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HOUSE . . . . . No. 1342

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

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

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

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

b) Any person who possesses, uses, or controls a conveyance containing a hidden compartment with the intent to secrete, store, or transport (i) any controlled substances which have been manufactured, delivered, distributed, dispensed or acquired in violation of this chapter, (ii) any materials, products, and equipment of any kind used or intended for use, in the

manufacturing, compounding, processing, delivering, dispensing, distributing, importing, or exporting of any controlled substance in violation of this chapter, (iii) any drug paraphernalia, (iv) any moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, including currency and any other thing of value, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of the provisions of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty of this chapter, and (v) firearms, ammunition, or other weapons, shall be punished by imprisonment in the state prison for not less than 3 years and not more than 5 years, or by imprisonment in the house of correction for not more than 2 ½ years. No sentence imposed under the provisions of this section shall be less than a mandatory minimum term of imprisonment of 2 years. The penalty for a second or subsequent offense shall be imprisonment in the state prison for not less than 5 and not more than 10 years after a second offense.

(c) Any person who designs, constructs, builds, alters or fabricates a hidden compartment intended for the use in or attached to a conveyance, or installs in or attaches a hidden compartment to a conveyance with the intent to secrete, store, or transport any of the items listed in subsection (b) shall be punished by imprisonment in the state prison for not less than 3 years and not more than 5 years, or by imprisonment in the house of correction for not more than 2 ½ years. No sentence imposed under the provisions of this section shall be less than a mandatory minimum tern of imprisonment of 2 years. The penalty for a second or subsequent offense shall be imprisonment in the state prison for not less than 5 and not more than 10 years after a second offense.

(d) Forfeiture: Any conveyance containing a hidden compartment, as well as the contents of the hidden compartment, shall be subject to seizure by any city, town, or state police department and subject to the provisions of Section 47 of this chapter. Proof that a conveyance contains a hidden compartment as defined in this section shall be prima facie evidence that the conveyance was used intended for use in and for the business of unlawfully manufacturing, dispensing, or distributing controlled substances.

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