

SENATE No. 1279

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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 protecting inmate safety and the expenditure of state funds.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael J. Barrett	Third Middlesex	
James B. Eldridge	Middlesex and Worcester	1/27/2017
Antonio F. D. Cabral	13th Bristol	1/27/2017
Marjorie C. Decker	25th Middlesex	1/30/2017
Kenneth J. Donnelly	Fourth Middlesex	10/18/2017
Chris Walsh	6th Middlesex	1/30/2017
Mary S. Keefe	15th Worcester	1/31/2017
Jay R. Kaufman	15th Middlesex	1/31/2017
Kay Khan	11th Middlesex	1/31/2017
Paul R. Heroux	2nd Bristol	1/31/2017
José F. Tosado	9th Hampden	1/31/2017
Kenneth I. Gordon	21st Middlesex	2/1/2017
Cynthia Stone Creem	First Middlesex and Norfolk	2/3/2017
William N. Brownsberger	Second Suffolk and Middlesex	2/3/2017
Michelle M. DuBois	10th Plymouth	2/3/2017
Jack Lewis	7th Middlesex	2/3/2017

SENATE No. 1279

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1279) of Michael J. Barrett, James B. Eldridge, Antonio F. D. Cabral, Marjorie C. Decker and other members of the General Court for legislation to protect inmate safety and the expenditure of state funds. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act protecting inmate safety and the expenditure of state funds.

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 24 of Chapter 37 of the Massachusetts General Laws, as appearing
2 in the 2014 Official Edition, is hereby amended by adding the following paragraph:

3 A sheriff, or anyone acting under a sheriff’s direction or by arrangement with a sheriff,
4 shall not transport a prisoner or other person in the sheriff’s custody within the commonwealth
5 beyond the borders of the commonwealth without the express prior written approval of the
6 secretary of administration and finance and the secretary of the executive office of public safety
7 and security. Nor shall a sheriff, nor anyone acting under a sheriff’s direction or by arrangement
8 with a sheriff, transport said prisoner or other person out of the commonwealth without first
9 filing, not less than 90 days before any transportation occurs, a detailed description of the
10 purpose, mode and manner, physical and material conditions and constraints attendant to, and
11 duration of, both the transport and the transport destination, with the secretary of administration
12 and finance, secretary of the executive office of public safety and security, the chairs of the joint

13 committee on public safety and homeland security, the chairs of the joint committee on the
14 judiciary, the chair of senate ways and means and the chair of house ways and means. In the
15 event of a bona fide public health or safety emergency that may necessitate the transportation of
16 prisoners or other persons in a sheriff's custody out of Massachusetts, said sheriff shall provide
17 said detailed description to the chairs of the joint committee on public safety and homeland
18 security, the chairs of the joint committee on the judiciary, the chair of senate ways and means
19 and the chair of house ways and means as soon as is practicable, and shall obtain, prior to
20 undertaking said transport, express prior written approval from the secretary of administration
21 and finance and secretary of the executive office of public safety and security. Any prisoner or
22 other person transported out of the commonwealth shall not participate in any work, labor, or
23 public or community service program while outside the commonwealth without the express prior
24 written approval of the aforementioned secretaries.

25 SECTION 2. Section 25 of said Chapter 37 of the Massachusetts General Laws, is hereby
26 amended by adding the following paragraph:

27 The secretary of administration and finance shall not request, approve, or distribute any
28 appropriations or monies for the transportation out of the commonwealth of a prisoner or other
29 person in the custody of a sheriff unless said sheriff has complied with the provisions of section
30 24 of this chapter.