

114TH CONGRESS
1ST SESSION

S. 348

To impose enhanced penalties for conduct relating to unlawful production of a controlled substance on Federal property or while intentionally trespassing on the property of another that causes environmental damage.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2015

Mr. HATCH (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To impose enhanced penalties for conduct relating to unlawful production of a controlled substance on Federal property or while intentionally trespassing on the property of another that causes environmental damage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Lands
5 Against Narcotics Trafficking Act of 2015” or the
6 “PLANT Act”.

1 **SEC. 2. CONTROLLED SUBSTANCES ACT PENALTY AMEND-**
2 **MENTS.**

3 (a) CULTIVATING OR MANUFACTURING CONTROLLED
4 SUBSTANCES ON FEDERAL PROPERTY.—Section
5 401(b)(5) of the Controlled Substances Act (21 U.S.C.
6 841(b)(5)) is amended, in the matter preceding subpara-
7 graph (A), by striking “as provided in this subsection”
8 and inserting “for not more than 10 years, in addition
9 to any other term of imprisonment imposed under this
10 subsection”.

11 (b) ENVIRONMENTAL HARMS AND OTHER HAZ-
12 ARDS.—Pursuant to its authority under section 994 of
13 title 28, United States Code, the United States Sentencing
14 Commission shall amend and review the Federal Sen-
15 tencing Guidelines and policy statements to ensure that
16 the guidelines provide for a penalty enhancement of not
17 less than 1 offense level for a violation of section 401(a)
18 of the Controlled Substances Act (21 U.S.C. 841(a)) while
19 on Federal property or while intentionally trespassing on
20 the property of another if the offense—

21 (1) creates a hazard to humans, wildlife, or do-
22 mestic animals;

23 (2) degrades or harms the environment or nat-
24 ural resources; or

25 (3) pollutes an aquifer, spring, stream, river, or
26 body of water.

1 (c) STREAM DIVERSION OR CLEAR CUTTING ON
2 FEDERAL PROPERTY OR WHILE INTENTIONALLY TRES-
3 PASSING ON THE PROPERTY OF ANOTHER.—

4 (1) PROHIBITION ON STREAM DIVERSION OR
5 CLEAR CUTTING ON FEDERAL PROPERTY OR WHILE
6 INTENTIONALLY TRESPASSING ON THE PROPERTY
7 OF ANOTHER.—Section 401(b) of the Controlled
8 Substances Act (21 U.S.C. 841(b)), as amended by
9 subsection (a), is amended by adding at the end the
10 following:

11 “(8) DESTRUCTION OF BODIES OF WATER OR
12 TIMBER.—

13 “(A) IN GENERAL.—Any person who vio-
14 lates subsection (a) in a manner that diverts,
15 redirects, obstructs, or drains an aquifer,
16 spring, stream, river, or body of water or clear
17 cuts timber while cultivating or manufacturing
18 a controlled substance on Federal property or
19 while cultivating or manufacturing a controlled
20 substance while intentionally trespassing on the
21 property of another shall be fined an amount
22 not to exceed—

23 “(i) the amount authorized in accord-
24 ance with this section;

1 “(ii) the amount authorized in accord-
2 ance with the provisions of title 18, United
3 States Code;

4 “(iii) \$500,000 if the defendant is an
5 individual; or

6 “(iv) \$1,000,000 if the defendant is
7 other than an individual.

8 “(B) USE OF AMOUNTS FROM FINES.—

9 “(i) IN GENERAL.—The Secretary of
10 the Treasury shall transfer to the Sec-
11 retary of the Interior, for use in accord-
12 ance with clause (ii), the amounts received
13 as fines for a violation described in sub-
14 paragraph (A).

15 “(ii) FUNDS.—The Secretary of the
16 Interior shall use the amounts transferred
17 under clause (i) to address the environ-
18 mental damage caused by any offense de-
19 scribed in subparagraph (A).”.

20 (2) FEDERAL SENTENCING GUIDELINES EN-
21 HANCEMENT.—Pursuant to its authority under sec-
22 tion 994 of title 28, United States Code, the United
23 States Sentencing Commission shall review and
24 amend the Federal Sentencing Guidelines and policy
25 statements to ensure that the guidelines provide for

1 a penalty enhancement of not less than 1 offense
2 level for a violation of section 401(a) of the Con-
3 trolled Substances Act (21 U.S.C. 841(a)) if the of-
4 fense involves the diversion, redirection, obstruction,
5 or draining of an aquifer, spring, stream, river, or
6 body of water or the clear cut of timber while culti-
7 vating or manufacturing a controlled substance on
8 Federal property or while cultivating or manufac-
9 turing a controlled substance while intentionally
10 trespassing on the property of another.

11 (3) TECHNICAL AND CONFORMING AMEND-
12 MENT.—Section 1402(b)(1)(A) of the Victims of
13 Crime Act of 1984 (42 U.S.C. 10601(b)(1)(A)) is
14 amended—

15 (A) in clause (i), by striking “and” at the
16 end; and

17 (B) by inserting after clause (ii) the fol-
18 lowing:

19 “(iii) section 401(b)(8) of the Con-
20 trolled Substances Act (21 U.S.C.
21 841(b)(8)); and”.

22 (d) BOOBY TRAPS ON FEDERAL PROPERTY.—Sec-
23 tion 401(d)(1) of the Controlled Substances Act (21
24 U.S.C. 841(d)(1)) is amended by inserting “cultivated,”
25 after “is being”.

1 (e) USE OR POSSESSION OF FIREARMS IN CONNEC-
2 TION WITH DRUG OFFENSES ON FEDERAL PROPERTY OR
3 WHILE INTENTIONALLY TRESPASSING ON THE PROP-
4 ERTY OF ANOTHER.—Pursuant to its authority under sec-
5 tion 994 of title 28, United States Code, the United States
6 Sentencing Commission shall review and amend the Fed-
7 eral Sentencing Guidelines and policy statements to en-
8 sure that the guidelines provide for a penalty enhancement
9 of not less than 1 offense level for a violation of section
10 401(a) of the Controlled Substances Act (21 U.S.C.
11 841(a)) if the offense involves the possession of a firearm
12 while cultivating or manufacturing a controlled substance
13 on Federal property or while cultivating or manufacturing
14 a controlled substance while intentionally trespassing on
15 the property of another.

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