

By Mr. Brox of Dracut, petition of John Brox and another for legislation relative to the release from custody of certain persons arrested for operating motor vehicles under the influence of intoxicating liquor who are found not to be in an intoxicated condition after having submitted to certain chemical tests. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT RELATIVE TO RELEASING FROM CUSTODY CERTAIN PERSONS ARRESTED FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR FOUND NOT TO BE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AFTER HAVING SUBMITTED TO CERTAIN CHEMICAL TESTS.

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

1 Chapter 90 of the General Laws is hereby amended by strik-
2 ing out section 21, as most recently amended by section 1 of
3 chapter 394 of the acts of 1962, and inserting in place thereof
4 the following section: —

5 *Section 21.* Any officer authorized to make arrests may arrest
6 without warrant and keep in custody for not more than twenty-
7 four hours, unless Sunday intervenes, any person operating a
8 motor vehicle on any way who does not have in his possession a
9 license to operate motor vehicles granted to him by the regis-
10 trar, and who violates any statute, by-law, ordinance or regu-
11 lation relating to the operation or control of motor vehicles;
12 and any officer authorized to make arrests, provided such officer
13 is in uniform or displaying his badge of office conspicuously on
14 his outer coat or garment, may arrest without warrant any
15 person, regardless of whether or not such person has in his pos-
16 session a license to operate motor vehicles issued by the regis-
17 trar, if such person upon any way or in any place to which the
18 public has the right of access, operates a motor vehicle after his

19 license or right to operate motor vehicles in this state has been
20 suspended or revoked by the registrar, or whoever upon any
21 way or place to which the public has the right of access operates
22 a motor vehicle while under the influence of intoxicating liquor
23 or narcotic drugs, as defined in section one hundred and ninety-
24 seven of chapter ninety-four, **or whoever, being the operator**
25 **of a motor vehicle upon such way or place to which the**
26 **public has the right of access, is involved in an accident,**
27 **and who, in the opinion of such officer, was under the**
28 **influence of intoxicating liquor while so operating,** or who-
29 ever uses a motor vehicle without authority knowing that such
30 use is unauthorized, or any person who, while operating or in
31 charge of a motor vehicle, shall refuse, when requested by such
32 police officer, to give his name and address or the name and
33 address of the owner of such motor vehicle, or who shall refuse
34 on demand of such police officer, to produce his license to op-
35 erate such vehicle or the certificate of registration for such ve-
36 hicle for examination by such officer; and at or before the
37 expiration of said period of time such person shall be brought
38 before a magistrate and proceeded against according to law.
39 An investigator or examiner appointed under section twenty-
40 nine, may arrest without warrant, keep in custody for like period,
41 bring before a magistrate and proceed against in like manner,
42 any person operating a motor vehicle while under the influence
43 of intoxicating liquor or narcotic drugs, as defined in section one
44 hundred and ninety-seven of chapter ninety-four, irrespective of
45 his possession of such a license. **Any person so arrested for**
46 **operating a motor vehicle while under the influence of**
47 **intoxicating liquor and who submits to a chemical test**
48 **of his blood or analysis of his breath, as provided in sec-**
49 **tion twenty-four, and who is found, after such test or**
50 **analysis, not to be under the influence of intoxicating**
51 **liquor, shall be released from custody, and no criminal**
52 **complaint shall issue.**