

HOUSE No. 1372

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|--------------------------------|
| <i>Daniel Cahill</i> | <i>10th Essex</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> |
| <i>Alyson M. Sullivan</i> | <i>7th Plymouth</i> |

HOUSE No. 1372

By Mr. Cahill of Lynn, a petition (accompanied by bill, House, No. 1372) of Daniel Cahill and others relative to constables. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2252 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to constables.

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. Section 10C of Chapter 21A of the General Laws is hereby amended by
2 deleting the words “and constables, except for the service of civil process” as they appear in lines
3 9 and 10.

4 SECTION 2. Section 10 of Chapter 22C of the General Laws is hereby amended by
5 deleting the words “constables, except the service of civil process, and of” and the words “and
6 watchmen” as they appear in lines 7 and 8.

7 SECTION 3. Section 54 of Chapter 22C of the General Laws is hereby amended by
8 deleting the word “Constables,” as it appears in line 1.

9 SECTION 4. Section 57 of Chapter 22C of the General Laws is hereby amended by
10 deleting the words “constables and” as they appear in line 14.

11 SECTION 5. Section 20 of Chapter 30A of the General Laws is hereby amended by
12 deleting the words “constable or other” as it appears in subsection (g), and inserting the word
13 “police” in place thereof.

14 SECTION 6. Section 13 of Chapter 34 of the General Laws is hereby amended by
15 deleting the words “or constables” as they appear in line 6.

16 SECTION 7. Section 13 of Chapter 34 of the General Laws is hereby amended by
17 inserting the word “or” before the words “a deputy sheriff”.

18 SECTION 8. Section 17 of Chapter 39 of the General Laws is hereby amended by
19 deleting the words “constable or any other person” as they appear in line 6, and inserting the
20 words “police officer” in place thereof.

21 SECTION 9. Section 37 of Chapter 40 of the General Laws is hereby amended by
22 deleting the word “constables” as it appears in line 2.

23 SECTION 10. Section 91B of Chapter 41 of the General Laws is hereby amended by
24 deleting the words “upon request give the appointing authority all possible assistance in making
25 such investigation.” as they appear in line 14, and inserting the following in place thereof:
26 “conduct a background investigation of the applicant, said investigation to include a review of
27 the applicant's criminal history, if any, to include a review of the applicant's criminal record in all
28 other states by the submission of a full set of the applicant's fingerprints pursuant to Sections
29 168, 172 and 28 U.S.C. Section 534. The Secretary of Public Safety shall have the authority to
30 promulgate regulations regarding constables.”

31 SECTION 11. Section 94 of Chapter 41 of the General Laws is hereby amended by
32 deleting the words “and warrants and processes in criminal cases, although their town, parish,
33 religious society or district is a party or interested. They shall have the powers of sheriffs to
34 require aid in the execution of their duties. They shall take due notice of and prosecute all
35 violations of law respecting the observance of the Lord's day, profane swearing and illegal
36 gaming.”

37 SECTION 12. Section 95 of Chapter 41 of the General Laws is hereby repealed in its
38 entirety.

39 SECTION 13. Section 98 of Chapter 41 of the General Laws is hereby amended by
40 deleting the words “shall have all the powers and duties of constables except serving and
41 executing civil process. They” as they appear in lines 2 and 3.

42 SECTION 14. Section 99 of Chapter 41 of the General Laws is hereby amended by
43 deleting the words “constables and” and the words “except as to the service of civil process,” as
44 they appear in lines 10 through 12.

45 SECTION 15. Section 101 of Chapter 41 of the General Laws is hereby amended by
46 deleting the words “constables and” as they appear in line 7.

47 SECTION 16. Section 25B of Chapter 54 of the General Laws is hereby amended by
48 deleting the words “or constables” as they appear in subsection (p).

49 SECTION 17. Section 66 of Chapter 54 of the General Laws is hereby amended by
50 deleting the words “or constable” as they appear in line 10.

51 SECTION 18. Section 71 of Chapter 54 of the General Laws is hereby amended by
52 deleting the words “constable or other person” as they appear in lines 7 and 8.

53 SECTION 19. Section 72 of Chapter 54 of the General Laws is hereby amended by
54 deleting the words “or constable” as they appear in line 3.

55 SECTION 20. Section 74 of Chapter 54 of the General Laws is hereby amended by
56 deleting the words “constable or other person” as they appear in line 4 and 5.

57 SECTION 21. Section 75 of Chapter 54 of the General Laws is hereby amended by
58 deleting the words “or constable” as they appear in line 3.

59 SECTION 22. Section 107 of Chapter 54 of the General Laws is hereby amended by
60 deleting the words “or constable” as they appear in line 23.

61 SECTION 23. Section 8 of Chapter 64C of the General Laws is hereby amended by
62 deleting the words “or constable” as they appear in line 23.

