

7) A safety valve provision

The commission is discussing whether to recommend a statutory change that creates a safety valve applicable to certain offenses, allowing for a departure below some mandatory minimums, and if so, whether judges should be required to make written findings in support of the safety valve departure, and whether prosecutors and defendants should have a full right of appeal for abuse of discretion or error of law. A sample provision follows:

Safety Valve, Option A

Notwithstanding any other provision of law, the court may impose a sentence below a mandatory minimum sentence or minimum sentence, including, but not necessarily including, by sentencing the defendant to a lower mandatory minimum or minimum sentence, for any offense except those set forth in the last paragraph of this section provided the court makes the following written findings:

(1) The defendant did not use force or threats of force or use or display a firearm, rifle, shotgun, machine gun or a weapon described in paragraph (b) of section 10 of chapter 269, or induce another participant to do so, during commission of the instant offense;

(2) The defendant has no prior convictions pursuant to subsection 10(a), (c) and (m) of Chapter 269 for ten years calculated from the date of release from confinement from the sentence for the prior offense(s) or groups of offenses (but not calculated from the date of release from community supervision) which have been aggregated by the Department of Correction for purposes of determining date of release to the date of commission of the instant offense. Prior convictions for any offense of any jurisdiction, federal, state, or territorial which is the same as or necessarily includes the elements of Section 10(a) of Chapter 269 shall be considered in the same manner as such a Massachusetts conviction;

(3) The defendant has a "No/Minor Record", "Moderate Record" or "Serious Record" as defined by the Massachusetts Sentencing Commission provided that if the defendant has a "Serious Record" the defendant does not have a conviction for a "Level 6" or above offense as defined by the Massachusetts

Sentencing Commission within the previous 10 years as measured from the date of release from correctional confinement (and not community supervision) for the prior offense to the date of commission of the instant offense, further provided that the court may relax the requirements of this subsection if it finds that the seriousness of the defendant's record is significantly overrepresented by the Criminal History Scale as defined by the Massachusetts Sentencing Commission.

This provision may be applied retroactively on a sentence that is currently being served, ordered to be served, or part of a sentencing aggregate that is currently being served. In retroactive application of this provision the court may consider the defendant's conduct after imposition of the mandatory minimum sentence.

No state prison sentence imposed pursuant to this section shall provide a maximum term less than one year from the minimum term.

Either party may appeal from determinations under this section. Appeals shall be heard as part of the defendant's direct appeal from the defendant's conviction to the Appeals Court, or by the prosecutor under the rules governing the defendant's direct appeal to the Appeals Court if the prosecutor timely files a notice of appeal. The standard on appeal shall be whether the court's determination was reasonable. No right of interlocutory appeal is created by this provision.

The court may not impose a sentence below a mandatory minimum sentence or minimum sentence for a violation of the following:

- a) Section 178H(a)(2) of chapter 6 (Failure to register or verify registration by sex offenders);
- b) sections 23, 24(1)(a)(1), 24(2)(a) $\frac{1}{2}$ (2) of Chapter 90 [License Suspended for OUI (OUI While), OUI Alcohol Drugs, and Leave Scene of Personal injury and Death] and
- c) section 24V(a)(1) of Chapter 90 [Same while Endangering Child];
- d) section 8(a)(1)(A) of chapter 90B [Same while Operating Vessel];
- e) sections 1, 3, 13B $\frac{1}{2}$, 13B $\frac{3}{4}$, 13F, 15A(a), 17, 18(b), 18B, 21A, 22(a), 22B, 22C, 23A, 23B, 24, 24B, 26, 26D(d), 50(a), 50(b) 51(a), 51(b), 52(a), 52(b) and 53(b) of chapter 265 [Murder, Murder by Duel, Aggravated Indecent Assault and Battery on a Child, Indecent Assault and Battery After Certain Offenses on a Child, Indecent Assault and Battery on Person with Intellectual Disability, Assault and Battery with Dangerous Weapon (over 60 subsequent offense), Armed Robbery (Firearm and

Masked), Armed Assault with intent to Murder (Firearm), Firearm Possess in Felony (subsequent), Carjacking (Armed, Firearm), Aggravated Rape, Rape of Child with Force After Certain Offenses, Aggravated Rape of Child, Aggravated Rape Child Subsequent Offense, Assault with Intent to Rape, Rape of Child No Force Subsequent Offense, Assault to Rape Child (Armed with Firearm or Subsequent), Kidnapping (Armed Firearm), Human Trafficking Under 18 Subsequent Offense, Human Trafficking for Sexual Servitude, Human Trafficking by Business Entities, Human Trafficking for Forced Servitude, Human Trafficking Subsequent Offense, and Organ Trafficking Victim Under 18], ;

f) sections 14, 102(a), 102(c) of chapter 266 (Burglary (armed assault on occupants), Possess Incendiary Device or Nuclear Weapon, Possess explosives);

g) subsections (a), (c) and (d) of section 10, sections 10E, 10F of chapter 269 [Possession Firearm, Possession Machine Gun or Sawed-Off Shotgun, and Subsequent Offenses, Firearms Trafficking, Firearm Sale to Minor]; and,

h) section 4B of chapter 272 (Derive Support from Child Prostitute).

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(1) The defendant did not use force or threats of force or use or display a firearm, rifle, shotgun, machine gun or a weapon described in paragraph (b) of section 10 of chapter 269, or induce another participant to do so, during commission of the instant offense;

(2) The defendant has no prior convictions pursuant to subsection 10(a), (c) and (m) of Chapter 269 for ten years calculated from the date of release from confinement from the sentence for the prior offense(s) or groups of offenses (but not calculated from the date of release from community supervision) which have been aggregated by the Department of Correction for purposes of determining date of release to the date of commission of the instant offense. Prior convictions for any offense of any jurisdiction, federal, state, or territorial which is the same as or necessarily includes the elements of Section 10(a) of Chapter 269 shall be considered in the same manner as such a Massachusetts conviction;

(3) The defendant has a "No/Minor Record", "Moderate Record" or "Serious Record" as defined by the Massachusetts Sentencing Commission provided that if the defendant has a "Serious Record" the defendant does not have a conviction for a "Level 6" or above offense as defined by the Massachusetts Sentencing Commission within the previous 10 years as measured from the date of release from correctional confinement (and not community supervision) for the prior offense to the date of commission of the instant offense, further provided that the court may relax the requirements of this subsection if it finds that the seriousness of the defendant's record is significantly overrepresented by the Criminal History Scale as defined by the Massachusetts Sentencing Commission.

This provision may be applied retroactively on a sentence that is currently being served, ordered to be served, or part of a sentencing aggregate that is currently being served. In retroactive application of this provision the court may consider the defendant's conduct after imposition of the mandatory minimum sentence.

No state prison sentence imposed pursuant to this section shall provide a maximum term less than one year from the minimum term.

Either party may appeal from determinations under this section. Appeals shall be heard as part of the defendant's direct appeal from the defendant's conviction to the Appeals Court, or by the prosecutor under the rules governing the defendant's direct appeal to the Appeals Court if the prosecutor timely files a notice of appeal. The standard on appeal shall be whether the court's determination was reasonable. No right of interlocutory appeal is created by this provision.

