

HOUSE No. 1646

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

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 repeal mandatory minimum sentencing laws for drug offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Governmental Strategies</i>	<i>8 Beacon Street, Suite 44 Boston, MA 02108</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>

HOUSE No. 1646

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1646) of Benjamin Swan and others for legislation to repeal mandatory minimum sentencing laws for drug offenses. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to repeal mandatory minimum sentencing laws for drug offenses.

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. Notwithstanding any other provision of law to the contrary, no violation of
2 an offense under Chapter 94C shall be punished by a mandatory minimum sentence.

3 SECTION 2. Notwithstanding any other provision of Chapter 94C, the court may
4 impose a sentence that does not include a mandatory minimum term of imprisonment, including
5 a term of imprisonment that is less than the minimum term currently specified. The court may
6 instead impose sentence pursuant to Section 24 of Chapter 279.

7

8 SECTION 3. Section 32H of Chapter 94C shall be amended by deleting, “The
9 provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or
10 over, charged with a violation of said sections.”

11 SECTION 4. Notwithstanding any provision of law to the contrary, a person serving a
12 sentence for violating any provision of Chapter 94C as of the effective date of this section shall
13 be eligible to receive deductions from his sentence for good conduct under Sections 129C and
14 129D of Chapter 127.

15

16 SECTION 5. Notwithstanding any provision of law to the contrary, a person serving a
17 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be
18 eligible to participate in education, training, employment, or work release programs established
19 pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

20

21 SECTION 6. Notwithstanding any other provision of law to the contrary, a person
22 serving a sentence for violating any provision of Chapter 94C as of the effective date of this
23 section shall not be eligible for parole until he or she shall have served two thirds of the
24 minimum term of the sentence if the sentence is to a state prison.