

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Benjamin Swan**

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*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 Reform the "School Zone" Law for Drug Offenses.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	11th Hampden

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## AN ACT TO REFORM THE "SCHOOL ZONE" LAW 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:*

1 **SECTION 1.** Section 32J of Chapter 94C shall be amended by replacing the language, “within one  
2 thousand feet of the real property” with “within one hundred feet of the real property.”

3 **SECTION 2.** Section 32J of Chapter 94C shall be amended to include the following new paragraph:  
4 “This section shall not apply to an offense occurring inside a private residence or other dwelling house  
5 within the zones described herein.”

6 **SECTION 3.** Notwithstanding any other provision of law to the contrary, no violation of an offense  
7 under Section 32J of Chapter 94C shall be punished by a mandatory minimum sentence.

8 **SECTION 4.** Notwithstanding any other provision of Chapter 94C, the court may impose a sentence  
9 that does not include a mandatory minimum term of imprisonment, including a term of imprisonment  
10 that is less than the minimum term currently specified. The court may instead impose sentence  
11 pursuant to Section 24 of Chapter 279.

12 **SECTION 5.** Section 32H of Chapter 94C shall be amended by deleting, “In accordance with the  
13 provisions of section eight A of chapter two hundred and seventy-nine such sentence shall begin from  
14 and after the expiration of the sentence for violation of section thirty-two, thirty-two A, thirty-two B,  
15 thirty-two C, thirty-two D, thirty-two E, thirty-two F or thirty-two I.”

16 **SECTION 6.** Section 32H of Chapter 94C shall be amended by deleting, “The provisions of section 87  
17 of chapter 276 shall not apply to any person, seventeen years of age or over, charged with a violation of  
18 said sections.”

19 **SECTION 7.** Notwithstanding any provision of law to the contrary, a person serving a sentence for  
20 violating any provision of Chapter 94C as of the effective date of this section shall be eligible to receive  
21 deductions from his sentence for good conduct under Sections 129C and 129D of Chapter 127.

22 **SECTION 8.** Notwithstanding any provision of law to the contrary, a person serving a sentence for  
23 violating any provision of Chapter 94 as of the effective date of this section shall be eligible to  
24 participate in education, training, employment, or work release programs established pursuant to  
25 Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

26 **SECTION 9.** Notwithstanding any other provision of law to the contrary, a person serving a sentence  
27 for violating any provision of Chapter 94C as of the effective date of this section shall not be eligible for  
28 parole until he shall have served two thirds of the minimum term of the sentence if the sentence is to a  
29 state prison, or until he shall have served one half of the minimum term of the sentence if the sentence  
30 is to a house of correction.