SENATE DOCKET, NO. 1649 FILED ON: 1/19/2023

SENATE . . . . . No. 965

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 relative to fentanyl arrests.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ryan C. Fattman	*Worcester and Hampden*
Steven George Xiarhos	*5th Barnstable*

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SENATE . . . . . No. 965

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 965) of Ryan C. Fattman and Steven George Xiarhos for legislation relative to fentanyl arrests. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2468* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to fentanyl arrests.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 42 of chapter 276 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting in line 13, after the word "58A", the following words:- ; and, provided further, that if a person is arrested for a violation of section 32 of chapter 94C for the manufacture, sale or distribution of fentanyl, subsections (c ½) or (c ¾) of section 32E of said chapter 94C or subsection (a) of section 32F of said chapter 94C for the manufacture, sale or distribution of fentanyl, any bail shall be assessed pursuant to sections 57 and 58.

SECTION 2. Section 57 of said chapter 276, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:-

Except where prohibited by this section, for any violation of (i) section 32 of chapter 94C for the manufacture, sale or distribution of fentanyl; (ii) subsections (c ½) or (c ¾) of section 32E

of said chapter 94C; or (iii) subsection (a) of section 32F of said chapter 94C for the manufacture, sale or distribution of fentanyl, a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours after arrest, except by a judge in open court. The arrested person shall not be released out of court by a clerk of courts, clerk of a district court, bail commissioner or master in chancery. Any person authorized to take bail for such violation may impose conditions on a person's release in order to ensure the appearance of the person before the court and the safety of the person, any other individual or the community; provided, however, that the person authorized to take bail shall, prior to admitting the person to bail, modifying an existing order of bail or imposing such conditions, have immediate access to all pending and prior criminal offender record information, board of probation records and police and incident reports related to the person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent practicable.

SECTION 3. Section 58 of said chapter 276, as so appearing, is hereby amended by inserting after the fifth paragraph the following paragraph:-

Except where prohibited by section 57, for any violation of (i) section 32 of chapter 94C for the manufacture, sale or distribution of fentanyl; (ii) of subsections (c ½) or (c ¾) of section 32E of said chapter 94C; or (iii) subsection (a) of section 32F of said chapter 94C for the manufacture, sale or distribution of fentanyl, a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours after arrest, except by a judge in open court. The arrested person shall not be released out of court by a clerk of courts, clerk of a district court, bail commissioner or master in chancery. Any person authorized to take bail for such violation may impose conditions on a person's release in order to ensure the appearance of the person before the court and the safety of the person, any other individual or the community;

provided, however, that the person authorized to take bail shall, prior to admitting the person to bail, modifying an existing order of bail or imposing such conditions, have immediate access to all pending and prior criminal offender record information, board of probation records and police and incident reports related to the person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent practicable.