The court may not impose a sentence below a mandatory minimum sentence or minimum sentence for a violation of the following:

- a) section 24(1)(a)(1) of Chapter 90 [OUI Alcohol Drugs];
- b) section 24G of Chapter 90 [OUI MV Homicide];
- c) section 24V(a)(1)[OUI while Endangering Child];
- d) section 8(a)(1)(A) of chapter 90B [OUI while Operating Vessel];
- e) sections 1, 3, 13 ½, 13B ½, 13B ¾, 22B, 22C, 23B, 26D(d), 43(b), 43(c), 50(a), 50(b) 51(a), 51(b), 52(a), 52(b) and 53(b) of chapter 265 [Murder, Murder by Duel, MV Manslaughter, Aggravated Indecent Assault and Battery on

a Child, Indecent Assault and Battery After Certain Offenses on a Child, Aggravated Rape Child During Certain Offenses and Force, Aggravated Rape Child Subsequent Offense, Rape of Child No Force Subsequent Offense, Stalking in Violation of a Restraining Order, Stalking Subsequent Offense, Human Trafficking Under 18 Subsequent Offense, Human Trafficking for Sexual Servitude, Human Trafficking by Business Entities, Human Trafficking for Forced Servitude, Human Trafficking Subsequent Offense, and Organ Trafficking Victim Under 18]; and

f) subsections (a), (c) and (d) of section 10 of chapter 269 [Possession Firearm, Possession Machine Gun or Sawed-Off Shotgun, and Subsequent Offenses].

Safety Valve, Option B (same as Proposal A except that the list of mandatory and statutory minimum provisions eligible for the safety valve is more narrow)

Safety Valve, Option C (same as Proposal A except that the list of mandatory and statutory minimum provisions eligible for the safety valve is broader)

Safety Valve, Option D (same as Proposal A except that paragraph (2) of section 3 relating to retroactivity is deleted, as is paragraph (4) of section 2 relating to the structure of state prison sentences.

Safety Valve, Option E (same as Proposal A except that paragraph (4) of section 2 relating to the structure of state prison sentences is deleted.

Safety Valve, Option F (same as Proposal A except that paragraph (3) of section 2 relating to retroactivity is deleted.

