

HOUSE No. 1441

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning the arrest without a warrant of persons on probation and temporary custody.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/20/2023</i>

HOUSE No. 1441

By Representative Day of Stoneham, a petition (accompanied by bill, House, No. 1441) of Michael S. Day relative to arrests without a warrant of persons on probation and temporary custody. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1516 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act concerning the arrest without a warrant of persons on probation and temporary custody.

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 3 of chapter 279 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting before line 1 the following paragraph:- For the
3 purposes of this section, probation officer shall include a chief probation officer, a regional
4 probation supervisor, a statewide probation supervisor, the director of the ELMO center, the
5 deputy commissioner of field services, and any other personnel whom the commissioner of
6 probation shall direct.

7 SECTION 2. Section 3 of said chapter 279, as so appearing, is hereby further amended
8 by striking out, in line 51 the word “temporary”.

9 SECTION 3. Section 3 of said chapter 279, as so appearing, is hereby further amended
10 by striking out, in lines 52-53 the words “for a period not to exceed 72 hours or until the next
11 sitting of the court, during which period the” and inserting in place thereof the following words:-
12 . The

13 SECTION 4. Section 3 of said chapter 279, as so appearing, is hereby further amended
14 by inserting, in line 55, after the word “before the following:- the next sitting of

15 SECTION 5. Section 3 of said chapter 279, as so appearing, is hereby further amended
16 by striking out, in line 59 the word “temporary”.

17 SECTION 6. Section 3 of said chapter 279, as so appearing, is hereby further amended
18 by inserting in line 60 after the word “thereto.” the words: - The probationer shall be brought
19 before the next session of the court having jurisdiction over the place where the person is held or
20 to the court that set the conditions of release.