

**HOUSE . . . . . No. 1516**

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**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>1/29/2021</i>

**HOUSE . . . . . No. 1516**

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 1516) 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. 3281 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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.