SENATE DOCKET, NO. 2022 FILED ON: 1/16/2009

SENATE . . . . . No. 1682

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relating to School Zones..

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

SECTION 1. Chapter 94C of the General Laws is hereby amended by striking out section 32J and inserting in place thereof the following section:-

Section 32J. Any person who violates the provisions of section 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I while in or on, or within 100 feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational, or secondary school whether or not in session, or within 100 feet of a public park or playground shall be imprisoned in a jail or house of correction for not more than 2 years or by a fine of not less than $500 nor more than $5,000, or both such fine and imprisonment.

Any person who has been previously convicted of, or adjudicated delinquent or as a youthful offender for a violation of section 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I while in or on, or within 100 feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational or secondary school whether or not in session, or within 100 feet of a public park or playground shall be punished by a term of imprisonment in the state prison for not less than 2-1/2 nor more than 15 years or by

imprisonment in a jail or house of correction for not less than 2 nor more than 2-1/2 years, or by a fine of not less than $1,000 nor more than $10,000, or both such fine and imprisonment. In accordance with the provisions of section 8A of chapter 279 such sentence shall begin from and after the expiration of the sentence for violation of section 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I.

Notwithstanding any other provision of law to the contrary, no violation of an offense under this section shall be punished by a mandatory minimum sentence. Lack of knowledge of school boundaries shall not be a defense to any person who violates the provisions of this section.

SECTION 2. Section 32H of Chapter 94C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in line 4, the words “thirty-two J”.