

HOUSE No. 1436

By Mr. Fresolo of Worcester, petition of John P. Fresolo and others for legislation to provide for a mandatory minimum sentence for the sale of illegal drugs within one thousand feet of an elderly housing project or development. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

John P. Fresolo
John J. Binienda
Anthony J. Verga
Barry R. Finegold
Bruce E. Tarr
Michael R. Knapik
Thomas P. Kennedy

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING DRUG FREE ELDERLY HOUSING ZONES.

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

1 The first paragraph of section 32J of chapter 94C of the General
2 Laws, as amended by section 146 of chapter 194 of the acts of 1998,
3 is hereby further amended by striking out the first sentence and
4 inserting in place thereof the following two sentences:— Any person
5 who violates the provisions of section 32, 32A, 32B, 32C, 32D, 32E,
6 32F or 32I while in or on, or within 1,000 feet of the real property
7 comprising a public or private accredited preschool accredited head-
8 start facility, elementary, vocational, or secondary school whether or
9 not in session, or within 1,000 feet of the real property comprising
10 an elderly housing project or development, or within 100 feet of a
11 public park or playground shall be punished by a term of imprison-
12 ment in the state prison for not less than two and one-half nor more
13 than 15 years or by imprisonment in a jail or house of correction for
14 not less than two nor more than two and one-half years. For the pur-
15 poses of this section, an elderly housing project or development shall
16 include government financed or subsidized housing for the elderly
17 and privately funded housing for the elderly.