

**SENATE . . . . . No. 973**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the authority of county sheriffs..

*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 1 of Chapter 124 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking out paragraph (s), and inserting in place thereof  
3 the following paragraph:-

4 (s) adopt policies and procedures, in consultation with the county sheriffs, establishing  
5 reasonable medical and health service fees for the medical services that are provided to inmates  
6 at any county or state correctional facility. Except as otherwise provided, the commissioner or a  
7 county sheriff may charge each inmate a reasonable fee for any medical and mental health  
8 services provided, including prescriptions, medication, or prosthetic devices. The fee shall be  
9 deducted from the inmate’s account as provided for in section 48A of chapter 127. The  
10 commissioner or a county sheriff shall exempt the following inmates from payment of medical  
11 and health services fees: medical visits initiated by the medical or mental health staff,  
12 consultants, or contract personnel of the department, prisoners determined to be terminally ill,  
13 pregnant, or otherwise hospitalized for more than 30 days successively during the term of  
14 incarceration and juvenile inmates and inmates who are undergoing follow-up medical treatment

15 for chronic diseases. Notwithstanding any other provision of this section, an inmate shall not be  
16 refused medical treatment for financial reasons. The commissioner or a county sheriff shall also  
17 establish criteria for reasonable deductions from moneys credited to the inmate's account as  
18 provided for in section 48A of chapter 127 to repay the cost of medical treatment for injuries that  
19 were self-inflicted or inflicted by the inmate on others.

20 SECTION 2. Said section 1 of said chapter 124 of the General Laws, as so appearing, is  
21 hereby further amended by striking out paragraph (u), and inserting in place thereof the  
22 following paragraph:-

23 (u) adopt policies and procedures, in consultation with the county sheriffs, establishing  
24 reasonable fees for maintenance and administration of inmate accounts maintained at any county  
25 or state correctional facility. The commissioner or a county sheriff may charge each inmate  
26 reasonable fees for the maintenance and administration of inmate accounts, to include but not be  
27 limited to booking fees, and may deduct such fees from each inmate's accounts.

28 SECTION 3. Chapter 126 of the General Laws, as so appearing, is hereby amended by  
29 inserting after section 16 the following new section:-

30 Section 16A. A sheriff, or a superintendent employed by a sheriff shall have authority to  
31 adopt an inmate fee and expense reimbursement policy, which may include, but not be limited to  
32 the following:

33 An administrative processing fee;

34 A haircutting fee;

35           A per diem for care to include co-payments for medical, dental, pharmaceutical and  
36 mental health services;

37           A fee assessed for damage incurred to county or state property.

38           This fee shall be reasonable and based on the ability of the inmate to pay said fee.

39           The sheriff shall furnish, at the County or Commonwealth's expense necessary fuel,  
40 bedding and clothing at the County's expense for those inmates who are unable to provide for  
41 themselves, and also necessary medical care and services for those who are sick, injured or  
42 indigent and unable to provide for themselves.

43           Any funds derived from these accounts shall be deposited by the respective sheriff into  
44 the sheriff's inmate trust fund accounts to be expended on behalf of the inmates to defray  
45 expenses of services and improve the conditions of the environment in which the inmates are  
46 confined.