

By Mr. Caron of Springfield, petition of the Mass. Chiefs of Police Association and Paul E. Caron relative to the relaease on personal recognizance of certain persons arrested on default warrants. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE RELEASE ON PERSONAL RECOGNIZANCE OF CERTAIN PERSONS ARRESTED ON A DEFAULT WARRANT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The provisions of G.L. c. 276, SS 58 are hereby amended by
2 adding the following paragraph at the end of such section:—

3 A judge serving as the Emergency Judicial Response Judge
4 may order or authorize the release of any prisoner arrested on a
5 warrant except where treason or a capital crime is involved, or
6 where the Judge who issued the warrant specified that the person
7 when arrested would not be eligible for bail prior to being brought
8 to court.

9 Also, the provisions of G.L. c. 276, SS 57 are hereby amended
10 by adding the following paragraph at the end of such section:—

11 Notwithstanding the foregoing, or the provisions of G.L. c. 276
12 SS 58, a person arrested on a default warrant or otherwise may be
13 released on his personal recognizance whenever the arrest was not
14 for the crime of treason or a capital offense, or made pursuant to a
15 warrant containing a provision by the issuing Judge that the
16 defendant not be released on bail except by further order of the
17 issuing court or a Judge acting pursuant to the Emergency Judicial
18 Response system. In such cases the Bail Commissioner or other
19 person authorized to approve such release must advise the pris-
20 oner of his obligation to appear at the next sitting of the appro-
21 priate court. The release of arrested persons on personal
22 recognizance may be done over the phone or via facsimile, as well
23 as in person.

