

**HOUSE . . . . . No. 1336**

By Mr. Brownsberger of Belmont, petition of William N. Brownsberger relative to penalties for the sale of controlled substances in, on or near school property. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT BETTER PROTECT SCHOOLS AND NEIGHBORHOODS FROM DRUG DEALING AND TO IMPROVE FAIRNESS AND UNIFORMITY OF SENTENCING.

*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 of the General Laws is  
2 amended by (a) Striking out the words “thirty-two B, thirty-two C,  
3 thirty-two D,” in both places in which these words appear;  
4 (b) striking out the words “one thousand” and replacing them  
5 with the words “one hundred”;  
6 (c) by striking out the words “not less than two and one-half” and  
7 replacing them with the word “not less than five”;  
8 (e) by striking out the words “or by imprisonment in a jail or  
9 house of correction for not less than two nor more than two and one-  
10 half years”.  
11 (f) by striking out the words “of two years” and replacing them  
12 with the words “of five years”.

1 SECTION 2. Section 26 of Chapter 218 of the General Laws is  
2 amended by striking out the words “and section thirty-two J of  
3 chapter ninety-four C”.

1 SECTION 3. Section 58A of Chapter 276 of the General Laws is  
2 amended striking out the words “an offense for which a mandatory  
3 minimum term of three years or more is prescribed in chapter  
4 ninety-four C” and replacing them with “an offense under Section  
5 32 of Chapter 94C or Section 32A of Chapter 94C, or Section 32B  
6 of Chapter 94C, or Section 32C of Chapter 94C, or Section 32D of

7 Chapter 94C, or Section 32E of Chapter 94C, or Section 32F of  
8 Chapter 94C, or Section 32I of Chapter 94C”.

1 SECTION 4 Subsection (a) of Section 32 of Chapter 94C of the  
2 General Laws is amended by striking out the words “imprisonment  
3 in the state prison for not more than ten years or in a jail or house of  
4 correction for not more than two and one-half years, or by a fine of  
5 not less than one thousand nor more than ten thousand dollars, or by  
6 both such fine and imprisonment” and replacing them with the  
7 words, “imprisonment in the state prison for not less than one nor  
8 more than ten years, or in a jail or house of correction for not less  
9 than six months nor more than two and one-half years” and by  
10 inserting at the end of the section the words “No sentence imposed  
11 under the provisions of this section shall be for less than a manda-  
12 tory minimum term of imprisonment of six months and a fine of not  
13 less than one thousand nor more than ten thousand dollars may be  
14 imposed but not in lieu of the mandatory minimum term of impris-  
15 onment, as established herein.”

1 SECTION 5. Subsection (b) of Section 32 of Chapter 94C of the  
2 General Laws is amended by inserting after the words “fifteen  
3 years” the words “or in a jail or house of correction for not less than  
4 eighteen months nor more than two and one half years” and by  
5 striking out the words “imprisonment of five years” and replacing  
6 them with the words “imprisonment of eighteen months” and by  
7 striking out the words “five year term” and replacing them with the  
8 words “eighteen month term”.

1 SECTION 6. Subsection (a) of Section 32A of Chapter 94C of the  
2 General Laws is amended by striking out the words “imprisonment  
3 in the state prison for not more than ten years or in a jail or house of  
4 correction for not more than two and one-half years, or by a fine of  
5 not less than one thousand nor more than ten thousand dollars, or  
6 both such fine and imprisonment” and replacing them with the  
7 words, “imprisonment in the state prison for not less than one nor  
8 more than ten years, or in a jail or house of correction for not less  
9 than six months nor more than two and one-half years” and by  
10 inserting at the end of the section the words “No sentence imposed  
11 under the provisions of this section shall be for less than a manda-

12 tory minimum term of imprisonment of six months and a fine of not  
13 less than one thousand nor more than ten thousand dollars may be  
14 imposed but not in lieu of the mandatory minimum term of impris-  
15 onment, as established herein.”

1 SECTION 7. Subsection (b) of Section 32A of Chapter 94C of the  
2 General Laws is amended by inserting after the words “ten years”  
3 the words “or in a jail or house of correction for not less than eigh-  
4 teen months nor more than two and one half years” and by striking  
5 out the words “imprisonment of three years” and replacing them  
6 with the words “imprisonment of eighteen months”.

1 SECTION 8. Subsection (a) of Section 32B of Chapter 94C of the  
2 General Laws is amended by striking out the words “imprisonment  
3 in the state prison for not more than five years or in a jail or house of  
4 correction for not more than two and one-half years, or by a fine of  
5 not less than five hundred nor more than five thousand dollars or  
6 both such fine and imprisonment” and replacing them with the  
7 words, “imprisonment in the state prison for not less than one nor  
8 more than five years, or in a jail or house of correction for not less  
9 than three months nor more than two and one-half years” and by  
10 inserting at the end of the section the words ”No sentence imposed  
11 under the provisions of this section shall be for less than a manda-  
12 tory minimum term of imprisonment of three months and a fine of  
13 not less than five hundred nor more than five thousand dollars may  
14 be imposed but not in lieu of the mandatory minimum term of  
15 imprisonment, as established herein.”

1 SECTION 9. Subsection (b) of Section 32B of Chapter 94C of the  
2 General Laws is amended by striking out the words “not less than  
3 two nor” and inserting the words “not less than one nor” and by  
4 striking out the words “imprisonment of two years” and replacing  
5 them with the words “imprisonment of one year”.

1 SECTION 10. Section 32H of Chapter 94C of the General Laws  
2 is amended by striking out the words “under paragraph (b) of section  
3 thirty two, paragraphs (b), (c) and (d) of section thirty two A, para-  
4 graph(b) of section thirty two B, sections” and replacing them with  
5 the words, “under sections thirty two, thirty two A, thirty two B”.

1 SECTION 11. Section 26 of Chapter 218 of the General Laws is  
2 amended by striking out the words “paragraph (a) of section thirty-  
3 two and paragraph (a) of section thirty-two A” and replacing them  
4 with the words “section thirty-two of chapter ninety-four C and para-  
5 graphs (a) and (b) of section thirty-two A”.

1 SECTION 12. Within ninety days of the enactment of this bill, the  
2 Secretary of Public Safety shall implement a one-time communica-  
3 tion effort to assure that all students in public secondary schools, all  
4 persons currently incarcerated in the state prison and jails and houses  
5 of corrections and all persons currently under parole or probation  
6 supervision are informed of the provisions of this act, provided that  
7 nothing in this section shall in any way be the basis for any defense  
8 to a prosecution under the provisions of this act or of the general  
9 laws.

1 SECTION 13. This act shall take effect on the one hundred and  
2 twentieth calendar day following the day of its enactment, regardless  
3 of the progress or lack or progress of communication efforts under  
4 Section 12 of this act.

1 SECTION 14. No provision of this act shall in any way affect any  
2 sentence imposed prior to its effective date.