

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 protecting minors from the harmful effects of marihuana.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|---------------------------------------|
| <i>Bruce E. Tarr</i> | |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> |
| <i>F. Jay Barrows</i> | <i>1st Bristol</i> |
| <i>Michael O. Moore</i> | |
| <i>Peter J. Durant</i> | <i>6th Worcester</i> |
| <i>Richard J. Ross</i> | <i>Norfolk, Bristol and Middlesex</i> |

SENATE No.

By Mr. Tarr, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. [BILL NUMBER]) of Bruce E. Tarr, James J. Dwyer, F. Jay Barrows, Michael O. Moore and other members of the General Court for legislation to protect minors from the harmful effects of marihuana. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An act protecting minors from the harmful effects of marihuana.

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. Paragraph 1 of section 32L of chapter 94C of the General Laws, as
2 appearing in the 2010 Official Edition, is hereby amended by striking it in its entirety and
3 inserting in place thereof the following paragraph:-

4 Notwithstanding any general or special law to the contrary, possession by an offender
5 who is 21 years of age or older of 1 ounce or less of marijuana shall only be a civil offense,
6 subjecting an offender to a civil penalty of \$100 and forfeiture of the marihuana, but not to any
7 other form of criminal or civil punishment or disqualification.

8 SECTION 2. Section 32L of said chapter 94C, as so appearing, is herby further amended
9 by inserting after the word “marihuana”, in line 22, the following words:-

10 in violation of this section.

SECTION 3. Said chapter 94C is hereby further amended by striking out section 32M, as so appearing, and inserting in place thereof the following section:-

Section 32M. Whoever, being under 21 years of age, knowingly possesses 1 ounce or less of marihuana shall be punished by a fine of not more than \$100 for the first offense and not more than \$150 for a second or subsequent offense. A police officer may arrest without a warrant any person who violates this section. A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall thereupon suspend for a period of ninety days the license of such person to operate a motor vehicle.

Any person not offered pretrial diversion who has not previously been convicted of any offense pursuant to the provisions of this chapter, or any provision of prior law relating to narcotic drugs or harmful drugs as defined in said prior law shall be placed on probation in the care of the court's probation officer before such person is charged with an offense or crime, for such time and upon such conditions as deemed proper, with the defendant's consent, pursuant to section 87 of chapter 276. Upon successful completion of the probation, the case shall be dismissed and records shall be sealed.

SECTION 4. Paragraph 3 of section 32N of chapter 94C of the General Laws, as so appearing, by striking it in its entirety and inserting in place thereof the following paragraph:-

Any civil penalties imposed under the provisions of "An Act Establishing A Sensible State Marihuana Policy" shall inure to the city or town where the offense occurred.