

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Samantha Montañó and Mike Connolly

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 Harm Reduction and Racial Justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Samantha Montañó</i>	<i>15th Suffolk</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act Relative to Harm Reduction and Racial Justice.

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.

2 (a) Chapter 94C of the General Laws is hereby amended by striking out section 34, as so
3 appearing, and inserting in place thereof the following section:-

4 Section 34: No person knowingly or intentionally shall possess a controlled substance
5 unless such substance was obtained directly, or pursuant to a valid prescription or order,
6 from a practitioner while acting in the course of his professional practice, or except as otherwise
7 authorized by the provisions of this chapter. Except as provided in Section 32L of this Chapter,
8 any person who violates this section shall be subjected to receiving a written list of resources in
9 lieu of a citation\

10 (b) Except as provided in subdivision (c) of this section, in any criminal proceeding, no
11 finding or determination of reasonable cause to believe a crime has been committed shall be
12 based solely on evidence of the use or possession of a controlled substance.

13 (c) Paragraph (b) shall not apply when a law enforcement officer is investigating whether
14 a person is operating a motor vehicle while impaired by drugs in violation of M.G.L. c. 90 §
15 24.171

16 Section 2

17 Chapter 94C of the General Laws is hereby amended by striking out section 32L

18 Section 3

19 Chapter 94C of the General Laws is hereby amended by striking out section 40

20 Section 3

21 Chapter 278 of the General Laws is hereby amended by adding after section 28E of the
22 following section:-

23 28F. Motion for resentencing; persons convicted of controlled substance offenses

24 (a) When a person is serving a sentence for a conviction in this state, whether by trial
25 verdict or guilty plea, under Chapter 94C, section 32, including conspiracy to commit such an
26 offense, prior to PASSAGE OF BILL DATE and such persons' conduct as alleged in the
27 accusatory instrument or shown by the guilty plea or trial verdict would not have been a crime
28 under the same Chapter on or after PASSAGE OF BILL DATE, then the chief justice of the trial
29 court shall, in accordance with this section, automatically vacate, dismiss and expunge such
30 conviction.

31 (b) The court administrator of the trial court shall immediately notify the department of
32 criminal justice information services, the department of corrections and the appropriate local
33 correctional facility, which shall immediately effectuate the appropriate relief.

34 (c) The division of criminal justice record services shall notify all relevant police and law
35 enforcement agencies to destroy or seal records related to such cases.

36 (d) A person who was sentenced for a conviction in this state, whether by trial verdict or
37 guilty plea, under Chapter 94C, section 32 prior to BILL PASSAGE DATE in conjunction with
38 another criminal offense, shall be resentenced by the trial court of conviction and any time
39 served shall be credited against the new sentence imposed.