

HOUSE No. 02266

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

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 Repeal Mandatory Minimum Sentencing Laws for Drug Offenses.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>

Carl M. Sciortino, Jr.

34th Middlesex

HOUSE No. 02266

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 2266) of O'Day and others for legislation to repeal mandatory minimum sentencing laws for drug offenses Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1755 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to Repeal Mandatory Minimum Sentencing Laws for 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. Notwithstanding any other provision of law to the contrary, no violation of an
2 offense under Chapter 94C shall be punished by a mandatory minimum sentence.

3 SECTION 2. Notwithstanding any other provision of Chapter 94C, the court may impose a
4 sentence that does not include a mandatory minimum term of imprisonment, including a term of
5 imprisonment that is less than the minimum term currently specified. The court may instead
6 impose sentence pursuant to Section 24 of Chapter 279.

8 SECTION 3. Section 32H of Chapter 94C shall be amended by deleting, “The provisions of
9 section 87 of chapter 276 shall not apply to any person, seventeen years of age or over, charged
10 with a violation of said sections.”

11 SECTION 4. Notwithstanding any provision of law to the contrary, a person serving a sentence
12 for violating any provision of Chapter 94C as of the effective date of this section shall be eligible
13 to receive deductions from his sentence for good conduct under Sections 129C and 129D of
14 Chapter 127.

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16 SECTION 5. Notwithstanding any provision of law to the contrary, a person serving a sentence
17 for violating any provision of Chapter 94 as of the effective date of this section shall be eligible
18 to participate in education, training, employment, or work release programs established pursuant
19 to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

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21 SECTION 6. Notwithstanding any other provision of law to the contrary, a person serving a
22 sentence for violating any provision of Chapter 94C as of the effective date of this section shall
23 not be eligible for parole until he or she shall have served two thirds of the minimum term of the
24 sentence if the sentence is to a state prison.