



**Office of
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For Immediate Release

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**Representative Kane supports stronger penalties for
opioid trafficking, assaulting a police officer
*Major bill filed by Rep. Kane included in omnibus legislation***

BOSTON – State Representative Hannah Kane, (R-Shrewsbury), is hailing the passage of a comprehensive criminal justice reform bill that strengthens the state’s opioid laws, makes it a felony to assault a police officer, and creates a statewide database for tracking sexual assault evidence kits.

Representative Kane voted to support the omnibus legislation, which was approved by the House and Senate on April 4 and represents a compromise between two earlier versions of the crime bill passed by both legislative branches last fall. The bill is now on Governor Charlie Baker’s desk awaiting his signature.

The bill provides for the reclassification of fentanyl, a powerful synthetic drug that was present in 83 percent of all opioid-related deaths in Massachusetts in 2017, as a Class A substance. It also adds carfentanil and U-47700 – also known as “pink death,” which is 4 to 8 times more potent than heroin – to this same category. State Representative Timothy R. Whelan (R-Brewster), a former Massachusetts State Police Sergeant, has been advocating for the new classifications to help address the state’s opioid epidemic.

The bill also creates a fentanyl trafficking penalty for 10 grams of fentanyl or any of its derivatives, punishable by a 3 ½ year mandatory minimum sentence with a maximum penalty of 20 years. The same penalties will also apply to trafficking in carfentanil, regardless of the amount involved. In addition, the bill provides for the automatic adoption of the federal scheduling for opioid drugs, unless the Legislature acts directly on a particular substance, so Massachusetts’ laws can remain current as law enforcement identifies new drugs that are being trafficked.

Included in the omnibus bill was priority bi-partisan legislation filed by Representative Kane and her colleague, House Chair of the Judiciary Committee, State Representative Claire Cronin (D-Easton). The original bill, H.3494, was backed by the Massachusetts Sheriffs Association and calls for the Commonwealth to join forty-seven of the fifty-two correction systems in the United States in offering some legal procedure for incarcerated persons to petition for release based on health. The legislation establishes a process by which a Sheriff or Superintendent of a correctional facility shall consider recommending to the Commissioner a prisoner for a conditional medical parole if they are terminally ill

and/or extraordinarily incapacitated, and thereby do not pose a public safety threat. A prisoner granted release will be under the jurisdiction, supervision and control of the parole board and the parole board may revise, alter or amend the terms and conditions of a medical parole at any time.

The criminal justice reform bill contains a series of Republican-sponsored initiatives, including language making it a felony to commit assault and battery with bodily injury on a police officer while performing their official duties. Sponsored by Representative Paul Frost (R-Auburn), the language creates a new mandatory minimum prison sentence of one year and a maximum of 10 years. Offenders will also face a potential fine of between \$500 and \$10,000.

The bill also takes steps to empower crime victims by directing the Executive Office of Public Safety and Security (EOPSS) to establish a statewide sexual assault evidence kit tracking system, which will allow victims of sexual assault to anonymously track their kits. Sponsored by House Minority Leader Bradley H. Jones, Jr. (R-North Reading), the proposal also requires all existing untested kits associated with a reported crime to be submitted for testing.

Other initiatives contained in the bill include:

- A proposal by Representative Joseph McKenna (R-Webster) requiring that a finding of “not guilty by reason of insanity” be disclosed on a Criminal Offender Record Information (CORI) report;
- Representative Jones’ proposal allowing judges to hold individuals facing a third OUI charge if it occurs within 10 years of a prior OUI conviction, a change that was made after a recent SJC case declared the wording of the existing law to be ambiguous;
- A proposal by Representative David Muradian (R-Grafton) to expand witness intimidation protections to include victim witness advocates, correction officers, court reporters and court interpreters; and
- Additional language filed by Representative Muradian to establish a special commission that will develop recommendations for preventing suicides among the state’s corrections officers and providing mental health services to these individuals, with a report due by December 31, 2018.

Governor Baker has until April 14 to sign the bill into law.

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