

HOUSE No. 1343

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the controlled substance laws..

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. Chapter 94 C of the General Laws is hereby amended by striking out
2 section 32 C, as appearing in the 2006 Official Edition, and inserting in place thereof the
3 following section:-

4 Section 32 C. (a) Any person who knowingly or intentionally manufactures, distributes,
5 dispenses or cultivates, or possesses with intent to manufacture, distribute, dispense or cultivate a
6 controlled substance in Class D of section 31 shall be punished by imprisonment in the state
7 prison for not more than 5 years or in a jail or house of correction for not more than 2 ½ years or
8 by a fine of not less than \$1,000 nor more than \$10,000 or by both such fine and imprisonment.

9 (b) Any person convicted of violating this section after 1 or more prior
10 convictions of manufacturing, distributing, dispensing, cultivating or possessing with intent to
11 manufacture, distribute, dispense or cultivate a controlled substance as defined by section 31
12 under this or any prior law of this jurisdiction or of any offense of any other jurisdiction, federal,
13 state, or territorial, which is the same as or necessarily includes elements of said offense shall be
14 punished by a term of imprisonment in the state prison for not less than 5 years nor more than 15

15 years. No sentence imposed under the provisions of this section shall be for less than a
16 mandatory minimum term of imprisonment of 3 years and a fine of not less than \$1,500 nor more
17 than \$25,000 may be imposed but not in lieu of the mandatory minimum 3 year term of
18 imprisonment as established herein.

19 SECTION 2. Section 32 E of said chapter 94 C is hereby amended by striking out
20 subsection (a) and inserting in place thereof the following section:-

21 Any person who traffics in marihuana by knowingly or intentionally manufacturing,
22 distributing, dispensing, or cultivating or possessing with intent to manufacture, distribute,
23 dispense, or cultivate, or by bringing into the commonwealth a net weight of 1 pound or more of
24 marihuana or a net weight of 1 pound or more of any mixture containing marihuana shall, of the
25 net weight of marihuana or any mixture thereof is:

26 1 pound or more, but less than 5 pounds, be punished by a term of imprisonment in the
27 state prison for not less than 3 nor more than 15 years or by imprisonment in a jail or house of
28 correction for not less than 2 nor more than 2 ½ years. No sentence imposed under the
29 provisions of this section shall be for less than a mandatory minimum term of imprisonment of 2
30 years and a fine of not less than \$2,500 nor more than \$25,000 may be imposed but not in lieu of
31 the mandatory minimum 1 year term of imprisonment, as established herein.

32 5 pounds or more, but less than 10 pounds, be punished by a term of imprisonment in the
33 state prison for not less than 5 nor more than 20 years. No sentence imposed under the
34 provisions of this section shall be for less than a mandatory minimum term of imprisonment of 5
35 years and a fine of not less than \$5,000 nor more than \$25,000 may be imposed but not in lieu of
36 the mandatory minimum term of imprisonment, as established herein.

37 10 pounds or more, but less than 20 pounds, be punished by a term of imprisonment in
38 the state prison for not less than 10 nor more than 20 years. No sentence imposed under the
39 provisions of this section shall be for less than a mandatory minimum term of imprisonment of
40 10 years and a fine of not less than \$10,000 nor more than \$100,000 may be imposed but not in
41 lieu of the mandatory minimum term of imprisonment, as established herein.

42 30 pounds or more be punished by a term of imprisonment in the state prison for not less
43 than 15 nor more than 20 years. No sentence imposed under the provisions of this section shall
44 be for less than a mandatory minimum term of imprisonment of 15 years and a fine of not less
45 than \$50,000 nor more than \$500,000 may be imposed but not in lieu of the mandatory minimum
46 term of imprisonment, as established herein.

47 SECTION 3. Section 32 F of said chapter 94 C, as appearing in the 2006 Official
48 Edition, is hereby amended by adding at the end thereof the following:

49 Section 32 F. (e) Any person who knowingly or intentionally manufactures, distributes,
50 dispenses or cultivates, or possesses with intent to manufacture, distribute, dispense or cultivate a
51 controlled substance in Class D of section thirty-one to a person under the age of eighteen years
52 shall be punished by a term of imprisonment in the state prison for not less than five nor more
53 than fifteen years. No sentence imposed under the provisions of this section shall be for less than
54 a mandatory minimum term of imprisonment of five years and a fine of not less than one
55 thousand nor more than twenty-five thousand dollars may be imposed but not in lieu of the
56 mandatory minimum term of imprisonment, as established herein.