SENATE DOCKET, NO. FILED ON: 1/13/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Cynthia Stone Creem**

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*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 passage of the accompanying bill:

An Act Relative to Police Search and Seizure.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

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| --- | --- |
| Name: | District/Address: |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act Relative to Police Search and Seizure.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding any General or Special Law to the contrary, there is hereby established a commission to review and report on the MBTA’s policies and procedures allowing for the searching of passengers or their possessions.  Said review shall include, but not be limited to, an analysis of the constitutionality of such policies and procedures, any limitations on the scope of such searches, factors which must be considered before implementing and ending such searches, notice provided to passengers concerning their rights to consent or oppose such searches, the cost of such searches, and the effectiveness of the technology used in such searches.   Said Commission shall consist of six members one of whom shall be the Senate Chair of the Joint Committee on Judiciary who shall serve as co-chair, one of whom shall be the House Chair of the Joint Committee on Judiciary who shall serve as co-chair, said commission shall also include the Secretary of Public Safety, the general manager of the MBTA, the Attorney General and a representative of the Massachusetts chapter of the American Civil Liberties Union.  Said Commission shall conduct at least one public hearing and shall report their findings and any proposed legislation to the Governor and the Legislature by November 1, 2009.