

HOUSE No. 1297

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 moderate sentences for drug offenses and reduce excessive costs of incarceration

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO MODERATE SENTENCES FOR DRUG OFFENSES AND REDUCE EXCESSIVE COSTS OF INCARCERATION .

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

SECTION 1. Section 32J of Chapter 94C of the General Laws is amended by

(a) Striking out the words “thirty-two B, thirty-two C, thirty-two D,” in both places in which these words appear;

(b) Striking out “thirty-two I” in both places in which these words appear;

(b) striking out the words “one thousand” and replacing them with the words “one hundred”.

SECTION 2. Subsection (b) of Section 32 of Chapter 94C of the general laws is amended by inserting after the words "fifteen years" the words "or in a jail or house of correction for not less than one year nor more than two and one half years" and by striking out the words "imprisonment of five years" and replacing them with the words "imprisonment of one year" and by striking out the words "five year term" and replacing them with the words "one year term".

SECTION 3. Subsection (b) of Section 32A of Chapter 94C of the general laws is amended by inserting after the words "ten years" the words "or in a jail or house of correction for not less than one year nor more than two and one half years" and by striking out the words "imprisonment of three years" and replacing them with the words "imprisonment of one year".

SECTION 4. Subsection (b) of Section 32B of Chapter 94C of the general laws is amended by striking out the words "not less than two nor" and inserting the words "not less than six months nor" and by striking out the words "imprisonment of two years" and replacing them with the words "imprisonment of six months".

SECTION 5. Subsection (b) of Section 32C of Chapter 94C of the general laws is amended by striking out the words "not less than one nor" and inserting the words "not less than three months nor".

SECTION 6. Section 26 of Chapter 218 of the General Laws is amended by striking out the words "paragraph (a) of section thirty-two and paragraph (a) of section thirty-two A" and replacing them with the words "section thirty-two of chapter ninety-four C and paragraphs (a) and (b) of section thirty-two A of chapter ninety-four C and section thirty-two B".

SECTION 7. Section 32E of Chapter 94C of the General Laws is amended by

(a) Striking out the words “fourteen grams or more” in both places in which they appear in each of subsections (b) and (c) and replacing them with the words “two hundred grams or more”;

(b) Striking out the words “fourteen grams or more but less than twenty-eight grams” in subsections (b)(1) and (c)(1) and replacing them with the words “two hundred grams or more but less than five hundred grams”;

(c) Striking out the words “twenty-eight grams or more, but less than one hundred grams” in subsections (b)(2) and (c)(2) and replacing them with the words “five hundred grams or more but less than one thousand grams”;

(d) Striking out the words “one hundred grams or more, but less than two hundred grams” in subsections (b)(3) and (c)(3) and replacing them with the words “one kilogram but less than ten kilograms”;

(e) Striking out the words “two hundred grams or more” in subsections (b)(4) and (c)(4) and replacing them with the words “ten kilograms or more”

SECTION 8 No provision of this act shall in any way affect any sentence imposed prior to its effective date.