HOUSE DOCKET, NO. 138 FILED ON: 1/11/2011

# HOUSE . . . . . No. 428

## The Commonwealth of Massachusetts

PRESENTED BY:

***Stephen L. DiNatale***

*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 relative to hidden compartments.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Stephen L. DiNatale* | *3rd Worcester* |
| *Jennifer L. Flanagan* | |
| *Geraldo Alicea* | *6th Worcester* |
| *Dennis A. Rosa* | *4th Worcester* |
| *Thomas M. Stanley* | *9th Middlesex* |
| *Angelo J. Puppolo, Jr.* | *12th Hampden* |
| *William N. Brownsberger* | |

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# HOUSE . . . . . No. 428

By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 428) of Stephen L. DiNatale and others relative to the penalties for the use or manufacture of hidden compartments for the purpose of transporting or distributing controlled substances. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1342* OF 2009-2010.]

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act relative to hidden compartments.

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

Chapter 94C of the General Laws is hereby amended by inserting after section 32K the following section:

Section 32L: Hidden compartment in conveyance; construction, possession or use in distribution of controlled substances and paraphernalia; penalties.

(a) Definition: As used in this section, the term "hidden compartment" shall be defined as any after-market hidden or secret compartment that is operated electronically, mechanically, or manually and has been installed in or attached to a conveyance including any aircraft, vehicle, or vessel, or any factory-designed void in such a conveyance that has been modified, altered, or changed to function as a hidden compartment.

10 b) Any person who possesses, uses, or controls a conveyance containing a hidden
11 compartment with the intent to secrete, store, or transport (i) any controlled substances which
12 have been manufactured, delivered, distributed, dispensed or acquired in violation of this
13 chapter, (ii) any materials, products, and equipment of any kind used or intended for use, in the
14 manufacturing, compounding, processing, delivering, dispensing, distributing, importing, or
15 exporting of any controlled substance in violation of this chapter, (iii) any drug paraphernalia,
16 (iv) any moneys, negotiable instruments, securities, or other things of value furnished or intended
17 to be furnished by any person in exchange for a controlled substance in violation of this chapter,
18 all proceeds traceable to such an exchange, including currency and any other thing of value, and
19 all moneys, negotiable instruments, and securities used or intended to be used to facilitate any
20 violation of the provisions of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-
21 two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty of this chapter,
22 and (v) firearms, ammunition, or other weapons, shall be punished by imprisonment in the state
23 prison for not less than 3 years and not more than 5 years, or by imprisonment in the house of
24 correction for not more than 2 ½ years. No sentence imposed under the provisions of this section
25 shall be less than a mandatory minimum term of imprisonment of 2 years. The penalty for a
26 second or subsequent offense shall be imprisonment in the state prison for not less than 5 and not
27 more than 10 years after a second offense.

28 (c) Any person who designs, constructs, builds, alters or fabricates a hidden
29 compartment intended for the use in or attached to a conveyance, or installs in or attaches a
30 hidden compartment to a conveyance with the intent to secrete, store, or transport any of the
31 items listed in subsection (b) shall be punished by imprisonment in the state prison for not less
32 than 3 years and not more than 5 years, or by imprisonment in the house of correction for not

33 more than 2 ½ years. No sentence imposed under the provisions of this section shall be less than
34 a mandatory minimum tern of imprisonment of 2 years. The penalty for a second or subsequent
35 offense shall be imprisonment in the state prison for not less than 5 and not more than 10 years
36 after a second offense.

37 (d) Forfeiture: Any conveyance containing a hidden compartment, as well as the contents
38 of the hidden compartment, shall be subject to seizure by any city, town, or state police
39 department and subject to the provisions of Section 47 of this chapter. Proof that a conveyance
40 contains a hidden compartment as defined in this section shall be prima facie evidence that the
41 conveyance was used intended for use in and for the business of unlawfully manufacturing,
42 dispensing, or distributing controlled substances.

43 Removal of the hidden compartment from the conveyance, or the promise to do so, shall
44 not be the basis for a defense to forfeiture of the conveyance under Section 47 of this chapter and
45 shall not be the basis for the court to release the conveyance to the owner.