

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

The Commonwealth of Massachusetts

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

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 following
2 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
5 “warrant copy.” Said warrant copy shall be sent to the Sheriff of
6 the County where the court is located and the original warrant
7 shall be sent to the local police department.

8 The Sheriff’s Department in each county shall maintain a
9 warrant file and check said file for outstanding warrants on all
10 persons committed to its custody. Any outstanding warrants shall
11 be 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 safety,
15 considering the number of outstanding warrants, the seriousness
16 of the underlying charge, or any other factor the Sheriff deems
17 relevant, the Sheriff or his deputy may arrest and return the
18 fugitive to the criminal court that issued the warrants. If the court
19 is not sitting, the fugitive will be held in the county jail until the
20 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.

