

HOUSE No. 1402

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to authorize certain federal personnel to exercise police powers in the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING CERTAIN FEDERAL PERSONNEL TO EXERCISE POLICE POWERS 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 Chapter 147 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after Section 2 the following section:—

4 Section 2A. All federal law enforcement officers who have successfully completed the required training program for their respective agencies which qualifies them to hold the position “GA-1811”, so called, including but not limited to bureau of alcohol, tobacco, and firearms special agents, drug enforcement administration special agents, federal bureau of investigation special agents, immigration and naturalization service immigration inspectors, special agents and patrol officers, United States customs service special agents, inspectors and patrol officers, United States marshals service deputies, United States postal service police officers and inspectors, and United States secret service special agents, shall have and exercise throughout the Commonwealth, certain powers of police officers.

16 Such federal agents that have earned this police officer status shall only be allowed to:—

18 (i) make a warrant less arrest, in accordance with Section 98A of Chapter 41, for any felony committed in the agent’s presence;

20 (ii) make a warrant less arrest, in accordance with Section 98A of Chapter 41, for any felony committed outside the agent’s presence, provided that the arresting agent has probable cause to believe that the person so arrested had committed such offense;

24 (iii) conduct constitutionally permissible warrant less searches
25 incidental to an arrest made pursuant to the provisions of this
26 section;

27 (iv) direct and serve a valid arrest warrant in any part of the Com-
28 monwealth in accordance with Section 23 of Chapter 276;

29 (v) make a warrant less arrest, in accordance with Section 28 of
30 Chapter 276, for any misdemeanor committed against a person or
31 property.

32 Notwithstanding any general or special law to the contrary, no
33 federal law enforcement agent who has earned this police officer
34 status shall have the power to arrest as authorized by Chapter 90.

35 Notwithstanding any general or special law to the contrary, all
36 federal law enforcement agents who have earned this police officer
37 status shall have the same privileges and immunities as every sworn
38 police officer of the ommonwealth.