

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Thomas M. McGee**

*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:

Thomas M. McGee

DISTRICT/ADDRESS:

Third Essex and Middlesex

# 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  
2 offense 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.

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