



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

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Representative Smola supports stronger penalties for opioid trafficking, assaulting a police officer

BOSTON – Representative Todd M. Smola (R-Warren, Ranking Member, Committee on Ways & Means), is pleased to announce 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 Smola 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.

“These reforms have been carefully crafted to help improve our criminal justice system in Massachusetts,” said Representative Smola. “These changes will shift our focus from punishment and help to incorporate greater opportunity for rehabilitation and treatment. We also toughen the penalty for fentanyl trafficking, which is the latest challenge that we facing in the war on drugs.”

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.

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.

“This legislation also increases the penalty for assault on a police officer to a felony, something that is long overdue,” said Representative Smola.

The criminal justice reform bill contains language making it a felony to commit assault and battery with bodily injury on a police officer while performing their official duties. 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.

Governor Baker has until April 14 to sign the bill into law. For additional information please contact Representative Smola at Todd.Smola@mahouse.gov or (617)722-2100.

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