

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to increasing the penalties for the sale, manufacture or possession of illegal drugs. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE PENALTIES FOR THE SALE, MANUFACTURE, OR POSSESSION OF ILLEGAL DRUGS.

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 32 of chapter 94C of the General Laws, as appearing
2 in section 1 of chapter 1071 of the acts of 1971 is hereby
3 amended by striking out said section 32 and inserting in place
4 thereof the following:—

5 *Section 32.* Except as authorized by this chapter, no person
6 shall knowingly or intentionally manufacture distribute, dis-
7 pense or possess with intent to manufacture, distribute or
8 dispense a controlled substance; or create, distribute, dispense or
9 possess with intent to distribute or dispense a counterfeit
10 substance.

11 Whoever violates any provision of this section relative to a
12 controlled substance in Class A or B of section thirty-one shall
13 be punished by mandatory imprisonment in the state prison for
14 one year but not more than ten years or by mandatory
15 imprisonment in a jail or house of correction for one year but
16 not more than two and one half years or by a fine of not more
17 than twenty thousand dollars or both such fine and imprison-
18 ment. Whoever violates any provision of this section after one or
19 more prior convictions of a felony under any provision of this
20 chapter, or under a corresponding provision of prior law
21 relating to the sale or manufacture of a narcotic drug as defined

22 in said earlier law, shall be punished by imprisonment in the
23 state prison for not less than five years and not more than fifteen
24 years and by a fine of not more than thirty thousand dollars;
25 except that if a person has a prior conviction of any offense
26 involving the manufacture, distribution, or dispensing of heroin
27 or the possession with intent to manufacture, distribute or
28 dispense heroin, such person shall be punished by imprisonment
29 in the state prison for not less than ten years nor more than
30 twenty-five years and by a fine of not more than thirty thousand
31 dollars.

32 Whoever violates any provision of this section relative to a
33 controlled substance in Class C of section thirty-one shall be
34 punished by mandatory imprisonment in the state prison for 1
35 year but not more than five years or by mandatory imprison-
36 ment in a jail or house of correction for one year but not more
37 than two and one half years, or by a fine of not more than ten
38 thousand dollars, or by both such fine and imprisonment.
39 Whoever violates any provision of this section after one or more
40 prior convictions of a felony under any provision of this chapter,
41 or under a corresponding provision of prior law relating to the
42 sale or manufacture of a narcotic drug as defined in said earlier
43 law, shall be punished by imprisonment in the state prison for
44 not less than three years nor more than ten years and by a fine
45 of not more than twenty thousand dollars.

46 Whoever violates any provision of this section relative to
47 controlled substances in Class D of section thirty-one shall be
48 punished by mandatory imprisonment in a house of correction
49 for one year but not more than two years or by a fine of not
50 more than five thousand dollars, or both. Whoever violates any
51 provision of this paragraph after one or more prior convictions
52 of an offense under any provision of this section, or of a felony
53 under any provision of this chapter, or under a provision of
54 prior law relative to the sale or manufacture of a narcotic drug
55 or a harmful drug as defined in said earlier law shall be punished
56 by imprisonment in the state prison for not less than two years
57 nor more than five years and by a fine of not more than ten
58 thousand dollars.

59 Whoever violates any provision of this section relative to
60 schedule E of section thirty-one shall be punished by imprison-
61 ment for not more than one year or by a fine of not more than
62 twenty-five hundred dollars, or both. Whoever violates any
63 provision of this paragraph after one or more prior convictions
64 of an offense under any provision of this section, or of a felony
65 under any provision of this chapter, or under a provision of
66 prior law relative to the sale or manufacture of a narcotic drug
67 or a harmful drug as defined in said earlier law, shall be
68 punished by imprisonment for not less than one year nor more
69 than two years and by a fine of not more than five thousand
70 dollars.

