

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:
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>

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:

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

- 3 (a) Striking out the words “less than one thousand nor” in subsection (a);
- 4 (b) Striking out the words “less than five nor” in subsection (b) and further striking
5 the second sentence in said subsection;
- 6 (c) Repealing subsection (c).

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

- 8 (a) Striking out the words “less than one thousand nor” in subsection (a);
- 9 (b) Striking out the words “less than three nor” in subsection (b) and further striking
10 the second sentence in said subsection;
- 11 (c) Striking out the words “less than two and one-half nor” and the words “less than
12 one nor” in subsection (c) and further striking the second sentence in said subsection;
- 13 (d) Striking out the words “less than five nor” and further the words “less than two
14 thousand five hundred nor” and further the words “but not in lieu of the mandatory minimum
15 term of imprisonment, as established herein”;

- 16 (e) Repealing subsection (e).

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

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

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

21 (c) Repealing subsection (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68 (c) Repealing the second paragraph of said section.

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

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

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

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

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

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

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