

HOUSE No. 2791

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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 creating 'Jack's Law'.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/23/2017</i>

HOUSE No. 2791

By Mr. Galvin of Canton, a petition (subject to Joint Rule 12) of William C. Galvin relative to penalties for manufacturing, distributing, dispensing or possessing certain controlled substances. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act creating 'Jack's Law'.

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. Chapter 94C of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by striking section 32 in its entirety and replacing it with the
3 following section:

4 Section 32. (a) Any person who knowingly or intentionally manufactures, distributes,
5 dispenses, or processes with intent to manufacture, distribute or dispense a controlled substance
6 in class A of section 31 shall be punished by imprisonment in the state prison for not less than 30
7 years or by a fine of not less than \$10,000, or by both such fine and imprisonment. Provided,
8 however, that the fine established under this provision shall not be in lieu of the mandatory 30
9 year sentence established herein.

10 (b) Any person convicted of violating this section after one or more prior convictions of
11 manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute or
12 dispense a controlled substance as defined by section 31 of this chapter under this or any prior

13 law of this jurisdiction or of any offense of any other jurisdiction, federal, state or territorial,
14 which is the same or necessarily includes the elements of said offense shall be punished by a
15 term of imprisonment in the state prison for not less than 30 years or a fine of not less than
16 \$25,000. Provided, however, that the fine established under this provisions shall not be in lieu of
17 the mandatory 30 year sentence established herein.

18 (c) Any person serving a state sentence under the provisions of this section shall not be
19 eligible for parole until serving the minimum term of said sentence. A condition of such parole
20 may be enhanced supervision; provided, however, that such enhanced supervision may, at the
21 discretion of the parole board, include, but shall not be limited to, the wearing of a global
22 positioning satellite tracking device or any comparable device, which shall be administered by
23 the board at all times for the length of the parole.

24

25 SECTION 2. Chapter 94C of the General Laws, as appearing in the 2014 Official
26 Edition, is hereby amended by striking section 32A in its entirety and replacing it with the
27 following section:

28 32A. (a) Any person who knowingly or intentionally manufactures, distributes, dispenses,
29 or processes with intent to manufacture, distribute or dispense a controlled substance in class B
30 of section 31 shall be punished by imprisonment in the state prison for not less than 30 years or
31 by a fine of not less than \$10,000, or by both such fine and imprisonment. Provided, however,
32 that the fine established under this provision shall not be in lieu of the mandatory 30 year
33 sentence established herein.

34 (b) Any person convicted of violating this section after one or more prior convictions of
35 manufacturing, distributing, dispensing or possessing with the intent to manufacture, distribute or
36 dispense a controlled substance as defined by section 31 of this chapter under this or any prior
37 law of this jurisdiction or of any offense of any other jurisdiction, federal, state or territorial,
38 which is the same or necessarily includes the elements of said offense shall be punished by a
39 term of imprisonment in the state prison for not less than 30 years or a fine of not less than
40 \$25,000. Provided, however, that the fine established under this provision shall not be in lieu of
41 the mandatory 30 year sentence established herein.

42 (c) Any person serving a state sentence under the provisions of this section shall not be
43 eligible for parole until serving the minimum term of said sentence. A condition of such parole
44 may be enhanced supervision; provided, however, that such enhanced supervision may, at the
45 discretion of the parole board, include, but shall not be limited to, the wearing of a global
46 positioning satellite tracking device or any comparable device, which shall be administered by
47 the board at all times for the length of the parole.