

SENATE NO. 1384

AN ACT RELATIVE TO SUSPICIONLESS POLICE SEARCHES ON PUBLIC TRANSPORTATION

*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. Notwithstanding any General or Special Law to the contrary, there is hereby established
2 a commission to review and report on the MBTA's policies and procedures allowing for the searching
3 of passengers or their possessions. Said review shall include, but not be limited to, an analysis of the
4 constitutionality of such policies and procedures, any limitations on the scope of such searches, factors
5 which must be considered before implementing and ending such searches, notice provided to
6 passengers concerning their rights to consent or oppose such searches, the cost of such searches, and
7 the effectiveness of the technology used in such searches. Said Commission shall consist of six
8 members one of whom shall be the Senate Chair of the Joint Committee on Public Safety and
9 Homeland Security who shall serve as co-chair, one of whom shall be the House Chair of the Joint
10 Committee on Public Safety and Homeland Security who shall serve as co-chair, said commission
11 shall also include the Secretary of Public Safety, the general manager of the MBTA, the Attorney
12 General and a representative of the Massachusetts chapter of the American Civil Liberties Union. Said
13 Commission shall conduct at least one public hearing and shall report their findings and any proposed
14 legislation to the Governor and the Legislature by November 1, 2007.