

**SENATE . . . . . No. 00908**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Steven A. Tolman*

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*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 reform the “school zone” law for drug offenses.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Steven A. Tolman</i>	<i>Second Suffolk and Middlesex</i>
<i>Thomas M. McGee</i>	<i>Third Essex and Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

**SENATE . . . . . No. 00908**

By Mr. Tolman, petition (accompanied by bill, Senate, No. 908) of Jehlen, McGee and Tolman for legislation to reform the "school zone" law for drug offenses [Joint Committee on the Judiciary].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to reform the “school zone” law 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. Section 32J of Chapter 94C shall be amended by replacing the language,  
2 “within one thousand feet of the real property” with “within one hundred feet of the real  
3 property.”

4 SECTION 2. Section 32J of Chapter 94C shall be amended to include the following new  
5 paragraph: “This section shall not apply to an offense occurring inside a private residence or  
6 other dwelling house within the zones described herein.”

7 SECTION 3. Notwithstanding any other provision of law to the contrary, no violation of  
8 an offense under Section 32J of Chapter 94C shall be punished by a mandatory minimum  
9 sentence.

10 SECTION 4. Notwithstanding any other provision of Chapter 94C, the court may impose  
11 a sentence that does not include a mandatory minimum term of imprisonment, including a term

12 of imprisonment that is less than the minimum term currently specified. The court may instead  
13 impose sentence pursuant to Section 24 of Chapter 279.

14 SECTION 5. Section 32H of Chapter 94C shall be amended by deleting, “The provisions  
15 of section 87 of chapter 276 shall not apply to any person, seventeen years of age or over,  
16 charged with a violation of said sections.”

17 SECTION 6. Section 32J of Chapter 94C shall be amended by deleting, “In accordance  
18 with the provisions of section eight A of chapter two hundred and seventy-nine such sentence  
19 shall begin from and after the expiration of the sentence for violation of section thirty-two, thirty-  
20 two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.”

21 SECTION 7. Notwithstanding any 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 be eligible to receive deductions from his sentence for good conduct under Sections 129C and  
24 129D of Chapter 127.

25 SECTION 8. Notwithstanding any provision of law to the contrary, a person serving a  
26 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be  
27 eligible to participate in education, training, employment, or work release programs established  
28 pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

29 SECTION 9. Notwithstanding any other provision of law to the contrary, a person  
30 serving a sentence for violating any provision of Chapter 94C as of the effective date of this  
31 section shall not be eligible for parole until he shall have served two thirds of the minimum term  
32 of the sentence if the sentence is to a state prison.