

Post, p. 571.

"(B) the Act of July 11, 1941 (21 U. S. C., sec. 184a);

21 USC 174
note.

"(C) section 9 of the Act of December 17, 1914 (38 Stat. 789);

- “(D) section 1 of the Act of May 26, 1922 (42 Stat. 596); 21 USC 171, 173,
“(E) section 12 of the Marihuana Tax Act of 1937 (50 Stat. 556); or 174, 176, 177.
“(F) section 2557 (b) (1) or 2596 of the Internal Revenue Code of 1939. 53 Stat. 274, 282.

For purposes of determining prior offenses under the preceding sentence, a reference to any subsection, section, or Act providing a penalty for an offense shall be considered as a reference to such subsection, section, or Act as in effect (as originally enacted or as amended, as the case may be) with respect to the offense for which the offender previously has been convicted.

“(2) PROCEDURE.—After conviction (but before pronouncement of sentence) of any offense the penalty for which is provided in subsection (a) or (b) of this section, subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended, or such Act of July 11, 1941, as amended, the court shall be advised by the United States attorney whether the conviction is the offender’s first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender’s identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in subsection (a) or (b) of this section, subsection (c) or (h) of such section 2, or such Act of July 11, 1941, as amended, as the case may be. Post, p. 570.
21 USC 184a.
Post, p. 571.

“(d) NO SUSPENSION OF SENTENCE; NO PROBATION; ETC.—Upon conviction—

“(1) of any offense the penalty for which is provided in subsection (b) of this section, subsection (c), (h), or (i) of section 2 of the Narcotic Drugs Import and Export Act, as amended, or such Act of July 11, 1941, as amended, or Post, pp. 570, 571.
21 USC 184a.

“(2) of any offense the penalty for which is provided in subsection (a) of this section, if it is the offender’s second or subsequent offense, Post, p. 571.

the imposition or execution of sentence shall not be suspended, probation shall not be granted, section 4202 of title 18 of the United States Code shall not apply, and the Act of July 15, 1932 (47 Stat. 696; D. C. Code 24-201 and following), as amended, shall not apply. 62 Stat. 854.
61 Stat. 379.

“(e) UNLAWFUL DISCLOSURE OF INFORMATION ON RETURNS AND ORDER FORMS.—Any person who shall disclose the information contained in the statements or returns required under section 4732 (b) or 4754 (a), in the duplicate order forms required under section 4705 (e), or in the order forms or copies thereof referred to in section 4742 (d), except— 26 USC 4732,
4754, 4705, 4742.

“(1) as expressly provided in section 4773, 26 USC 4773.

“(2) for the purpose of enforcing any law of the United States relating to narcotic drugs or marihuana, or

“(3) for the purpose of enforcing any law of any State or Territory or the District of Columbia, or any insular possession of the United States, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribution of narcotic drugs or marihuana,

shall be fined not more than \$2,000 or imprisoned not more than 5 years or both.”

SEC. 104. ADDITIONAL AUTHORITY FOR BUREAU OF NARCOTICS AND BUREAU OF CUSTOMS.

68A Stat. 903.
26 USC 7607.

(a) **IN GENERAL.**—Subchapter A of chapter 78 of the Internal Revenue Code of 1954 (discovery of liability and enforcement of title) is amended by renumbering section 7607 as section 7608 and by inserting after section 7606 the following new section:

“SEC. 7607. ADDITIONAL AUTHORITY FOR BUREAU OF NARCOTICS AND BUREAU OF CUSTOMS.

49 Stat. 521.

“The Commissioner, Deputy Commissioner, Assistant to the Commissioner, and agents, of the Bureau of Narcotics of the Department of the Treasury, and officers of the customs (as defined in section 401 (1) of the Tariff Act of 1930, as amended; 19 U. S. C., sec. 1401 (1)), may—

“(1) carry firearms, execute and serve search warrants and arrest warrants, and serve subpoenas and summonses issued under the authority of the United States, and

26 USC 4731,
4761.

“(2) make arrests without warrant for violations of any law of the United States relating to narcotic drugs (as defined in section 4731) or marihuana (as defined in section 4761) where the violation is committed in the presence of the person making the arrest or where such person has reasonable grounds to believe that the person to be arrested has committed or is committing such violation.”

