

HOUSE No. 3436

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cullinane

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 adoption of the accompanying bill:

An Act establishing a regional lockup facility in Suffolk County.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>

HOUSE No. 3436

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 3436) of Daniel Cullinane and others for legislation to establish a regional lockup facility in Suffolk County. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act establishing a regional lockup facility 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 first paragraph of section 34 of chapter 40 of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by striking out the first sentence and
3 inserting in place thereof the following sentence:- Unless a member of a regional lockup facility,
4 a city or town containing more than 5,000 inhabitants shall, and any other town may, maintain a
5 secure and convenient lockup to which a person arrested without a warrant may be committed;
6 and a magistrate may commit, for further examination, a prisoner charged with a bailable offense
7 and not recognizing, to the lockup in the town where the prisoner was arrested, to any regional
8 lockup of which that town is a member, or to the lockup in a town where the court is held, if the
9 magistrate considers it safe and commodious and that expense may be saved thereby.

10 SECTION 2. Section 35 of said chapter 40, as so appearing, is hereby amended by adding
11 the following paragraph:-

12 Notwithstanding the foregoing paragraph, if there is a regional lockup facility within
13 Suffolk county, the sheriff of Suffolk county shall be responsible for the appointment of the
14 administrator of the lockup facility who shall serve for such term as the sheriff shall determine
15 and who can be terminated from such position with or without cause at the sole discretion of the
16 sheriff. Notwithstanding any general or special law or any collective bargaining agreement to the
17 contrary, the sheriff or administrator of the lockup facility shall have the discretion and authority
18 to staff the facility with any current employee of the Suffolk County Sheriff's Department,
19 including jail or corrections officers of various ranks from either the Suffolk County Jail or
20 Suffolk County House of Correction, notwithstanding the present union affiliation of said
21 employee. Written notice of same shall be filed with the county commissioners and the clerk of
22 each city or town that is a member of the regional lockup facility within Suffolk County. The
23 administrator of the regional lockup facility shall have all the powers and duties of a keeper of
24 the lockup.

25 SECTION 3. The first paragraph of section 36B of said chapter 40, as so appearing, is
26 hereby amended by striking the first sentence and inserting in place thereof the following
27 sentence:- Each cell utilized for the detention of persons within a city, town, regional or state
28 lockup facility which is under the jurisdiction of a local police department, county sheriff or the
29 state police shall have a protective covering of high-impact, transparent wall facing.

30 SECTION 4. Said chapter 40 is hereby amended by inserting after section 37A, as so
31 appearing, the following section:-

32 Section 37B. Notwithstanding sections 34 to 37A or any other general or special law to
33 the contrary, the sheriff of Suffolk county may establish a regional lockup facility within the site

34 of the Suffolk county jail and house of correction, or elsewhere within the county of Suffolk,
35 which shall be used only for the detention of persons arrested upon probable cause or warrant or
36 a person arrested under a civil process. There shall be space made available for interviews and
37 space assigned for use by the clerk or magistrates for bail hearings. The regional lockup facility
38 established pursuant to this section shall have the same function and power as a lockup
39 established under section 34.

40 A city or town of Suffolk county or a state or federal law enforcement agency may,
41 subject to the discretion of the sheriff of Suffolk County, become a member of the regional
42 lockup system within Suffolk County by executing, with the consent of the appropriate
43 governing body, a written agreement with the sheriff of Suffolk County. The agreement shall be
44 filed with the corresponding city and town clerk and the secretary of state and shall set forth the
45 details of the agreement as to the transportation and booking of prisoners.

46 A police officer of a city or town or other state or federal law enforcement agency that is
47 a member of the regional lockup facility who is transporting a prisoner to the regional lockup
48 facility shall, during transport, have the full authority and jurisdiction of a police officer through
49 any city, town, or county. A police department of a city or town that is a member of the regional
50 lock up facility does not have to comply with section 36C of chapter 40 of the General Laws.
51 The requirements and duties set forth in sections 36A to 36G, inclusive, of said chapter 40 shall
52 pertain to the regional lockup facility and the sheriff's office, except that all training provided for
53 in section 36C of chapter 40 shall be completed within 1 year of the establishment of the regional
54 lockup facility. The regional lockup administrator and sheriff of the Suffolk county shall have
55 the same authority, jurisdiction and duty to detain, book, hold and transport a pre-arraignment
56 prisoner or any other prisoner to or from the regional lockup as required under chapter 40.

57 For purposes of establishing and operating a regional lockup facility within Suffolk
58 county, the sheriff of Suffolk county shall be afforded all the protections of section 9 of chapter
59 258, as though the sheriff held office under the constitution.