

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

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Stephen L. DiNatale**

*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 Relative to Hidden Compartments.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geraldo Alicea	6th Worcester
William N. Brownsberger	24th Middlesex
Stephen L. DiNatale	3rd Worcester
Jennifer L. Flanagan	Worcester and Middlesex
John D. Keenan	7th Essex
William Lantigua	16th Essex
Angelo J. Puppolo, Jr.	12th Hampden
Walter F. Timilty	7th Norfolk
Brian P. Wallace	4th Suffolk
John J. Binienda	17th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4643 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO HIDDEN COMPARTMENTS.

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

1 Chapter 94C of the General Laws is hereby amended by inserting after section 32K the following section:

2 Section 32L: Hidden compartment in conveyance; construction, possession or use in distribution  
3 of controlled substances and paraphernalia; penalties.

4 (a) Definition: As used in this section, the term "hidden compartment" shall be defined as any  
5 after-market hidden or secret compartment that is operated electronically, mechanically, or manually  
6 and has been installed in or attached to a conveyance including any aircraft, vehicle, or vessel, or any  
7 factory-designed void in such a conveyance that has been modified, altered, or changed to function as a  
8 hidden compartment.

9 b) Any person who possesses, uses, or controls a conveyance containing a hidden compartment  
10 with the intent to secrete, store, or transport (i) any controlled substances which have been  
11 manufactured, delivered, distributed, dispensed or acquired in violation of this chapter, (ii) any  
12 materials, products, and equipment of any kind used or intended for use, in the manufacturing,  
13 compounding, processing, delivering, dispensing, distributing, importing, or exporting of any controlled  
14 substance in violation of this chapter, (iii) any drug paraphernalia, (iv) any moneys, negotiable  
15 instruments, securities, or other things of value furnished or intended to be furnished by any person in  
16 exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an  
17 exchange, including currency and any other thing of value, and all moneys, negotiable instruments, and  
18 securities used or intended to be used to facilitate any violation of the provisions of section thirty-two,  
19 thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I,

20 thirty-two J, or forty of this chapter, and (v) firearms, ammunition, or other weapons, shall be punished  
21 by imprisonment in the state prison for not less than 3 years and not more than 5 years, or by  
22 imprisonment in the house of correction for not more than 2 ½ years. No sentence imposed under the  
23 provisions of this section shall be less than a mandatory minimum term of imprisonment of 2 years. The  
24 penalty for a second or subsequent offense shall be imprisonment in the state prison for not less than 5  
25 and not more than 10 years after a second offense.

26 (c) Any person who designs, constructs, builds, alters or fabricates a hidden compartment  
27 intended for the use in or attached to a conveyance, or installs in or attaches a hidden compartment to  
28 a conveyance with the intent to secrete, store, or transport any of the items listed in subsection (b) shall  
29 be punished by imprisonment in the state prison for not less than 3 years and not more than 5 years, or  
30 by imprisonment in the house of correction for not more than 2 ½ years. No sentence imposed under  
31 the provisions of this section shall be less than a mandatory minimum term of imprisonment of 2 years.  
32 The penalty for a second or subsequent offense shall be imprisonment in the state prison for not less  
33 than 5 and not more than 10 years after a second offense.

34 (d) Forfeiture: Any conveyance containing a hidden compartment, as well as the contents of the  
35 hidden compartment, shall be subject to seizure by any city, town, or state police department and  
36 subject to the provisions of Section 47 of this chapter. Proof that a conveyance contains a hidden  
37 compartment as defined in this section shall be prima facie evidence that the conveyance was used  
38 intended for use in and for the business of unlawfully manufacturing, dispensing, or distributing  
39 controlled substances.

40 Removal of the hidden compartment from the conveyance, or the promise to do so, shall not be the  
41 basis for a defense to forfeiture of the conveyance under Section 47 of this chapter and shall not be the  
42 basis for the court to release the conveyance to the owner.