

**SENATE . . . . . No. 1130**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth J. Donnelly***

*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 establishing regional lockup facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>

**SENATE . . . . . No. 1130**

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1130) of Kenneth J. Donnelly and Danielle W. Gregoire for legislation to establish regional lockup facilities. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act establishing regional lockup facilities.

*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 34 of Chapter 40 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting, in line 2, after the word “shall” the following  
3 words:- , unless a member of a regional lock-up facility,.

4 And further, by inserting, in line 8, after the word “thereby”, the following words:- , or  
5 the regional lock-up facility, if the city or town is a member of such a facility, pursuant to section  
6 34A of this chapter.

7 SECTION 2. Chapter 40 of the General Laws, as so appearing, is hereby amended by  
8 adding, after Section 34, the following new section:—

9 Section 34A. The Sheriff of each county may establish one or more regional lock-up  
10 facilities within the county to which persons arrested with or without a warrant may be  
11 committed or any person arrested under any civil process. Any county regional lock-up facility  
12 established under this section shall have the same function and power as a lock-up established  
13 under section thirty-four of chapter forty. A city or town may become a member of a county  
14 regional lockup facility system by executing, with the consent of the county commissioners, a  
15 written agreement with the county sheriff. Said agreement shall be filed with the city or town  
16 clerk, the county commissioners, and the secretary of state, and shall set forth the details as to the  
17 transportation, booking, fees to be paid per prisoner, and an indemnification agreement.

18 Member police officers who are transporting a prisoner to a regional lock-up facility  
19 shall, during transport, have the full authority and jurisdiction of a police officer through any  
20 city, town, or county. The requirements and duties set forth in sections 36A through 36C of

21 chapter 40 shall pertain to the regional lock-up facility and the Sheriff's department personnel,  
22 except that training shall be completed within one year of the establishment of such a facility.  
23 Member city or town police departments do not have to comply with section 36C of chapter 40.  
24 The regional lock-up facility administrator and deputy sheriffs shall have the same authority,  
25 jurisdiction and duty as a police officer to detain, book, hold, and transport a pre-arraignment  
26 prisoner or any other prisoner to or from the regional lock-up facility.

27 SECTION 3. Section 35 of Chapter 40 of the General Laws, as so appearing, is hereby  
28 amended by adding, at the end of the section, the following paragraph:-

29 Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility,  
30 the sheriff shall be responsible for the appointment of the administrator of the lock-up facility  
31 who shall serve for such term as the sheriff shall determine and written notice of same shall be  
32 filed with the county commissioners and the clerk of each member city or town. The  
33 administrator of the regional lock-up facility shall have all the powers and duties of a keeper of  
34 the lock-up.

35 SECTION 4. Section 36B of Chapter 40 of the General Laws, as so appearing, is hereby  
36 amended by inserting, in line 2, after the word "town" the following word:- county,.

37 And further, by inserting, in line 3, after the words "state police" the following words:-  
38 or the county sheriff's department.