

By Mr. Keating, a petition (accompanied by bill, Senate, No. 147) of William R. Keating, Paul D. Harold, Frederick E. Berry, John F. Cox, Michael W. Morrissey, Robert Emmet Hayes, Michael P. Walsh and Albert Herren for legislation to increase the penalties for certain offenses involving the distribution and sale of cocaine and other related substances, including the sale of same to minors. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT INCREASING THE PENALTIES FOR CERTAIN OFFENSES INVOLVING THE DISTRIBUTION AND SALE OF COCAINE AND OTHER RELATED SUBSTANCES, INCLUDING THE SALE OF SAME TO MINORS.

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. Section 32A of chapter 94C of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 inserting after the word "phencyclidine", in line 24, the following
4 words: — or a controlled substance defined in clause (4) of para-
5 graph (a) of class B of section thirty-one.

1 SECTION 2. Said section 32A of said chapter 94C, as so
2 appearing, is hereby further amended by adding the following
3 subsection: —

4 (d) Any person convicted of violating the provisions of subsection
5 (c) after one or more prior convictions of manufacturing, distribut-
6 ing, dispensing or possessing with the intent to manufacture, dis-
7 tribute, or dispense a controlled substance as defined by section
8 thirty-one under this or any prior law of this jurisdiction or of any
9 offense of any other jurisdiction, federal, state, or territorial, which
10 is the same as or necessarily includes the elements of said offense,
11 shall be punished by a term of imprisonment in the state prison for
12 not less than five nor more than fifteen years and a fine of not less
13 than two thousand five hundred nor more than twenty-five thou-

14 sand dollars may be imposed but not in lieu of the mandatory
15 minimum term of imprisonment, as established herein.

1 SECTION 3. Section 32F of chapter 94C of the General Laws,
2 as so appearing, is hereby amended by adding the following
3 subsection: —

4 (d) Any person who knowingly or intentionally manufactures,
5 distributes, dispenses, or possesses with intent to manufacture,
6 distribute or dispense a controlled substance as defined in clause (4)
7 of paragraph (a) of class B of section thirty-one, to a person under
8 the age of eighteen years shall be punished by a term of imprison-
9 ment in the state prison for not less than five nor more than fifteen
10 years. No sentence imposed under the provisions of this section
11 shall be for less than a minimum term of imprisonment of five years,
12 and a fine of not less than one thousand nor more than twenty-five
13 thousand dollars may be imposed but not in lieu of the mandatory
14 minimum term of imprisonment, as established herein.

1 SECTION 4. Section 32H of chapter 94C of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 2, the
3 words “paragraphs (b) and (c)” and inserting in place thereof the
4 following words: — paragraphs (b), (c) and (d).; and further moves
5 to amend by inserting before the enacting clause the following
6 emergency preamble: —

7 “Whereas, The deferred operation of this act is to immediately
8 further regulate controlled substances, therefore it is hereby
9 declared to be an emergency act necessary for the immediate pres-
10 ervation of the public safety and convenience.”