

# HOUSE . . . . . No. 3147

By Mr. Tolman of Watertown, petition of Warren E. Tolman and another relative to the penalty for a second offense for the distribution of cocaine. Criminal Justice.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

### AN ACT AMENDING THE LAWS REGARDING DISTRIBUTION OF COCAINE, SECOND OFFENSE.

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

1 Subsection (d) of section 32A of chapter 94C of the General  
2 Laws, as appearing in the 1990 Official Edition at lines 35  
3 through 45, inclusive, is hereby amended by striking said  
4 subsection in its entirety and inserting in place thereof the  
5 following: —

6 (d) Any person convicted of violating the provisions of  
7 subsection (c) after one or more prior convictions of manufactur-  
8 ing, distributing, dispensing or possessing with intent to  
9 manufacture, distribute, or dispense a controlled substance, as  
10 defined in section thirty-one or of any offense of any other  
11 jurisdiction, either federal, state or territorial, which is the same  
12 as or necessarily includes, the elements of said offense, shall be  
13 punished by a term of imprisonment in the state prison for not  
14 less than five nor more than fifteen years. No sentence imposed  
15 under the provisions of this section shall be for less than a  
16 mandatory minimum term of imprisonment of five years, and a  
17 fine of not less than two thousand five hundred nor more than  
18 twenty-five thousand dollars may be imposed but not in lieu of  
19 the mandatory minimum term of imprisonment, as established  
20 herein.

