

**HOUSE . . . . . No. 1620****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 eliminating mandatory minimum sentences related to drug offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>1/15/2015</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>1/30/2015</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>	<i>1/31/2015</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/31/2015</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/4/2015</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>1/29/2015</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/3/2015</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/30/2015</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/21/2015</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>2/2/2015</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/23/2015</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>9/26/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>9/26/2019</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>9/26/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>9/26/2019</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>9/26/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>9/26/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>9/26/2019</i>

<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>9/26/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>9/26/2019</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/21/2015</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>9/26/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/26/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>9/26/2019</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>9/26/2019</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>9/26/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>9/26/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>9/26/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>9/26/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/26/2019</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>9/26/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>9/26/2019</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>9/26/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>9/26/2019</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>9/26/2019</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>	<i>9/26/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>9/26/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>9/26/2019</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>9/26/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>9/26/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>9/26/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>9/26/2019</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>9/26/2019</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>9/26/2019</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>9/26/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>9/26/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>9/26/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>9/26/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>9/26/2019</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>9/26/2019</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>9/26/2019</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>9/26/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>9/26/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>9/26/2019</i>
<i>Leah Cole</i>	<i>12th Essex</i>	<i>9/26/2019</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>9/26/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>9/26/2019</i>

<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>9/26/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>9/26/2019</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	<i>9/26/2019</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>9/26/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>9/26/2019</i>

# HOUSE . . . . . No. 1620

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By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1620) of Benjamin Swan and others relative to eliminating mandatory minimum sentences related to drug offenses. The Judiciary.

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## The Commonwealth of Massachusetts

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

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 2012  
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 3 ½ nor” in subsection (b) and further striking  
5   the second sentence in the said subsection and inserting in place thereof the following sentence:-  
6   No sentence imposed under the provisions of this section shall be punished by a fine of more  
7   than twenty-five thousand dollars;

8           (c)     Repealing subsection (c).

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

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

(b) Striking out the words “less than 2 nor” in subsection (b) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

(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 the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than ten thousand dollars;

(d) Striking out the words “less than 3 ½ 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” in subsection (d)

(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 18 months nor” in subsection (b) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than ten thousand dollars;

(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 second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than ten thousand dollars;

(b) Striking out the words “less than 2 nor” in paragraph (2) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

(c) Striking out the words “less than 3 ½ nor” in paragraph (3) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than fifty thousand dollars;

(d) Striking out the words “less than 8 nor” in paragraph (4) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than two hundred thousand dollars;

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 2 nor” in paragraph (1) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

(b) Striking out the words “less than 3 ½ nor” in paragraph (2) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than fifty thousand dollars;

(c) Striking out the words “less than 8 nor” in paragraph (3) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than one hundred thousand dollars;

(d) Striking out the words “less than 12 nor” in paragraph (4) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than fifty thousand dollars;

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 3 ½ nor” in paragraph (1) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than fifty thousand dollars;

(b) Striking out the words “less than 5 nor” in paragraph (2) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than fifty thousand dollars;

(c) Striking out the words “less than 8 nor” in paragraph (3) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than one hundred thousand dollars;

(d) Striking out the words “less than 12 nor” in paragraph (4) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than five hundred thousand dollars;

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

SECTION 10. Section 32F of said chapter 94C, as so appearing, is hereby amended by



(a) Striking out the words “less than five nor” in subsection (a) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

(b) Striking out the words “less than three nor” in subsection (b) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

(c) Striking out the words “less than two and one-half nor” and the words “less than two nor” in subsection (c) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

(d) Striking out the words “less than five nor” in subsection (d) and further striking the second sentence in the said subsection and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than twenty-five thousand dollars;

SECTION 11. 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 12. Section 32 H of said chapter 94C, as so appearing, is hereby amended by striking this section in its entirety.

SECTION 13. 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 14. Section 32J of said chapter 94c, as so appearing, is hereby amended by striking out the section in its entirety and replacing it with the following:-

Section 32J. Any person who violates the provisions of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I while in or on, or within 300 feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational, or secondary school if the violation occurs between 5:00 a.m. and midnight, whether or not in session, or within one hundred feet of a public park or playground shall be punished by a term of imprisonment in the state prison for not more than fifteen years or by imprisonment in a jail or house of correction for not more than two and one-half years. A fine of not more than ten thousand dollars may be imposed. In accordance with the provisions of section eight A of chapter two hundred and seventy-nine such sentence shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I. Lack of knowledge of school boundaries shall not be a defense to any person who violates the provisions of this section.

SECTION 15. Section 32K of said chapter 94C, as so appearing, is hereby amended by striking out the words “less than five years nor” and further striking the second sentence in said

section and inserting in place thereof the following sentence:- No sentence imposed under the provisions of this section shall be punished by a fine of more than one hundred thousand dollars.

SECTION 16. 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 17. Notwithstanding any general or special law to the contrary, a person serving a sentence for violating any provisions of Chapter 94C or charged with such a violation but a guilty plea has not been accepted nor a conviction entered as of the effective date of this act shall be eligible to receive deductions from his sentence for good conduct under Sections 129C and 129D of Chapter 127.

SECTION 18. Notwithstanding any general or special law to the contrary, a person serving a sentence for violating any provisions of Chapter 94C or charged with such a violation but a guilty plea has not been accepted nor a conviction entered as of the effective date of this section shall be eligible to participate in education, training, employment or work release programs established pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

SECTION 19. Notwithstanding any general or special law to the contrary, a person serving a sentence for violating any provisions of Chapter 94C or charged with such a violation but a guilty plea has not been accepted nor a conviction entered as of the effective date of this section shall not be eligible for parole until he or she has served 1/2 of the mandatory minimum sentence.