

By Mr. Pierce of Westfield, petition of Steven D. Pierce that provision be made for an arrest without a warrant for certain larceny and misdemeanor offenses. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR AN ARREST WITHOUT A WARRANT FOR CERTAIN 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 28 of Chapter 276 of the General Laws, as most recently
2 amended by chapter 477 of the acts of 1978, is hereby amended by
3 striking out Section 28 and inserting in place thereof the follow-
4 ing:—

5 *Section 28. ARREST WITHOUT WARRANT:* Any officer
6 authorized to serve criminal process may arrest without the issu-
7 ance of a warrant and detain a person found by him in the act of
8 stealing property in his presence regardless of the value of the
9 property stolen, and may likewise arrest a person without the
10 issuance of a warrant based upon probable cause that such person
11 has committed larceny, regardless of the value of the property
12 alleged to be stolen, and may arrest without a warrant and detain a
13 person whom he has probable cause to believe has committed a
14 misdemeanor under section thirty-four C of chapter two hundred
15 and eight. Said officer may arrest and detain a person charged with
16 a misdemeanor without having a warrant for such arrest in his
17 possession, if the officer making such arrest and detention shall
18 have actual knowledge that a warrant then is in full force and effect
19 for the arrest of such person has in fact issued.