(b) **AMENDMENT OF TABLE OF SECTIONS.**—The table of sections for subchapter A of chapter 78 is amended by striking out

“Sec. 7607. Cross references.”

and inserting in lieu thereof

“Sec. 7607. Additional authority for Bureau of Narcotics and Bureau of Customs.

“Sec. 7608. Cross references.”

SEC. 105. IMPORTATION, ETC., OF NARCOTIC DRUGS.

65 Stat. 767.

Section 2 (c) of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, sec. 174), is amended to read as follows:

“(c) Whoever fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported or brought into the United States contrary to law, or conspires to commit any of such acts in violation of the laws of the United States, shall be imprisoned not less than five or more than twenty years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense (as determined under section 7237 (c) of the Internal Revenue Code of 1954), the offender shall be imprisoned not less than ten or more than forty years and, in addition, may be fined not more than \$20,000.

Ante, p. 568.

“Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury.

“For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954.”

SEC. 106. SMUGGLING OF MARIHUANA.

Supra; post p.
571.

Section 2 of the Narcotic Drugs Import and Export Act, as amended, is amended by adding at the end thereof the following:

“(h) Notwithstanding any other provision of law, whoever, knowingly, with intent to defraud the United States, imports or brings into

the United States marihuana contrary to law, or smuggles or clandestinely introduces into the United States marihuana which should have been invoiced, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such marihuana after being imported or brought in, knowing the same to have been imported or brought into the United States contrary to law, or whoever conspires to do any of the foregoing acts, shall be imprisoned not less than five or more than twenty years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense (as determined under section 7237 (c) of the Internal Revenue Code of 1954), the offender shall be imprisoned for not less than ten or more than forty years and, in addition, may be fined not more than \$20,000. Ante, p. 568.

"Whenever on trial for a violation of this subsection, the defendant is shown to have or to have had the marihuana in his possession, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains his possession to the satisfaction of the jury.

"As used in this subsection, the term 'marihuana' has the meaning given to such term by section 4761 of the Internal Revenue Code of 1954. 26 USC 4761.

"For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954." Ante, p. 569.

SEC. 107. SALE OF HEROIN TO JUVENILES—PENALTIES.

Section 2 of the Narcotic Drugs Import and Export Act, as amended, is further amended by adding at the end thereof the following: Ante, p. 570.

"(i) Notwithstanding any other provision of law, whoever, having attained the age of eighteen years, knowingly sells, gives away, furnishes, or dispenses, facilitates the sale, giving, furnishing, or dispensing, or conspires to sell, give away, furnish, or dispense, any heroin unlawfully imported or otherwise brought into the United States, to any person who has not attained the age of eighteen years, may be fined not more than \$20,000, and shall be imprisoned for life, or for not less than ten years, except that the offender shall suffer death if the jury in its discretion shall so direct.

"Whenever on trial for a violation of this subsection the defendant is shown to have had heroin in his possession, such possession shall be sufficient proof that the heroin was unlawfully imported or otherwise brought into the United States unless the defendant explains his possession to the satisfaction of the jury.

"For the purposes of this subsection, the term 'heroin' means any substance identified chemically as diacetylmorphine or any salt thereof. For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954." Ante, p. 569.

SEC. 108. UNLAWFUL POSSESSION OF NARCOTIC DRUGS AND MARIHUANA ON VESSELS.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of July 11, 1941 (21 U. S. C., sec. 184a), is amended by striking out "fined not more than \$5,000 or be imprisoned for not more than five years, or both," and inserting in lieu thereof "imprisoned not less than five or more than twenty years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense (as determined under section 7237 (c) of the Internal Revenue Code of 1954), the offender shall be imprisoned not less than ten or more than forty years and, in addition, may be fined not more than \$20,000. For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954." Ante, p. 568. Ante, p. 569.