

SENATE No. 769

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect the rights of probationers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/3/2017</i>

SENATE No. 769

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 769) of William N. Brownsberger and Paul R. Heroux for legislation to protect the rights of probationers in drug courts. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 731 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to protect the rights of probationers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 87A of Chapter 276, as it appears in the 2014 Edition of the
2 General Laws, is hereby amended by adding the following language after the word
3 “person.” in line 23:-

4 No person placed on probation shall be deemed to have violated a condition of his or her
5 probation on the basis of his or her possession or use of a controlled substance as prescribed to
6 that person by a health professional registered to prescribe a controlled substance pursuant to
7 Chapter 94C, acting within the lawful scope of his or her practice, or on the basis of his or her
8 possession or use of medical marijuana, if that person received a written certification from a
9 licensed physician for the use of medical marijuana to treat a debilitating medical condition and

- 10 the person possesses a medical marijuana registration card issued by the Department of Public
- 11 Health, pursuant to Chapter 369 of the Acts of 2012.