

**SENATE . . . . . No. 758**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Cynthia S. Creem*

*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 relative to drug mandatory minimum sentences.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Thomas M. McGee</i>	<i>Third Essex and Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James B. Eldridge</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 758) of Cynthia S. Creem, Elizabeth A. Malia, Thomas M. McGee, Ruth B. Balsler and other members of the General Court for legislation relative to drug mandatory minimum sentences. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1651 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to drug mandatory minimum sentences.

*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 32H of chapter 94C, as amended by Chapter 256 of the  
2 Acts of 2010, is hereby further amended by striking out the second paragraph and inserting in  
3 place thereof the following two paragraphs:-

4                   A person convicted of violating said sections shall not, until he shall have  
5 served the mandatory minimum term of imprisonment established in said sections, be eligible for  
6 probation or furlough; provided, however, that the commissioner of correction, on the  
7 recommendation of the warden, superintendent or other person in charge of the correctional  
8 institution, or a sheriff, on the recommendation of the administrator of a county correctional  
9 institution, may grant to said offender a temporary release, subject to the rules and regulations of  
10 the institution and under the direction, control and supervision of the officers thereof, for the

11 following purposes: (1) to attend the funeral of a relative, to visit a critically ill relative, to obtain  
12 emergency medical or psychiatric services unavailable at said institution; (2) to participate in  
13 education, training, or employment programs established under section 48 of chapter 127; or (3)  
14 to participate in a program to provide services under section 49B or 49C of chapter 127. Section  
15 87 of chapter 276 shall not apply to any person, 17 years of age or older, charged with a violation  
16 of said sections, or to any child between age 14 and 17, so charged by indictment under section  
17 54 of chapter 119.

18 Notwithstanding any general or special law to the contrary, a person convicted  
19 of violating any provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C, who is  
20 serving a sentence where two-thirds of the minimum term of imprisonment imposed is less than  
21 the mandatory minimum sentence required under that section shall be eligible for parole after  
22 serving two-thirds of the minimum term of imprisonment imposed.

23 SECTION 2. Notwithstanding the provisions of sections 32, 32A, 32B, 32E,  
24 32F, and 32J of chapter 94C of the General Laws, or any other general or special law to the  
25 contrary, a persons serving a mandatory minimum sentence for a violation of any provision of  
26 said sections as of the effective date of this act, shall be eligible for parole after serving two-  
27 thirds of the minimum term of imprisonment imposed.