

By Miss O'Brien of Easthampton, petition of Shannon P. O'Brien relative to police powers on fresh and continued pursuit. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO POLICE POWERS ON FRESH AND CONTINUED PURSUIT.

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 1. Section 98A of chapter 41 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking out said section and inserting in place thereof the
4 following section: —

5 Section 98A. A police officer of a city or town who is
6 empowered to make arrests, conduct investigative stops, or issue
7 citations for automobile law violations, may, on fresh and
8 continued pursuit, exercise such authority in any other city or
9 town for any offense or automobile law violation committed in
10 his or her presence within his or her jurisdiction for which he or
11 she would have the right to arrest without a warrant, conduct an
12 investigative stop, or issue such a citation within his or her
13 jurisdiction. Said officer may return any person so arrested to the
14 jurisdiction wherein said offense was committed. If a police officer
15 of a city or town observes, on such fresh and continued pursuit,
16 in any other city or town, the commission of an offense for which
17 he or she would have the authority to arrest within his or her
18 jurisdiction without a warrant, said officer may detain the person
19 suspected of committing such offense for arrest by an officer
20 empowered, other than under this section, to make arrests in said
21 other city or town. Nothing contained in this section shall be
22 construed as limiting the powers of a police officer to make arrests
23 and in so far as possible this section shall be deemed declaratory
24 of the common law of the commonwealth.

1 SECTION 2. This act shall take effect upon its passage.

