

SENATE No. 1739

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 sheriffs.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No. 1739

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1739) of Michael O. Moore for legislation relative to sheriffs. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1565 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to sheriffs.

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. Chapter 6 of the General Laws, as appearing in the 2022 Official Edition, is
2 hereby amended by inserting after section 222 the following section:-

3 Section 223. There shall be a corrections advisory board, hereinafter called the board, to
4 provide independent advice to the commonwealth’s corrections providers, including the sheriffs,
5 to: (i) improve coordination efforts between and among the sheriffs, the department of
6 correction, the courts and community corrections programs; and (ii) identify and establish best
7 practices in all aspects of corrections operations, including, but not limited to, accounting, human
8 resources, care and custody of inmates, special inmate populations, civil process, community
9 corrections, health and mental health care management, inmate rehabilitation and re-entry,
10 capital, master and strategic planning, inmate tracking and transportation and procurement.

11 The board shall include the following members: the secretary of public safety and
12 security, the chair of the parole board, the commissioner of correction, the commissioner of
13 probation, the secretary of administration and finance, the president of the Massachusetts
14 Sheriffs Association, Inc., or their designees, each of whom shall serve ex-officio; 9 persons to
15 be appointed by the governor for a term of 3 years, 1 of whom shall have experience in the areas
16 of workforce development and ex-offender rehabilitation, 1 of whom shall have experience in the
17 area of reintegration and rehabilitation of female ex-offenders, 1 of whom shall have experience
18 in treating people with mental illness and substance use, 1 of whom shall have experience in
19 government accounting practices, 1 of whom shall have experience in human resources
20 management, 1 of whom shall have experience in independent auditing and 1 of whom shall be a
21 representative of organized labor; 2 persons to be appointed by the president of the
22 Massachusetts Sheriffs Association, Inc.; and 2 persons to be appointed by the chief justice of
23 the supreme judicial court. Upon the expiration of the term of an appointed member, the
24 member's successor shall be appointed in a like manner for a term of 3 years. Irregular vacancies
25 shall be filled by appointment to an unexpired term. Ten members shall constitute a quorum and
26 all appointees and ex-officio members shall be voting members. The board shall annually elect a
27 chair from among its members and shall be supported by the executive office for administration
28 and finance. Chapter 268A shall apply to all board members.

29 The chair shall hold meetings at least quarterly, 1 of which shall be an annual meeting,
30 and shall notify all board members and sheriffs of the time and place of all meetings. Special
31 meetings may be called at any time by a majority of the board members and shall be called by
32 the chair upon written application of 8 or more members. Members of the board shall receive no

33 compensation, but shall receive their expenses actually and necessarily incurred in the discharge
34 of their duties.

35 The sheriffs and any other interested parties shall have the opportunity to address the
36 board during its meetings and to provide written information to the board for its consideration.

37 The board shall make a report, at least 60 days before July 31 of every even-numbered
38 year and file a copy thereof with the governor, the clerks of the house and senate, the senate and
39 house committees on ways and means, the joint committee on public safety and homeland
40 security, the joint committee on the judiciary and the joint committee on state administration and
41 regulatory oversight.

42 SECTION 2. Section 3B of chapter 7 of the General Laws, as so appearing, is hereby
43 amended by inserting after the words “employees thereof”, in line 12, the following words:- “;
44 provided, however, that the cost of meals for employees of the sheriff’s departments shall be
45 subject to collective bargaining agreements”.

46 SECTION 3. Section 3 of chapter 32 of the General Laws, as so appearing, is hereby
47 amended by inserting after the word “prisoners”, in line 275, the following words:- “and any
48 deputy engaged in civil process enforcement activities that involve the acts of arrest, eviction or
49 seizure of property, who is regularly assigned to such enforcement duties for more than 20 hours
50 per week, and who is defined by section 3A of chapter 37 as a full-time employee of the Sheriff”.

51 SECTION 4. Section 2 of chapter 32A of the General Laws, as so appearing, is hereby
52 amended by inserting after the word “county”, in line 18, the following words:- “, the offices of
53 the sheriffs”.

54 SECTION 5. Chapter 37 of the General Laws is hereby amended by inserting after
55 section 3 the following 2 sections:-

56 Section 3A. (a) Each sheriff shall establish a civil process office within the sheriff's
57 department and shall assign deputies appointed pursuant to section 3 who, along with the sheriff,
58 shall serve and execute within their counties, including within the political boundaries of the
59 previously abolished county governments, and where the commonwealth is a party or interested,
60 all precepts lawfully issued to them and all other process required by law to be served by an
61 officer pursuant to section 11 of chapter 37. The civil process office established within the
62 sheriff's department shall be the exclusive entity performing sheriff's civil process duties under
63 section 11 of chapter 37. A deputy assigned to serve process may do so in cases in which a
64 county, city, town, parish, religious society, fire or other district is a party or interested, although
65 the deputy is an inhabitant or member thereof. The sheriff may also appoint employees to work
66 in the sheriff's civil process office. All deputies and employees of the process office shall serve
67 at the will and the pleasure of the sheriff. A deputy who ceases to be assigned to or to perform
68 civil process duties, either as an employee or as a contracted deputized process server, shall be
69 decommissioned as a deputy as provided by law and shall immediately return all equipment and
70 property issued to that person by the sheriffs' department.

