

SENATE No. 1742

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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.