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	WITNESS FAIL TESTIFY BEFORE GENERAL CT c. 3 s. 28A		30 days	
Minimum HOC	BLIND, UNLICENSED SOLICITATION FOR c. 6 s. 139		3 months	
Mandatory Minimum	SEX OFFENDER RESIDE IN NURSING HOME, LEVEL 3, 3RD OR SUBSQ. OFF. c. 6 s. 178K(2)(e)	5 Years		5 Years
Minimum Prison	FAILURE TO REGISTER OR VERIFY REGISRATION INFO BY SEX OFFENDER, SUBSQ. OFF. c. 6 s. 178H(a)(2)			5 Years
Minimum HOC	FAILURE TO REGISTER OR VERIFY REGISRATION INFO BY SEX OFFENDER c. 6 s. 178H(a)(1)		6 Months	
Minimum Prison	NATIONAL GUARDSMAN, CONFLICT OF INTEREST c. 33 s. 16			2 1/2 years
Minimum HOC	NATIONAL GUARD ENCAMPMENT, TRESPASS ON c. 33 s. 65		30 days	
Minimum HOC	MILITARY/NAT'L GUARD RIGHT OF WAY, PARADE, DRILL, ASSEMBLY, OBSTRUCT c. 33 s. 66		30 days	
Minimum HOC	ARMORY, INTERRUPT/OBSTRUCT OCCUPIED c. 33 s. 123		30 days	
Minimum Prison / Minimum HOC	VOTING MACHINE, TAMPER WITH OR ATTEMPTS c. 56 s. 51		1 year	2 1/2 years
Minimum HOC	DEED EXCISE TAX, FAIL PRODUCE RECORDS OF c. 64D s. 6		3 months	
Minimum HOC	NUMBER PLATE, FALSE APPLIC FOR DEALER c. 90 s. 5(g)		30 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	BOAT, USE W/O AUTHORITY, 2ND OFF. c. 90B s. 8(e)(1)		30 days	
Minimum HOC	BOAT, NEGLIGENT OPERATION OF & DEATH c. 90B s. 8B(2)		30 days	
Minimum HOC	BOAT OUI, LIQUOR OR .08% OR DRUGS & DEATH c. 90B s. 8B(2)		30 days	
Minimum HOC	BOAT OUI - LIQUOR OR .08% OR DRUGS AND SERIOUS INJURY c. 90B s. 8A(2)		30 days	
Mandatory Minimum	BOAT OUI LIQUOR OR .08% OR DRUGS, 4TH OFF. c. 90B s. 8(a)(1)(A)	1 year	1 year	2 1/2 years
Mandatory Minimum	BOAT OUI, LIQUOR OR .08% OR DRUGS & DEATH, RECKLESS OR NEGLIGENT c. 90B s. 8B(1)	1 year	1 year	2 1/2 years
Mandatory Minimum	BOAT OUI LIQUOR OR .08% OR DRUGS, 5TH OFF. c. 90B s. 8(a)(1)(A)	2 years	2 years	2 1/2 years
Minimum Prison / Minimum HOC	BOAT, USE W/O AUTHORITY, 3RD AND SUBSQ. OFF. c. 90B s. 8(e)(1)		6 months	2 1/2 years
Mandatory Minimum	BOAT OUI - LIQUOR OR .08% OR DRUGS AND SERIOUS INJURY, RECKLESS/NEGLIGENT c. 90B s. 8A(1)	6 months	6 months	2 1/2 years
Mandatory Minimum	BOAT OUI LIQUOR OR .08% OR DRUGS, 2ND OFF. c. 90B s. 8(a)(1)(A)	14 days	14 days	
Minimum HOC	MBOAT ACCIDENT; LEAVE SCENE OF PERSONAL INJURY c. 90B s. 8(e)(1)		2 months	
Minimum HOC	BOAT, NEGLIGENT OR RECKLESS OPERATION OF c. 90B s. 8(e)(1)		30 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	MBOAT ACCIDENT, LEAVE SCENE OF PROPERTY DAMAGE c. 90B s. 8(e)(1)		30 days	
Minimum HOC	MBOAT APPLICATION FOR CERTIFICATION OF NUMBER; FALSE STATEMENT c. 90B s. 8(e)(1)		30 days	
Minimum HOC	BOAT, USE W/O AUTHORITY, 1ST OFF. c. 90B s. 8(e)(1)		30 days	
Minimum HOC	BOAT RECKLESS OPERATION OF & DEATH c. 90B s. 8B(2)		30 days	
Mandatory Minimum	BOAT OUI LIQUOR OR .08% OR DRUGS, 3RD OFF. c. 90B s. 8(a)(1)(A)	6 months	6 months	
Minimum HOC	WEIGHT OR WEIGHT CERTIFICATE, VIOLATIONS c. 90 s. 19D		2 weeks	
Mandatory Minimum	LICENSE SUSPENDED FOR OUI, OUI WHILE c. 90 s. 23	1 year	1 year	
Mandatory Minimum	LICENSE SUSPENDED FOR OUI/CDL, OPER MV WITH c. 90 s. 23	60 days	60 days	
Minimum HOC	LICENSE SUSPENDED, OP MV WITH, SUBSQ.OFF c. 90 s. 23		60 days	
Minimum HOC	REGISTRATION SUSPENDED, OP MV, SUBSQ.OFF c. 90 s. 23		60 days	
Minimum HOC	LICENSE, EXHIBIT ANOTHER'S, SUBSQ. OFF. c. 90 s. 23		60 days	
Minimum HOC	USE MV WITHOUT AUTHORITY, 2ND OFF. c. 90 s. 24(2)(a)		30 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	LEAVE SCENE OF PERSONAL INJURY & DEATH c. 90 s. 24(2)(a½)(2)	1 year	1 year	2 1/2 years
Mandatory Minimum	MOTOR VEH HOMICIDE OUI LIQUOR OR .08% OR DRUGS & NEGLIG c. 90 s. 24G(a)	1 year	1 year	2 1/2 years
Mandatory Minimum	MOTOR VEH HOMICIDE OUI LIQUOR OR .08% OR DRUGS & RECKL c. 90 s. 24G(a)	1 year	1 year	2 1/2 years
Mandatory Minimum	OUI LIQUOR OR .08% OR DRUGS, 3RD OFF. c. 90 s. 24(1)(a)(1)	150 Days	180 days	2 1/2 years
Minimum Prison / Minimum HOC	IGNITION INTERLOCK, OPERATE WITHOUT c. 90 s. 24S(a)		180 days	2 1/2 years
Mandatory Minimum	OUI LIQUOR OR .08% OR DRUGS, 5TH OFF. c. 90 s. 24(1)(a)(1)	24 Months	2 1/2 years	2 1/2 years
Mandatory Minimum	OUI LIQUOR OR .08% OR DRUGS, 4TH OFF. c. 90 s. 24(1)(a)(1)	12 Months	2 years	2 1/2 years
Minimum Prison / Minimum HOC	USE MV WITHOUT AUTHORITY, 3RD AND SUBSQ. OFF. c. 90 s. 24(2)(a)		6 months	2 1/2 years
Mandatory Minimum	OUI LIQUOR OR .08% OR DRUGS & SERIOUS INJURY & NEGLIGENT c. 90 s. 24L(1)	6 months	6 months	2 1/2 years
Mandatory Minimum	OUI LIQUOR OR .08% OR DRUGS & SERIOUS INJURY & RECKLESS c. 90 s. 24L(1)	6 months	6 months	2 1/2 years
Mandatory Minimum	CHILD ENDANGERMENT WHILE OUI, SUBSQ. OFF. c. 90 s. 24V(a)(1)	6 months	6 months	3 years
Minimum Prison / Minimum HOC	IGNITION INTERLOCK, TAMPER WITH c. 90 s. 24T(a)		6 months	3 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison	INGITION INTERLOCK FOR ANOTHER, BYPASS, SUBSQ. OFF. c. 90 s. 24U(a)(1)			3 years
Minimum HOC	RECKLESS OPERATION OF MOTOR VEHICLE c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	NEGLIGENT OPERATION OF MOTOR VEHICLE c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	RACING MOTOR VEHICLE c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	LEAVE SCENE OF PROPERTY DAMAGE c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	LICENSE, ALLOW ANOTHER TO USE c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	REGISTRATION, FALSE STATEMNT IN APPL FOR c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	LICENSE, FALSE STATEMENT IN APPLIC FOR c. 90 s. 24(2)(a)		2 weeks	
Minimum HOC	ABANDONED/STOLEN/CRUSHED MV, UNREGISTERED OR IMPROPER REMOVAL c. 90 s. 24H		2 years	
Minimum HOC	USE MV WITHOUT AUTHORITY c. 90 s. 24(2)(a)		30 days	
Minimum HOC	MOTOR VEH HOMICIDE BY NEGLIGENT OP c. 90 s. 24G(b)		30 days	
Minimum HOC	MOTOR VEH HOMICIDE BY RECKLESS OP c. 90 s. 24G(b)		30 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	MOTOR VEH HOMICIDE OUI LIQUOR OR .08% OR DRUGS c. 90 s. 24G(b)		30 days	
Minimum HOC	LEAVE SCENE OF PERSONAL INJURY c. 90 s. 24(2)(a ^{1/2})(1)		6 months	
Minimum HOC	INGITION INTERLOCK FOR ANOTHER, BYPASS c. 90 s. 24U(a)(1)		6 months	
Mandatory Minimum	OUI LIQUOR OR .08% OR DRUGS, 2ND OFF. c. 90 s. 24(1)(a)(1)	30 Days	60 days	
Minimum HOC	CHILD ENDANGERMENT WHILE OUI c. 90 s. 24V(a)(1)		90 days	
Minimum HOC	LEASE MV VIOLATIONS c. 90 s. 32C		30 days	
Minimum HOC	LEASE MV LESSOR RECORDKEEPING VIOLATION c. 90 s. 32D		30 days	
Minimum HOC	LEASE MV VIOLATIONS c. 90 s. 32E		30 days	
Minimum HOC	LEASE MV OBTAINED BY FRAUD/BAD CHECK c. 90 s. 32F		30 days	
Minimum HOC	LEASE MOTORCYCLES WITHOUT LICENSE c. 90 s. 32H		30 days	
Minimum HOC	AIRPORT RUNWAY, STRUCTURE TOO HIGH NEAR c. 90 s. 35B		1 month	
Minimum HOC	AIRCRAFT OPERATION IN VIOL MUNIC REGUL c. 90 s. 39B		1 month	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	AIRCRAFT, LICENSE, REGISTRATIONS, USE VIOLATIONS c. 90 s. 40		1 month	
Minimum HOC	AIRPORT APPROACH REGULATIONS, VIOL MUNIC c. 90 s. 40A		1 month	
Minimum HOC	AIRCRAFT OUI LIQUOR c. 90 s. 44		1 month	
Minimum HOC	AIRCRAFT OPERATION TOO LOW/TO ENDANGER c. 90 s. 46		1 month	
Minimum HOC	AIRCRAFT OPERATION, UNLICENSED c. 90 s. 47		1 month	
Minimum HOC	AIRCRAFT, UNLICENSED/UNREGISTERED c. 90 s. 48		1 month	
Minimum HOC	AIRCRAFT REGISTRATION VIOLATIONS c. 90 s. 49		1 month	
Minimum HOC	AIRPORT MUNICIPAL REGULATIONS VIOL c. 90 s. 51J		1 month	
Minimum HOC	RETAILER OR WHOLESALER, SELL BELOW COST c. 93 s. 14F		1 month	
Minimum HOC	MILK FROM UNREGIS PLANT, SELL, 3RD AND SUBSQ. OFF. c. 94 s. 16L		6 months	
Mandatory Minimum	COCAINE (c.94C s. 31(a)(4)), TRAFFICK IN c. 94C s. 32E(b)(4) - 200 or more g	12 years		12 years
Mandatory Minimum	METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICK IN c. 94C s. 32E(b)(4) - 200 g or more	12 years		12 years

