

SENATE . . . . . No. 829

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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:	
Joseph A. Boncore	First Suffolk and Middlesex	
Michael J. Barrett	Third Middlesex	1/29/2019
Tommy Vitolo	15th Norfolk	1/30/2019
Michelle M. DuBois	10th Plymouth	1/30/2019
Denise Provost	27th Middlesex	1/30/2019
Liz Miranda	5th Suffolk	1/31/2019
Patricia D. Jehlen	Second Middlesex	1/31/2019
Jay D. Livingstone	8th Suffolk	1/31/2019
Marjorie C. Decker	25th Middlesex	2/1/2019
David M. Rogers	24th Middlesex	2/1/2019
Michelle L. Ciccolo	15th Middlesex	2/1/2019
Sean Garballey	23rd Middlesex	2/1/2019
Elizabeth A. Malia	11th Suffolk	2/1/2019
James K. Hawkins	2nd Bristol	2/5/2019
James B. Eldridge	Middlesex and Worcester	2/8/2019
Tami L. Gouveia	14th Middlesex	5/10/2019

**SENATE . . . . . No. 829**

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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 829) of Joseph A. Boncore, Michael J. Barrett, Tommy Vitolo, Michelle M. DuBois and other members of the General Court for legislation to eliminate mandatory minimum sentences related to drug offenses. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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

8           (c) Repealing subsection (c).

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

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

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

12 SECTION 3. Subsection (a) of Section 32E of said Chapter 94C, as so appearing, is  
13 hereby amended by

14 (a) Striking out the words “less than two and one-half nor” and the words “less than one  
15 nor” in paragraph (1) and further striking the second sentence in the said subsection and inserting  
16 in place thereof the following sentence:- No sentence imposed under the provisions of this  
17 section shall be punished by a fine of more than ten thousand dollars;

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

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

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

30 SECTION 4. Subsection (b) of Section 32E of said Chapter 94C, as so appearing, is  
31 hereby amended by

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

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

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

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

48 SECTION 5. Subsection (c) of Section 32E of said Chapter 94C, as so appearing, is  
49 hereby amended by

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

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

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

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

66 SECTION 6. Subsection (c<sup>1/2</sup>) of Section 32E of said Chapter 94C, as so appearing is  
67 hereby amended by striking out the words “less than 3 and one-half nor” and further striking the  
68 second sentence in that said subsection.

69 SECTION 7. Subsection (c<sup>3/4</sup>) of Section 32E of said Chapter 94C, as so appearing is  
70 hereby amended by striking out the words “less than 3 and one-half nor” and further striking the  
71 second sentence in that said subsection.

72 SECTION 8. Subsection (d) of Section 32E of said Chapter 94C is hereby repealed.

73 SECTION 9. Section 32F of said Chapter 94C, as so appearing, is hereby amended by

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

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

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

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

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

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

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

95 (a) Striking out the words “less than three nor” and the words “less than one thousand  
96 nor” in subsection (b);

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

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

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

113 SECTION 14. Section 32K of said Chapter 94C, as so appearing, is hereby amended by  
114 striking out the words “less than five years nor” and further striking the second sentence in said  
115 section and inserting in place thereof the following sentence:- No sentence imposed under the  
116 provisions of this section shall be punished by a fine of more than one hundred thousand dollars.

117 SECTION 15. Section 34 of said Chapter 94C, as so appearing, is hereby amended by  
118 striking out the words “less than two and one-half years nor” in the third sentence of the first  
119 paragraph.

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

125 SECTION 17. Notwithstanding any general or special law to the contrary, a person  
126 serving a sentence for violating any provisions of Chapter 94C or charged with such a violation  
127 but a guilty plea has not been accepted nor a conviction entered as of the effective date of this  
128 section shall be eligible to participate in education, training, employment or work release  
129 programs established pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

130 SECTION 18. Notwithstanding any general or special law to the contrary, a person  
131 serving a sentence for violating any provisions of Chapter 94C or charged with such a violation  
132 but a guilty plea has not been accepted nor a conviction entered as of the effective date of this  
133 section shall not be eligible for parole until he or she has served 1/2 of the mandatory minimum  
134 sentence.