63 SECTION 24. Section 16 of Chapter 67 of the General Laws is hereby amended by
64 deleting the words “a constable or by” as they appear in line 2.

65 SECTION 25. Section 19 of Chapter 85 of the General Laws is hereby amended by
66 deleting the word “constable” as it appears in line 7.

67 SECTION 26. Section 1 of Chapter 90 of the General Laws is hereby amended by
68 deleting the words “constable or other” as they appear in the definition of “Police Officer”.

69 SECTION 27. Section 32D of Chapter 90 of the General Laws is hereby amended by
70 deleting the words “constable or” as they appear in line 12.

71 SECTION 28. Section 40 of Chapter 90 of the General Laws is hereby amended by
72 deleting the words “of constables, except the service of civil process, and” as they appear in the
73 fourth paragraph.

74 SECTION 29. Section 27 of Chapter 91 of the General Laws is hereby amended by
75 deleting the word “constable” as it appears in line 12.

76 SECTION 30. Section 32 of Chapter 101 of the General Laws is hereby amended by
77 deleting the words “constables and” as they appear in line 3.

78 SECTION 31. Section 9 of Chapter 111 of the General Laws is hereby amended by
79 deleting the words “and constables except the power to serve civil process” as they appear in
80 lines 11 and 12.

81 SECTION 32. Section 96 of Chapter 111 of the General Laws is hereby amended by
82 deleting the words “or to any constable” as they appear in line 2.

83 SECTION 33. Section 99 of Chapter 111 of the General Laws is hereby amended by
84 deleting the word “constable” as it appears in line 5, and inserting the words “police officer” in
85 place thereof.

86 SECTION 34. Section 131 of Chapter 111 of the General Laws is hereby amended by
87 deleting the words “or to any constable of such town,” as they appear in line 10.

88 SECTION 35. Section 171 of Chapter 111 of the General Laws is hereby amended by
89 deleting the words “or constable” as they appear in line 6.

90 SECTION 36. Section 84 of Chapter 119 of the General Laws is hereby amended by
91 deleting the words “Constable or” and “Constable of” as they appear in lines 8 and 48,
92 respectively.

93 SECTION 37. Section 13 of Chapter 120 of the General Laws is hereby amended by
94 deleting the word “constable” as it appears in line 5.

95 SECTION 38. Section 46 of Chapter 128 of the General Laws is hereby amended by
96 deleting the words “or constables” as they appear in line 5.

97 SECTION 39. Section 6 of Chapter 129 of the General Laws is hereby amended by
98 deleting the word “constables” as it appears in line 1.

99 SECTION 40. Section 7 of Chapter 132A of the General Laws is hereby amended by
100 deleting the words “of constables, except service of civil process, and” as they appear in the
101 second paragraph and the words “of constables” and the words “except service of civil process”
102 as they appear in the third paragraph.

103 SECTION 41. Section 1 of Chapter 133 of the General Laws is hereby amended by
104 deleting the word “constable” as it appears in line 5.

105 SECTION 42. Section 22 of Chapter 138 of the General Laws is hereby amended by
106 deleting the words “constable” and “policeman” as they appear in line 46 and inserting the words
107 “police officer” in place thereof.

108 SECTION 43. Section 30F of Chapter 138 of the General Laws is hereby amended by
109 deleting the word “constable” as it appears in line 6.

110 SECTION 44. Section 42 of Chapter 138 of the General Laws is hereby amended by
111 deleting the words “or constable” as they appear in line 11.

112 SECTION 45. Section 46 of Chapter 138 of the General Laws is hereby amended by
113 deleting the words “or constable” as they appear in line 3.

114 SECTION 46. Section 48 of Chapter 138 of the General Laws is hereby amended by
115 deleting the word “constable” as it appears in line 6.

116 SECTION 47. Section 56 of Chapter 138 of the General Laws is hereby amended by
117 deleting the words “or constable” as they appear in line 3.

118 SECTION 48. Section 152 of Chapter 140 of the General Laws is hereby amended by
119 deleting the word “constable” as it appears in line 1.

120 SECTION 49. Section 153 of Chapter 140 of the General Laws is hereby amended by
121 deleting the word “constable” as it appears in line 6 and inserting the words “animal control
122 officer” in place thereof.

123 SECTION 50. Section 158 of Chapter 140 of the General Laws is hereby amended by
124 deleting the word “constable” as it appears in line 1.

125 SECTION 51. Section 164 of Chapter 140 of the General Laws is hereby amended by
126 deleting the word “constable” as it appears in line 6.

127 SECTION 52. Section 167 of Chapter 140 of the General Laws is hereby amended by
128 deleting the word “constable” as it appears in the third sentence and inserting the words “animal
129 control officer” in place thereof.

130 SECTION 53. Section 167 of Chapter 140 of the General Laws is hereby amended by
131 deleting the fourth sentence in its entirety and in place thereof, inserting the following sentence:
132 “Notwithstanding the foregoing, a police officer or animal control officer may, in the officer's
133 discretion, hold any such dog for not more than 7 days.”

