SENATE DOCKET, NO. 1839 FILED ON: 1/21/2011

SENATE . . . . . No. 758

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 relative to drug mandatory minimum sentences.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
Elizabeth A. Malia	*11th Suffolk*
Thomas M. McGee	*Third Essex and Middlesex*
Ruth B. Balser	*12th Middlesex*
Jonathan Hecht	*29th Middlesex*
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. 758) of Cynthia S. Creem, Elizabeth A. Malia, Thomas M. McGee, Ruth B. Balser and other members of the General Court for legislation relative to drug mandatory minimum sentences. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1651* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to drug mandatory minimum sentences.

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 32H of chapter 94C, as amended by Chapter 256 of the Acts of 2010, is hereby further amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

A person convicted of violating said sections shall not, until he shall have served the mandatory minimum term of imprisonment established in said sections, be eligible for probation or furlough; provided, however, that the commissioner of correction, on the recommendation of the warden, superintendent or other person in charge of the correctional institution, or a sheriff, on the recommendation of the administrator of a county correctional institution, may grant to said offender a temporary release, subject to the rules and regulations of the institution and under the direction, control and supervision of the officers thereof, for the following purposes: (1) to attend the funeral of a relative, to visit a critically ill relative, to obtain emergency medical or psychiatric services unavailable at said institution; (2) to participate in education, training, or employment programs established under section 48 of chapter 127; or (3) to participate in a program to provide services under section 49B or 49C of chapter 127. Section 87 of chapter 276 shall not apply to any person, 17 years of age or older, charged with a violation of said sections, or to any child between age 14 and 17, so charged by indictment under section 54 of chapter 119.

18 Notwithstanding any general or special law to the contrary, a person convicted
19 of violating any provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C, who is
20 serving a sentence where two-thirds of the minimum term of imprisonment imposed is less than
21 the mandatory minimum sentence required under that section shall be eligible for parole after
22 serving two-thirds of the minimum term of imprisonment imposed.

23 SECTION 2. Notwithstanding the provisions of sections 32, 32A, 32B, 32E,
24 32F, and 32J of chapter 94C of the General Laws, or any other general or special law to the
25 contrary, a persons serving a mandatory minimum sentence for a violation of any provision of
26 said sections as of the effective date of this act, shall be eligible for parole after serving two-
27 thirds of the minimum term of imprisonment imposed.