

HOUSE No. 4436

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 20, 2020.

The committee on Public Safety and Homeland Security, to whom was referred the petition (accompanied by bill, House, No. 2038) of Daniel R. Cullinane and others relative to establishing a regional lockup facility in Suffolk County, reports recommending that the accompanying bill (House, No. 4436) ought to pass.

For the committee,

HAROLD P. NAUGHTON, JR..

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

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. Section 34 of chapter 40 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out the first sentence and inserting in
3 place thereof the following sentence:

4 Unless a member of a regional lockup facility, a city or town containing more than five
5 thousand inhabitants shall, and any other town may, maintain a secure and convenient lockup to
6 which a person arrested without a warrant may be committed; and a magistrate may commit, for
7 further examination, a prisoner charged with a bailable offense and not recognizing, to the
8 lockup in the town where the prisoner was arrested, to any regional lockup of which that town is
9 a member, or to the lockup in a town where the court is held, if he considers it safe and
10 commodious and that expense may be saved thereby.

11 SECTION 2. Section 35 of chapter 40, as so appearing, is hereby amended by inserting
12 after the first paragraph the following paragraph:

13 Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility,
14 the sheriff of that county shall be responsible for the appointment of the administrator of the
15 lock-up facility who shall serve for such term as the sheriff shall determine and who can be
16 terminated from such position with or without cause at the sole discretion of the sheriff. Written
17 notice of same shall be filed with the county commissioners and the clerk of each member city or
18 town. The administrator of the regional lock-up facility shall have all the powers and duties of a
19 keeper of the lock-up.

20 SECTION 3. Section 36B of chapter 40, as so appearing, is hereby amended by inserting
21 after the word “town,” in the first sentence, the following word:

22 , regional,

23 SECTION 4. Section 36B of chapter 40 , as so appearing, is hereby further amended by
24 inserting after the word “department,” in the first sentence the following words:-

25 , county sheriff,

26 SECTION 5. Notwithstanding sections 34 to 37A of chapter 40 of the General Laws, or
27 any other general or special law to the contrary, the sheriff of Suffolk county may establish a
28 regional lockup facility within the site of the Suffolk county jail and house of correction, or
29 elsewhere within the county of Suffolk, which shall be used only for the detention of persons
30 arrested upon probable cause or warrant or a person arrested under a civil process. There shall be
31 space made available for interviews and space assigned for use by the clerk/magistrates for bail
32 hearings. The regional lockup facility established under this section shall have the same function
33 and power as a lockup established under section 34 of chapter 40. A city or town of Suffolk
34 county, a state or federal law enforcement agency may, subject to the discretion of the sheriff of

35 Suffolk County, become a member of the county regional lockup system by executing, with the
36 consent of the appropriate governing body, a written agreement with the sheriff of Suffolk
37 County. The agreement shall be filed with the corresponding city and town clerk and the
38 secretary of state and shall set forth the details of the agreement as to the transportation and
39 booking of prisoners.

40 Member police officers who are transporting a prisoner to a regional lockup facility shall,
41 during transport, have the full authority and jurisdiction of a police officer through any city,
42 town, or county. Member city or town police departments do not have to comply with section
43 36C of chapter 40. The requirements and duties set forth in sections 36A to 36, inclusive, of
44 chapter 40 shall pertain to the regional lockup facility and the sheriff's office, except that all
45 training provided for in section 36C of chapter 40 shall be completed within 1 year of the
46 establishment of the facility. The regional lockup administrator and sheriffs of the Suffolk county
47 regional lockup facility shall have the same authority, jurisdiction and duty to detain, book, hold
48 and transport a pre-arraignment prisoner or any other prisoner to or from the regional lockup as
49 required under chapter 40.

50 SECTION 6. The sheriff of Suffolk County shall be afforded all the protections of section
51 9 of chapter 258, as though the sheriff held office under the constitution within the meaning of
52 this statute.

53 SECTION 7. This act shall take effect upon passage.