134 SECTION 54. Section 167 of Chapter 140 of the General Laws is hereby amended by
135 deleting the word “constable” as it appears in the fifth sentence and inserting the words “animal
136 control officer” in place thereof.

137 SECTION 55. Section 201 of Chapter 140 of the General Laws is hereby amended by
138 deleting the words “a constable” as they appear in line 1.

139 SECTION 56. Section 2 of Chapter 147 of the General Laws is hereby amended by
140 deleting the words “of constables, police officers and watchmen, except as to the service of civil
141 process” as they appears in lines 2 and 3 and inserting “of police officers” in place thereof.

142 SECTION 57. Section 31 of Chapter 147 of the General Laws is hereby amended by
143 deleting the words “and constables” as they appear in lines 7 and 8.

144 SECTION 58. Section 94 of Chapter 159 of the General Laws is hereby amended by
145 deleting the words “or constables” as they appear in line 7.

146 SECTION 59. Section 14 of Chapter 159B of the General Laws is hereby amended by
147 deleting the words “constables, except the service of civil processes, and of” as they appear in
148 line 6.

149 SECTION 60. Section 220 of Chapter 160 of the General Laws is hereby amended by
150 deleting the word “constables” as it appears in line 8.

151 SECTION 61. Section 1 of Chapter 257 of the General Laws is hereby amended by
152 deleting the words “or constable” as they appear in line 4.

153 SECTION 62. Section 53 of Chapter 262 of the General Laws is hereby repealed in its
154 entirety.

155 SECTION 63. Section 120 of Chapter 266 of the General Laws is hereby amended by
156 deleting the word “constable” as it appears in line 15.

157 SECTION 64. Section 120E of Chapter 266 of the General Laws is hereby amended by
158 deleting the word “constable” as it appears in line 27.

159 SECTION 65. Section 131 of Chapter 266 of the General Laws is hereby repealed in its
160 entirety.

161 SECTION 66. Section 133 of Chapter 266 of the General Laws is hereby amended by
162 deleting the word “constables” as it appears in line 13.

163 SECTION 67. Section 30 of Chapter 267 of the General Laws is hereby amended by
164 deleting the word “constable” as it appears in line 7.

165 SECTION 68. Section 24 of Chapter 268 of the General Laws is hereby amended by
166 deleting the words “constable” and “or watchman” as they appear in lines 2 and 3, and inserting
167 the word “or” before the words “police officer” as they appear in line 2.

168 SECTION 69. Section 26 of Chapter 268 of the General Laws is hereby amended by
169 deleting the word “constable” as it appears in line 5.

170 SECTION 70. Section 2 of Chapter 271 of the General Laws is hereby amended by
171 deleting the word “constable” as it appears in line 11.

172 SECTION 71. Section 6 of Chapter 271 of the General Laws is hereby repealed in its
173 entirety.

174 SECTION 72. Section 23 of Chapter 271 of the General Laws is hereby amended by
175 deleting the word “constable” as it appears in line 13.

176 SECTION 73. Section 9 of Chapter 272 of the General Laws is hereby amended by
177 deleting the word “constable” as it appears in line 9.

178 SECTION 74. Section 54 of Chapter 272 of the General Laws is hereby amended by
179 deleting the word “constable” as it appears in line 4.

180 SECTION 75. Section 65 of Chapter 272 of the General Laws is hereby repealed in its
181 entirety.

182 SECTION 76. Section 67 of Chapter 272 of the General Laws is hereby repealed in its
183 entirety.

184 SECTION 77. Section 69 of Chapter 272 of the General Laws is hereby repealed in its
185 entirety.

186 SECTION 78. Section 70 of Chapter 272 of the General Laws is hereby amended by
187 deleting the word “constable” as it appears in line 1, and inserting the word “or” before the
188 words “deputy sheriff” as they appear in line 1.

189 SECTION 79. Section 83 of Chapter 272 of the General Laws is hereby amended by
190 deleting the word “constable” as it appears in line 7.

191 SECTION 80. Section 84 of Chapter 272 of the General Laws is hereby amended by
192 deleting the word “constable” as it appears in line 1.

193 SECTION 81. Section 88 of Chapter 272 of the General Laws is hereby amended by
194 deleting the word “constable” as it appears in line 10.

195 SECTION 82. Section 2 of Chapter 276 of the General Laws is hereby amended by
196 deleting the words “constable or” as they appear in line 6.

197 SECTION 83. Section 2A of Chapter 276 of the General Laws is hereby amended by
198 deleting the words “or any constable” as they appear in line 6.

199 SECTION 84. Section 38 of Chapter 279 of the General Laws is hereby amended by
200 deleting the word “constable” as it appears in line 1, and inserting the words “police officer”
201 before the words “, when engaged in the execution”.