

By Mr. Brett of Boston, petition of James T. Brett and James V. DiPaola relative to the arrest of certain persons falling to appear on recognizance. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO ARREST AFTER FAILURE TO APPEAR ON RECOGNIZANCE.

*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 276, §71, is hereby amended by inserting the  
2 following after the first paragraph:—

3 Upon issuance of any default warrant, the issuing court shall  
4 produce a certified copy of the warrant to be known as the “war-  
5 rant copy.” Said warrant copy shall be sent to the Sheriff of the  
6 County where the court is located and the original warrant shall  
7 be sent to the local police department.

8 The Sheriff’s Department in each county shall maintain a war-  
9 rant file and check said file for outstanding warrants on all per-  
10 sons committed to its custody. Any outstanding warrants shall be  
11 attached to the defendant’s mittimus and the appropriate police  
12 department shall be notified that the defendant is in custody and  
13 a warrant is outstanding.

14 If a Sheriff determines that a fugitive is a threat to public  
15 safety, considering the number of outstanding warrants, the  
16 seriousness of the underlying charge, or any other factor the  
17 Sheriff deems relevant, the Sheriff or his deputy may arrest and  
18 return the fugitive to the criminal court that issued the warrants.  
19 If the court is not sitting, the fugitive will be held in the county  
20 jail until the next criminal session.

21 When a Sheriff or his deputy arrests a fugitive and delivers the  
22 fugitive to the appropriate court pursuant to a warrant copy, the  
23 Sheriff shall return the warrant copy, clearly marked “served” to  
24 the Police Department that holds the original warrant.

