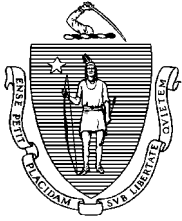


# SENATE NO. 1376



## **AN ACT** ESTABLISHING A REGIONAL LOCKUP FACILITY IN WORCESTER COUNTY

*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 appearing in the 2002 Official  
2 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
3 following sentence:- Unless a member of a regional lockup facility, a town containing more  
4 than 5,000 inhabitants shall, and any other town may, maintain a secure and convenient lockup  
5 to which a person arrested without a warrant may be committed. A magistrate may commit,  
6 for further examination, a prisoner charged with a bailable offense and not recognizing, to the  
7 lockup in the town where the prisoner was arrested, to any regional lockup of which that town  
8 is a member, or to the lockup in a town where the court is held, if he considers it safe and  
9 commodious and that expense may be saved thereby.

10 SECTION 2. Section 36B of said chapter 40 , as so appearing, is hereby amended by inserting  
11 after the word “town,” in line 2, the following word:- regional.

12 SECTION 3. Said section 36B of said chapter 40 , as so appearing, is hereby further amended  
13 by inserting after the word “department,” in line 3, the following words:- , county sheriff.

14 SECTION 4. Notwithstanding sections 34 to 37A of chapter 40 of the General Laws, or any  
15 other general or special law to the contrary, the sheriff of Worcester county may establish a  
16 regional lockup facility within the site of the Worcester county jail and house of correction  
17 which shall be used only for the detention of persons arrested upon probable cause or warrant  
18 or a person arrested under a civil process. There shall be space made available for interviews  
19 and space assigned for use by the clerk/magistrates for bail hearings. The lockup shall be  
20 established only if approved by a majority vote of the town where the sheriff of Worcester  
21 county decides to locate it. The regional lockup facility established under this section shall  
22 have the same function and power as a lockup established under said section 34 of said chapter  
23 40.

24 A city or town of Worcester county, a state or federal law enforcement agency may  
25 become a member of the county regional lockup system by executing with the consent of the  
26 appropriate governing body, a written agreement with the sheriff of Worcester county. The  
27 agreement shall be filed with the corresponding city and town clerk and the secretary of state  
28 and shall set forth the details of the agreement.

29 The requirements and duties set forth in sections 36A to 36G, inclusive, of said chapter  
30 40 shall pertain to the regional lockup facility and the sheriff's office deputies, except that all

31 training provided for in section 36C of said chapter 40 shall be completed within 1 year of the  
32 establishment of the facility. A deputy sheriff of the Worcester county regional lockup facility  
33 shall have the same authority, jurisdiction and duty to detain, book, hold and transport a pre-  
34 arraignment prisoner or any other prisoner to or from the regional lockup as required under  
35 said chapter 40. Mitigation funds shall be made available to the town the sheriff of Worcester  
36 county decides to locate it in the amount of \$1,500,000 or 10% of the construction cost of any  
37 new facility constructed to house the regional lockup facility, whichever is greater, prior to its  
38 establishment.

39           The sheriff of Worcester county shall assign a deputy sheriff to serve as administrator  
40 of the regional lockup facility; but this assignment shall not increase the existing number of  
41 deputy sheriff positions. The administrator of the regional lockup facility shall have all powers  
42 and duties of a keeper of the lockup”.