

HOUSE No. 2266

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to Repeal Mandatory Minimum Sentencing Laws for Drug Offenses..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>1/20/2011</i>
<i>James B. Eldridge</i>		<i>2/3/2011</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>2/3/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/4/2011</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>2/4/2011</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>	<i>2/4/2011</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>2/4/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/4/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/3/2011</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>2/3/2011</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>2/3/2011</i>
<i>William N. Brownsberger</i>		<i>2/3/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2011</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2011</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/3/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/3/2011</i>

HOUSE No. 2266

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 2266) of Benjamin Swan and others for legislation to repeal mandatory minimum sentencing laws for drug offenses. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1755 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

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

11 SECTION 4. Notwithstanding any provision of law to the contrary, a person serving a
12 sentence for violating any provision of Chapter 94C as of the effective date of this section shall
13 be eligible to receive deductions from his sentence for good conduct under Sections 129C and
14 129D of Chapter 127.

15
16 SECTION 5. Notwithstanding any provision of law to the contrary, a person serving a
17 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be
18 eligible to participate in education, training, employment, or work release programs established
19 pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

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