

HOUSE No. 1213

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 prevent drug abuse.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/15/2015</i>

HOUSE No. 1213

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1213) of Antonio F. D. Cabral for legislation to provide that certain monies obtained from the seizure of controlled substances be used to prevent gang violence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1238 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to prevent drug abuse.

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. Subsection (d) of section 47 of chapter 94C of the general laws, as
2 appearing in the 2012 official edition, is hereby amended by striking out the second paragraph
3 and inserting in place thereof the following paragraphs:—

4 The final order of the court shall provide that said monies and the proceeds of any such
5 sale shall be distributed in the following manner: thirty-four percent shall be distributed to the
6 Senator Charles E. Shannon, Jr. Community Safety Initiative Fund created pursuant to section
7 35U of chapter 10 of the general laws, thirty-three percent to the prosecuting district attorney or
8 attorney general, and thirty-three percent to the city, town, state, or metropolitan district police
9 department involved in the seizure, provided, however, that more than one department was

10 substantially involved in the seizure, the court having jurisdiction of the forfeiture proceeds shall
11 equitably distribute said proceeds among those departments.

12 SECTION 2. Subsection (d) of section 47 of chapter 94C of the general laws, as so
13 appearing, is hereby amended by inserting at the end of said section the following sentence:—

14 Said department shall expend up to ten percent of monies and proceeds for drug
15 rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs that
16 further law enforcement purposes.

17 SECTION 3. The third paragraph in subsection (d) of section 47 of chapter 94C of the
18 general laws, as so appearing, is hereby further amended by striking out the last sentence and
19 inserting in place thereof the following two sentences:—

20 Within ninety days of the close of the fiscal year in which this bill is enacted and on each
21 February fifteenth thereafter, each district attorney, the attorney general and the secretary of the
22 Executive Office of Public Safety and Security shall post a report on-line detailing the total
23 amounts collected pursuant to subsection (d) of Section 47 of chapter 94C and report containing
24 each expenditure made from such amounts. Reports filed with said committees annually on
25 February fifteen shall detail said deposit and expenditure of all monies for the preceding fiscal
26 year and the current fiscal year through December thirty-first.

27 SECTION 4. The fourth paragraph in subsection (d) of section 47 of chapter 94C of the
28 general Laws, as so appearing, is hereby further amended by adding the following after the end
29 of said paragraph:—

30 Within ninety days of the close of the fiscal year in which this bill is enacted and on each
31 February fifteenth thereafter, each chief of police of such city or town shall file a detailed report
32 with the division of local services of the department of revenue containing the total amounts
33 collected pursuant to subsection d of Section 47 of chapter 94C and each expenditure made from
34 such amounts. The division shall post said reports on line within sixty days of said deadlines.
35 Reports filed with said department annually in February fifteenth shall detail such deposits and
36 expenditures of all monies for the preceding fiscal year and the current fiscal year through
37 December thirty-first.

38 SECTION 5. Chapter 10 of the general laws is hereby amended by inserting after section
39 35T, as appearing in the 2012 official edition, the following section:—

40 Section 35U. There shall be established and set up on the books of the commonwealth a
41 separate fund, to be known as the Charles E. Shannon, Jr. Community Safety Initiative Fund, to
42 be administered by the Executive Office of Public Safety and Security to support regional,
43 multidisciplinary approaches to combat gang violence and for community-based drug treatment,
44 education, and prevention programs. Said fund shall consist of all funds received by the
45 commonwealth from the following sources: proceeds under the provisions of paragraph (d) of
46 section forty-seven of chapter 94C; fines paid under the provisions of sections thirty-two to forty,
47 inclusive, of said chapter 94C; and appropriations, gifts, grants, or donations to said fund from
48 public or private sources for the purposes of said fund. The state treasurer shall not deposit said
49 revenues in, or transfer said revenues to, the general fund or any other fund other than the
50 Charles E. Shannon, Jr. Community Safety Initiative Fund, subject to appropriation. The state
51 treasurer shall deposit monies in said fund in accordance with the provisions of sections 34 and
52 34A of chapter 29 in such manner as will secure the highest interest rate available consistent with

53 the safety of the fund. Subject to appropriation, said fund shall be expended only for the purposes
54 of community-based prevention and drug treatment efforts at the direction of the commissioner
55 of public health, and any unexpended balances shall be re-deposited, as herein provided, for
56 further use consistent with this section.