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By Mr. Davoren of Milford, petition of John F. X. Davoren for legislation to establish a bureau of Capitol Police within the Central Service Division of the Executive Office of Administration and Finance. State Administration.

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**The Commonwealth of Massachusetts**

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

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AN ACT ESTABLISHING A BUREAU OF CAPITOL POLICE WITHIN THE CENTRAL SERVICE DIVISION OF THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

*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. Chapter 7 of the General Laws is hereby amended  
2 by striking out section 4C, inserted by section 4 of chapter 757  
3 of the acts of 1962, and inserting in place thereof the following  
4 section:—

5 *Section 4C.* There shall be within the central services division  
6 a bureau of building construction, headed by a director of  
7 building construction; a bureau of state buildings headed by a  
8 state superintendent of buildings; a bureau of capitol police  
9 headed by a chief of capitol police; and such other administra-  
10 tive units as may be established in or assigned to the said divi-  
11 sion from time to time by the commissioner. The director of  
12 building construction, and state superintendent of buildings  
13 shall each be appointed by the commissioner, with the approval  
14 of the governor and council, and may be removed, for cause, in  
15 like manner, shall be a person of ability and experience, and  
16 shall devote his entire time to the duties of his office; the chief  
17 of capitol police shall be appointed by the commissioner, sub-  
18 ject to the provisions of chapter thirty-one; and, excepting as  
19 otherwise provided in this section and in section five A, none of  
20 the said offices shall be classified under chapter thirty-one. The  
21 state purchasing agent shall give bond to the state treasurer in  
22 a sum to be fixed by the governor and council for the faithful

23 performance of his duties and for the rendering of a proper ac-  
24 count of all money entrusted to him for the use of the common-  
25 wealth.

1 SECTION 2. Chapter 8 of the General Laws is hereby amended  
2 by striking out section 4, as most recently amended by section 2  
3 of chapter 249 of the acts of 1938, and inserting in place thereof  
4 the following section: —

5 *Section 4.* He may appoint such clerks, engineers, electricians,  
6 firemen, oilers, mechanics, elevator operators, janitors, cleaners  
7 and other persons as may be necessary to enable him to perform  
8 his duties. He shall be responsible for the fitness and good con-  
9 duct of all such employees.

1 SECTION 3. Sections four A and four B of said chapter eight  
2 are hereby repealed.

1 SECTION 4. Said chapter 8 is hereby further amended by  
2 striking out section 12, as most recently amended by chapter 728  
3 of the acts of 1962, and inserting in place thereof the following  
4 section: —

5 *Section 12.* The commissioner of administration shall take  
6 proper care to prevent any trespass on, or injury to, the state  
7 house or its appurtenances, or any other building or part thereof  
8 owned by or leased to the commonwealth for public offices; and,  
9 if any such trespass or injury is committed, he shall cause the  
10 offender to be prosecuted therefor. He may, subject to the pro-  
11 visions of chapter thirty-one, appoint such capitol police officers  
12 as may be necessary to enable him to perform his duties. Capitol  
13 police officers shall, when on duty, wear and display a metallic  
14 badge bearing the seal of the commonwealth and the words  
15 "Capitol Police". For any criminal offence committed in any  
16 part of the state house or the grounds appurtenant thereto, or  
17 in any other building owned by or leased to the commonwealth,  
18 the capitol police shall have the same power to make arrests as  
19 the state police officers. A capitol police officer may, upon view  
20 of any misdemeanor committed in his presence, while on duty,  
21 arrest the person committing such misdemeanor, and shall have  
22 all the powers of police officers in the enforcement of traffic rules,  
23 regulations and ordinances on streets adjacent to any building  
24 owned, or occupied wholly or in part, by the commonwealth;

25 and, a capitol police officer shall have all the powers of state  
26 police officers while going to or from any such building on any  
27 assigned duty. Said commissioner may arm his capitol police  
28 and, in case of an emergency, may arm and detail as capitol po-  
29 lice for extra duty such employees in his department as, in his  
30 judgment, the emergency requires for the proper protection of  
31 state property under his jurisdiction.

32 The capitol police may, through an independent contractor,  
33 remove from any area or way subject to their jurisdiction or con-  
34 trol and store in any convenient place, any vehicle parked or  
35 standing thereon in violation of any law, ordinance, by-law, rule,  
36 regulation, or order; provided, however, that such removal and  
37 storage shall be at no expense to and without liability on the part  
38 of the commonwealth. The owner or person in charge of such  
39 vehicle, in addition to any penalty for such violation, shall be  
40 liable for the charges for such removal and storage, not exceed-  
41 ing eight dollars for removal nor one dollar and a half per day  
42 for storage.

1 SECTION 5. Said chapter 8 is hereby further amended by in-  
2 serting after section 12 the following two sections: —

3 *Section 12A.* The commissioner of administration may au-  
4 thorize the payment, out of the General Fund, of the reasonable  
5 hospital, medical and surgical expenses of any member of the  
6 capitol police who is temporarily or permanently disabled, men-  
7 tally or physically, by reason of injuries sustained through no  
8 fault of his own in the actual performance of his duty.

9 *Section 12B.* The commissioner of administration shall, sub-  
10 ject to appropriation, indemnify a capitol police officer, to an  
11 amount not more than the amount recommended by said com-  
12 missioner, for expenses or damages sustained by him while act-  
13 ing as a police officer, or incurred by him in the defense or settle-  
14 ment of an action brought against him for acts done by him while  
15 so acting; provided, that the defense or settlement of such claim  
16 shall have been made by the attorney general; and such dam-  
17 ages shall include loss of pay by reason of absence from duty on  
18 the part of such officer because of temporary incapacity caused  
19 by injury suffered through no fault of his own while in the actual  
20 performance of duty; and, if such officer be dead, such expenses  
21 or damages shall be payable to his widow, or, if he leaves no  
22 widow, then to his next of kin, who, at the time of his death,

23 were dependent upon his salary for support. This section shall  
24 be construed to require the commissioner to pay compensation,  
25 in the manner herein provided, for damages for personal in-  
26 juries, whether or not death results; provided, the amount of  
27 such compensation shall have been approved by the attorney  
28 general.

1 SECTION 6. The paragraph defining "Police chief" in sec-  
2 tion 1 of chapter 90C of the General Laws, as appearing in sec-  
3 tion 2 of chapter 789 of the acts of 1962, is hereby amended by  
4 striking out, in line 4, the words "state superintendent of build-  
5 ings" and inserting in place thereof the words:— chief of the  
6 capitol police.

1 SECTION 7. Chapter 143 of the General Laws is hereby  
2 amended by striking out section 2C, inserted by chapter 34 of  
3 the acts of 1954, and inserting in place thereof the following  
4 section:—

5 *Section 2C.* The chief of the capitol police shall prepare plans  
6 and make all necessary preparations for effecting the prompt,  
7 speedy and safe evacuation of the state house and the several  
8 floors, basements and portions thereof, in case of fire or other  
9 disaster, and shall, from time to time, hold fire drills.

10 In carrying out the provisions of this section, he shall be en-  
11 titled to the assistance of all constitutional officers, department  
12 heads and general court officers, and may request the co-opera-  
13 tion of the fire department of the city of Boston.

1 SECTION 8. Notwithstanding the provisions of this act the  
2 incumbent of the position of chief of the capitol police, on the  
3 effective date thereof, shall continue to serve in said position  
4 and the provisions of this act shall not be construed as impairing  
5 the civil service status, seniority, retirement or other rights of  
6 said chief, any member of the capitol police or any other person  
7 affected thereby.