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Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	PHENMETRAZINE, TRAFFICK IN c. 94C s. 32E(b)(4) - 200 g or more	12 years		12 years
Mandatory Minimum	HEROIN/MORPHINE/OPIUM, TRAFFICK IN c. 94C s. 32E(c)(4) - 200 or more g	12 years		12 years
Mandatory Minimum	METHAMPHETAMINE (c.94C s. 31, Class B(c)(2)), DISTRIBUTE OR POSSESS WITH INTENT c. 94C s. 32A(c)	1 year	1 year	2 1/2 years
Mandatory Minimum	COCAINE (c.94C s. 31 Class B(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT c. 94C s. 32A(c)	1 year	1 year	2 1/2 years
Mandatory Minimum	PHENCYCLIDINE, DISTRIBUTE OR POSSESS WITH INTENT c. 94C s. 32A(c)	1 year	1 year	2 1/2 years
Mandatory Minimum	MARIJUANA, TRAFFICKING IN c. 94C s. 32E(a)(1) - 50 to 100 lbs	1 year	1 year	2 1/2 years
Mandatory Minimum	DRUG, DISTRIBUTE OR POSSESS WITH INTENT CLASS C, SUBSQ. OFF. c. 94C s. 32B(b)	18 months	18 months	2 1/2 years
Mandatory Minimum	DRUG, DISTRIBUTE OR POSSESS WITH INTENT TO MINOR CLASS C c. 94C s. 32F(c)	2 years	2 years	2 1/2 years
Mandatory Minimum	DRUG VIOLATION NEAR SCHOOL/PARK c. 94C s. 32J	2 years	2 years	2 1/2 years
Mandatory Minimum	DRUG VIOLATION NEAR SCHOOL c. 94C s. 32J	2 years	2 years	2 1/2 years
Mandatory Minimum	DRUG, DISTRIBUTE OR POSSESS WITH INTENT, CLASS B, SUBSQ. OFF. c. 94C s. 32A(b)	2 years		2 years
Mandatory Minimum	MARIJUANA, TRAFFICKING IN c. 94C s. 32E(a)(2) - 100 to 2,000 lbs	2 years		2 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	COCAINE (c.94C s. 31(a)(4)), TRAFFICKING IN c. 94C s. 32E(b)(1) - 18 to 36 g	2 years		2 years
Mandatory Minimum	METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICKING IN c. 94C s. 32E(b)(1) - 18 to 36 g	2 years		2 years
Mandatory Minimum	PHENMETRAZINE, TRAFFICKING IN c. 94C s. 32E(b)(1) - 18 to 36 g	2 years		2 years
Mandatory Minimum	DRUG, DISTRIBUTE OR POSSESS WITH INTENT, CLASS A, SUBSQ. OFF. c. 94C s. 32(b)	3 1/2 years		3 1/2 years
Mandatory Minimum	METHAMPHETAMINE (c.94C s. 31, Class B(c)(2)), DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. c. 94C s. 32A(d)	3 1/2 years		3 1/2 years
Mandatory Minimum	COCAINE (c.94C s. 31 Class B(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. c. 94C s. 32A(d)	3 1/2 years		3 1/2 years
Mandatory Minimum	PHENCYCLIDINE, DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. c. 94C s. 32A(d)	3 1/2 years		3 1/2 years
Mandatory Minimum	MARIJUANA, TRAFFICK IN c. 94C s. 32E(a)(3) - 2,000 to 10,000 lbs	3 1/2 years		3 1/2 years
Mandatory Minimum	COCAINE (c.94C s. 31(a)(4)), TRAFFICK IN c. 94C s. 32E(b)(2) - 36 to 100 g	3 1/2 years		3 1/2 years
Mandatory Minimum	METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICK IN c. 94C s. 32E(b)(2) - 36 to 100 g	3 1/2 years		3 1/2 years
Mandatory Minimum	PHENMETRAZINE, TRAFFICK IN c. 94C s. 32E(b)(2) - 36 to 100 g	3 1/2 years		3 1/2 years
Mandatory Minimum	HEROIN/MORPHINE/OPIUM, TRAFFICK IN c. 94C s. 32E(c)(1) - 18 to 36 g	3 1/2 years		3 1/2 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	DRUG, DISTRIBUTE OR POSSESS WITH INTENT TO MINOR CLASS B c. 94C s. 32F(b)	3 years		3 years
Minimum Prison	DRUG PARAPHERNALIA, SELL TO MINOR c. 94C s. 32I(b)			3 years
Minimum Prison	DRUG FUNDS, INDUCE MINOR TO POSSESS c. 94C s. 32K			5 years
Minimum Prison	DRUG, INDUCE MINOR TO DISTRIBUTE c. 94C s. 32K			5 years
Mandatory Minimum	HEROIN/MORPHINE/OPIUM, TRAFFICK IN c. 94C s. 32E(c)(2) - 36 to 100 g	5 years		5 years
Mandatory Minimum	DRUG, DISTRIBUTE OR POSSESS WITH INTENT TO MINOR CLASS A c. 94C s. 32F(a)	5 years		5 years
Mandatory Minimum	COCAINE (c.94C s. 31(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT, TO MINOR c. 94C s. 32F(d)	5 years		5 years
Mandatory Minimum	MARIJUANA, TRAFFICK IN c. 94C s. 32E(a)(4) - 10,000 or more lbs	8 years		8 years
Mandatory Minimum	COCAINE (c.94C s. 31(a)(4)), TRAFFICK IN c. 94C s. 32E(b)(3) - 100 to 200 g	8 years		8 years
Mandatory Minimum	METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICK IN c. 94C s. 32E(b)(3) - 100 to 200 g	8 years		8 years
Mandatory Minimum	PHENMETRAZINE, TRAFFICK IN c. 94C s. 32E(b)(3) - 100 to 200 g	8 years		8 years
Mandatory Minimum	HEROIN/MORPHINE/OPIUM, TRAFFICK IN c. 94C s. 32E(c)(3) - 100 to 200 g	8 years		8 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	DRUG, DISTRIBUTE OR POSSESS WITH INTENT CLASS D, SUBSQ. OFF. c. 94C s. 32C(b)		1 year	
Minimum HOC	DRUG PARAPHERNALIA, DISTRIBUTE, POSSESS WITH INTENT OR POSSESS c. 94C s. 32I(a)		1 year	
Minimum Prison	HEROIN, POSSESS, SUBSQ. OFF. c. 94C s. 34			2 1/2 years
Minimum HOC	MILK INSPECTOR, OBSTRUCT OR ABET MILK VIOLATION c. 94 s. 38		1 month	
Minimum HOC	MILK INSPECTION SEAL, COUNTERFEIT OR SAMPLE TAMPERING c. 94 s. 39		3 months	
Minimum HOC	DAIRY TRUCK OR MILK LICENSE VIOLATION, 3RD AND SUBSQ. OFF. c. 94 s. 40		1 month	
Minimum HOC	BUTTER, FAIL LABEL RENOVATED, 3RD AND SUBSQ. OFF. c. 94 s. 59		2 months	
Minimum HOC	LOBSTER, SELL/OFFER UNCOOKED DEAD c. 94 s. 77G		10 days	
Minimum HOC	EGGS, SELL/USE DECAYED c. 94 s. 92A		3 months	
Minimum HOC	POULTRY SALE OR REGULATION VIOLATION, SUBSQ. OFF. c. 94 s. 152A		30 days	
Minimum HOC	POULTRY CONTAINERS, IMPORTATION VIOLATION, SUBSQ. OFF. c. 94 s. 152B		30 days	
Minimum HOC	COAL INSPECTION, OBSTRUCT c. 94 s. 249B		1 month	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	COAL SELL CONDEMED c. 94 s. 249C		1 month	
Minimum HOC	PACKING BY WEIGHT, FRAUDULENT, 3RD AND SUBSQ. OFF. c. 94 s. 305		1 month	
Minimum HOC	CAN/BOTTLE, MISUSE REGISTERED c. 110 s. 18		10 days	
Minimum HOC	CAN/BOTTLE, MISUSE REGISTERED, SUBSQ.OFF c. 110 s. 18		20 days	
Minimum HOC	LINEN, REGISTRATION OF ARTICLES; VIOLATION c. 110 s. 25A		30 days	
Minimum HOC	LINEN, MISUSE REGISTERED, SUBSQ. OFF. c. 110 s. 25B		30 days	
Minimum HOC	LINEN, DEFACE REGISTERED, SUBSQ. OFF c. 110 s. 25C		30 days	
Minimum Prison	CLONING, REPRODUCTIVE c. 111L s. 8(a)			5 years
Minimum HOC	EMBRYO, CREATE c. 111L s. 8(b)		1 year	
Minimum HOC	EMBRYO, OBTAIN RESEARCH c. 111L s. 8(c)		1 year	
Minimum HOC	MEDICAL LICENSE/PRACTICE, VIOLATION c. 112 s. 6		1 month	
Minimum HOC	PHYSICIAN, IMPROPERLY USE TITLE OF c. 112 s. 8A		1 month	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	OSTEOPATH VIOLATION c. 112 s. 11		1 month	
Minimum HOC	FETUS, IMPROPER EXPERIMENT ON HUMAN c. 112 s. 12J		1 year	
Minimum HOC	PODIATRIST, UNLICENSED c. 112 s. 14		3 months	
Minimum HOC	PODIATRY REGISTRATION, FALSE c. 112 s. 22		3 months	
Minimum HOC	DRUGGIST, UNLICENSED WHOLESALE c. 112 s. 36D		30 days	
Minimum HOC	OPTOMETRIST VIOLATION, SUBSQ. OFF. c. 112 s. 72A		3 months	
Minimum HOC	EYEGASSES ADVERTISING VIOLATION, SUBSQ. OFF. c. 112 s. 73A		3 months	
Minimum HOC	TELEVISION/RADIO REPAIR, UNLICENSED c. 112 s. 87VVV		30 days	
Minimum HOC	CHIROPRACTOR, VIOLATION c. 112 s. 95		30 days	
Minimum HOC	ACUPUNCTURIST, IMPERSONATE c. 112 s. 160		1 month	
Minimum Prison	ESCAPE FROM STATE WORK RELEASE PROGRAM c. 127 s. 49			3 years
Minimum HOC	LOBSTER, TAKE EGG-BEARING, SUBSQ. OFF. c. 130 s. 41		60 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	LOBSTER, TAKE EGG-BEARING, SUBSQ. OFF. c. 130 s. 41A		90 days	
Minimum HOC	LOBSTER, SHORT, SUBSQ. OFF. c. 130 s. 44		1 month	
Minimum HOC	SHELLFISH LICENSED WATERS VIOL c. 130 s. 68		1 month	
Minimum HOC	LIQUOR SALE BY PURPORTED DRUGGIST c. 138 s. 30G		1 month	
Minimum HOC	LIQUOR CLUB, UNLICENSED c. 138 s. 61		3 months	
Minimum HOC	LIQUOR VIOLATIONS, c. 138		1 month	
Minimum HOC	GAMBLING NUISANCE, MAINTAIN c. 139 s. 14 through 15		3 months	
Minimum HOC	NUISANCE, AID/PERMIT c. 139 s. 20		3 months	
Minimum HOC	JUNKYARD VIOLATION c. 140B s. 8		10 days	
Minimum HOC	JUNKYARD VIOLATION, SUBSQ. OFF. c. 140B s. 8		30 days	
Minimum HOC	INNHOLDER PERMIT IMMORAL CONDUCT c. 140 s. 26		6 months	
Minimum HOC	FIREARM DEALER'S LICENSE, IMPROP ISSUE c. 140 s. 122		6 months	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	AMMUNITION, UNLICENSED SALE OF c. 140 s. 122B		6 months	
Minimum Prison / Minimum HOC	FIREARM SALE, VIOLATION c. 140 s. 128		1 year	1 year
Minimum HOC	FIREARM ID CARD APPLIC, FALSE STATEMENT ON c. 140 s. 129B(8)		6 months	
Minimum Prison	FIREARM APPLIC, FALSE STATEMENT ON, SUBSQ c. 140 s. 129			2 1/2 years
Minimum Prison / Minimum HOC	ASSAULT WEAPON, SELL/POSSESS c. 140 s. 131M		1 year	1 year
Minimum Prison / Minimum HOC	FIREARM, COVERT/UNDETECTABLE c. 140 s. 131N		1 year	1 year
Minimum Prison	FIREARM PURCHASE FOR ANOTHER c. 140 s. 131E			2 1/2 years
Minimum Prison	FIREARM, STORE IMPROPER LARGE CAPACITY NEAR MINOR c. 140 s. 131L(a)			4 years
Minimum Prison	ASSAULT WEAPON, SELL/POSSESS, SUBSQ. c. 140 s. 131M			5 years
Minimum Prison	FIREARM, COVERT/UNDETECTABLE, 2ND OFFENSE c. 140 s. 131N			5 years
Minimum HOC	FIREARM LICENSE VIOLATION c. 140 s. 131(h)		6 months	
Minimum HOC	FIREARM LICENSE VIOLATION c. 140 s. 131(k)		6 months	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	FIREARM PERMIT, IMPROP ISSUE c. 140 s. 131A		6 months	
Minimum HOC	ELECTRIC STUN GUN, SELL/POSSESS c. 140 s. 131J		6 months	
Minimum HOC	DOG LICENSE VIOLATION BY OFFICIAL c. 140 s. 147		1 month	
Minimum HOC	SAFETY FILM, SELL/MARK FALSE c. 143 s. 87		6 months	
Minimum HOC	PRIVATE DETECTIVE LABOR DISPUTE VIOL c. 147 s. 30		6 months	
Minimum HOC	UNEMPLOYMENT COMP, FALSE STATEMENT FOR c. 151A s. 47		6 months	
Minimum HOC	WORKERS COMP CLAIMS, ENCOURAGE c. 152 s. 14		6 months	
Minimum HOC	RAILROAD IMPROP ACQUIRE MASS RR, AID c. 160 s. 74		6 months	
Minimum HOC	INSURANCE CO ADVANCE PAYMNT VIOL, MUTUAL c. 175 s. 73		1 month	
Minimum HOC	INSURANCE, FALSE STATEMENT RE LIFE c. 175 s. 127		1 month	
Minimum HOC	FRATERNAL BENEFIT SOC INSURANCE VIOL c. 176 s. 47		30 days	
Minimum HOC	LIMITED BENEFIT SOC, FALSE APPLIC TO c. 176P s. 48		30 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	FRATERNAL BENEFIT SOC, FALSE APPLIC TO c. 176 s. 52		30 days	
Minimum HOC	ABUSE PREVENTION ORDER, VIOLATE, RETALIATION FOR NON-SUPPORT c. 209A s. 7		60 days	
Mandatory Minimum	MURDER, SECOND DEGREE c. 265 s. 1	15 years		15 years
Mandatory Minimum	MURDER, FIRST DEGREE BY A MINOR c. 265 s. 1	20 years		20 years
Mandatory Minimum	MURDER, FIRST DEGREE BY A MINOR, W/ PREMEDITATED MALICE AFORETHOUGHT c. 265 s. 1	25 years		25 years
Mandatory Minimum	MURDER, FIRST DEGREE BY A MINOR, W/ EXTREME ATROCITY/CRUELTY c. 265 s. 1	30 years		30 years
Mandatory Minimum	MURDER, FIRST DEGREE c. 265 s. 1	Life		
Minimum Prison	INDECENT A&B ON PERSON WITH INTELLECTUAL DISABILITY, SUBSQ. OFF c. 265 s. 13F			10 years
Mandatory Minimum	INDECENT A&B ON CHILD UNDER 14, AGGRAVATED c. 265 s. 13B 1/2	10 years		10 years
Mandatory Minimum	INDECENT A&B ON CHILD UNDER 14, AFTER CERTAIN OFFENSES c. 265 s. 13B 3/4	15 years		15 years
Minimum Prison	A&B TO COLLECT LOAN c. 265 s. 13C			3 years
Minimum Prison	MANSLAUGHTER WHILE OUI c. 265 s. 13½			5 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison	A&B TO COLLECT LOAN, SUBSQ. OFF. c. 265 s. 13C			5 years
Minimum Prison	INDECENT A&B ON PERSON WITH INTELLECTUAL DISABILITY c. 265 s. 13F			5 years
Minimum HOC	A&B ON PUBLIC EMPLOYEE c. 265 s. 13D		90 days	
Minimum HOC	A&B/ASSAULT ON AMBULANCE/HEALTH CARE PROVIDERS c. 265 s. 13I		90 days	
Minimum Prison / Minimum HOC	A&B WITH DANGEROUS WEAPON +60, SUBSQ.OFF c. 265 s. 15A(a)		2 years	2 years
Minimum Prison / Minimum HOC	ASSAULT W/DANGEROUS WEAPON +60, SUBSQ. OFF. c. 265 s. 15B(a)		2 years	2 years
Minimum Prison	ROBBERY, ARMED & MASKED, SUBSQ. OFF. c. 265 s. 17			10 years
Minimum Prison	ROBBERY, ARMED & MASKED, SUBSQ. OFF. c. 265 s. 17			10 years
