# HOUSE . . . . . . . . . . . . . No. 2266

## 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 Repeal Mandatory Minimum Sentencing Laws for Drug Offenses..

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	11th Hampden
James B. Eldridge	
	$\Box$ [District]
Byron Rushing	9th Suffolk
Jonathan Hecht	29th Middlesex
Ellen Story	3rd Hampshire
Linda Dorcena Forry	12th Suffolk
Denise Andrews	2nd Franklin
James J. O'Day	14th Worcester
Alice K. Wolf	25th Middlesex
Gloria L. Fox	7th Suffolk
Stephen L. DiNatale	3rd Worcester
William N. Brownsberger	
	$\Box$ [District]
Denise Provost	27th Middlesex
Kay Khan	11th Middlesex

Elizabeth A. Malia	11th Suffolk
Ruth B. Balser	12th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex

FILED ON: 1/20/2011

# **HOUSE . . . . . . . . . . . . . . . No. 2266**

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 2266) of Benjamin Swan and others for legislation to repeal mandatory minimum sentencing laws for drug offenses. The Judiciary.

# [SIMILAR MATTER FILED IN PREVIOUS SESSION SEE

□ HOUSE , NO. *1755* OF 2009-2010.]

### The Commonwealth of Massachusetts

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:

- SECTION 1. Notwithstanding any other provision of law to the contrary, no violation of an 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
- 4 impose a sentence that does not include a mandatory minimum term of imprisonment, including
- 5 a term of imprisonment that is less than the minimum term currently specified. The court may
- 6 instead impose sentence pursuant to Section 24 of Chapter 279.

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- 8 SECTION 3. Section 32H of Chapter 94C shall be amended by deleting, "The 9 provisions of section 87 of chapter 276 shall not apply to any person, seventeen years of age or 0 over, charged with a violation of said sections."
- SECTION 4. Notwithstanding any provision of law to the contrary, a person serving a
- sentence for violating any provision of Chapter 94C as of the effective date of this section shall
- 13 be eligible to receive deductions from his sentence for good conduct under Sections 129C and
- 14 129D of Chapter 127.

16 SECTION 5. Notwithstanding any provision of law to the contrary, a person serving a 17 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be eligible to participate in education, training, employment, or work release programs established pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

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SECTION 6. Notwithstanding any other provision of law to the contrary, a person 22 serving a sentence for violating any provision of Chapter 94C as of the effective date of this section shall not be eligible for parole until he or she shall have served two thirds of the 23 24 minimum term of the sentence if the sentence is to a state prison.