

HOUSE No. 927

By Mr. Casey of Winchester, petition of Paul C. Casey relative to the establishment of regional lock-up facilities. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING REGIONAL LOCK-UP 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
2 most recently amended by Chapter 240 of the Acts of 1985, is
3 hereby further amended by adding after the word “shall” in the first
4 sentence the words “unless a member of a regional lock-up facility”,
5 and by adding after the word “thereby” in the first sentence the
6 words “or the regional lock-up facility, if the city or town is a
7 member of such a facility, pursuant to section thirty-four A of this
8 chapter.”

1 SECTION 2. Chapter 40 of the General Laws is hereby amended
2 by adding the following new section 34A:—
3 The Sheriff of each county may establish one or more regional
4 lock-up facilities within the county to which persons arrested with or
5 without a warrant may be committed or any person arrested under
6 any civil process. There shall be an on-site courtroom in each
7 facility to which a justice and appropriate court room personnel shall
8 be assigned for purposes of arraignments and motions for reconsid-
9 eration of bail. In addition, a justice shall be assigned to those facili-
10 ties constructed after the effective date of this act, and already
11 equipped with on-site court rooms. Any county regional lock-up
12 facility established under this section shall have the same function
13 and power as a lock-up established under section thirty-four of
14 chapter forty. A city or town may become a member of a county
15 regional lockup facility system by executing, with the consent of the
16 county commissioners, a written agreement with the county sheriff.
17 Said agreement shall be filed with the city or town clerk, the county

18 commissioners, and the secretary of state, and shall set forth the
19 details as to the transportation, booking, fees to be paid per prisoner,
20 and an indemnification agreement.

21 Member police officers who are transporting a prisoner to a
22 regional lock-up facility shall, during transport, have the full
23 authority and jurisdiction of a police officer through any city, town,
24 or county.

25 The requirements and duties set forth in sections thirty-six A
26 through thirty-six C of chapter forty shall pertain to the regional
27 lock-up facility and the Sheriff's department personnel, except that
28 training shall be completed within one year of the establishment of
29 such a facility. Member city or town police departments do not have
30 to comply with section thirty-six C of chapter 40.

31 The regional lock-up facility administrator and deputy sheriffs
32 shall have the same authority, jurisdiction and duty as a police
33 officer to detain, book, hold, and transport a pre-arraignment pris-
34 oner or any other prisoner to or from the regional lock-up facility.
35 There may be a county regional lock-up advisory board consisting of
36 a representative from each member and the sheriff's department. The
37 advisory board may recommend to the sheriff improvements in the
38 operation of the transportation and booking procedures of the
39 regional lock-up facility.

1 SECTION 3. Section 35 of Chapter 40 of the General Laws is
2 hereby amended by adding thereto the following paragraph:—

3 “Notwithstanding the foregoing paragraph, if there is a county
4 regional lock-up facility, the sheriff shall be responsible for the
5 appointment of the administrator of the lock-up facility who shall
6 serve for such term as the sheriff shall determine and written notice
7 of same shall be filed with the county commissioners and the clerk
8 of each member city or town. The administrator of the regional lock-
9 up facility shall have all the powers and duties of a keeper of the
10 lock-up.”

1 SECTION 4. Section 36B of Chapter 40 of the General Laws, as
2 most recently amended by Chapter 208, Section 1 of the Acts of
3 1985, is hereby further amended by adding after the word “town” in
4 the first sentence the word “county”, and by adding after the words
5 “state police” in the first sentence the words “the county sheriff’s
6 department.”