Minimum Prison	ROBBERY, ARMED, FIREARM, SUBSQ. c. 265 s. 17			15 years
Minimum Prison	ROBBERY, ARMED, FIREARM & MASKED, SUBSQ. c. 265 s. 17			15 years
Minimum Prison	ROBBERY, ARMED & MASKED c. 265 s. 17			5 years
Minimum Prison	ROBBERY, ARMED & MASKED c. 265 s. 17			5 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison	ROBBERY, ARMED, FIREARM c. 265 s. 17			5 years
Minimum Prison	ROBBERY, ARMED, FIREARM & MASKED c. 265 s. 17			5 years
Minimum Prison	ASSAULT TO ROB +60, ARMED, FIREARM c. 265 s. 18(a)			10 years
Minimum Prison	ASSAULT TO MURDER +60, ARMED, FIREARM c. 265 s. 18(a)			10 years
Minimum Prison	ASSAULT IN DWELLING, ARMED c. 265 s. 18A			10 years
Minimum Prison	ASSAULT IN DWELLING, ARMED, FIREARM c. 265 s. 18A			10 years
Minimum Prison	FIREARM IN FELONY, POSSESS, LGE CAPACITY c. 265 s. 18B			10 years
Minimum Prison	ASSAULT TO ROB +60, ARMED, SUBSQ. OFF. c. 265 s. 18(a)			2 years
Minimum Prison	ASSAULT TO MURDER +60, ARMED, SUBSQ. OFF. c. 265 s. 18(a)			2 years
Minimum Prison	ASSAULT TO ROB +60, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 18(a)			20 years
Minimum Prison	ASSAULT TO MURDER +60, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 18(a)			20 years
Mandatory Minimum	FIREARM IN FELONY, POSSESS, SUBSQ. OFF. c. 265 s. 18B	20 years		20 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison	HOME INVASION c. 265 s. 18C (The interpretation of "statutory minimum" was addressed by Com. v. Brown, 47 Mass. App. Ct. 616 (1999) and Com. v. Brown, 431 Mass 772 (2000))			20 years
Mandatory Minimum	FIREARM IN FELONY, POSSESS, LGE CAPACITY, SUBSQ. OFF. c. 265 s. 18B	25 years		25 years
Minimum Prison	ASSAULT TO ROB, ARMED, FIREARM c. 265 s. 18(b)			5 Years
Minimum Prison	ASSAULT TO MURDER, ARMED, FIREARM c. 265 s. 18(b)			5 Years
Minimum Prison	FIREARM IN FELONY, POSSESS c. 265 s. 18B			5 years
Minimum Prison	ROBBERY +60, UNARMED, SUBSQ. OFF. c. 265 s. 19(a)			2 years
Minimum HOC	CARJACKING, ARMED c. 265 s. 21A		1 year	
Minimum Prison	CARJACKING, ARMED, FIREARM c. 265 s. 21A			7 years
Minimum Prison	RAPE, AGGRAVATED, ARMED, FIREARM c. 265 s. 22(a)			10 years
Minimum Prison	RAPE, ARMED, FIREARM c. 265 s. 22(b)			10 years
Minimum Prison	RAPE, AGGRAVATED, ARMED, FIREARM SUBSQ. OFF. c. 265 s. 22(a)			15 years
Minimum Prison	RAPE, ARMED, FIREARM SUBSQ. OFF. c. 265 s. 22(b)			15 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	RAPE OF CHILD WITH FORCE, AGGRAVATED c. 265 s. 22B	15 years		15 years
Mandatory Minimum	RAPE OF CHILD WITH FORCE, AFTER CERTAIN OFFENSES c. 265 s. 22C	20 years		20 years
Mandatory Minimum	RAPE OF CHILD, STATUTORY, AGGRAVATED c. 265 s. 23A	10 years		10 years
Mandatory Minimum	RAPE OF CHILD, STATUTORY, AFTER CERTAIN OFFENSES c. 265 s. 23B	15 years		15 years
Minimum Prison	ASSAULT TO RAPE CHILD, ARMED, FIREARM c. 265 s. 24B			10 years
Minimum Prison	ASSAULT TO RAPE CHILD, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 24B			15 years
Minimum Prison	ASSAULT TO RAPE, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 24			20 years
Minimum Prison	ASSAULT TO RAPE, ARMED, FIREARM c. 265 s. 24			5 years
Minimum Prison	ASSAULT TO RAPE CHILD, SUBSQ. OFF. c. 265 s. 24B			5 years
Minimum Prison	KIDNAPPING, ARMED, FIREARM c. 265 s. 26			10 years
Minimum Prison	DRUG TO CONFINE c. 265 s. 26B			10 years
Minimum Prison	DRUG TO CONFINE & EXTORT c. 265 s. 26B			15 Years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison	KIDNAPPING FOR EXTORTION, ARMED, FIREARM c. 265 s. 26			20 years
Minimum Prison	KIDNAPPING, WITH SERIOUS BODILY INJURY, ARMED c. 265 s. 26			25 years
Minimum Prison	KIDNAPPING WITH SEXUAL ASSAULT, ARMED c. 265 s. 26			25 years
Mandatory Minimum	ELECTRONIC ENTICEMENT OF CHILD FOR PROSTITUTION, HUMAN TRAFFICKING OR COMMERCIAL SEXUAL ACTIVITY, SUBSEQUENT OFFENSE c. 265 s. 26D(c)	5 years		5 years
Mandatory Minimum	STALKING IN VIOL OF RESTRAINING ORDER c. 265 s. 43(b)	1 year	1 year	1 year
Mandatory Minimum	STALKING, SUBSQ. OFF. c. 265 s. 43(c)	2 years	2 years	2 years
Minimum Prison	ASSAULT & BATTERY ON CHILD, COERCE CONSPIRACY c. 265 s. 44			3 years
Minimum Prison	ASSAULT & BATTERY ON CHILD, COERCE CONSPIRACY, SUBSQ. OFF. c. 265 s. 44			5 years
Mandatory Minimum	TRAFFICKING OF PERSON FOR SEXUAL SERVITUDE c. 265 s. 50(a)	5 years		5 years
Mandatory Minimum	TRAFFICKING OF PERSON UNDER 18 FOR SEXUAL SERVITUDE c. 265 s. 50(b)	5 years		5 years
Mandatory Minimum	TRAFFICKING OF PERSON FOR FORCED SERVICES c. 265 s. 51(a)	5 years		5 years
Mandatory Minimum	TRAFFICKING OF PERSON UNDER 18 FOR FORCED SERVICES c. 265 s. 51(b)	5 years		5 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	TRAFFICKING OF PERSON FOR SEXUAL SERVITUDE OR FORCED SERVICES, SUBSEQUENT OFFENSE c. 265 s. 52(a)	10 years		10 years
Mandatory Minimum	TRAFFICKING OF ORGANS OF PERSON UNDER 18 c. 265 s. 53(b)	5 years		
Minimum Prison	BURGLARY; ARMED; ASSAULT ON OCCUPANTS c. 266 s. 14			10 years
Minimum Prison	BURGLARY; ARMED; ASSAULT ON OCCUPANTS, SUBSQ. OFF. c. 266 s. 14			10 years
Minimum Prison	BURGLARY; ARMED, FIREARM c. 266 s. 14			15 years
Minimum Prison	BURGLARY; ARMED, FIREARM, SUBSQ. OFF. c. 266 s. 14			20 years
Minimum Prison	BURGLARY, UNARMED SUBSQ. OFF. c. 266 s. 15			5 years
Minimum Prison / Minimum HOC	B&E DAYTIME OR ENTER AT NIGHT, FOR FELONY, ARMED, FIREARM, PERSON IN FEAR c. 266 s. 17		2 years	7 years
Minimum Prison / Minimum HOC	B&E DAYTIME OR ENTER AT NIGHT, FOR FELONY, ARMED, FIREARM, PERSON IN FEAR c. 266 s. 17		2 years	7 years
Minimum Prison / Minimum HOC	B&E DAYTIME FOR FELONY, ARMED, FIREARM c. 266 s. 18		2 years	7 years
Minimum Prison / Minimum HOC	B&E DAYTIME FOR FELONY, ARMED, FIREARM c. 266 s. 18		2 years	7 years
Minimum Prison / Minimum HOC	ENTER DWELLING AT NIGHT FOR FELONY, ARMED, FIREARM c. 266 s. 18		2 years	7 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison / Minimum HOC	LARCENY FROM PERSON +65, SUBSQ. OFF. c. 266 s. 25		2 years	2 years
Mandatory Minimum	MOTOR VEH TO DEFRAUD, REMOVE SUBSQ. OFF. c. 266 s. 27A	1 year		
Minimum HOC	MOTOR VEH TO DEFRAUD, REMOVE c. 266 s. 27A		1 year	
Mandatory Minimum	MOTOR VEH, LARCENY OF/MALICIOUS DAMAGE/RECEIVE STOLEN/TAKE AND STEAL PARTS, SUBSQ. OFF. c. 266 s. 28(a)	1 year		
Minimum HOC	COMMON CARRIER, LARCENY FROM, SUBSQ. OFF. c. 266 s. 30(1)		18 months	
Minimum HOC	COMMON CARRIER, LARCENY FROM c. 266 s. 30(1)		6 months	
Minimum Prison	EXPLOSIVES, POSSESS c. 266 s. 102(c)			10 years
Minimum Prison	EXPLOSIVES, SECRETE/THROW/LAUNCH/PLACE c. 266 s. 102A			10 years
Minimum Prison	EXPLOSIVES, DISCHARGE/IGNITE/EXPLODE c. 266 s. 102B			15 years
Minimum Prison	INCENDIARY DEVICE, CHEM/BIO/NUCLEAR WEAPON, POSSESS c. 266 s. 102(a)			5 years
Minimum HOC	INSURANCE CLAIM, PREPARE OR PRESENT FALSE c. 266 s. 111A		6 months	
Minimum HOC	INSURANCE CLAIM, FALSE MOTOR VEH c. 266 s. 111B		6 months	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	RUNNER FOR INSURANCE FRAUD c. 266 s. 111C		6 months	
Minimum HOC	TIMBER, WOOD AND SHRUBS, CUT OR DESTROY, SUNDAY/NIGHT/DISGUISE c. 266 s. 113		5 days	
Minimum HOC	TRESPASS FOR TREE/PLANT/FRUIT SUN./NIGHT c. 266 s. 117		5 days	
Minimum Prison	TRESPASS ON WATER SUPPLY WITH INTENT TO POLLUTE SUBSQ. OFF. c. 266 s. 123A			5 years
Minimum HOC	PRISONER DAMAGE JAIL/HC PROPERTY c. 266 s. 130		6 months	
Minimum HOC	MOTOR VEH ODOMETER, TAMPER WITH c. 266 s. 141A		30 days	
Minimum Prison	MONEY LAUNDERING, FOR CRIMINAL ACTIVITY SUBSQ. OFF. c. 267A s. 2			2 years
Mandatory Minimum	PERJURY IN TRIAL OF CAPITAL CASE c. 268 s. 1	Life		
Mandatory Minimum	PERJURY, SUBORN IN TRIAL OF CAPITAL CASE c. 268 s. 2	Life		
Minimum Prison	INTIMIDATION/RETALIATE, JUROR/WITNESS/POLICE/ COURT OFFICIAL c. 268 s. 13B(1)			2 1/2 years
Minimum Prison	PRISONER BRING WEAPON OR DRUG FROM FURLOUGH OR ATTEMPTS c. 268 s. 31			7 years
Minimum HOC	FIREFIGHTER, INTERFERE WITH c. 268 s. 32A		30 days	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	MOTOR VEH THEFT, FALSE REPORT OF c. 268 s. 39		5 months	
Mandatory Minimum	FIREARMS VIOL WITH 2 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(a)	10 years		10 years
Mandatory Minimum	FIREARMS VIOL WITH 2 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(c)	10 years		10 years
Mandatory Minimum	FIREARM, CARRY W/O LICENSE, 4TH OFF. c. 269 s. 10(d)	10 years		10 years
Mandatory Minimum	DANGEROUS WEAPON, CARRY, 4TH OFF. c. 269 s. 10(d)	10 years		10 years
Mandatory Minimum	MACHINE GUN/SAWED-OFF SHOTGUN POSSESS, 4TH OFF. c. 269 s. 10(d)	10 years		10 years
Mandatory Minimum	FIREARMS VIOL WITH 2 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(h)(1)	10 years		10 years
Mandatory Minimum	FIREARMS, TRAFFICKING IN +10 c. 269 s. 10E(3)	10 years		10 years
Minimum Prison	FIREARMS TRANSPORT INTO COMMONWEALTH, SELL c. 269 s. 10I(b)			10 years
Mandatory Minimum	FIREARMS VIOL WITH 3 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(a)	15 years		15 years
Mandatory Minimum	FIREARMS VIOL WITH 3 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(c)	15 years		15 years
Mandatory Minimum	FIREARMS VIOL WITH 3 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(h)(1)	15 years		15 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison / Minimum HOC	BODY ARMOR, USE IN FELONY c. 269 s. 10D		1 year	2 1/2 years
Mandatory Minimum	FIREARM, CARRY W/O LICENSE c. 269 s. 10(a)	18 months	18 months	2 1/2 years
Mandatory Minimum	MACHINE GUN/SAWED-OFF SHOTGUN, POSSESS c. 269 s. 10(c)	18 months	18 months	2 1/2 years
Minimum Prison / Minimum HOC	DANGEROUS WEAPON, CARRY c. 269 s. 10(b)		6 months	2 1/2 years
Mandatory Minimum	FIREARM POSSESS LARGE CAPACITY c. 269 s. 10(m)	1 year		2 1/2 years
Minimum Prison	FIREARM POSSESS LARGE CAPACITY, WITH VALID FID c. 269 s. 10(m)			2 1/2 years
Mandatory Minimum	FIREARMS, SELL/TRANSFER LARGE CAPACITY, c. 269 s. 10F(a)	2 1/2 years		2 1/2 years
Minimum Prison	FIREARMS TRANSPORT INTO COMMONWEALTH, SELL, CAUSE DEATH c. 269 s. 10I(c)			20 years
Mandatory Minimum	FIREARMS VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(a)	3 years		3 years
Mandatory Minimum	FIREARMS VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(c)	3 years		3 years
Mandatory Minimum	FIREARMS VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(h)(1)	3 years		3 years
Mandatory Minimum	FIREARM, CARRY W/O LICENSE, 2ND OFF. c. 269 s. 10(d)	5 years		5 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Mandatory Minimum	DANGEROUS WEAPON, CARRY, 2ND OFF. c. 269 s. 10(d)	5 years		5 years
Mandatory Minimum	MACHINE GUN/SAWED-OFF SHOTGUN POSSESS, 2ND OFF. c. 269 s. 10(d)	5 years		5 years
Mandatory Minimum	FIREARMS, TRAFFICKING IN 3-9 c. 269 s. 10E(2)	5 years		5 years
Mandatory Minimum	FIREARMS, SELL/TRANSFER LARGE CAPACITY, SUBSQ. c. 269 s. 10F(a)	5 years		5 years
Mandatory Minimum	FIREARMS TO MINOR, SELL/TRANSFER LARGE CAPACITY, c. 269 s. 10F(b)	5 years		5 years
Minimum Prison	FIREARMS TRANSPORT INTO COMMONWEALTH, CRIMINAL ACTIVITY c. 269 s. 10I(a)			5 years
Mandatory Minimum	FIREARM, CARRY W/O LICENSE, 3RD OFF. c. 269 s. 10(d)	7 years		7 years
Mandatory Minimum	DANGEROUS WEAPON, CARRY, 3RD OFF. c. 269 s. 10(d)	7 years		7 years
Mandatory Minimum	MACHINE GUN/SAWED-OFF SHOTGUN POSSESS, 3RD OFF. c. 269 s. 10(d)	7 years		7 years
Minimum Prison / Minimum HOC	FIREARM W/DEFACED NO., POSSESS IN FELONY c. 269 s. 11B		6 months	2 1/2 years
Minimum HOC	FIREARM SERIAL NO., DEFACE OR RECEIVE W/DEFACED NO. c. 269 s. 11C		1 month	
Minimum Prison / Minimum HOC	FIREARM ON WAY, CARRY UNLOADED LARGE CAPACITY c. 269 s. 12D(b)		1 year	1 year

