

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO.	H1880
TITLE:	An Act relative to illegal drug and firearm trafficking
SPONSOR:	Joseph D. McKenna
COSPONSORS:	None
HEARING DATE:	May 6, 2025
PRIOR HISTORY:	H1673 (2023-2024) H1782 (2021-2022) H3398 (2019-2020)
SENATE BILL:	S1088 (Fattman)
CURRENT LAW:	Section 32E of Chapter 94C of the General Laws prohibits the trafficking of heroin, morphine or opium punishable according to the weight of the controlled drug: (i) 18 to 36 grams is punishable by 3.5 to 30 years in state prison and a \$5,000 to \$50,000 fine; (ii) 36 to 100 grams is punishable by 5 to 30 years in state prison and a \$5,000 to \$50,000 fine; (iii) 100 to 200 grams is punishable by 8 to 30 years in state prison and a \$10,000 to \$100,000 fine; and (iv) 200 grams or more is punishable by 12 to 30 years in state prison and a \$50,000 to \$500,000 fine. It further prohibits the trafficking of 10 grams or more of fentanyl punishable by 3.5 to 20 years in state prison. Section 10E of Chapter 269 prohibits the illegal transferring of firearms punishable by quantity transferred within a 12 month period: (i) 1 to 2 firearms is punishable by up 10 years in state prison or not more than a \$50,000 fine, or both; (ii) 3 to 9 firearms is punishable by 5 to 20 years in state prison or not more than a \$100,000 fine, or both; and (iii) 10 or more firearms is punishable by 10 years to life in state prison or not more than a \$150,000 fine, or both. Section 10I of Chapter 269 prohibits the transport of firearms into the commonwealth punishable by intent: (i) for criminal activity is

punishable by 5 to 10 years in state prison; (ii) to unlawfully transfer to a prohibited person is punishable by 10 to 20 years in state prison and (iii) to transfer the firearm to a prohibited person and the firearm subsequently is used to cause the death of another is punishable by 20 years to life in state prison.

Section 10J of Chapter 269 prohibits breaking or entering into a building, ship, vessel or vehicle to steal a firearm punishable by up to 5 years in state prison or up to 2.5 years in a house of correction or not more than a \$10,000 fine, or both fine and incarceration. If the person causes injury to another during the breaking or entering or is stealing the firearm to distribute to a prohibited person the upper limit of punishment increases to 10 years in state prison.

Section 10K of Chapter 269 prohibits breaking and entering into the building of a firearm retailer, wholesaler or manufacturer punishable by up to 10 years in state prison or up to 2.5 years in a house of correction or not more than a \$10,000 fine, or both fine and incarceration. Unlawfully obtaining a firearm because of the breaking or entering is punishable by up to 20 years in state prison or not more than a \$10,000 fine, or both fine and incarceration.

BILL SUMMARY:

Section 1 – Adds a section to Chapter 94C increasing the punishment for a person found guilty of both trafficking under Section 32E of heroin, morphine, opium or fentanyl and a trafficking or firearm theft offense under sections 10E, 10I, 10J or 10K of Chapter 269 to a punishment of up to life in state prison which may include a fine of not more than \$500,000.

Section 2 – Prohibits a prosecution under the new section from being placed on file or continued without a finding.

Section 3 – Prohibits a person convicted under the new section from being eligible for furlough, work release, temporary release, or sentence reduction for good conduct