

By Mr. Woodward of Walpole, petition of Francis H. Woodward that provision be made for a mandatory prison sentence for a second conviction of sale or of possession with the intent to sell certain controlled substances. The Judiciary.

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*The Commonwealth of Massachusetts*

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In the Year One Thousand Nine Hundred and Seventy-Nine.

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AN ACT PROVIDING FOR A MANDATORY SENTENCE FOR A SECOND CONVICTION OF SALE OR OF POSSESSION WITH THE INTENT TO SELL CERTAIN CONTROLLED SUBSTANCES.

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

1 SECTION 1. The second paragraph of section 32 of chapter  
2 94C of the General Laws, as appearing in chapter 1071 of the Acts  
3 of 1971, is hereby amended by adding at the end of the second  
4 sentence the following words: —

5 “;and except further that for a second conviction of manufac-  
6 turing, distributing, dispensing or possessing with the intent to  
7 manufacture, distribute or dispense a controlled substance in  
8 Class A or B of section thirty-one, the sentence imposed shall not  
9 be reduced to less than one year, nor suspended, nor shall any  
10 person so convicted be eligible for probation, parole, or furlough  
11 or receive any deduction from his sentence for good conduct until  
12 he shall have served one year of such sentence; and prosecutions  
13 for a second offense under this exception shall neither be continued  
14 without a finding nor placed on file.”

1 SECTION 2. The third paragraph of said section 32 is hereby  
2 amended by adding at the end of the second sentence the following  
3 words: —

4 “;except that for a second conviction of manufacturing,  
5 distributing, dispensing or possessing with intent to manufacture,

6 distribute or dispense the controlled substance known as  
7 phencyclidine, or sernylan, the sentence imposed shall not be  
8 reduced to less than one year, nor suspended, nor shall any person  
9 so convicted be eligible for probation, parole, or furlough or  
10 receive any deduction from his sentence for good conduct until he  
11 shall have served one year of such sentence; and prosecutions for a  
12 second offense under this exception shall neither be continued  
13 without a finding nor placed on file.”