

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan

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 relative to public safety, improving court security efficiency and the reduction of prisoner transportation costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>
<i>Jerome P. McDermott</i>	<i>Norfolk County Sheriff, 200 West St, PO Box 149, Dedham, MA 02027</i>
<i>Michael Bellotti</i>	<i>Former Norfolk County Sheriff, 33 Bayberry Rd Quincy, MA 02171</i>
<i>James M. Cummings</i>	<i>Barnstable County Sheriff, 6000 Sheriff's Place, Bourne, MA 02532</i>
<i>Thomas N. Bowler</i>	<i>Berkshire County Sheriff, 467 Cheshire Rd., Pittsfield, MA 01201</i>
<i>Thomas M. Hodgson</i>	<i>Bristol County Sheriff, 400 Faunce Corner Road, Dartmouth, MA 02747</i>
<i>Robert W. Ogden</i>	<i>Dukes County Sheriff, PO Box 252, Edgartown, MA 02539</i>
<i>Kevin F. Coppinger</i>	<i>Essex County Sheriff, 20 Manning Avenue, PO Box 807, Middleton, MA 01929</i>
<i>Christopher J. Donelan</i>	<i>Franklin County Sheriff, 160 Elm Street, Greenfield MA, 01301</i>

<i>Nicholas Cocchi</i>	<i>Hampden County Sheriff, 627 Randall Road, Ludlow, MA 01056</i>
<i>Patrick J. Cahillane</i>	<i>Hampshire County Sheriff, 205 Rocky Hill Road, PO Box 7000, Northampton, MA 01061</i>
<i>Peter J. Koutoujian</i>	<i>Middlesex County Sheriff, 400 Mystic Avenue, Medford, MA 02155</i>
<i>James A. Perelman</i>	<i>Nantucket County Sheriff, 20 South Water Street, PO Box 419, Nantucket, MA 02554</i>
<i>Joseph D. McDonald Jr.</i>	<i>Plymouth County Sheriff, 24 Long Pond Road, Plymouth, MA 02360</i>
<i>Steven W. Tompkins</i>	<i>Suffolk County Sheriff, 20 Bradson Street, Boston, MA 02118</i>
<i>Lewis G. Evangelidis</i>	<i>Worcester County Sheriff, 5 Paul X. Tivnan Drive, West Boylston, MA 01583</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>

HOUSE No.

By Ms. Sullivan of Abington, a petition (subject to Joint Rule 12) of Alyson M. Sullivan and others relative to public safety, improving court security efficiency and the reduction of prisoner transportation costs. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to public safety, improving court security efficiency and the reduction of prisoner transportation costs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 1. Court appearances conducted by closed circuit television, video conference or
2 telephonic conference call.

3 A. Notwithstanding the provisions of any other law or rule, whenever the appearance in
4 person in court, in either a civil or criminal proceeding is required of anyone held in a place of
5 confinement operated by the state or any of its political subdivisions, including counties and
6 municipalities, all such personal court appearances, except for trials or contested evidentiary
7 proceedings where witnesses will testify, must be made by two way audio visual communication,
8 closed circuit television, video conference or telephonic conference call Including:

9 1. The initial appearance or arraignment on an arrest, a criminal
10 complaint or indictment or where bail is set, bail review, warrant or default
11 removal or dangerousness hearing conducted.

12

13

2. Emergency abuse prevention orders and initial hearing after notice

14

(G.L. c. 209A

15

3. Emergency harassment prevention orders and initial hearing after notice.

16

(G.I. c.258E)

17

4. Emergency extreme risk protection orders and initial hearing after notice.

18

(G.L. c. 140, 131R-131Y

19

5. Probation violations

20

6. Mental Health commitment hearings or evaluations, pursuant to G.L. c.123

21

7. Mental Health orders pursuant to G.L. c.123, 18 (a)

22

8. Search Warrants

23

24

9. Pre-Trial Conferences

25

10. Discovery Compliance/Jury Election

26

11. Status Hearings

27

12. Pre-Trial Motions

28

13. Probable cause dates, Trial Assignments, Continuances and speedy trial

29 requests

30 14. Post-Conviction Proceedings, including Motions for a new trial,

31 Motions to revise and revoke, Sentence Appeals.

32 15. Parole Hearings, Probation Hearings, Sexual Dangerousness Hearings,

33 Sex Offender Registry Board Hearings,

34

35 B. The above list does not preclude or restrict Judicial discretion to allow video
36 conferencing in other Non –Evidentiary Court events.

37 C. The audio visual communication facilities must provide two-way audio visual
38 communication between the court and the place of confinement and must provide a secure line
39 over which the person in custody may communicate with his or her counsel, if any.

40 D. Except as otherwise provided by law, the public must have access that allows them to
41 view and hear the proceedings in the court room.

42 E. The audio visual proceedings conducted under this Section shall be recorded by the
43 court which will constitute the official record of the proceedings. A video tape copy of the
44 Hearing may also be made and retained by the court.

45 F. Nothing in this section shall be construed to prohibit other Court appearances through
46 the use of two-way audio visual communication with the consent of the parties and court.

47 G. Nothing in this section shall be construed to establish the right of any person held in
48 custody or confinement to appear in court through video conferencing.

49 H. The Sheriffs and the Department of Correction shall file a report annually to the
50 Secretary of Public Safety, as to the total number of court, Parole Board, Sex Offender Registry
51 Board, Video Conferences, and transports.

52 2. Regional Detention Centers

53

54 A. In order to expedite the Pre-arraignment process and reduce the time of
55 incarceration through video conferencing, as well as the implementation of comprehensive
56 interventions that divert as many detainees as possible from Pre-trial incarceration to local Pre-
57 trial intervention and Parole supervisory programs, as well as for the safety and security of the
58 public and detainees, to provide adequate facilities and staffing for alcohol and/or drug
59 withdrawal, suicide watch medical treatment, mental health treatment, visiting, meals
60 preparation, day rooms and other support services, there shall be established in the existing
61 facilities of the several Sheriffs' Offices of the Commonwealth, regional detention centers and
62 the entire pre-arraignment – video arraignment process shall be supervised by the Sheriffs.

63 B. Notwithstanding the provisions of any other law or rule, whenever a person is
64 arrested or detained for any reason, such person shall be transported to a regional detention
65 center so designated by the Sheriff of that county.

66 C. The provisions of MGL Chapter 40 Sections 34, 35, 36, a,b,c and 37 are hereby
67 stricken/repealed effective December 31, 2021. Any existing state, district, city or town lockup

68 shall be closed, effective December 31, 2021, unless the Secretary of Public Safety extends the
69 time for good cause.

70 D. Police Officers who are transporting a detainee to a regional detention center shall,
71 during transport, have the full authority and jurisdiction of any police officer through any city,
72 town or county. The Sheriffs regional detention center and deputy sheriffs of the county where
73 the regional detention facility is located shall have the same authority, jurisdiction, and duty as a
74 police office to detain, book, hold, and transport a pre-arraignment detainee or any other detainee
75 to or from the regional detention center.