HOUSE DOCKET, NO. 1201 FILED ON: 1/16/2013

HOUSE . . . . . No. 1645

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:

An Act to reform the "school zone" law for drug offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	*11th Hampden*
Ellen Story	*3rd Hampshire*
Gloria L. Fox	*7th Suffolk*
Governmental Strategies, Inc.	*8 Beacon Street, Suite 44* *Boston, MA 02108*
Peter V. Kocot	*1st Hampshire*
Paul McMurtry	*11th Norfolk*
Ruth B. Balser	*12th Middlesex*
Christine E. Canavan	*10th Plymouth*

HOUSE DOCKET, NO. 1201 FILED ON: 1/16/2013

HOUSE . . . . . No. 1645

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1645) of Benjamin Swan and others relative to drug offenses and the definition of school zone. The Judiciary.

The Commonwealth of Massachusetts

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:

SECTION 1. Section 30 of Chapter 192 shall be amended by replacing the language "within three hundred feet of the real property" with "within one hundred feet of the real property."

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

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

SECTION 4. Section 32H of Chapter 94C shall be amended by deleting, "The provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or over, charged with a violation of Section 32J of Chapter 94C."

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

SECTION 6. Notwithstanding any provision of law to the contrary, a person who violates Section 32J of Chapter 94C or who is serving a mandatory minimum sentence for violating this section as of its effective date shall be eligible to receive deductions from his sentence for good conduct under Sections 129C and 129D of Chapter 127. Notwithstanding any provision of law to the contrary, deductions from a sentence for good conduct shall accrue as of the effective date of this section.

22 SECTION 7. Notwithstanding any provision of law to the contrary, a person who
23 violates Section 32J of Chapter 94C or who is serving a mandatory minimum sentence for
24 violating this section as of its effective date shall be eligible to participate in education, training,
25 employment, or work release programs established pursuant to Sections 49, 49A, 49B, 49C, 86F
26 and 86G of Chapter 127.

27 SECTION 8. Notwithstanding any other provision of law to the contrary, a person who
28 receives a mandatory minimum sentence for violating Section 32J of Chapter 94C or who is
29 serving a mandatory minimum sentence for violating this section as of its effective date shall not
30 be eligible for parole until he or she shall have served half of the mandatory minimum sentence
31 for that offense.

32 SECTION 9. Notwithstanding any provision of law to the contrary, Section 32J of
33 Chapter 94C shall not apply to any person under the age of eighteen whose drug offense occurs
34 on the property of the school he or she attends.