

By Mr. Honan of Boston, petition of Kevin G. Honan, Shirley Owens-Hicks, Susan M. Tracy, John E. McDonough, W. Paul White and Salvatore F. DiMasi relative to the establishment of regional lock-up facilities. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

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

1 SECTION 2. Chapter 40 of the General Laws is hereby
2 amended 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 which shall only be used for
5 the detention of persons detained or committed by the courts of
6 the United States, or any person arrested under any civil process.
7 There shall be an on-site courtroom in each facility to which a
8 justice and appropriate court room personnel shall be assigned
9 for purposes of arraignments and motions for reconsideration of
10 bail. In addition, a justice shall be assigned to those facilities
11 constructed after July 1, 1989, and already equipped with on-site
12 court rooms. Any county regional lock-up facility established
13 under this section shall have the same function and power as a
14 lock-up established under section thirty-four of chapter forty.

15 A city or town may become a member of a county regional lock-
16 up facility system by executing, with the consent of the county
17 commissioners, a written agreement with the county sheriff. Said
18 agreement shall be filed with the city or town clerk, the county
19 commissioners, and the secretary of state, and shall set forth the
20 details as to the transportation, booking, fees to be paid per
21 prisoner, and an indemnification agreement.

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

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

33 The regional lock-up facility administrator and deputy sheriffs
34 shall have the same authority, jurisdiction and duty as a police
35 officer to detain, book, hold, and transport a pre-arraignment
36 prisoner or any other prisoner to or from the regional lock-up
37 facility.

38 There may be a county regional lock-up advisory board
39 consisting of a representative from each member and the sheriff's
40 department. The advisory board may recommend to the sheriff
41 improvements in the operation of the transportation and booking
42 procedures of the regional lock-up facility.

1 SECTION 3. Section 35 of Chapter 40 of the General Laws
2 is 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
9 lock-up facility shall have all the powers and duties of a keeper
10 of the lock-up."

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

