

SENATE No. 1146

The Commonwealth of Massachusetts

PRESENTED BY:

Robyn K. Kennedy

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 relative to constables in the commonwealth.

PETITION OF:

NAME:

Robyn K. Kennedy

DISTRICT/ADDRESS:

First Worcester

SENATE No. 1146

By Ms. Kennedy, a petition (accompanied by bill, Senate, No. 1146) of Robyn K. Kennedy for legislation relative to constables in the commonwealth. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to constables 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 41 of the General Laws, as so appearing in the 2022 Official
2 Editon, is here by amended by inserting after section 91B the following section:-

3 91C. (a) to qualify as a supervisor for a constable, an entity must:

4 (1) be either: (i) a municipal executive of a Massachusetts municipality in which the
5 constable desires to serve; (ii) The principal law enforcement agency of a Massachusetts
6 municipality in which the constable desires to serve, provided that such agency has not been
7 barred from serving as the constable’s supervisor by a municipal executive of the municipality.

8 (2) be the same entity as any law enforcement agency that, at the time of the constable’s
9 application, is serving as the constable’s sponsoring agency under MGL chapter 6 section 116.

10 (3) agree in writing to serve as the constable’s supervisor.

11 SECTION 2. Said chapter 41 is hereby amended by striking out section 94 and inserting
12 in place thereof the following section:-

13 Section 94. (a) For the purposes of this section, the following words shall, unless the
14 context clearly requires otherwise, have the following meanings:

15 “Arrest” an actual or constructive seizure or detention of a person, performed with the
16 intention to effect an arrest and so understood by the person detained. For purposes of applying
17 this definition, the following shall constitute seizures: an application, to the body of a person, of
18 physical force that objectively manifests an intent to restrain; a show of authority, through words
19 or conduct, that a reasonable person would consider coercive; and an exercise of official powers
20 that is facilitated by the use or display of a weapon.

21 (b) Constables may serve the writs and processes described in section ninety-two and
22 warrants and processes in criminal cases, although their town, parish, religious society or district
23 is a party or interested. They shall have the powers of sheriffs to require aid in the execution of
24 their duties. They shall serve all warrants and other processes directed to them by the selectmen
25 of their town for notifying town meetings or for other purposes. They may serve by copy,
26 attested by them, demands, notices and citations, and their returns of service thereof shall be
27 prima facie evidence; but this provision shall not exclude the service thereof by other persons.

28 (c) an individual may execute an arrest as a constable only if: (i) The individual possesses
29 a certification, in compliance with chapter 6E, that has not been suspended and that has not been
30 conditioned, limited, or restricted in a manner that precludes the execution of such an arrest; (ii)
31 the individual otherwise possesses the legal authority to execute arrests of the type involved as a
32 constable.

33 (d) If an individual executes an arrest as a constable absent satisfaction of the
34 requirements of the Massachusetts peace officer standards and training commission, as defined
35 by chapter 6E, may take appropriate action under said chapter 6E.

36 SECTION 3. The Massachusetts peace officer standards and training commission shall
37 promulgate regulations for the implementation of this act, which shall include information
38 related to the supervision of constables.