



UNITED NATIONS

E/NL. 1968/51
19 June 1969
ENGLISH AND SPANISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS

MEXICO

Communicated by the Government of Mexico

NOTE BY THE SECRETARY-GENERAL - In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative text.

E/NL.1968/51

EXECUTIVE AUTHORITY

GOVERNMENT SECRETARIAT

EXTRACT

Diario Oficial of 8 March 1968

DECREE

The Congress of the United Mexican States decrees:

Amendments to articles 15, 85, 193, 194, 195, 196, 197, 198, 199, 201, 306, 309 and 387; modification of the title of Book Two, part VII, chapter I; and addition of article 164 bis of the Penal Code for all Ordinary Offences in the Federal District and Federal Territories and for Federal Offences throughout the Republic.

ARTICLE 1. Article 15, section II of the Penal Code for all Common Offences in the Federal District and Federal Territories and for Federal Offences throughout the Republic shall be amended to read as follows:

"Article 15. A person shall not be held to be criminally liable:

.....

"II. If, at the time of the offence, he is in a state of unawareness of his actions, as a result of the accidental and involuntary use of toxic substances, alcohol or narcotic drugs, or as a result of an acute state of toxic infection or of an involuntary mental disturbance of a pathological and temporary nature;"

ARTICLE 2. Article 85 of the Penal Code shall be amended to read as follows:

"Article 85. Conditional release shall not be granted to recidivists, habitual offenders and persons convicted of kidnapping, corruption of minors and offences in connexion with narcotic drugs."

ARTICLE 3. The following article 164 bis shall be added to the Penal Code:

"Article 164 bis. In the case of an offence or offences committed by a gang, those involved in the commission of the offence or offences shall be liable, in addition to the penalties corresponding to the offence or offences committed, to imprisonment for a term of six months to three years.

"For the purposes of this provision, the expression 'gang' means the habitual, occasional or chance meeting of three or more persons who, without having banded together with criminal intent, commit some offence."

ARTICLE 4. The title of Book Two, part VII, chapter I of the Penal Code shall be modified to read as follows:

"Production and possession of narcotic drugs, traffic in such drugs and incitement to the use thereof".

ARTICLE 5. Articles 193, 194, 195, 196, 197, 198 and 199 of the Penal Code shall be amended to read as follows:

"Article 193. The expression 'narcotic drugs' means the drugs defined as such in the Health Code of the United Mexican States and in the regulations and other provisions enacted or to be enacted under article 73, section XVI, of the General Constitution of the Republic, as well as the narcotic drugs referred to in the international agreements or treaties entered into or to be entered into by Mexico.

"Article 194. A person shall be liable to imprisonment for a term of two to nine years and to a fine of one thousand to ten thousand pesos if he sows, cultivates, harvests or possesses resinous cannabis plants coming under the definition of narcotic drugs in article 193, other than in conformity with the relevant conditions laid down in the legislative and other provisions relating thereto.

"Any act committed in connexion with resinous cannabis plants or with the separated resin, whether crude or purified, obtained from such plants, other than those enumerated in this article but designated as offences in the following articles, shall, so far as the penalties applicable are concerned, come under the provisions of this chapter.

"In no case shall a conditional sentence be admissible with respect to persons guilty of sowing, cultivating or harvesting resinous cannabis plants coming under the definition of narcotic drugs.

"Article 195. Apart from the offences referred to in the previous article, a person shall be liable to imprisonment for a term of three to twelve years and to a fine of two thousand to ten thousand pesos in the following circumstances:

"I. If he manufactures, trades in, transports, possesses, buys, disposes of, supplies even without pecuniary consideration, or, in general, acquires, supplies, transports or deals in narcotic drugs otherwise than in conformity with the relevant conditions laid down in the international agreements or treaties or in the legislative and other provisions relating to public health referred to in article 193;

"II. If, in contravention of the international agreements or treaties or the legislative and other provisions relating to public health referred to in article 193, he sows, cultivates, harvests, trades in, transports, possesses, buys, sells, disposes of, supplies even without pecuniary consideration, or, in general, acquires, supplies, transports, or deals in seeds or plants deemed to be narcotic drugs;

"III. If he commits any of the offences enumerated in the foregoing sections and the substance involved is opium, whether raw, 'cooked' or prepared for smoking, or any prepared substance which is used for vices having a deleterious effect on individuals and causing the degeneracy of the race and which is expressly referred to in the international agreements or treaties or in the legislative and other provisions relating to public health referred to in article 193;

"IV. If he commits any act of solicitation in general, or aids and abets any other person in the use of narcotic drugs, or commits with them any of the offences enumerated in this chapter.

"If the person induced or assisted is less than eighteen years old or under disability, or if the offender has made use of his influence or authority to that end, the penalty shall be imprisonment for a term of four to twelve years, in addition to the fine.

"It is not an offence for an addict to possess a quantity of narcotic drugs which he might reasonably need for his own consumption. In this case he shall be subject to the security measures indicated in article 24, paragraph 3, of this Code.

"Article 196. If, in pursuit of their profession or trade, pharmacists, chemists, druggists or persons engaged in the practice of any branch of medicine commit any of the offences referred to in article 195, either directly or through intermediaries, the following penalties shall be imposed:

"I. Imprisonment for a term of four to twelve years and a fine of three thousand to twenty-five thousand pesos;

"II. Suspension from the exercise of their profession or trade for a period of not less than two and not more than five years; and

"III. In cases where the offences were committed in establishments owned by them, closure of the establishments for a period of not less than one year and not more than three years.

"Article 197. Any person who unlawfully imports or exports narcotic drugs or any of the substances referred to in this chapter shall be liable to imprisonment for a term of six to fifteen years and to a fine of three thousand to thirty thousand pesos, without prejudice to his liability to the suspension referred to in the foregoing article.

"The same penalties shall be imposed on any customs official or public employee who permits narcotic drugs or any of the substances referred to in article 193 to enter or leave the country, in contravention of the conditions laid down in the Health Code of the United Mexican States, in international agreements or treaties entered into or to be entered into by Mexico, in legislative and other provisions relating to health, or in any other legislation.

"Article 198. The owners or persons in charge of opium-dens or of any establishment intended, in any manner whatsoever, for the sale, supply or use of narcotic drugs or of the substances referred to in article 195, section III, shall be liable to the penalties prescribed in the foregoing article; in addition, the establishment in question shall be closed permanently.

"Article 199. The narcotic drugs, substances, appliances, vehicles and other objects used in the commission of the offences referred to in this chapter shall in all cases be seized and placed at the disposal of the Federal Health Authorities, which, in accordance with the relevant provisions or legislation, will either put them to lawful use or destroy them."

ARTICLE 6. Article 201, paragraph 2, of the Penal Code shall be amended to read as follows:

"Article 201. A person shall be guilty of the offence of corruption of minors if he procures or facilitates the sexual depravation of a minor above the age of puberty or the sexual initiation or depravation of a minor below the age of puberty, or if he aid and abet minors in engaging in begging, forming depraved habits, becoming inebriated, taking narcotic drugs, forming part of an illicit association or committing any criminal offence."