SENATE DOCKET, NO. 1288 FILED ON: 1/18/2013

# SENATE . . . . . No. 634

## The Commonwealth of Massachusetts

PRESENTED BY:

***William N. Brownsberger***

*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 eliminating mandatory minimum sentences related to drug offenses.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *William N. Brownsberger* | *Second Suffolk and Middlesex* |
| *Gloria L. Fox* | *7th Suffolk* |
| *Denise Provost* | *27th Middlesex* |
| *Ruth B. Balser* | *12th Middlesex* |
| *Benjamin Swan* | *11th Hampden* |
| *Patricia D. Jehlen* | *Second Middlesex* |
| *Sonia Chang-Diaz* | *Second Suffolk* |
| *David M. Rogers* | *24th Middlesex* |
| *Carlos Henriquez* | *5th Suffolk* |

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# SENATE . . . . . No. 634

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 634) of William N. Brownsberger, Gloria L. Fox, Denise Provost, Ruth B. Balser and other members of the General Court for legislation relative to mandatory minimum sentences related to drug offenses. The Judiciary.

## The Commonwealth of Massachusetts

**In the Year Two Thousand Thirteen**

An Act eliminating mandatory minimum sentences related to 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:*

SECTION 1. Section 32 of chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by

(a) Striking out the words “less than one thousand nor” in subsection (a);

(b) Striking out the words “less than five nor” in subsection (b) and further striking the second sentence in said subsection;

(c) Repealing subsection (c).

SECTION 2. Section 32A of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than one thousand nor” in subsection (a);

(b) Striking out the words “less than three nor” in subsection (b) and further striking the second sentence in said subsection;

(c) Striking out the words “less than two and one-half nor” and the words “less than one nor” in subsection (c) and further striking the second sentence in said subsection;

(d) Striking out the words “less than five nor” and further the words “less than two thousand five hundred nor” and further the words “but not in lieu of the mandatory minimum term of imprisonment, as established herein”;

(e) Repealing subsection (e).

SECTION 3. Section 32B of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than five hundred nor” in subsection (a);

(b) Striking out the words “less than two and one-half nor” and the words “less than two nor” in subsection (b) and further striking the second sentence of said subsection;

(c) Repealing subsection (c).

SECTION 4. Section 32C of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than five hundred nor” in subsection (a);

(b) Striking out the words “less than one nor” and further the words “less than one thousand nor” in subsection (b).

SECTION 5. Section 32D of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than two hundred and fifty nor” in subsection (a);

(b) Striking out the words “less than five hundred nor” in subsection (b).

SECTION 6. Subsection (a) of section 32E of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than two and one-half nor” and the words “less than one nor” in paragraph (1) and further striking the last sentence in said paragraph;

(b) Striking out the words “less than three nor” in paragraph (2) and further striking the last sentence in said paragraph;

(c) Striking out the words “less than five nor” in paragraph (3) and further striking the last sentence in said paragraph;

(d) Striking out the words “less than ten nor” in paragraph (4) and further striking the last sentence in said paragraph.

SECTION 7. Subsection (b) of section 32E of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than three nor” in paragraph (1) and further striking the last sentence in said paragraph;

(b) Striking out the words “less than five nor” in paragraph (2) and further striking the last sentence in said paragraph;

(c) Striking out the words “less than ten nor” in paragraph (3) and further striking the last sentence in said paragraph;

(d) Striking out the words “less than fifteen nor” in paragraph (4) and further striking the last sentence in said paragraph.

SECTION 8. Subsection (c) of section 32E of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than five nor” in paragraph (1) and further striking the last sentence in said paragraph;

(b) Striking out the words “less than seven nor” in paragraph (2) and further striking the last sentence in said paragraph;

(c) Striking out the words “less than ten nor” in paragraph (3) and further striking the last sentence in said paragraph;

(d) Striking out the words “less than fifteen nor” in paragraph (4) and further striking the last sentence in said paragraph.

SECTION 9. Subsection (d) of section 32E of said chapter 94C is hereby repealed.

SECTION 10. Section 32G of said chapter 94C, as so appearing, is hereby amended by striking out the words “less than two hundred and fifty nor.”

SECTION 11. Section 32H of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “paragraph (b) of section thirty-two, paragraphs (b), (c) and (d) of section thirty-two A, paragraph (b) of section thirty-two B, sections thirty-two E” and the words “and thirty-two J” in the first paragraph;

(b) Striking out the word “sections” in the first paragraph and inserting in place thereof the word:- “section”;

(c) Repealing the second paragraph of said section.

SECTION 12. Section 32I of said chapter 94C, as so appearing, is hereby amended by

(a) Striking out the words “less than one nor” and the words “less than five hundred nor” in subsection (a);

(b) Striking out the words “less than three nor” and the words “less than one thousand nor” in subsection (b);

(c) Striking out the words “less than fifty nor” in subsection (c).

SECTION 13. Section 32J of said chapter 94C is hereby repealed.

SECTION 14. Section 34 of said chapter 94C, as so appearing, is hereby amended by striking out the words “less than two and one-half years nor” in the third sentence of the first paragraph.

SECTION 15. No provision of this act shall in any way affect any sentence prior to its effective date.