

SENATE No. 1658

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Police Search and Seizure..

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. Notwithstanding any General or Special Law to the contrary, there is
2 hereby established a commission to review and report on the MBTA’s policies and procedures
3 allowing for the searching of passengers or their possessions. Said review shall include, but not
4 be limited to, an analysis of the constitutionality of such policies and procedures, any limitations
5 on the scope of such searches, factors which must be considered before implementing and ending
6 such searches, notice provided to passengers concerning their rights to consent or oppose such
7 searches, the cost of such searches, and the effectiveness of the technology used in such
8 searches. Said Commission shall consist of six members one of whom shall be the Senate Chair
9 of the Joint Committee on Judiciary who shall serve as co-chair, one of whom shall be the House
10 Chair of the Joint Committee on Judiciary who shall serve as co-chair, said commission shall
11 also include the Secretary of Public Safety, the general manager of the MBTA, the Attorney
12 General and a representative of the Massachusetts chapter of the American Civil Liberties
13 Union. Said Commission shall conduct at least one public hearing and shall report their findings
14 and any proposed legislation to the Governor and the Legislature by November 1, 2009.