71 (b) Deputies and other employees of the process office, who are salaried or hourly
72 employees and who devote 20 hours or more per week to assigned duties, shall be state
73 employees under chapters 32, 32A, 150E, 152, 258, 268A and 268B and shall be compensated in
74 accordance with this subsection and subsection (c).

75 (c) Subject to the following limitations, the sheriff shall have power and authority as
76 employer in all matters related to civil process deputies and employees including, but not limited
77 to, hiring, firing, promotion, discipline, work-related injuries and internal organization of the
78 department. No sheriff, deputy or employee shall serve process for anyone except the sheriff.
79 The sheriff or an assigned deputy or contracted deputized process server may serve process
80 outside regular business hours. Sheriffs and non-commission full-time deputies and employees
81 may receive only a salary or hourly wage and shall not receive a commission or any portion of
82 any fee for service of process, no matter when the service is performed. Except for appointed or
83 sworn deputy sheriffs contracted to serve civil process, sheriffs, deputy sheriffs and employees
84 who are part-time shall not be paid a commission or any portion of any fee for service of process
85 performed during hours for which the sheriff, deputy or employee is being compensated by
86 federal, state, county or municipal funds. The annual salary, cumulative hourly wage,
87 commissions or the cumulative portion of any fees for service of process of any individual
88 deputy, employee or contracted deputized process server shall not exceed the annual salary of the
89 sheriff.

90 (d) In addition to any other training and certification required by law, a deputy sheriff
91 who performs civil process duties, including, but not limited to, enforcement duties, shall be
92 sworn and shall complete a civil process officers certification program pursuant to a policy and
93 curriculum that shall be adopted and approved by the Massachusetts Sheriffs Association, Inc.
94 and the Massachusetts Deputy Sheriffs' Association. The civil process officers certification
95 program shall include training and orientation on all requirements of lawful service of process
96 and shall be conducted jointly by the Massachusetts Sheriffs Association, Inc. and the
97 Massachusetts Deputy Sheriffs' Association. Deputy sheriffs shall begin the civil process

98 officers certification program within 30 days after receiving appointment or being assigned civil
99 process duties and shall be re-certified annually after completing the program.

100 (e) All full-time deputy sheriffs and employees of the sheriff's civil process office,
101 including those deputy sheriffs and employees of the sheriff's civil process office who have been
102 transferred to the commonwealth, and who completed a 1 year probationary period of full time
103 employment, shall be granted under this subsection, without impairment, full benefits for
104 vacation and sick time earned from their original commencement of employment in the sheriff's
105 civil process office not to exceed those of other state employees.

106 Section 3B. No sheriff, deputy or employee, nor any other individual or entity shall have
107 or acquire any legal right to the tangible or intangible property of the civil process office, nor any
108 revenue derived from fees collected from the service of process or any proceeds from the sale of
109 the property within the process office, other than compensation as determined pursuant to this
110 chapter.

111 Except as otherwise provided in this chapter, all fees derived from service of process
112 shall be used solely for the operation of the sheriff's civil process office. All tangible and
113 intangible property shall belong to the state and shall be under the sole possession and control of
114 the sheriff.

115 SECTION 6. Said chapter 37 of the General Laws is hereby further amended by striking
116 out section 11 and inserting in place thereof the following section:-

117 Section 11. (a) The Massachusetts Sheriffs Association, Inc. shall establish a system by
118 which all process fees are reported and recorded and shall develop and adopt policies and
119 procedures to be approved by the comptroller and the secretary of administration and finance

120 which shall be referenced in an internal control plan kept by each sheriff's office. Information
121 about each request for process to be served that is received by the sheriff's civil process office
122 shall be reported and recorded in the system within 30 days of when the information becomes
123 available and shall include, but not be limited to, the following information for each piece of
124 process to be served: (i) the title of the action, including court name and docket number; (ii) the
125 date the process was issued or required to be served; (iii) the type of process; (iv) the name and
126 address of the person requesting that process be served; (v) the name and address of the person
127 or location upon which service is to be made; (vi) the fee charged; (vii) the date of billing to
128 collect the fee; (viii) the date of fee collected; (ix) the date service was made; (x) the manner of
129 service; (xi) the amount of commission paid, if any; and (xii) the name of the person performing
130 service and, if different, the name of the person or entity to whom the commission was paid.

