

**HOUSE . . . . . No. 1415**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Danielle W. Gregoire**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act establishing regional lock up facilities.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Danielle W. Gregoire	4th Middlesex
Christopher G. Fallon	33rd Middlesex
James Dwyer	30th Middlesex
William G. Greene, Jr.	22nd Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 927 OF 2007-2008.]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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

5 SECTION 2. Chapter 40 of the General Laws is hereby amended by adding the following new section 34A:—  
6 The Sheriff of each county may establish one or more regional lock-up facilities within the county to which persons  
7 arrested with or without a warrant may be committed or any person arrested under any civil process. There shall be  
8 an on-site courtroom in each facility to which a justice and appropriate court room personnel shall be assigned for  
9 purposes of arraignments and motions for reconsideration of bail. In addition, a justice shall be assigned to those  
10 facilities constructed after the effective date of this act, and already equipped with on-site court rooms. Any county  
11 regional lock-up facility established under this section shall have the same function and power as a lock-up  
12 established under section thirty-four of chapter forty. A city or town may become a member of a county regional  
13 lockup facility system by executing, with the consent of the county commissioners, a written agreement with the  
14 county sheriff. Said agreement shall be filed with the city or town clerk, the county commissioners, and the secretary  
15 of state, and shall set forth the details as to the transportation, booking, fees to be paid per prisoner, and an  
16 indemnification agreement. Member police officers who are transporting a prisoner to a regional lock-up facility  
17 shall, during transport, have the full authority and jurisdiction of a police officer through any city, town, or county.  
18 The requirements and duties set forth in sections thirty-six A through thirty-six C of chapter forty shall pertain to the  
19 regional lock-up facility and the Sheriff’s department personnel, except that training shall be completed within one  
20 year of the establishment of such a facility. Member city or town police departments do not have to comply with  
21 section thirty-six C of chapter 40. The regional lock-up facility administrator and deputy sheriffs shall have the same  
22 authority, jurisdiction and duty as a police officer to detain, book, hold, and transport a pre-arraignment prisoner or  
23 any other prisoner to or from the regional lock-up facility. There may be a county regional lock-up advisory board  
24 consisting of a representative from each member and the sheriff’s department. The advisory board may recommend  
25 to the sheriff improvements in the operation of the transportation and booking procedures of the regional lock-up  
26 facility.

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

29 “Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility, the sheriff shall be  
30 responsible for the appointment of the administrator of the lock-up facility who shall serve for such term as the  
31 sheriff shall determine and written notice of same shall be filed with the county commissioners and the clerk of each  
32 member city or town. The administrator of the regional lock-up facility shall have all the powers and duties of a  
33 keeper of the lock-up.”

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