

HOUSE No. 2155

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes and Julian Cyr

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 the Dukes County Sheriff’s regional lockup fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/17/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/17/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/19/2021</i>

HOUSE No. 2155

By Representative Fernandes of Falmouth and Senator Cyr, a joint petition (accompanied by bill, House, No. 2155) of Dylan A. Fernandes, Julian Cyr and Timothy R. Whelan for legislation to establish the Dukes County Sheriff’s regional lockup fund. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing the Dukes County Sheriff’s regional lockup fund.

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

1 Chapter 10 of the General Laws, as appearing in the 2018 Official Edition, is hereby
2 amended by inserting after section 35:57A the following section:

3 SECTION 35:58.

4 (a) There shall be established and set upon the books of the commonwealth a separate
5 fund to be known as the Dukes County Sheriff Regional Lockup Fund to be administered by the
6 Dukes County Sheriff’s Office.

7 (b) The purpose of the Fund shall be to provide the only state-funded regional lockup
8 service to the towns in Dukes County to which facility persons arrested with or without a
9 warrant, taken into protective custody, held on contempt or by court order, or arrested under any
10 civil process may be detained. Police officers shall have the full authority and jurisdiction of a
11 police officer anywhere in the County while transporting an incarcerated or detained person to a

12 regional lockup facility as well as during transport through any city, town, or county, including
13 to and at a hospital or medical or psychiatric facility or office, or to, at or on a ferry or aircraft if
14 appropriate, and throughout the arrest, delivery and booking process. A municipal police
15 department that is a member of the Dukes County Regional Lockup Facility System does not
16 have to comply with section 36C of chapter 40. A town may become a member of the Dukes
17 County Regional Lockup Facility System by executing a written agreement with the Sheriff of
18 Dukes County. The regional lockup facility superintendent, appointed by the sheriff of Dukes
19 County, and deputy sheriffs of

20 Dukes County where the regional lockup facility is located, shall have the same authority,
21 jurisdiction, and duty as a police officer to detain, book, hold, and transport a pre-arraignment
22 incarcerated person or any other detained or incarcerated person to or from the regional lockup
23 facility.

24 (c) There shall be credited to the Fund all amounts that are, by law, transferred or
25 authorized to be transferred thereto or directed to be deposited therein, and all amounts received
26 as gifts, grants or contributions for the purposes of the Fund. Amounts credited to the Fund shall
27 not be subject to further appropriation and any money remaining in the Fund at the end of a fiscal
28 year shall not revert to the General Fund.