

**SENATE . . . . . No. 769**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William N. Brownsberger***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect the rights of probationers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/3/2017</i>

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By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 769) of William N. Brownsberger and Paul R. Heroux for legislation to protect the rights of probationers in drug courts. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 731 OF 2015-2016.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to protect the rights of probationers.

*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. Section 87A of Chapter 276, as it appears in the 2014 Edition of the  
2           General Laws, is hereby amended by adding the following language after the word  
3           “person.” in line 23:-

4           No person placed on probation shall be deemed to have violated a condition of his or her  
5           probation on the basis of his or her possession or use of a controlled substance as prescribed to  
6           that person by a health professional registered to prescribe a controlled substance pursuant to  
7           Chapter 94C, acting within the lawful scope of his or her practice, or on the basis of his or her  
8           possession or use of medical marijuana, if that person received a written certification from a  
9           licensed physician for the use of medical marijuana to treat a debilitating medical condition and

- 10 the person possesses a medical marijuana registration card issued by the Department of Public
- 11 Health, pursuant to Chapter 369 of the Acts of 2012.