

Massachusetts House of Representatives
Bill Summary

Bill #: H.2314

Title: An Act establishing the Dukes County Sheriff's regional lockup fund

Sponsor: Rep. Thomas Moakley

Committee: Municipalities and Regional Government

Hearing Date: 5/13/25

Prior History: Refile of H.2046 (OTP)

Current Law: Chapter 10 of MGL concerns the Department of the State Treasurer and establishes specific funds.

Chapter 40 Section 36C of MGL requires that all members of municipal police departments and uniformed members of the state police be trained in the detection, intervention, and prevention of suicide. This section also requires that all lockup facilities establish written procedures for situations in which the safety of a detained person is threatened or may be threatened.

Summary: This legislation amends MGL Chapter 10 by adding a new subsection. The new language establishes the Dukes County Sheriff Regional Lockup Fund, which will be administered by the Dukes County Sheriff's Office. This fund shall be used to provide regional lockup service to the towns of Dukes County for individuals arrested with or without a warrant, taken into protective custody, held on contempt or by court order, or arrested under any civil process.

Police officers shall have the full authority and jurisdiction of police anywhere within the county while transporting an individual to a regional lockup facility and while transporting an individual through any city, town, or county throughout the arrest, delivery, and booking process. The superintendent of this regional lockup facility shall have the same authority, jurisdiction, and duty as a police officer to detain, book, hold, and transport a pre-arraignment incarcerated person or any other detained or incarcerated person to or from the facility.

A town may become a member of the Dukes County Regional Lockup Facility system by executing a written agreement with the sheriff of Dukes County. A municipal police department that is a member of the

Dukes County Regional Lockup Facility system does not have to comply with Chapter 40 Section 36C.

The fund shall be credited with all amounts that are transferred or are authorized to be transferred into the fund and that are received as gifts, grants, or contributions. Amounts credited to this fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the general fund.

Notes:

In most areas of the state, police departments are required to have a lockup facility, because if they arrest an individual, they are required to keep them overnight. On Martha's Vineyard, there are six small towns which do not have the resources to have their own lock up facilities. Therefore, the sheriff's office has kept any individuals arrested by these six towns at their facility.

Currently, if the towns want to pay the sheriff's office for that service, they cannot, because no fund exists to allow them to do so. The purpose of this legislation is to create a fund that would allow the towns on the Vineyard to have the option to pay the sheriff's office for this service. It does not require any funding mechanism besides this.

The legislation is intended to be inserted after any sub-section within Chapter 10 Section 35.