

HOUSE No. 1754

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Reform the "School Zone" Law 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. Section 32J of Chapter 94C shall be amended by replacing the language,
2 “within one thousand feet of the real property” with “within one hundred feet of the real
3 property.”

4 SECTION 2. Section 32J of Chapter 94C shall be amended to include the following new
5 paragraph: “This section shall not apply to an offense occurring inside a private residence or
6 other dwelling house within the zones described herein.”

7 SECTION 3. Notwithstanding any other provision of law to the contrary, no violation of
8 an offense under Section 32J of Chapter 94C shall be punished by a mandatory minimum
9 sentence.

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

14 SECTION 5. Section 32H of Chapter 94C shall be amended by deleting, “In accordance
15 with the provisions of section eight A of chapter two hundred and seventy-nine such sentence
16 shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-
17 two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.”

18 SECTION 6. Section 32H of Chapter 94C shall be amended by deleting, “The
19 provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or
20 over, charged with a violation of said sections.”

21 SECTION 7. Notwithstanding any provision of law to the contrary, a person serving a
22 sentence for violating any provision of Chapter 94C as of the effective date of this section shall
23 be eligible to receive deductions from his sentence for good conduct under Sections 129C and
24 129D of Chapter 127.

25 SECTION 8. Notwithstanding any provision of law to the contrary, a person serving a
26 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be
27 eligible to participate in education, training, employment, or work release programs established
28 pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

29 SECTION 9. Notwithstanding any other provision of law to the contrary, a person
30 serving a sentence for violating any provision of Chapter 94C as of the effective date of this
31 section shall not be eligible for parole until he shall have served two thirds of the minimum term
32 of the sentence if the sentence is to a state prison, or until he shall have served one half of the
33 minimum term of the sentence if the sentence is to a house of correction.