

By Mr. Shannon, a petition (accompanied by bill, Senate, No. 1151) of Charles E. Shannon and Susan C. Fargo for legislation to impose a civil fine for the possession of marijuana. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO IMPOSE A CIVIL FINE FOR THE POSSESSION OF MARIJUANA.

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 first paragraph of section 34 of chapter 94C
2 of the General Laws, as appearing in the 2002 Official Edition, is
3 hereby amended by striking the fourth and fifth sentences and
4 inserting in place thereof the following:
5 Any person who violates this section by possession of less than
6 an ounce of marijuana shall pay a civil assessment of one hundred
7 dollars. Any person who violates this section by possession of an
8 ounce or more of marijuana or a controlled substance in Class E
9 of section thirty-one shall be punished by imprisonment in a
10 house of correction for not more than six months or a fine of five
11 hundred dollars, or both. Except for an offense involving less
12 than an ounce of marijuana or a controlled substance in Class E of
13 section thirty-one, whoever violates the provisions of this section
14 after one or more convictions of a violation of this section or of a
15 felony under any other provisions of this chapter, or of a corre-
16 sponding provision of earlier law relating to the sale or manufac-
17 ture of a narcotic drug as defined in said earlier law, shall be
18 punished by imprisonment in a house of correction for not more
19 than two years or by a fine of not more than two thousand dollars,
20 or both.

1 SECTION 2. Said section 34, as so appearing, is hereby further
2 amended by inserting after the last paragraph thereof the
3 following:—

4 A violation of this section by possession of marijuana shall, the
5 first clause of section seventy C of chapter two hundred and
6 seventy-seven notwithstanding, be treated as a civil infraction and
7 disposed of in accordance with the provisions of section seventy C
8 of chapter two hundred and seventy-seven. An adjudication of
9 responsibility shall neither be used as the basis for denial or revoca-
10 tion of any license granted by the Commonwealth of Massachu-
11 setts, nor be deemed a conviction for purposes of any
12 disqualification or for any other purpose. A police officer who
13 observes the occurrence of the civil infraction of possessing mari-
14 huana shall cite the violator for the civil infraction. If the violator
15 is under the age of seventeen the citation shall be delivered to one
16 of the parents or the legal guardian of said person, or to the clerk
17 of the district court having jurisdiction. The citation shall be in
18 the form provided for by General Laws chapter 90C, section 1.
19 The procedures as set forth in the fifth paragraph of section 2 of
20 chapter 90C for the delivery of a citation alleging one or more
21 criminal automobile law violations to the clerk-magistrate of the
22 district court where the violation occurred shall be followed.
23 Except as provided herein the provision for the processing of cita-
24 tions set forth in chapter ninety C, sections 3(B)(2) and 3(C) shall
25 apply.

26 No person cited only for the civil infraction of possessing less
27 than an ounce of marijuana shall be required to report to any pro-
28 bation officer, and no record of the case shall be entered in any
29 probation records. Unless additional criminal offenses are set
30 forth on the citation the violator may confess the civil violation of
31 possessing less than an ounce of marihuana either personally or
32 through a duly authorized agent or by mailing to the clerk of the
33 district court having jurisdiction thereof the sum assessed either
34 with the citation instead of requesting a hearing. The receipt by
35 the district court clerk of such payment shall operate as a final dis-
36 position of the case. Any person cited to appear before the clerk
37 of a district court who fails to pay the civil assessment provided
38 hereunder within the time specified or, having requested a hearing
39 fails to appear, or who after a hearing and finding as provided

40 herein fails to pay the civil assessment or perform community
41 service within thirty days, shall not have the matter treated as a
42 civil violation as provided in this paragraph and shall be punished
43 as if originally complained of for possessing an ounce or more of
44 marijuana.

1 SECTION 3. Section 41 of chapter 94C of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 inserting at the end of clause (a) the following:

4 , except for violation of the provisions of section thirty-four
5 involving less than an ounce of marijuana by a person seventeen
6 years of age or older;.

1 SECTION 4. Said section 41, as so appearing, is hereby further
2 amended by inserting in clause (c) after the words, "thirty-four"
3 the following:

4 , except for violation involving less than an ounce of marijuana
5 by a person seventeen years of age or older,.

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results obtained. The report concludes with a summary of the work done and a list of the publications issued during the year.

The work of the year has been very successful and has resulted in many important discoveries. The most important of these are the discovery of the new element, the discovery of the structure of the atom, and the discovery of the laws of heredity.

The work of the year has also resulted in many important publications. The most important of these are the "Annals of the Royal Society", the "Proceedings of the Royal Society", and the "Philosophical Magazine".

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