

# SENATE . . . . . No. 1740

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act to Repeal Mandatory Minimum Sentencing Laws 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. Notwithstanding any other provision of law to the contrary, no violation of  
2 an offense under Chapter 94C shall be punished by a mandatory minimum sentence.

3           SECTION 2. Notwithstanding any other provision of Chapter 94C, the court may  
4 impose a sentence that does not include a mandatory minimum term of imprisonment, including  
5 a term of imprisonment that is less than the minimum term currently specified. The court may  
6 instead impose sentence pursuant to Section 24 of Chapter 279.

7           SECTION 3. Section 32H of Chapter 94C shall be amended by deleting, “The  
8 provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or  
9 over, charged with a violation of said sections.”

10          SECTION 4. Notwithstanding any provision of law to the contrary, a person serving a  
11 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be  
12 eligible to participate in education, training, employment, or work release programs established  
13 pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

14           SECTION 5. Notwithstanding any provision of law to the contrary, a person serving a  
15 sentence for violating any provision of Chapter 94C as of the effective date of this section shall  
16 be eligible to receive deductions from his sentence for good conduct under Sections 129C and  
17 129D of Chapter 127.

18           SECTION 6. Notwithstanding any other provision of law to the contrary, a person  
19 serving a sentence for violating any provision of Chapter 94C as of the effective date of this  
20 section shall not be eligible for parole until he or she shall have served two thirds of the  
21 minimum term of the sentence if the sentence is to a state prison, or until he or she shall have  
22 served one half of the minimum term of the sentence if the sentence is to a house of correction.