

**SENATE . . . . . No. 1742**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Joan M. Menard**

*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 passage of the accompanying bill:

An Act improving apprehension of drunk drivers and other law violators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Joan M. Menard	First Bristol and Plymouth
Bruce E. Tarr	First Essex and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Cheryl A. Coakley-Rivera	10th Hampden
George N. Peterson, Jr.	9th Worcester
Karyn E. Polito	11th Worcester
William N. Brownsberger	24th Middlesex
Angelo J. Puppolo, Jr.	12th Hampden
Todd M. Smola	1st Hampden
Carolyn Dykema	8th Middlesex
Jennifer L. Flanagan	Worcester and Middlesex
James Dwyer	30th Middlesex
Susan Williams Gifford	2nd Plymouth
Michael Brady	9th Plymouth
Richard J. Ross	9th Norfolk
Gale D. Candaras	First Hampden and Hampshire
Geraldo Alicea	6th Worcester
Patricia A. Haddad	5th Bristol
Jonathan Hecht	29th Middlesex

Harold P. Naughton, Jr.

12th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00947 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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AN ACT IMPROVING APPREHENSION OF DRUNK DRIVERS AND OTHER LAW VIOLATORS.

*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 as appearing in the 2006  
2 Official Edition is amended by replacing the entire section with the following: A police officer  
3 of a city or town may stop a person or vehicle in a city or town that borders the officer's city or  
4 town if the officer has reason to believe that the person or vehicle recently traveled through his  
5 or her city or town under circumstances where the officer would have had the authority to stop  
6 the person or vehicle for the purpose of making an arrest, placing an operator in protective  
7 custody, issuing a citation or taking any other enforcement action. Said officer may return any  
8 person so arrested or placed in protective custody to the jurisdiction wherein said offence was  
9 committed or other condition or violation was observed. No criminal case shall be dismissed, and  
10 no evidence in a criminal case shall be suppressed, based on the fact that a stop of a person or  
11 motor vehicle did not comport with this section. Nothing contained in this section shall be  
12 construed as limiting the powers of a police officer to make arrests and in so far as possible this  
13 section shall be deemed to be declaratory of the common law of the commonwealth.