

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F.D. Cabral

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 prevent gang violence.

PETITION OF:

NAME:

Antonio F.D. Cabral

DISTRICT/ADDRESS:

13th Bristol

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT TO PREVENT GANG VIOLENCE.

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

- 1 Subsection (d) of Section 47 of Chapter 94C of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
3 thereof the following paragraphs:—
- 4 The final order of the court shall provide that said monies and the proceeds of any such sale shall
5 be distributed in the following manner: Thirty-four percent shall be distributed to the Senator
6 Charles E. Shannon, Jr. Community Safety Initiative, as contained in item 8100-0111 of section
7 1A of Chapter 182 of the Acts of 2008 or its successors; Thirty-three percent to the prosecuting
8 district attorney or attorney general; And thirty-three percent to the city, town, state, or
9 metropolitan district police department involved in the seizure, provided, however, if more than
10 one department was substantially involved in the seizure, the court having jurisdiction of the
11 forfeiture proceeds shall equitably distribute said proceeds among these departments.
- 12 SECTION 2. Subsection (d) of section 47 of Chapter 94C of the General Laws, as so appearing,
13 is hereby amended by inserting at the end of said section the following sentence:—

14 Said department shall expend up to ten percent of monies and proceeds for drug rehabilitation,
15 drug education, and other anti-drug or neighborhood crime watch programs that further law
16 enforcement purposes.

17 SECTION 3. The third paragraph in subsection (d) of section 47 of Chapter 94C of the General
18 Laws, as so appearing, is hereby further amended by striking out the last sentence and inserting
19 in place thereof the following two sentences:—

20 Within ninety days of the close of the fiscal year in which this bill is enacted and on each
21 February fifteenth thereafter, each district attorney and the attorney general shall file a detailed
22 report with the house and senate committees on ways and means on the deposit and expenditure
23 of all monies in the trust fund including, but not limited to, the use of such monies for the
24 purpose of protracted investigations, provision of technical equipment, drug rehabilitation, drug
25 education, and other anti-drug or neighborhood crime watch programs. Reports filed with said
26 committees annually on February fifteen shall detail said deposit and expenditure of all monies
27 for the preceding fiscal year and the current fiscal year through December thirty-first.

28 SECTION 4. The fourth paragraph in subsection (d) of Section 47 of Chapter 94C of the General
29 Laws, as so appearing, is hereby further amended by adding the following after the end of said
30 paragraph:—

31 Within ninety days of the close of the fiscal year in which this bill is enacted and on each
32 February fifteenth thereafter, each chief of police of such city or town shall file a detailed report
33 with the division of local services of the department of revenue on the deposit and expenditure of
34 all monies in the special law enforcement trust fund including, but not limited to, the use of such
35 monies for the purpose of protracted investigations, provision of technical equipment, drug

36 education, and other anti-drug or neighborhood crime watch programs or other law enforcement
37 purposes as the chief of police of such city or town, or the colonel of state police deems
38 appropriate. Reports filed with said department annually in February fifteenth shall detail such
39 deposits and expenditures of all monies for the preceding fiscal year and the current fiscal year
40 through December thirty-first.

41 SECTION 5. Chapter 10 of the General Laws is hereby amended by inserting after section 35T,
42 as appearing in the 2002 Official Edition, the following section:—

43 Section 35U. There shall be established and set up on the books of the commonwealth a separate
44 fund, to be known as the Charles E. Shannon, Jr. Community Safety Initiative, to be
45 administered and distributed to community-based efforts by the commissioner of public health
46 for the purposes of drug prevention and treatment. Said fund shall consist of all funds received
47 by the commonwealth from the following sources: proceeds under the provisions of paragraph
48 (d) of section forty-seven of chapter 94C; fines paid under the provisions of sections thirty-two
49 to forty, inclusive, of said chapter 94C; and appropriations, gifts, grants, or donations to said
50 fund from public or private sources for the purposes of said fund. The state treasurer shall not
51 deposit said revenues in, or transfer said revenues to, the General Fund or any other fund other
52 than the Charles E. Shannon, Jr. Community Safety Initiative, subject to appropriation. The state
53 treasurer shall deposit monies in said fund in accordance with the provisions of sections 34 and
54 34A of chapter 29 in such manner as will secure the highest interest rate available consistent with
55 the safety of the fund. Subject to appropriation, said fund shall be expended only for the purposes
56 of community-based prevention and drug treatment efforts at the direction of the commissioner
57 of public health, and any unexpended balances shall be redeposited, as herein provided, for
58 further use consistent with this section.

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