

HOUSE No. 1360

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing certain federal personnel to exercise police powers in the Commonwealth..

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. Chapter 147 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after section 2 the following section:—Section 2A. All
3 federal law enforcement officers who have successfully completed the required training program
4 for their respective agencies which qualifies them to hold the position “GA-1811”, so called,
5 including but not limited to bureau of alcohol, tobacco, and firearms special agents, drug
6 enforcement administration special agents, federal bureau of investigation special agents,
7 immigration and naturalization service immigration inspectors, special agents and patrol officers,
8 United States customs service special agents, inspectors and patrol officers, United States
9 marshals service deputies, United States postal service police officers and inspectors, and United
10 States secret service special agents, shall have and exercise throughout the commonwealth,
11 certain powers of police officers. Such federal agents that have earned this police officer status
12 shall only be allowed to: (i) make a warrant less arrest, in accordance with section 98A of chapter
13 41, for any felony committed in the agent’s presence; (ii) make a warrant less arrest, in
14 accordance with section 98A of chapter 41, for any felony committed outside the agent’s

15 presence, provided that the arresting agent has probable cause to believe that the person so
16 arrested had committed such offense;

17 (iii) conduct constitutionally permissible warrant less searches incidental to an arrest
18 made pursuant to the provisions of this section;(iv) direct and serve a valid arrest warrant in any
19 part of the commonwealth in accordance with section 23 of chapter 276;(v) make a warrant less
20 arrest, in accordance with section 28 of chapter 276, for any misdemeanor committed against a
21 person or property. Notwithstanding any general or special law to the contrary, no federal law
22 enforcement agent who has earned this police officer status shall have the power to arrest as
23 authorized by chapter 90. Notwithstanding any general or special law to the contrary, all federal
24 law enforcement agents who have earned this police officer status shall have the same privileges
25 and immunities as every sworn police officer of the commonwealth.