

HOUSE No. 3509

The Commonwealth of Massachusetts

PRESENTED BY:

Brian R. Mannel

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 establish a multi-agency task force to combat illegal tobacco sales.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>	<i>1/14/2015</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>1/20/2015</i>

HOUSE No. 3509

By Mr. Mannal of Barnstable, a petition (accompanied by bill, House, No. 3509) of Brian R. Mannal and Michael J. Rodrigues for legislation to establish a multi-agency task force to combat illegal tobacco sales. Revenue.

The Commonwealth of Massachusetts

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

An Act to establish a multi-agency task force to combat illegal tobacco sales.

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. To provide for certain costs of the interagency task force on illegal tobacco
2 enforcement as established by section 33 of chapter 12 of the General Laws the sum set forth in
3 section 2E is hereby appropriated from the General Fund to the trust fund named within the item
4 and established pursuant to this act.

5 SECTION 2E.

6 Office of the Treasurer and Receiver General

7 0610-XXXX For an operating transfer to the Tobacco Enforcement Trust Fund
8 established pursuant to section 2RRRR of chapter 29 of the General Laws
9\$2,000,000.

10 SECTION 3. Chapter 12 of the General Laws is hereby amended by adding the following
11 section:-

Section 33. (a) The General Court finds and declares that:

(1) lost revenue from illegal tobacco distribution is estimated at between \$62 million and \$246 million after the most recent tobacco excise tax increases. A reduction of even 10 per cent would mean revenue protection and enhancement of between \$6.2 million and \$24.6 million;

(2) the cost to fund a 20-person team to enforce the current law protecting the commonwealth against illegal tobacco distribution is only \$2 million;

(3) the creation of joint task forces have proven to be an effective mechanism for combating the illegal tobacco market and enhancing interagency relationships, information sharing, and the prosecution of violators; and

(4) a separate trust fund with revenue from the seizure and forfeiture of illegal tobacco product will defray the costs to the commonwealth of investigations and providing additional technical equipment or expertise.

(b) There shall be in the department of the attorney general an interagency task force on illegal tobacco enforcement, hereinafter referred to as the task force. The task force shall consist of the attorney general, or a designee, the commissioner of revenue, or a designee, the commander of the state police, or a designee, and the state treasurer, or a designee.

(c) The task force shall assist the department of revenue in the enforcement of chapter 64C.

(d) The attorney general shall designate an assistant attorney general as the director of the task force. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical or other assistants as the work of the task force may require.

(e) The attorney general in conjunction with the state police, the department of revenue and the task force shall enforce criminal violations of chapter 64C which shall include, but not be limited to: (1) investigating and prosecuting allegations of criminal activity related to the possession, sale, delivery or transport of unstamped cigarettes or tobacco products or the unauthorized use of tax stamps in the commonwealth; and (2) the seizure and forfeiture of vending machines, receptacles, boxes or cartons in which tobacco products are contained, any vehicle used in the illegal transportation and any records relating to the importation, purchase and sale of unstamped tobacco products. The attorney general shall provide assistance, upon request, to the task force in the consideration and promulgation of rules and regulations and shall ensure that there shall be no duplication of duties and responsibilities between the department of revenue and the task force.

SECTION 4. Chapter 29 of the General Laws is hereby amended by inserting after section 2QQQQ, inserted by section 14 of chapter 359 of the acts of 2014, the following section:-

Section 2RRRR. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Tobacco Enforcement Trust Fund into which shall be deposited amounts credited or transferred to the fund by the general court or any other source including, without limitation, proceeds from the disposition of forfeited property pursuant to section 38B of chapter 64C, federal grants and any other amounts required to be credited to the fund by operation of law. The fund shall be administered by the state treasurer and receiver general. Monies deposited into the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

(b) Amounts credited to the fund shall be used, without further appropriation, to provide funding to the interagency task force on illegal tobacco enforcement established by section 33 of chapter 12 for the enforcement of chapter 64C.

SECTION 5. Chapter 64C of the General Laws is hereby amendment by inserting after section 38A the following section:-

Section 38B. When a court proceeding under this chapter results in a final order of forfeiture pursuant to this chapter, the final order shall provide for disposition of forfeited items in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, including members of the interagency task force on illegal tobacco enforcement, or sale at public auction or by competitive bidding; and deposit of the monies and proceeds of any such sale, less associated expenses, to the Tobacco Enforcement Trust Fund, from which the funds may be expended by members of the said task force for tobacco enforcement-related purposes, including defraying the costs of investigations and providing additional technical equipment or expertise.