131 (b) A summary of the information contained in subsection (a) shall be compiled and
132 reported in writing to the comptroller and the secretary of administration and finance by the
133 sheriff annually not later than September 30.

134 (c) Administrative costs associated with the recording of information prescribed under
135 subsection (a) and prepared under subsection (b), including expenditures for personnel or the
136 purchase of equipment required to perform the recording of information, may be paid from the
137 civil process account or any other account established for the operation of the sheriff's office.

138 (d) In addition to the requirements in subsection (a), annual reports filed pursuant to
139 subsection (b) shall include, but not be limited to, completed, itemized schedules of the
140 following information: (i) assets, including cash, deposits, accounts receivable and the value of
141 the property and equipment; (ii) liabilities, including accounts payable, client escrow deposits,

142 capital lease obligations and all other debts; (iii) income derived from the service of process and
143 otherwise; (iv) expenses paid, including payroll, commissions and all other expenses; and (v) any
144 surplus from the sheriff's civil process account that has been transferred to an account as
145 authorized by law.

146 SECTION 7. Section 14 of said chapter 37, as so appearing, is hereby amended by
147 striking out the words "They may execute precepts in their hands at the time of their removal
148 from office; and, upon" and inserting in place thereof the following word:- "Upon".

149 SECTION 8. Said chapter 37 is hereby further amended by inserting after section 14 the
150 following section:-

151 Section 14A. Upon the removal of a deputy sheriff by the sheriff, the removed deputy
152 shall immediately return to the sheriff's civil process office all process and other documents
153 received or in the deputy sheriff's possession, along with any fees collected. If a deputy or
154 former deputy fails to comply with this section, the sheriff shall institute legal proceedings to
155 enforce this section or any other section in this chapter.

156 SECTION 9. Said Chapter 37 is hereby further amended by striking out section 22 and
157 inserting in place thereof the following section:-

158 Section 22. Each sheriff shall keep an account of all fees and money received from any
159 source by virtue of the sheriff's office on the state's accounting system as prescribed by the
160 comptroller.

161 SECTION 10. Said Chapter 37 is hereby further amended by inserting after section 22
162 the following section:-

163 Section 22A. (a) Notwithstanding section 22 of chapter 35, all fees and other revenues
164 collected by the process office shall be revenue of the commonwealth as defined by chapter 29.
165 All fees and revenues shall be deposited in bank accounts and accounted for on the books and
166 records of the commonwealth in accordance with policies and procedures of the state treasurer
167 and comptroller. The civil process accounts shall be kept separate from other accounts, shall
168 continue without further appropriation and shall be used only for the operation of the process
169 office or for activities that the sheriffs are statutorily authorized to perform. Expenditures shall
170 be authorized by the sheriff in accordance with state guidelines without further appropriation.
171 Any balance in the account at the close of the fiscal year shall be retained in the account and
172 made available in the subsequent fiscal year.

173 (b) Payroll and all other bills of the civil process office shall be paid from the process
174 account; provided, however, that after all civil process revenue has been expended for payroll
175 and other bills of the civil process office, a sheriff may use funding from a fiscal year budgetary
176 appropriation to pay payroll and all other civil process expenses.

177 (c) Notwithstanding subsection (a), contributions from paychecks issued to deputy
178 sheriffs and employees of the sheriff's civil process office who are members in service of the
179 state retirement system, shall be deducted and forwarded to the state treasurer. The amounts
180 deducted shall be determined in accordance with chapter 32 and any other rules and regulations
181 promulgated thereunder.

182 (d) Notwithstanding subsection (a), premiums from paychecks of deputy sheriffs and
183 employees of the sheriff's civil process office who are insured under chapter 32A shall be

184 deducted and forwarded to the state treasurer. The amounts deducted shall be determined in
185 accordance with chapter 32A and any other rules and regulations promulgated thereunder.

186 (e) Annually, not later than 75 days after the close of the fiscal year, the sheriff shall
187 render a sworn statement of account to the state treasurer, the secretary of administration and
188 finance and the house and senate committees on ways and means.

189 (f) Notwithstanding subsection (a), no funds held in a civil process account shall be used
190 for payment of liability expenses incurred by the sheriff's civil process office pursuant to chapter
191 258 or for payments to employees pursuant to chapter 152. Any judgment, settlement or
192 attorney's fees incurred as a result of litigation concerning the process office shall be paid in
193 accordance with chapter 258 in the same manner as any other claim, judgment, settlement or
194 attorney's fees paid by the sheriff's office.

