

HOUSE No. 1415

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

15 chapter forty. A city or town may become a member of a county regional lockup facility system
16 by executing, with the consent of the county commissioners, a written agreement with the county
17 sheriff. Said agreement shall be filed with the city or town clerk, the county commissioners, and
18 the secretary of state, and shall set forth the details as to the transportation, booking, fees to be
19 paid per prisoner, and an indemnification agreement. Member police officers who are
20 transporting a prisoner to a regional lock-up facility shall, during transport, have the full
21 authority and jurisdiction of a police officer through any city, town, or county. The requirements
22 and duties set forth in sections thirty-six A through thirty-six C of chapter forty shall pertain to
23 the regional lock-up facility and the Sheriff's department personnel, except that training shall be
24 completed within one year of the establishment of such a facility. Member city or town police
25 departments do not have to comply with section thirty-six C of chapter 40. The regional lock-up
26 facility administrator and deputy sheriffs shall have the same authority, jurisdiction and duty as a
27 police officer to detain, book, hold, and transport a pre-arraignment prisoner or any other
28 prisoner to or from the regional lock-up facility. There may be a county regional lock-up
29 advisory board consisting of a representative from each member and the sheriff's department.
30 The advisory board may recommend to the sheriff improvements in the operation of the
31 transportation and booking procedures of the regional lock-up facility.

32 SECTION 3. Section 35 of Chapter 40 of the General Laws is hereby amended by adding
33 thereto the following paragraph:—"Notwithstanding the foregoing paragraph, if there is a county
34 regional lock-up facility, the sheriff shall be responsible for the appointment of the administrator
35 of the lock-up facility who shall serve for such term as the sheriff shall determine and written
36 notice of same shall be filed with the county commissioners and the clerk of each member city or

37 town. The administrator of the regional lock-up facility shall have all the powers and duties of a
38 keeper of the lock-up.”

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