

HOUSE No. 2046

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes

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>1/18/2023</i>

HOUSE No. 2046

By Representative Fernandes of Falmouth, a petition (accompanied by bill, House, No. 2046) of Dylan A. Fernandes for legislation to establish the Dukes County Sheriff’s regional lockup fund. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2155 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020 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 Dukes County where the regional lockup facility is located, shall
20 have the same authority, jurisdiction, and duty as a police officer to detain, book, hold, and
21 transport a pre-arraignment incarcerated person or any other detained or incarcerated person to or
22 from the regional lockup facility.

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