

HOUSE No. 1755

The Commonwealth of Massachusetts

PRESENTED BY:
Benjamin Swan

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 Repeal Mandatory Minimum Sentencing Laws for Drug Offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frank I. Smizik	15th Norfolk
Denise Provost	27th Middlesex
Elizabeth A. Malia	11th Suffolk
Gloria L. Fox	7th Suffolk
Kay Khan	11th Middlesex
William N. Brownsberger	24th Middlesex
Byron Rushing	9th Suffolk
Benjamin Swan	11th Hampden

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REPEAL MANDATORY MINIMUM SENTENCING LAWS 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:

SECTION 1. Notwithstanding any other provision of law to the contrary, no violation of an offense under Chapter 94C shall be punished by a mandatory minimum sentence.

SECTION 2. Notwithstanding any other provision of Chapter 94C, the court may impose a sentence that does not include a mandatory minimum term of imprisonment, including a term of imprisonment that is less than the minimum term currently specified. The court may instead impose sentence pursuant to Section 24 of Chapter 279.

SECTION 3. Section 32H of Chapter 94C shall be amended by deleting, “The provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or over, charged with a violation of said sections.”

SECTION 4. Notwithstanding any provision of law to the contrary, a person serving a sentence for violating any provision of Chapter 94 as of the effective date of this section shall be eligible to participate in education, training, employment, or work release programs established pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

SECTION 5. Notwithstanding any provision of law to the contrary, a person serving a sentence for violating any provision of Chapter 94C as of the effective date of this section shall be eligible to receive deductions from his sentence for good conduct under Sections 129C and 129D of Chapter 127.

SECTION 6. Notwithstanding any other provision of law to the contrary, a person serving a sentence for violating any provision of Chapter 94C as of the effective date of this section shall not be eligible for

parole until he or she shall have served two thirds of the minimum term of the sentence if the sentence is to a state prison, or until he or she shall have served one half of the minimum term of the sentence if the sentence is to a house of correction.