

SENATE No. 1593

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 regional lockup facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/19/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/26/2021</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>3/16/2021</i>

SENATE No. 1593

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1593) of Cindy F. Friedman, James M. Murphy, Michael J. Barrett and Eric P. Lesser for legislation relative to regional lockup facilities. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1412 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to 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:

1 SECTION 1. Section 34 of chapter 40 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the word “shall”, in line 2, the following
3 words:- , unless a member of a regional lockup facility,.

4 SECTION 2. Said section 34 of said chapter 40, as so appearing, is hereby further
5 amended by inserting after the word “thereby”, in line 8, the following words:- , or to the
6 regional lockup facility if the city or town is a member of such a facility pursuant to section 34A
7 of this chapter.

8 SECTION 3. Said chapter 40, as so appearing, is hereby further amended by inserting
9 after section 34 the following section:-

10 Section 34A. The sheriff of each county may establish one or more regional lockup
11 facilities within the county to which persons arrested with or without a warrant or any person
12 arrested under any civil process may be committed. Any county regional lockup facility
13 established under this section shall have the same function and power as a lockup established
14 under section 34 of this chapter. A city or town may become a member of a county regional
15 lockup facility system by executing, with the consent of the county commissioners, a written
16 agreement with the county sheriff. The agreement shall be filed with the city or town clerk, the
17 county commissioners, and the secretary of state, and shall set forth the details as to the
18 transportation, booking, fees to be paid per incarcerated person, and an indemnification
19 agreement.

20 Police officers who are transporting an incarcerated person to a regional lockup facility
21 shall, during transport, have the full authority and jurisdiction of a police officer through any
22 city, town, or county. The requirements and duties set forth in sections 36A through 36C,
23 inclusive, of this chapter shall pertain to the regional lockup facility and the sheriff's department
24 personnel, except that training shall be completed within 1 year of the establishment of such a
25 facility. A city or town police department that is a member of a county regional lockup facility
26 system does not have to comply with section 36C of this chapter. The regional lockup facility
27 administrator and deputy sheriffs of the county where the regional lockup facility is located shall
28 have the same authority, jurisdiction, and duty as a police officer to detain, book, hold, and
29 transport a pre-arraignment incarcerated person or any other incarcerated person to or from the
30 regional lockup facility.

31 SECTION 4. Section 35 of said chapter 40, as so appearing, is hereby amended by adding
32 the following paragraph:-

33 Notwithstanding the foregoing paragraph, if there is a county regional lockup facility, the
34 sheriff of that county shall be responsible for the appointment of the administrator of the lockup
35 facility who shall serve for such term as the sheriff shall determine and written notice of the
36 same shall be filed with the county commissioners and the clerk of each city or town that is a
37 member of a county regional lockup facility system. The administrator of the regional lockup
38 facility shall have all the powers and duties of a keeper of the lockup.

39 SECTION 5. Section 36B of said chapter 40, as so appearing, is hereby amended by
40 inserting after the word “town” , in line 2, the following word:- , county,.

41 SECTION 6. Said section 36B of said chapter 40, as so appearing, is hereby further
42 amended by inserting after the words “police department”, in line 3, the following words:- , the
43 county sheriff’s department.