SENATE DOCKET, NO. 1819 FILED ON: 1/21/2011

SENATE . . . . . No. 757

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 relating to school zones.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
Elizabeth A. Malia	*11th Suffolk*
James B. Eldridge	☐ *[District]* ☐
Kay Khan	*11th Middlesex*
Linda Dorcena Forry	*12th Suffolk*

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 757) of Cynthia S. Creem, Elizabeth A. Malia, James B. Eldridge, Kay Khan and others for legislation relative to school zones. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1682* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relating to school zones.

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. Chapter 94C of the General Laws is hereby amended by striking out section 32J and inserting in place thereof the following section:-

Section 32J. Any person who violates the provisions of section 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I while in or on, or within 100 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 within 100 feet of a public park or playground shall be imprisoned in a jail or house of correction for not more than 2 years or by a fine of not less than $500 nor more than $5,000, or both such fine and imprisonment.

Any person who has been previously convicted of, or adjudicated delinquent or as a youthful offender for a violation of section 32, 32A, 32B, 32C, 32D, 32E, 32F or 32I while in or on, or within 100 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 within 100 feet of a public park or playground shall be punished by a term of imprisonment in the state prison for not less than 2-1/2 nor more than 15 years or by imprisonment in a jail or house of correction for not less than 2 nor more than 2-1/2 years, or by a fine of not less than $1,000 nor more than $10,000, or both such fine and imprisonment. In accordance with the provisions of section 8A of chapter 279 such sentence shall begin from and

18 after the expiration of the sentence for violation of section 32, 32A, 32B, 32C, 32D, 32E, 32F or
19 32I.

20 Notwithstanding any other provision of law to the contrary, no violation of an
21 offense under this section shall be punished by a mandatory minimum sentence. Lack of
22 knowledge of school boundaries shall not be a defense to any person who violates the provisions
23 of this section.

24 SECTION 2. Section 32H of Chapter 94C of the General Laws, as appearing
25 in the 2008 Official Edition, is hereby amended by striking, in line 4, the words "and thirty-two
26 J".