SENATE DOCKET, NO. 1652 FILED ON: 1/21/2011

# SENATE . . . . . No. 908

## The Commonwealth of Massachusetts

PRESENTED BY:

***Steven A. Tolman***

*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: |
|---|---|
| *Steven A. Tolman* | ☐ *[District]* ☐ |
| *Thomas M. McGee* | *Third Essex and Middlesex* |
| *Patricia D. Jehlen* | ☐ *[District]* ☐ |

SENATE DOCKET, NO. 1652 FILED ON: 1/21/2011

# SENATE . . . . . No. 908

By Mr. Tolman, a petition (accompanied by bill, Senate, No. 908) of Steven A. Tolman, Thomas M. McGee and Patricia D. Jehlen for legislation to reform the "school zone" law for drug offenses. 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 32J of Chapter 94C shall be amended by replacing the language, “within one thousand 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 an offense under Section 32J of Chapter 94C shall be punished by a mandatory minimum sentence.

SECTION 4. Notwithstanding any other provision of Chapter 94C, the court may impose a sentence that does not include a mandatory minimum term of imprisonment, including a term of imprisonment that is less than the minimum term currently specified. The court may instead impose sentence pursuant to Section 24 of Chapter 279.

SECTION 5. 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 said sections.”

SECTION 6. 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.”

21 SECTION 7. Notwithstanding any provision of law to the contrary, a person serving a
22 sentence for violating any provision of Chapter 94C as of the effective date of this section shall
23 be eligible to receive deductions from his sentence for good conduct under Sections 129C and
24 129D of Chapter 127.

25 SECTION 8. Notwithstanding any provision of law to the contrary, a person serving a
26 sentence for violating any provision of Chapter 94 as of the effective date of this section shall be
27 eligible to participate in education, training, employment, or work release programs established
28 pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

29 SECTION 9. Notwithstanding any other provision of law to the contrary, a person
30 serving a sentence for violating any provision of Chapter 94C as of the effective date of this
31 section shall not be eligible for parole until he shall have served two thirds of the minimum term
32 of the sentence if the sentence is to a state prison.