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	FIREARM ON WAY, CARRY LOADED LARGE CAPACITY c. 269 s. 12D(a)		1 year	
Minimum Prison / Minimum HOC	BOMB/HIJACK THREAT WITH SERIOUS PUBLIC ALARM c. 269 s. 14(c)		6 months	3 years
Minimum HOC	ARROWHEAD, SELL TO PERSON -15, 3RD AND SUBSQ. OFF. c. 269 s. 16		6 months	
Minimum HOC	GAMING IN PUBLIC/TRESPASSING, ALLOW c. 271 s. 2		3 months	
Minimum HOC	GAMING HOUSE/APPARATUS, KEEP OR PLAY/PRESENT AT, SUBSQ. OFF. c. 271 s. 5		3 months	
Minimum HOC	LOTTERY, SET UP/PROMOTE, SUBSQ. OFF. c. 271 s. 7		3 months	
Minimum HOC	GAMING, ALLOW PREMISES FOR, SUBSQ. OFF. c. 271 s. 8		3 months	
Minimum HOC	LOTTERY, SELL TICKETS FOR, SUBSQ. OFF. c. 271 s. 9		3 months	
Minimum HOC	LOTTERY, SOLICIT FOR, SUBSQ. OFF. c. 271 s. 11		3 months	
Minimum HOC	LOTTERY, AID FOREIGN, SUBSQ. OFF. c. 271 s. 15		3 months	
Minimum HOC	LOTTERY TICKET, DISTRIBUTE FOREIGN, SUBSQ c. 271 s. 16		3 months	
Minimum HOC	BETTING, TAKE/ALLOW/PRESENT AT, SUBSQ.OFF c. 271 s. 17		3 months	

