

By Mr. Flaherty of Boston, petition of the Massachusetts Police Association relative to authorizing a right of arrest without a warrant for certain motor vehicle offenses. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT AUTHORIZING A RIGHT OF ARREST WITHOUT A WARRANT FOR CERTAIN MOTOR VEHICLE OFFENSES.

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 21 of chapter 90 of the General Laws is hereby amended
2 by striking out the said section 21 in its entirety. and placing in its
3 stead, the following section: —

4 *Section 22. Arrest.* Any officer authorized to make arrests may
5 arrest without a warrant and keep in custody for not more than
6 twenty-four hours, unless Sunday intervenes, any person operating
7 a motor vehicle on any way who does not have in his possession a
8 license to operate motor vehicles granted to him by the registrar,
9 and who violates any statute, by-law, ordinance or regulation
10 relating to the operation or control of motor vehicle by any officer
11 authorized to make arrests, provided such officer is in uniform or
12 conspicuously displaying his badge of office, may arrest without
13 warrant any person, regardless of whether or not such person has
14 in his possession a license to operate motor vehicles issued by the
15 registrar, if such person upon any way or in any place to which the
16 public has the right of access, or upon any way or in any place to
17 which members of the public have access as invitees, operates a
18 motor vehicle after his license or right to operate motor vehicles in
19 this state has been suspended or revoked by the registrar, or
20 whoever upon any way or place to which the public has the right of
21 access, or upon any way or in any place to which members of the
22 public have access as invitees, or who the officer has probable cause
23 to believe has operated or is operating a motor vehicle while under

24 the influence of intoxicating liquor, marihuana or narcotic drug, or
25 depressant or stimulant substances, all as defined in section one of
26 chapter ninety-four C, or under the influence of the vapors of glue,
27 carbon tetrachloride, acetone, ethylene, dichloride, toluena, chlo-
28 roform, xylene or any combination thereof, whoever uses a motor
29 vehicle without authority knowing that such use is unauthorized,
30 or any person who while operating or in charge of a motor vehicle,
31 shall refuse, when requested by such police officer, to give his name
32 and address or the name and address of the owner of such motor
33 vehicle, or who shall refuse on demand of such police officer, to
34 produce his license to operate such vehicle or the certificate of
35 registration for such vehicle for examination by such officer, or
36 who the officer has probable cause to believe is operating or has
37 operated a motor vehicle upon any way or in any place to which
38 members of the public have a right of access as invitees or licensees
39 and without stopping and making known his name, residence and
40 the register number of his motor vehicle and goes away or has gone
41 away after knowingly colliding with or otherwise causing injury to
42 any person or property, or who operates or has operated a motor
43 vehicle recklessly or negligently so that the lives or safety of the
44 public might be endangered, and by any such operation so des-
45 cribed causes the death of another person; and at or before a
46 magistrate and proceeded against according to law. An investiga-
47 tor or examiner appointed under section twenty-nine, may arrest
48 without warrant, keep in custody for a like period, bring before a
49 magistrate and proceed against in like manner, any person operat-
50 ing a motor vehicle while under the influence of intoxicating liquor
51 or marihuana, narcotic drugs, depressants or stimulant substances,
52 all as defined in section one of chapter ninety-four C, irrespective
53 of his possession of such license.