

HOUSE No. 3329

The Commonwealth of Massachusetts

PRESENTED BY:

Stephan Hay and Michelle M. DuBois

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 hidden compartments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/16/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/18/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/24/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/24/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/30/2019</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>1/31/2019</i>

HOUSE No. 3329

By Representatives Hay of Fitchburg and DuBois of Brockton, a petition (accompanied by bill, House, No. 3329) of Stephan Hay, Michelle M. DuBois and others relative to penalties for trafficking controlled substances in hidden compartments. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to hidden compartments.

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

1 Chapter 94C of the General Laws is hereby amended by inserting after section 32K the
2 following section:

3 Section 32L: Hidden compartment in conveyance; construction, possession or use in
4 distribution of controlled substances and paraphernalia; penalties.

5 (a) Definition: As used in this section, the term “hidden compartment” shall be defined as
6 any after-market hidden or secret compartment that is operated electronically, mechanically, or
7 manually and has been installed in or attached to a conveyance including any aircraft, vehicle, or
8 vessel, or any factory-designed void in such a conveyance that has been modified, altered, or
9 changed to function as a hidden compartment.

10 (b) Any person who knowingly possesses, uses, or controls a conveyance containing a
11 hidden compartment with the intent to secrete, store, or transport (i) any controlled substances
12 intended for distribution in violation of this chapter, (ii) any materials, products, and equipment

13 of any kind used or intended for use, in the manufacturing, compounding, processing, delivering,
14 dispensing, distributing, importing, or exporting of any controlled substance in violation of this
15 chapter, (iii) any moneys, negotiable instruments, securities, or other things of value
16 demonstrated to have been furnished by any person in exchange for a controlled substance in
17 violation of this chapter, all proceeds traceable to such an exchange, including currency and any
18 other thing of value, and all moneys, negotiable instruments, and securities used or intended to
19 be used to facilitate any violation of the provisions of section thirty-two, thirty-two A, thirty-two
20 B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J,
21 or forty of this chapter, shall be punished by imprisonment in the state prison for not more than 5
22 years, or by imprisonment in the house of correction for not more than 2 ½ years. The penalty for
23 a second or subsequent offense shall be imprisonment in the state prison for not more than 10
24 years after a second offense.

25 (c) Any person who designs, constructs, builds, alters or fabricates a hidden compartment
26 intended for the use in or attached to a conveyance, or installs in or attaches a hidden
27 compartment to a conveyance with the demonstrated intent to have been used in the manner
28 defined in subsection (b) shall be punished by imprisonment in the state prison for not more than
29 5 years, or by imprisonment in the house of correction for not more than 2 ½ years. The penalty
30 for a second or subsequent offense shall be imprisonment in the state prison for not more than 10
31 years after a second offense.

32 (d) Forfeiture: Any conveyance containing a hidden compartment that has demonstrated
33 to have been used in the manner defined in subsection (b), as well as the contents of the hidden
34 compartment, shall be subject to seizure by any city, town, or state police department and subject
35 to the provisions of Section 47 of this chapter.

36 Removal of the hidden compartment from the conveyance, or the promise to do so, shall
37 not be the basis for a defense to forfeiture of the conveyance under Section 47 of this chapter and
38 shall not be the basis for the court to release the conveyance to the owner.