

By Mr. Serra of Boston, petition of Emanuel G. Serra for legislation to authorize the Commonwealth to operate and maintain the jail and house of correction in Suffolk County. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT RELATIVE TO JAIL AND HOUSE OF CORRECTION IN SUFFOLK 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. The Commonwealth, acting by and through the  
2 department of correction, shall operate and maintain the jail and  
3 house of correction in Suffolk County. All costs of their main-  
4 tenance and operation shall be paid by the Commonwealth.

1 SECTION 2. All books, papers, equipment, furnishings, uni-  
2 forms, supplies, records, and documents purchased by Suffolk  
3 County and maintained primarily for the purposes of the jail, and  
4 house of correction are hereby declared to be the property of the  
5 Commonwealth and shall be under the control of the department  
6 of correction.

1 SECTION 3. Jail and house of correction in Suffolk County,  
2 on the effective date of this Act and transferred by this Act to the  
3 jurisdiction and custody of the Commonwealth, shall be rented by  
4 the Commonwealth from Suffolk County and the rent paid shall  
5 be equitably established taking into account the cost of main-  
6 tenance, repairs and utilities and the annual debt service provided  
7 or paid by Suffolk County. In the event the department of  
8 correction and Suffolk County are unable to agree to the rent that  
9 should be established, the state superintendent of buildings shall,  
10 after hearing if requested by either party, establish the rent.

11 Notwithstanding the provisions of this section, no payments for  
12 rent shall exceed the prevailing rent a commercial establishment  
13 would pay for comparable space in the same geographic area,  
14 excluding that portion attributable to property taxes.

1 SECTION 4. If all or substantially all of any building owned by  
2 Suffolk County is occupied by a jail or house of correction, the  
3 department of correction may recommend to the general court  
4 that the building be acquired by the Commonwealth. Any such  
5 recommendation shall be accompanied by an estimate of the fair  
6 market value of the property and an estimate of the cost of  
7 maintenance, repair and necessary operating expenses.

1 SECTION 5. Notwithstanding any other provisions of this  
2 Act, employees in the jail and house of correction of Suffolk  
3 County shall continue to serve therein without reduction in  
4 compensation and without loss of seniority, vacation or retirement  
5 rights.

6 The provisions of this section shall not be interpreted so as to  
7 prevent any persons from being removed for cause in the manner  
8 provided by Chapter thirty-one of the General Laws.

1 SECTION 6. The department of correction shall recommend  
2 to the general court such further legislation as may be necessary to  
3 preserve the entitlements of Suffolk County employees affected by  
4 this act in credit unions, retirement plans and group insurance or  
5 otherwise to implement the transfer of jurisdiction and custody  
6 pursuant to this act.

1 SECTION 7. Nothing in this act shall be construed as effecting  
2 the provisions of section sixteen of chapter one hundred and  
3 twenty-six of the General Laws.