

HOUSE No. 1302

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to prevent gang violence..

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

1 Subsection (d) of Section 47 of Chapter 94C of the General Laws, as appearing in the
2 2006 Official Edition, is hereby amended by striking out the second paragraph and inserting in
3 place thereof the following paragraphs:—The final order of the court shall provide that said
4 monies and the proceeds of any such sale shall be distributed in the following manner: Thirty-
5 four percent shall be distributed to the Senator Charles E. Shannon, Jr. Community Safety
6 Initiative, as contained in item 8100-0111 of section 1A of Chapter 182 of the Acts of 2008 or its
7 successors; Thirty-three percent to the prosecuting district attorney or attorney general; And
8 thirty-three percent to the city, town, state, or metropolitan district police department involved in
9 the seizure, provided, however, if more than one department was substantially involved in the
10 seizure, the court having jurisdiction of the forfeiture proceeds shall equitably distribute said
11 proceeds among these departments.

12 SECTION 2. Subsection (d) of section 47 of Chapter 94C of the General Laws, as so
13 appearing, is hereby amended by inserting at the end of said section the following sentence:—
14 Said department shall expend up to ten percent of monies and proceeds for drug rehabilitation,

15 drug education, and other anti-drug or neighborhood crime watch programs that further law
16 enforcement purposes.

17 SECTION 3. The third paragraph in subsection (d) of section 47 of Chapter 94C of the
18 General Laws, as so appearing, is hereby further amended by striking out the last sentence and
19 inserting in place thereof the following two sentences:— Within ninety days of the close of the
20 fiscal year in which this bill is enacted and on each February fifteenth thereafter, each district
21 attorney and the attorney general shall file a detailed report with the house and senate
22 committees on ways and means on the deposit and expenditure of all monies in the trust fund
23 including, but not limited to, the use of such monies for the purpose of protracted investigations,
24 provision of technical equipment, drug rehabilitation, drug education, and other anti-drug or
25 neighborhood crime watch programs. Reports filed with said committees annually on February
26 fifteen shall detail said deposit and expenditure of all monies for the preceding fiscal year and the
27 current fiscal year through December thirty-first.

28 SECTION 4. The fourth paragraph in subsection (d) of Section 47 of Chapter 94C of the
29 General Laws, as so appearing, is hereby further amended by adding the following after the end
30 of said paragraph:—Within ninety days of the close of the fiscal year in which this bill is enacted
31 and on each February fifteenth thereafter, each chief of police of such city or town shall file a
32 detailed report with the division of local services of the department of revenue on the deposit and
33 expenditure of all monies in the special law enforcement trust fund including, but not limited to,
34 the use of such monies for the purpose of protracted investigations, provision of technical
35 equipment, drug education, and other anti-drug or neighborhood crime watch programs or other
36 law enforcement purposes as the chief of police of such city or town, or the colonel of state
37 police deems appropriate. Reports filed with said department annually in February fifteenth shall

38 detail such deposits and expenditures of all monies for the preceding fiscal year and the current
39 fiscal year through December thirty-first.

40 SECTION 5. Chapter 10 of the General Laws is hereby amended by inserting after
41 section 35T, as appearing in the 2002 Official Edition, the following section:—Section 35U.
42 There shall be established and set up on the books of the commonwealth a separate fund, to be
43 known as the Charles E. Shannon, Jr. Community Safety Initiative, to be administered and
44 distributed to community-based efforts by the commissioner of public health for the purposes of
45 drug prevention and treatment. Said fund shall consist of all funds received by the
46 commonwealth from the following sources: proceeds under the provisions of paragraph (d) of
47 section forty-seven of chapter 94C; fines paid under the provisions of sections thirty-two to forty,
48 inclusive, of said chapter 94C; and appropriations, gifts, grants, or donations to said fund from
49 public or private sources for the purposes of said fund. The state treasurer shall not deposit said
50 revenues in, or transfer said revenues to, the General Fund or any other fund other than the
51 Charles E. Shannon, Jr. Community Safety Initiative, subject to appropriation. The state treasurer
52 shall deposit monies in said fund in accordance with the provisions of sections 34 and 34A of
53 chapter 29 in such manner as will secure the highest interest rate available consistent with the
54 safety of the fund. Subject to appropriation, said fund shall be expended only for the purposes of
55 community-based prevention and drug treatment efforts at the direction of the commissioner of
56 public health, and any unexpended balances shall be redeposited, as herein provided, for further
57 use consistent with this section.

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