

HOUSE No. 1534

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon

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 to protect residents and law enforcement officers in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/10/2023</i>

HOUSE No. 1534

By Representative Gordon of Bedford, a petition (accompanied by bill, House, No. 1534) of Kenneth I. Gordon relative to the classification of arrest warrants. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1621 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to protect residents and law enforcement officers 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 276 of the General Laws, as appearing in 2020 Official Edition, is
2 hereby amended by adding the following sections:-

3 Section 22A. Arrest warrants issued by a justice, pursuant to section 21 of chapter 276, or
4 a clerk, pursuant to section 33 of chapter 218, shall be classified as discretionary or non-
5 discretionary.

6 The classification of discretionary shall be limited to subjects who do not pose a credible
7 risk of danger to an individual or the public.

8 Section 22B. Law enforcement officers may arrest or may delay or dispense with the
9 arrest of a person who is subject to arrest under a discretionary warrant, provided, in the event of
10 a non-arrest decision, the officer:

11 (i) gives the subject of the warrant written notice with the date, time, and location of
12 the court where he or she must appear to remove the warrant;

13 (ii) documents the circumstances in an incident report in accordance with the
14 standards of the officer's law enforcement agency; and

15 (iii) ensures that a copy of the incident report is furnished to the court of jurisdiction
16 for the underlying arrest warrant.

17 Law enforcement officers must arrest the subject of any warrant classified as non-
18 discretionary.