HOUSE DOCKET, NO. 4336 FILED ON: 3/30/2012

HOUSE . . . . . No. 4068

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Binienda

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 preventing illegal drug dealing near recreational facilities..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John J. Binienda	*17th Worcester*

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By Mr. Binienda of Worcester, a petition (subject to Joint Rule 12) of John J. Binienda for legislation to prevent illegal drug dealing near recreational facilities. The Judiciary.

The Commonwealth of Massachusetts

An act preventing illegal drug dealing near recreational facilities..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 32J of chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:

Any person who violates the provisions 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 while in or on, or within one thousand feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational, or secondary school whether or not in session, or any facility under the supervision of the department of youth services established under chapter 18A, or any boys and girls clubs or other youth organization facilities, a municipal recreation building or any other municipal building used as a youth recreational center, the real property comprising the campus of a public or private institution of higher education, or within one hundred feet of a public park or playground shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two years. A fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum two year term of imprisonment as established herein. 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.

Lack of knowledge of the boundaries set forth in this section shall not be a defense to any person who violates this section.