

SENATE No. 932

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing a regional lockup facility in Worcester county..

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 2002
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:- Unless a member of a regional lockup facility, a town containing
4 more than 5,000 inhabitants shall, and any other town may, maintain a secure and convenient
5 lockup to which a person arrested without a warrant may be committed. A magistrate may
6 commit, for further examination, a prisoner charged with a bailable offense and not recognizing,
7 to the lockup in the town where the prisoner was arrested, to any regional lockup of which that
8 town is a member, or to the lockup in a town where the court is held, if he considers it safe and
9 commodious and that expense may be saved thereby.

10 SECTION 2. Section 36B of said chapter 40 , as so appearing, is hereby amended by
11 inserting after the word “town,” in line 2, the following word:- regional.

12 SECTION 3. Said section 36B of said chapter 40 , as so appearing, is hereby further
13 amended by inserting after the word “department,” in line 3, the following words:- , county
14 sheriff.

SECTION 4. Notwithstanding sections 34 to 37A of chapter 40 of the General Laws, or any other general or special law to the contrary, the sheriff of Worcester county may establish a regional lockup facility within the site of the Worcester county jail and house of correction which shall be used only for the detention of persons arrested upon probable cause or warrant or a person arrested under a civil process. There shall be space made available for interviews and space assigned for use by the clerk/magistrates for bail hearings. The lockup shall be established only if approved by a majority vote of the town where the sheriff of Worcester county decides to locate it. The regional lockup facility established under this section shall have the same function and power as a lockup established under said section 34 of said chapter 40.

A city or town of Worcester county, a state or federal law enforcement agency may become a member of the county regional lockup system by executing with the consent of the appropriate governing body, a written agreement with the sheriff of Worcester county. The agreement shall be filed with the corresponding city and town clerk and the secretary of state and shall set forth the details of the agreement.

The requirements and duties set forth in sections 36A to 36G, inclusive, of said chapter 40 shall pertain to the regional lockup facility and the sheriff's office deputies, except that all training provided for in section 36C of said chapter 40 shall be completed within 1 year of the establishment of the facility. A deputy sheriff of the Worcester county regional lockup facility shall have the same authority, jurisdiction and duty to detain, book, hold and transport a pre-arraignment prisoner or any other prisoner to or from the regional lockup as required under said chapter 40. Mitigation funds shall be made available to the town the sheriff of Worcester county decides to locate it in the amount of \$1,500,000 or 10% of the construction cost of any new

37 facility constructed to house the regional lockup facility, whichever is greater, prior to its
38 establishment.

39 The sheriff of Worcester county shall assign a deputy sheriff to serve as administrator of
40 the regional lockup facility; but this assignment shall not increase the existing number of deputy
41 sheriff positions. The administrator of the regional lockup facility shall have all powers and
42 duties of a keeper of the lockup”.