

HOUSE No.

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:

Benjamin Swan

DISTRICT/ADDRESS:

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:

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

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

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

10 **SECTION 4.** Notwithstanding any provision of law to the contrary, a person serving a sentence for
11 violating any provision of Chapter 94 as of the effective date of this section shall be eligible to

12 participate in education, training, employment, or work release programs established pursuant to
13 Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

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

17 **SECTION 6.** Notwithstanding any other provision of law to the contrary, a person serving a sentence
18 for violating any provision of Chapter 94C as of the effective date of this section shall not be eligible for
19 parole until he or she shall have served two thirds of the minimum term of the sentence if the sentence
20 is to a state prison, or until he or she shall have served one half of the minimum term of the sentence if
21 the sentence is to a house of correction.