

# HOUSE . . . . . No. 2918

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By Miss Garry of Dracut, petition of Colleen M. Garry and William G. Greene, Jr. that certain counties be directed to establish a deed's excise fund for sheriffs for the operation of jails and houses of correction. Revenue.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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AN ACT TO PROVIDE FOR APPROPRIATIONS FOR COUNTY 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 64D of the General Laws is hereby  
2 amended by deleting section 11, and inserting in place thereof the  
3 following new section:—

4 Section 11. There shall be established on the books of each  
5 county that has not been abolished pursuant to the provisions of  
6 chapter 34B, a separate fund, maintained separate and apart from all  
7 other funds and accounts of each county, to be known in each case  
8 as the Deed's Excise Fund.

9 Notwithstanding the provisions of any general or special law and  
10 of this chapter to the contrary, and except for Barnstable county and  
11 all counties that have been abolished pursuant to the provisions of  
12 chapter 34B or other applicable provision of law, on the first day of  
13 each month, 50.0 percent of the taxes collected pursuant to the pro-  
14 visions of this chapter shall be transmitted to the Deed's Excise Fund  
15 for each county. For Barnstable County, on the first day of each  
16 month, 35.83 per cent of the taxes collected pursuant to the provi-  
17 sions of this chapter, but not including the additional excise autho-  
18 rized under the provisions of Section 2 of Chapter 163 of the acts of  
19 1988, shall be transmitted to the Deed's Excise Fund. The remaining  
20 percentage of taxes collected under the provisions of this chapter,  
21 including all taxes collected under the provisions of this chapter in  
22 all counties that have been abolished pursuant to the provisions of  
23 Chapter 34B or other applicable provision of law shall be

24 transmitted to and retained by the general fund in accordance with  
25 the provisions of Section 10.

1 SECTION 2. The subsection (2) of the third paragraph of Section  
2 12 of Chapter 64D is hereby amended by deleting said subsection, as  
3 so appearing, and inserting in place thereof the following:— “

4 “(2) that of the amounts deposited in the Deed’s Excise Fund for  
5 each county from revenues derived under the provisions of this  
6 chapter after providing from said fund for the cost of meeting county  
7 loan obligations incurred for the purpose of operating and main-  
8 taining the county,

9 (a) not less than seventy-eight and three-quarters percent of the  
10 deposits is to be disbursed and expended for the operation and main-  
11 tenance of the county jails and houses of correction, including other  
12 statutorily authorized facilities and functions of the office of the  
13 sheriff, except in Suffolk county where the percentage shall not be  
14 less than eighty-seven and one-quarter;

15 (b) not more than twelve and three-quarters percent is to be dis-  
16 bursed and expended for meeting the costs of the operation and  
17 maintenance of the county; and

18 (c) not more than eight and one-half percent is to be disbursed and  
19 expended for the automation, modernization and operation of the  
20 registries of deeds of the various counties, except Suffolk; and,”

1 SECTION 3. Chapter 64D is hereby further amended by striking  
2 Section 13.

1 SECTION 4. The Governor’s budget recommendation as well as  
2 the budget recommendations of the Senate and House committees on  
3 ways and means shall include a separate line item for each of the  
4 sheriffs’ offices of Barnstable, Bristol, Dukes, Nantucket, Norfolk,  
5 Plymouth and Suffolk counties for the purposes of funding the oper-  
6 ation of the jail, house of correction, and any other statutorily autho-  
7 rized facilities and functions under the administration of the office of  
8 the sheriff in those respective counties; provided further, that the  
9 daily county sheet for county facilities, so-called, compiled by the  
10 executive office of public safety, shall be filed with the Massachu-  
11 setts Sheriffs’ Association not less than monthly; provided further,  
12 that all revenues including, but not limited to, revenue received from

13 housing federal prisoners, United States Marshals, canteen revenues,  
14 inmate industries and work-crew revenues shall be tracked and  
15 reported quarterly to the house and senate committees on ways and  
16 means and the Massachusetts Sheriffs' Association; provided fur-  
17 ther, that on or before August 15 of each year, each county sheriff  
18 shall submit a final spending plan for the current fiscal year to the  
19 county government finance review board and the house and senate  
20 committees on ways and means detailing the level of resources  
21 deemed necessary for the operation of each county correctional  
22 facility and the expenditures which shall be reduced to remain within  
23 the appropriation; and provided further, that each sheriff funded  
24 from this item shall report on a monthly basis to the house and  
25 senate committees on ways and means on the average monthly  
26 inmate population in the county starting not later than September 30,  
27 2003.

1 SECTION 5. The sheriffs' offices of Barnstable, Bristol, Dukes,  
2 Nantucket, Norfolk, Plymouth, and Suffolk counties may expend for  
3 operation of their respective departments, without further appropria-  
4 tion, amounts received from federal reimbursements, canteen rev-  
5 enues, work crew revenues, prison industries revenues, and any  
6 other revenue received from the sale of products and services.

1 SECTION 6. This law shall become effective upon passage.