

HOUSE No. 1274

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

AN ACT ESTABLISHING REGIONAL LOCK UP 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 most recently amended by
2 Chapter 240 of the Acts of 1985, is hereby further amended by adding after the word “shall” in
3 the first sentence the words “unless a member of a regional lock-up facility”, and by adding after
4 the word “thereby” in the first sentence the words “or the regional lock-up facility, if the city or
5 town is a member of such a facility, pursuant to section thirty-four A of this chapter.”

6 SECTION 2. Chapter 40 of the General Laws is hereby amended by adding the following
7 new section 34A:—

8 The Sheriff of each county may establish one or more regional lock-up facilities within
9 the county to which persons arrested with or without a warrant may be committed or any person
10 arrested under any civil process. There shall be an on-site courtroom in each facility to which a
11 justice and appropriate court room personnel shall be assigned for purposes of arraignments and
12 motions for reconsideration of bail. In addition, a justice shall be assigned to those facilities
13 constructed after the effective date of this act, and already equipped with on-site court rooms.
14 Any county regional lock-up facility established under this section shall have the same function

15 and power as a lock-up established under section thirty-four of chapter forty. A city or town may
16 become a member of a county regional lockup facility system by executing, with the consent of
17 the county commissioners, a written agreement with the county sheriff. Said agreement shall be
18 filed with the city or town clerk, the county commissioners, and the secretary of state, and shall
19 set forth the details as to the transportation, booking, fees to be paid per prisoner, and an
20 indemnification agreement.

21 Member police officers who are transporting a prisoner to a regional lock-up facility
22 shall, during transport, have the full authority and jurisdiction of a police officer through any
23 city, town, or county. The requirements and duties set forth in sections thirty-six A through
24 thirty-six C of chapter forty shall pertain to the regional lock-up facility and the Sheriff's
25 department personnel, except that training shall be completed within one year of the
26 establishment of such a facility. Member city or town police departments do not have to comply
27 with section thirty-six C of chapter 40. The regional lock-up facility administrator and deputy
28 sheriffs shall have the same authority, jurisdiction and duty as a police officer to detain, book,
29 hold, and transport a pre-arraignment prisoner or any other prisoner to or from the regional lock-
30 up facility. There may be a county regional lock-up advisory board consisting of a representative
31 from each member and the sheriff's department. The advisory board may recommend to the
32 sheriff improvements in the operation of the transportation and booking procedures of the
33 regional lock-up facility.

34 SECTION 3. Section 35 of Chapter 40 of the General Laws is hereby amended by adding
35 thereto the following paragraph:—"Notwithstanding the foregoing paragraph, if there is a county
36 regional lock-up facility, the sheriff shall be responsible for the appointment of the administrator
37 of the lock-up facility who shall serve for such term as the sheriff shall determine and written

38 notice of same shall be filed with the county commissioners and the clerk of each member city or
39 town. The administrator of the regional lock-up facility shall have all the powers and duties of a
40 keeper of the lock-up.”

41 SECTION 4. Section 36B of Chapter 40 of the General Laws, as most recently amended
42 by Chapter 208, Section 1 of the Acts of 1985, is hereby further amended by adding after the
43 word “town” in the first sentence the word “county”, and by adding after the words “state police”
44 in the first sentence the words “the county sheriff’s department.”