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum HOC	TELEPHONE FOR GAMING, USE, SUBSQ. OFF. c. 271 s. 17A		3 months	
Minimum HOC	BETTING ON BOXING MATCH c. 271 s. 42		3 months	
Minimum Prison	SEXUAL INTERCOURSE, DRUG FOR c. 272 s. 3			10 years
Mandatory Minimum	PROSTITUTION, INDUCE MINOR TO c. 272 s. 4A	3 years		3 years
Mandatory Minimum	PROSTITUTION, DERIVE SUPPORT FROM CHILD c. 272 s. 4B	5 years		5 years
Mandatory Minimum	PROSTITUTION, MAINTAIN HOUSE OF c. 272 s. 6	2 years		5 years
Mandatory Minimum	PROSTITUTION, DERIVE SUPPORT FROM c. 272 s. 7	2 years		5 years
Minimum HOC	PROSTITUTION, PROCURE PERSON TO PRACTICE c. 272 s. 12		3 months	
Minimum HOC	BROTHEL, DETAIN/DRUG PERSON IN OR ATTEMPTS c. 272 s. 13		1 year	
Minimum Prison	MISCARRIAGE, PROCURE IMPROPER WITH DEATH c. 272 s. 19			5 years
Minimum Prison	CHILD IN NUDE, LASCIVIOUS POSE/EXHIBIT c. 272 s. 29A(a)			10 years
Minimum Prison	CHILD IN SEXUAL ACT, LASCIVIOUS POSE/EXHIBIT c. 272 s. 29A(b)			10 years

