

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

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 authorizing certain federal personnel to exercise police powers in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James H. Fagan	3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1402 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 SECTION 1. Chapter 147 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by
2 inserting after section 2 the following section:—
3 Section 2A. All federal law enforcement officers who have successfully completed the required training program for
4 their respective agencies which qualifies them to hold the position “GA-1811”, so called, including but not limited
5 to bureau of alcohol, tobacco, and firearms special agents, drug enforcement administration special agents, federal
6 bureau of investigation special agents, immigration and naturalization service immigration inspectors, special agents
7 and patrol officers, United States customs service special agents, inspectors and patrol officers, United States
8 marshals service deputies, United States postal service police officers and inspectors, and United States secret
9 service special agents, shall have and exercise throughout the commonwealth, certain powers of police officers.
10 Such federal agents that have earned this police officer status shall only be allowed to:
11 (i) make a warrant less arrest, in accordance with section 98A of chapter 41, for any felony committed in the agent’s
12 presence;
13 (ii) make a warrant less arrest, in accordance with section 98A of chapter 41, for any felony committed outside the
14 agent’s presence, provided that the arresting agent has probable cause to believe that the person so arrested had
15 committed such offense;

16 (iii) conduct constitutionally permissible warrant less searches incidental to an arrest made pursuant to the
17 provisions of this section;
18 (iv) direct and serve a valid arrest warrant in any part of the commonwealth in accordance with section 23 of chapter
19 276;
20 (v) make a warrant less arrest, in accordance with section 28 of chapter 276, for any misdemeanor committed
21 against a person or property.
22 Notwithstanding any general or special law to the contrary, no federal law enforcement agent who has earned this
23 police officer status shall have the power to arrest as authorized by chapter 90.
24 Notwithstanding any general or special law to the contrary, all federal law enforcement agents who have earned this

25 police officer status shall have the same privileges and immunities as every sworn police officer of the
26 commonwealth.