SENATE DOCKET, NO. 1284 FILED ON: 1/16/2015

SENATE . . . . . No. 1250

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:
Kenneth J. Donnelly	*Fourth Middlesex*
David T. Vieira	*3rd Barnstable*
Michael O. Moore	*Second Worcester*
Randy Hunt	*5th Barnstable*

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SENATE . . . . . No. 1250

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1250) of Kenneth J. Donnelly, David T. Vieira, Michael O. Moore and Randy Hunt for legislation to establish regional lockup facilities. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1130* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1. Section 34 of Chapter 40 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting, in line 2, after the word "shall" the following words:- , unless a member of a regional lock-up facility,.

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

SECTION 2. Chapter 40 of the General Laws, as so appearing, is hereby amended by 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.