

HOUSE No. 00428

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

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 relative to hidden compartments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>

HOUSE No. 00428

By Mr. DiNatale of Fitchburg, petition (accompanied by Bill, House, No. 00428) of Stephen L. DiNatale and others relative to the penalties for the use or manufacture of hidden compartments for the purpose of transporting or distributing controlled substances. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1342 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to hidden compartments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94C of the General Laws is hereby amended by inserting after section 32K the following
2 section:

3 Section 32L: Hidden compartment in conveyance; construction, possession or use in distribution
4 of controlled substances and paraphernalia; penalties.

5 (a) Definition: As used in this section, the term “hidden compartment” shall be defined as any
6 after-market hidden or secret compartment that is operated electronically, mechanically, or
7 manually and has been installed in or attached to a conveyance including any aircraft, vehicle, or

8 vessel, or any factory-designed void in such a conveyance that has been modified, altered, or
9 changed to function as a hidden compartment.

10 b) Any person who possesses, uses, or controls a conveyance containing a hidden compartment
11 with the intent to secrete, store, or transport (i) any controlled substances which have been
12 manufactured, delivered, distributed, dispensed or acquired in violation of this chapter, (ii) any
13 materials, products, and equipment of any kind used or intended for use, in the manufacturing,
14 compounding, processing, delivering, dispensing, distributing, importing, or exporting of any
15 controlled substance in violation of this chapter, (iii) any drug paraphernalia, (iv) any moneys,
16 negotiable instruments, securities, or other things of value furnished or intended to be furnished
17 by any person in exchange for a controlled substance in violation of this chapter, all proceeds
18 traceable to such an exchange, including currency and any other thing of value, and all moneys,
19 negotiable instruments, and securities used or intended to be used to facilitate any violation of
20 the provisions of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-
21 two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty of this chapter, and (v)
22 firearms, ammunition, or other weapons, shall be punished by imprisonment in the state prison
23 for not less than 3 years and not more than 5 years, or by imprisonment in the house of correction
24 for not more than 2 ½ years. No sentence imposed under the provisions of this section shall be
25 less than a mandatory minimum term of imprisonment of 2 years. The penalty for a second or
26 subsequent offense shall be imprisonment in the state prison for not less than 5 and not more
27 than 10 years after a second offense.

28 (c) Any person who designs, constructs, builds, alters or fabricates a hidden compartment
29 intended for the use in or attached to a conveyance, or installs in or attaches a hidden
30 compartment to a conveyance with the intent to secrete, store, or transport any of the items listed

31 in subsection (b) shall be punished by imprisonment in the state prison for not less than 3 years
32 and not more than 5 years, or by imprisonment in the house of correction for not more than 2 ½
33 years. No sentence imposed under the provisions of this section shall be less than a mandatory
34 minimum term of imprisonment of 2 years. The penalty for a second or subsequent offense shall
35 be imprisonment in the state prison for not less than 5 and not more than 10 years after a second
36 offense.

37 (d) Forfeiture: Any conveyance containing a hidden compartment, as well as the contents of the
38 hidden compartment, shall be subject to seizure by any city, town, or state police department and
39 subject to the provisions of Section 47 of this chapter. Proof that a conveyance contains a hidden
40 compartment as defined in this section shall be prima facie evidence that the conveyance was
41 used intended for use in and for the business of unlawfully manufacturing, dispensing, or
42 distributing controlled substances.

43 Removal of the hidden compartment from the conveyance, or the promise to do so, shall not be
44 the basis for a defense to forfeiture of the conveyance under Section 47 of this chapter and shall
45 not be the basis for the court to release the conveyance to the owner.