

**HOUSE . . . . . No. 1238**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Antonio F. D. Cabral*

*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 passage of the accompanying bill:

An Act to prevent gang violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>

**HOUSE . . . . . No. 1238**

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1238) of Antonio F. D. Cabral, Stephen L. DiNatale and Denise Andrews for legislation to provide that certain monies obtained for the seizure of controlled substances be used to prevent gang violence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ HOUSE  
□ , NO. 2797 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to prevent gang violence.

*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. Subsection (d) of section 47 of chapter 94C of the general laws, as  
2 appearing in the 2010 official edition, is hereby amended by striking out the second paragraph  
3 and inserting in place thereof the following paragraphs:—

4 The final order of the court shall provide that said monies and the proceeds of any such  
5 sale shall be distributed in the following manner: thirty-four percent shall be distributed to the  
6 Senator Charles E. Shannon, Jr. Community Safety Initiative Fund created pursuant to section  
7 35U of chapter 10 of the general laws, thirty-three percent to the prosecuting district attorney or  
8 attorney general, and thirty-three percent to the city, town, state, or metropolitan district police  
9 department involved in the seizure, provided, however, that more than one department was  
10 substantially involved in the seizure, the court having jurisdiction of the forfeiture proceeds shall  
11 equitably distribute said proceeds among those departments.

12 SECTION 2. Subsection (d) of section 47 of chapter 94C of the general laws, as so  
13 appearing, is hereby amended by inserting at the end of said section the following sentence:—

14 Said department shall expend up to ten percent of monies and proceeds for drug  
15 rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs that  
16 further law enforcement purposes.

17 SECTION 3. The third paragraph in subsection (d) of section 47 of chapter 94C of the  
18 general laws, as so appearing, is hereby further amended by striking out the last sentence and  
19 inserting in place thereof the following two sentences:—

20 Within ninety days of the close of the fiscal year in which this bill is enacted and on each  
21 February fifteenth thereafter, each district attorney, the attorney general and the secretary of the  
22 Executive Office of Public Safety and Security shall post a report on-line detailing the total  
23 amounts collected pursuant to subsection (d) of Section 47 of chapter 94C and report containing  
24 each expenditure made from such amounts. Reports filed with said committees annually on  
25 February fifteen shall detail said deposit and expenditure of all monies for the preceding fiscal  
26 year and the current fiscal year through December thirty-first.

27 SECTION 4. The fourth paragraph in subsection (d) of section 47 of chapter 94C of the  
28 general Laws, as so appearing, is hereby further amended by adding the following after the end  
29 of said paragraph:—

30 Within ninety days of the close of the fiscal year in which this bill is enacted and on each  
31 February fifteenth thereafter, each chief of police of such city or town shall file a detailed report  
32 with the division of local services of the department of revenue containing the total amounts  
33 collected pursuant to subsection d of Section 47 of chapter 94C and each expenditure made from  
34 such amounts. The division shall post said reports on line within sixty days of said deadlines.  
35 Reports filed with said department annually in February fifteenth shall detail such deposits and  
36 expenditures of all monies for the preceding fiscal year and the current fiscal year through  
37 December thirty-first.

38 SECTION 5. Chapter 10 of the general laws is hereby amended by inserting after section  
39 35T, as appearing in the 2010 official edition, the following section:—

40 Section 35U. There shall be established and set up on the books of the commonwealth a  
41 separate fund, to be known as the Charles E. Shannon, Jr. Community Safety Initiative Fund, to  
42 be administered by the Executive Office of Public Safety and Security to support regional,  
43 multidisciplinary approaches to combat gang violence and for community-based drug treatment,  
44 education, and prevention programs. Said fund shall consist of all funds received by the  
45 commonwealth from the following sources: proceeds under the provisions of paragraph (d) of  
46 section forty-seven of chapter 94C; fines paid under the provisions of sections thirty-two to forty,  
47 inclusive, of said chapter 94C; and appropriations, gifts, grants, or donations to said fund from  
48 public or private sources for the purposes of said fund. The state treasurer shall not deposit said  
49 revenues in, or transfer said revenues to, the general fund or any other fund other than the  
50 Charles E. Shannon, Jr. Community Safety Initiative Fund, subject to appropriation. The state

51 treasurer shall deposit monies in said fund in accordance with the provisions of sections 34 and  
52 34A of chapter 29 in such manner as will secure the highest interest rate available consistent with  
53 the safety of the fund. Subject to appropriation, said fund shall be expended only for the purposes  
54 of community-based prevention and drug treatment efforts at the direction of the commissioner  
55 of public health, and any unexpended balances shall be re-deposited, as herein provided, for  
56 further use consistent with this section.