

HOUSE No. 02797

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:

Antonio F. D. Cabral

13th Bristol

Martin J. Walsh

13th Suffolk

HOUSE No. 02797

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2797) of Walsh and Cabral for legislation to provide that certain monies obtained for the seizure of controlled substances be used to prevent gang violence Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1302 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 Subsection (d) of Section 47 of Chapter 94C of the General Laws, as appearing in the 2008
- 2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
- 3 thereof the following paragraphs:
- 4 The final order of the court shall provide that said monies and the proceeds of any such sale shall
- 5 be distributed in the following manner: Thirty-four percent shall be distributed to the Senator
- 6 Charles E. Shannon, Jr. Community Safety Initiative, as contained in item 8100-0111 of section
- 7 1A of Chapter 182 of the Acts of 2008 or its successors; Thirty-three percent to the prosecuting
- 8 district attorney or attorney general; And thirty-three percent to the police department or

9 departments who actively participated in the investigation leading to and/or the conduct of the
10 seizure. If more than one police department actively participated in the investigation leading to
11 and/or the conduct of the seizure, the court having jurisdiction of the forfeiture proceeds shall
12 equitably distribute said proceeds among these departments.

13 SECTION 2. Subsection (d) of section 47 of Chapter 94C of the General Laws, as so appearing,
14 is hereby amended by inserting at the end of said section the following sentence: Said
15 department shall expend up to ten percent of monies and proceeds for drug rehabilitation, drug
16 education, and other anti-drug or neighborhood crime watch programs that further law
17 enforcement purposes.

18 SECTION 3. The third paragraph in subsection (d) of section 47 of Chapter 94C of the General
19 Laws, as so appearing, is hereby further amended by striking out the last sentence and inserting
20 in place thereof the following two sentences: Within ninety days of the close of the fiscal year in
21 which this bill is enacted and on each February fifteenth thereafter, each district attorney and the
22 attorney general shall file a detailed report with the house and senate committees on ways and
23 means on the deposit and expenditure of all monies in the trust fund including, but not limited to,
24 the use of such monies for the purpose of protracted investigations, provision of technical
25 equipment, drug rehabilitation, drug education, and other anti-drug or neighborhood crime watch
26 programs. Reports filed with said committees annually on February fifteen shall detail said
27 deposit and expenditure of all monies for the preceding fiscal year and the current fiscal year
28 through December thirty-first.

29 SECTION 4. The fourth paragraph in subsection (d) of Section 47 of Chapter 94C of the General
30 Laws, as so appearing, is hereby further amended by adding the following after the end of said

31 paragraph: Within ninety days of the close of the fiscal year in which this bill is enacted and on
32 each February fifteenth thereafter, each chief of police of such city or town shall file a detailed
33 report with the division of local services of the department of revenue and mayor or first
34 selectman on the deposit and expenditure of all monies in the special law enforcement trust fund
35 including, but not limited to, the use of such monies for the purpose of protracted investigations,
36 provision of technical equipment, drug education, and other anti-drug or neighborhood crime
37 watch programs or other law enforcement purposes as the chief of police of such city or town, or
38 the colonel of state police deems appropriate. Reports filed with said department annually in
39 February fifteenth shall detail such deposits and expenditures of all monies for the preceding
40 fiscal year and the current fiscal year through December thirty-first.

41 SECTION 5. Chapter 10 of the General Laws is hereby amended by inserting after section 35T,
42 as appearing in the 2008 Official Edition, the following section: Section 35U. There shall be
43 established and set up on the books of the commonwealth a separate fund, to be known as the
44 Charles E. Shannon, Jr. Community Safety Initiative, to be administered by the Executive Office
45 of Public Safety and Security to support regional, multidisciplinary approaches to combat gang
46 violence and for community-based drug treatment, education and prevention programs. Said
47 fund shall consist of all funds received by the commonwealth from the following sources:
48 proceeds under the provisions of paragraph (d) of section forty-seven of chapter 94C; fines paid
49 under the provisions of sections thirty-two to forty, inclusive, of said chapter 94C; and
50 appropriations, gifts, grants, or donations to said fund from public or private sources for the
51 purposes of said fund. The state treasurer shall not deposit said revenues in, or transfer said
52 revenues to, the General Fund or any other fund other than the Charles E. Shannon, Jr.
53 Community Safety Initiative, subject to appropriation. The state treasurer shall deposit monies in

54 said fund in accordance with the provisions of sections 34 and 34A of chapter 29 in such manner
55 as will secure the highest interest rate available consistent with the safety of the fund. Subject to
56 appropriation, said fund shall be expended only for the purposes of regional, multidisciplinary
57 approaches to combat gang violence and for community-based drug treatment, education and
58 prevention programs at the direction of the commissioner of public safety and security, and any
59 unexpended balances shall be redeposited, as herein provided, for further use consistent with this
60 section.

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