Table of Offenses with Mandatory or Minimum Sentences to Incarceration

Sentence Type	Offense	Mand. Time	Min H/C	Min Prison
Minimum Prison	CHILD IN NUDE, DISTRIB MATERIAL OF c. 272 s. 29B(a)			10 years
Minimum Prison	CHILD IN SEXUAL ACT, DISTRIB MATERIAL OF c. 272 s. 29B(b)			10 years
Minimum Prison	CHILD PORNOGRAPHY, POSSESS, 3RD OFF. c. 272 s. 29C			10 years
Minimum Prison	CHILD PORNOGRAPHY, POSSESS, 2ND OFF. c. 272 s. 29C			5 years
Minimum Prison	UNNATURAL ACT WITH CHILD -16, SUBSQ. OFF. c. 272 s. 35A			5 years
Minimum HOC	SCHOOL OR PUBLIC ASSEMBLY, DISTURB, 3RD AND SUBSQ. OFF. c. 272 s. 40		1 month	
Minimum HOC	FUNERAL PROCESSION, DISTURB, 3RD AND SUBSQ. OFF. c. 272 s. 42		1 month	
Minimum HOC	DISORDERLY CONDUCT ON PUB CONVEY, 3RD AND SUBSQ. OFF c. 272 s. 43		1 month	
Minimum HOC	TRAMP, VIOLATIONS BY c. 272 s. 64		1 year	
Minimum HOC	VAGABOND c. 272 s. 68		4 months	
Minimum HOC	BODY, SELL/BUY c. 272 s. 72		3 months	
Minimum HOC	CITY OF SOMERVILLE, GANG LOITERING SUBSQ. OFFENSE St. 2004, c. 327 s. 1(e)		5 days	