195 (g) In the event revenues collected from civil process fees are deemed insufficient to
196 cover the costs of operating of the process office, the sheriff shall notify the house and senate
197 committees on ways and means and the secretary of administration and finance in writing of the
198 projected deficiency and the reasons for such deficiency not later than 30 days in advance of the
199 projected deficiency.

200 SECTION 11. Chapter 126 of the General Laws is hereby amended by inserting after
201 section 18A the following section:-

202 Section 18B. Injuries to Deputy Sheriffs and Employees of Sheriff's Civil Process Office.

203 Whenever a deputy sheriff or other employee of a sheriff's civil process office who, due
204 to no fault of his own, while in the performance of duty, receives bodily injury from an act of

205 violence by a person connected with the proceeding for which service of process was attempted
206 or served, and who is incapacitated for duty because of the injury sustained, shall be paid, in
207 addition to benefits paid under chapter 152, the difference between the weekly cash benefits to
208 which he is entitled under chapter 152 and his regular salary. Any absence from work due to the
209 injury shall not be charged against the employee's available sick leave credits, even if the
210 absence is for less than 8 calendar days. This section does not apply to injuries sustained during
211 work for which a deputy or employee is being paid commission.

212 All amounts payable under this section shall be paid at the same times and in the same
213 manner as, and for all purposes shall be deemed to be the deputy or employee's regular
214 compensation. If a person or entity is liable for monetary damages for an injury of a deputy
215 sheriff or other employee of a sheriff's civil process for which he is compensated under this
216 section, the deputy, employee, or sheriff's department that is paying compensation under this
217 section, may proceed to enforce the liability of such person or entity in any court of competent
218 jurisdiction. Any sum recovered shall be for the benefit of the sheriff's department that is paying
219 such compensation, unless the sum is greater than the compensation paid to the injured person, in
220 which case the excess shall be retained by or paid to the injured person. For the purposes of this
221 section, "excess" shall mean the amount by which the total sum received as damages for the
222 injury, exclusive of interest and costs, exceeds the amount paid under this section as
223 compensation to the injured person. The party bringing the action shall be entitled to any costs
224 recovered by him. Any interest received in the action shall be apportioned between the sheriff's
225 department and the injured person in proportion to the amounts received by them respectively,
226 inclusive of interest and costs. The expense of any attorney's fees shall be divided between the

227 sheriff's department and the injured person in proportion to the amounts received by them
228 respectively.

229 Any person or entity, who injures a deputy sheriff or other employee of a sheriff's civil
230 process office who is compensated under this section for the injury, shall be liable in tort to the
231 sheriff's department that is paying the injured person, for all costs, in excess of the amount of
232 compensation paid, that are incurred by the sheriff's department to replace the injured person.

233 SECTION 12. Chapter 262 of the General Laws is hereby amended by striking out
234 section 8A and inserting in place thereof the following section:-

235 Section 8A. Each constable shall annually, not later than April 15, file with the municipal
236 treasurer an account signed under the pains and penalties of perjury of all fees and money
237 received by the constable under section 8 for the service of civil process. If 2 or more constables
238 share such fees and money, such constables may file a joint account; provided, however, that
239 each constable signs the account under the pains and penalties of perjury.

240 Each deputy sheriff shall annually, not later than 30 days after the close of the fiscal year,
241 file with the sheriff and the state treasurer an account signed under the pains and penalties of
242 perjury of all fees and money received by the deputy sheriff under section 8 for the service of
243 civil process. If 2 or more deputy sheriffs share such fees and money, such deputy sheriffs may
244 file a joint account; provided, however, that each deputy sheriff shall sign the account under the
245 pains and penalties of perjury.

246 On a schedule determined by the sheriff, but at least quarterly, each deputy sheriff who
247 serves process shall file a written report to the sheriff, made under the pains and penalties of

248 perjury and in a form prescribed by the sheriff, detailing information relative to the service of
249 civil process in their respective jurisdictions pursuant to section 11 of chapter 37.

250 SECTION 13. Subject to appropriation, the human resources division shall conduct, in
251 consultation with the sheriffs and Massachusetts Sheriffs Association, Inc., a comprehensive
252 assessment that will lead to statewide standards for classification, recruitment, promotion,
253 compensation and professional standards for all sheriffs' offices. The assessment shall include,
254 but is not limited to, standardizing job titles and classification, job postings, minimum testing
255 requirements and other employment practices. The human resources division shall issue a report
256 of its assessment by April 30, 2027, and require that implementation of the standards shall begin
257 not later than September 1, 2027. A copy of the human resources division's assessment report
258 shall be sent to the chairs of the joint committee on state administration and regulatory oversight,
259 the chairs of house and senate ways and means, the clerks of the house and senate, the chairs of
260 the joint committee on public safety and homeland security, the secretary of administration and
261 finance and the secretary of public safety and security.