

HOUSE No. 2038

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Cullinane

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 a regional lockup facility in Suffolk County.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|------------------------------------|------------------|
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> | <i>1/17/2019</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> | <i>1/29/2019</i> |
| <i>Edward F. Copping</i> | <i>10th Suffolk</i> | <i>2/1/2019</i> |
| <i>Michael F. Rush</i> | <i>Norfolk and Suffolk</i> | <i>2/1/2019</i> |
| <i>Paul K. Frost</i> | <i>7th Worcester</i> | <i>2/1/2019</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> | <i>2/1/2019</i> |
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | <i>2/1/2019</i> |
| <i>Joseph A. Boncore</i> | <i>First Suffolk and Middlesex</i> | <i>2/1/2019</i> |

HOUSE No. 2038

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 2038) of Daniel R. Cullinane and others relative to establishing a regional lockup facility in Suffolk County. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing a regional lockup facility in Suffolk 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 2014
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:

4 Unless a member of a regional lockup facility, a city or town containing more than five
5 thousand inhabitants shall, and any other town may, maintain a secure and convenient lockup to
6 which a person arrested without a warrant may be committed; and a magistrate may commit, for
7 further examination, a prisoner charged with a bailable offense and not recognizing, to the
8 lockup in the town where the prisoner was arrested, to any regional lockup of which that town is
9 a member, or to the lockup in a town where the court is held, if he considers it safe and
10 commodious and that expense may be saved thereby.

11 SECTION 2. Section 35 of chapter 40, as so appearing, is hereby amended by inserting
12 after the first paragraph the following paragraph:

13 Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility,
14 the sheriff of that county shall be responsible for the appointment of the administrator of the
15 lock-up facility who shall serve for such term as the sheriff shall determine and who can be
16 terminated from such position with or without cause at the sole discretion of the sheriff.
17 Notwithstanding any general or special law or any collective bargaining agreement to the
18 contrary, the sheriff and/or administrator of the lockup facility shall have the discretion to staff
19 the facility with any current employee of that county's Sheriff's Department, including jail and
20 /or corrections officers of various ranks from either the county jail or House of Correction,
21 notwithstanding the present union affiliation of said employee. Written notice of same shall be
22 filed with the county commissioners and the clerk of each member city or town. The
23 administrator of the regional lock-up facility shall have all the powers and duties of a keeper of
24 the lock-up.

25 SECTION 3. Section 36B of chapter 40, as so appearing, is hereby amended by inserting
26 after the word "town," in the first sentence, the following word:

27 regional,

28 SECTION 4. Section 36B of chapter 40 , as so appearing, is hereby further amended by
29 inserting after the word "department," in the first sentence the following words:-

30 , county sheriff,

31 SECTION 5. Notwithstanding sections 34 to 37A of chapter 40 of the General Laws, or
32 any other general or special law to the contrary, the sheriff of Suffolk county may establish a
33 regional lockup facility within the site of the Suffolk county jail and house of correction, or
34 elsewhere within the county of Suffolk, which shall be used only for the detention of persons

35 arrested upon probable cause or warrant or a person arrested under a civil process. There shall be
36 space made available for interviews and space assigned for use by the clerk/magistrates for bail
37 hearings. The regional lockup facility established under this section shall have the same function
38 and power as a lockup established under section 34 of chapter 40.

39 A city or town of Suffolk county, a state or federal law enforcement agency may, subject
40 to the discretion of the sheriff of Suffolk County, become a member of the county regional
41 lockup system by executing, with the consent of the appropriate governing body, a written
42 agreement with the sheriff of Suffolk County. The agreement shall be filed with the
43 corresponding city and town clerk and the secretary of state and shall set forth the details of the
44 agreement as to the transportation and booking of prisoners.

45 Member police officers who are transporting a prisoner to a regional lockup facility shall,
46 during transport, have the full authority and jurisdiction of a police officer through any city,
47 town, or county. Member city or town police departments do not have to comply with section
48 36C of chapter 40. The requirements and duties set forth in sections 36A to 36G, inclusive, of
49 chapter 40 shall pertain to the regional lockup facility and the sheriff's office, except that all
50 training provided for in section 36C of chapter 40 shall be completed within 1 year of the
51 establishment of the facility. The regional lockup administrator and sheriffs of the Suffolk county
52 regional lockup facility shall have the same authority, jurisdiction and duty to detain, book, hold
53 and transport a pre-arraignment prisoner or any other prisoner to or from the regional lockup as
54 required under chapter 40.

55 SECTION 6. The sheriff of Suffolk County shall be afforded all the protections of section
56 9 of chapter 258, as though the sheriff held office under the constitution within the meaning of
57 this statute.

58 SECTION 7. This act shall take effect upon passage.