

HOUSE No. 2797

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 prevent gang violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/21/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/3/2011</i>

HOUSE No. 2797

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2797) of Antonio F. D. Cabral and Martin J. Walsh for legislation to provide that certain monies obtained for the seizure of controlled substances be used to prevent gang violence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1302 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to prevent gang violence.

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

1 Subsection (d) of Section 47 of Chapter 94C of the General Laws, as appearing in the
2 2008 Official Edition, is hereby amended by striking out the second paragraph and inserting in
3 place thereof the following paragraphs:

4 The final order of the court shall provide that said monies and the proceeds of any such
5 sale shall be distributed in the following manner: Thirty-four percent shall be distributed to the
6 Senator Charles E. Shannon, Jr. Community Safety Initiative, as contained in item 8100-0111 of
7 section 1A of Chapter 182 of the Acts of 2008 or its successors; Thirty-three percent to the
8 prosecuting district attorney or attorney general; And thirty-three percent to the police
9 department or departments who actively participated in the investigation leading to and/or the
10 conduct of the seizure. If more than one police department actively participated in the

11 investigation leading to and/or the conduct of the seizure, the court having jurisdiction of the
12 forfeiture proceeds shall equitably distribute said proceeds among these departments.

13 SECTION 2. Subsection (d) of section 47 of Chapter 94C of the General Laws, as so
14 appearing, is hereby amended by inserting at the end of said section the following sentence: Said
15 department shall expend up to ten percent of monies and proceeds for drug rehabilitation, drug
16 education, and other anti-drug or neighborhood crime watch programs that further law
17 enforcement purposes.

18 SECTION 3. The third paragraph in subsection (d) of section 47 of Chapter 94C of the
19 General Laws, as so appearing, is hereby further amended by striking out the last sentence and
20 inserting in place thereof the following two sentences: Within ninety days of the close of the
21 fiscal year in which this bill is enacted and on each February fifteenth thereafter, each district
22 attorney and the attorney general shall file a detailed report with the house and senate
23 committees on ways and means on the deposit and expenditure of all monies in the trust fund
24 including, but not limited to, the use of such monies for the purpose of protracted investigations,
25 provision of technical equipment, drug rehabilitation, drug education, and other anti-drug or
26 neighborhood crime watch programs. Reports filed with said committees annually on February
27 fifteen shall detail said deposit and expenditure of all monies for the preceding fiscal year and the
28 current fiscal year through December thirty-first.

29 SECTION 4. The fourth paragraph in subsection (d) of Section 47 of Chapter 94C of the
30 General Laws, as so appearing, is hereby further amended by adding the following after the end
31 of said paragraph: Within ninety days of the close of the fiscal year in which this bill is enacted
32 and on each February fifteenth thereafter, each chief of police of such city or town shall file a

33 detailed report with the division of local services of the department of revenue and mayor or first
34 selectman on the deposit and expenditure of all monies in the special law enforcement trust fund
35 including, but not limited to, the use of such monies for the purpose of protracted investigations,
36 provision of technical equipment, drug education, and other anti-drug or neighborhood crime
37 watch programs or other law enforcement purposes as the chief of police of such city or town, or
38 the colonel of state police deems appropriate. Reports filed with said department annually in
39 February fifteenth shall detail such deposits and expenditures of all monies for the preceding
40 fiscal year and the current fiscal year through December thirty-first.

41 SECTION 5. Chapter 10 of the General Laws is hereby amended by inserting after
42 section 35T, as appearing in the 2008 Official Edition, the following section: Section 35U. There
43 shall be established and set up on the books of the commonwealth a separate fund, to be known
44 as the Charles E. Shannon, Jr. Community Safety Initiative, to be administered by the Executive
45 Office of Public Safety and Security to support regional, multidisciplinary approaches to combat
46 gang violence and for community-based drug treatment, education and prevention programs.
47 Said fund shall consist of all funds received by the commonwealth from the following sources:
48 proceeds under the provisions of paragraph (d) of section forty-seven of chapter 94C; fines paid
49 under the provisions of sections thirty-two to forty, inclusive, of said chapter 94C; and
50 appropriations, gifts, grants, or donations to said fund from public or private sources for the
51 purposes of said fund. The state treasurer shall not deposit said revenues in, or transfer said
52 revenues to, the General Fund or any other fund other than the Charles E. Shannon, Jr.
53 Community Safety Initiative, subject to appropriation. The state treasurer shall deposit monies in
54 said fund in accordance with the provisions of sections 34 and 34A of chapter 29 in such manner
55 as will secure the highest interest rate available consistent with the safety of the fund. Subject to

56 appropriation, said fund shall be expended only for the purposes of regional, multidisciplinary
57 approaches to combat gang violence and for community-based drug treatment, education and
58 prevention programs at the direction of the commissioner of public safety and security, and any
59 unexpended balances shall be redeposited, as herein provided, for further use consistent with this
60 section.

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