

**HOUSE . . . . . No. 1645**

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**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 reform the "school zone" law for drug offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>1/16/2013</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/30/2013</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>2/1/2013</i>
<i>Governmental Strategies, Inc.</i>	<i>8 Beacon Street, Suite 44 Boston, MA 02108</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	

**HOUSE . . . . . No. 1645**

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1645) of Benjamin Swan and others relative to drug offenses and the definition of school zone. The Judiciary.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to reform the "school zone" law 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. Section 30 of Chapter 192 shall be amended by replacing the language  
2 “within three hundred feet of the real property” with “within one hundred feet of the real  
3 property.”

4 SECTION 2. Section 32J of Chapter 94C shall be amended to include the following new  
5 paragraph: “This section shall not apply to an offense occurring inside a private residence or  
6 other dwelling house within the zones described herein.”

7 SECTION 3. Notwithstanding any other provision of law to the contrary, no violation of  
8 Section 32J of Chapter 94C shall be punished by a mandatory minimum sentence.

9 SECTION 4. Section 32H of Chapter 94C shall be amended by deleting, “The  
10 provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or  
11 over, charged with a violation of Section 32J of Chapter 94C.”

12 SECTION 5. Section 32J of Chapter 94C shall be amended by deleting, “In accordance  
13 with the provisions of section eight A of chapter two hundred and seventy-nine such sentence  
14 shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-  
15 two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.”

16 SECTION 6. Notwithstanding any provision of law to the contrary, a person who  
17 violates Section 32J of Chapter 94C or who is serving a mandatory minimum sentence for  
18 violating this section as of its effective date shall be eligible to receive deductions from his  
19 sentence for good conduct under Sections 129C and 129D of Chapter 127. Notwithstanding any

20 provision of law to the contrary, deductions from a sentence for good conduct shall accrue as of  
21 the effective date of this section.

22 SECTION 7. Notwithstanding any provision of law to the contrary, a person who  
23 violates Section 32J of Chapter 94C or who is serving a mandatory minimum sentence for  
24 violating this section as of its effective date shall be eligible to participate in education, training,  
25 employment, or work release programs established pursuant to Sections 49, 49A, 49B, 49C, 86F  
26 and 86G of Chapter 127.

27 SECTION 8. Notwithstanding any other provision of law to the contrary, a person who  
28 receives a mandatory minimum sentence for violating Section 32J of Chapter 94C or who is  
29 serving a mandatory minimum sentence for violating this section as of its effective date shall not  
30 be eligible for parole until he or she shall have served half of the mandatory minimum sentence  
31 for that offense.

32 SECTION 9. Notwithstanding any provision of law to the contrary, Section 32J of  
33 Chapter 94C shall not apply to any person under the age of eighteen whose drug offense occurs  
34 on the property of the school he or she attends.