

**SENATE . . . . . No. 1279**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Barrett***

*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 protecting inmate safety and the expenditure of state funds.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/27/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/30/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/1/2017</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/3/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/3/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/3/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/3/2017</i>

**SENATE . . . . . No. 1279**

---

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1279) of Michael J. Barrett, James B. Eldridge, Antonio F. D. Cabral, Marjorie C. Decker and other members of the General Court for legislation to protect inmate safety and the expenditure of state funds. Public Safety and Homeland Security.

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act protecting inmate safety and the expenditure of state funds.

*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 24 of Chapter 37 of the Massachusetts General Laws, as appearing  
2 in the 2014 Official Edition, is hereby amended by adding the following paragraph:

3 A sheriff, or anyone acting under a sheriff’s direction or by arrangement with a sheriff,  
4 shall not transport a prisoner or other person in the sheriff’s custody within the commonwealth  
5 beyond the borders of the commonwealth without the express prior written approval of the  
6 secretary of administration and finance and the secretary of the executive office of public safety  
7 and security. Nor shall a sheriff, nor anyone acting under a sheriff’s direction or by arrangement  
8 with a sheriff, transport said prisoner or other person out of the commonwealth without first  
9 filing, not less than 90 days before any transportation occurs, a detailed description of the  
10 purpose, mode and manner, physical and material conditions and constraints attendant to, and  
11 duration of, both the transport and the transport destination, with the secretary of administration  
12 and finance, secretary of the executive office of public safety and security, the chairs of the joint

13 committee on public safety and homeland security, the chairs of the joint committee on the  
14 judiciary, the chair of senate ways and means and the chair of house ways and means. In the  
15 event of a bona fide public health or safety emergency that may necessitate the transportation of  
16 prisoners or other persons in a sheriff's custody out of Massachusetts, said sheriff shall provide  
17 said detailed description to the chairs of the joint committee on public safety and homeland  
18 security, the chairs of the joint committee on the judiciary, the chair of senate ways and means  
19 and the chair of house ways and means as soon as is practicable, and shall obtain, prior to  
20 undertaking said transport, express prior written approval from the secretary of administration  
21 and finance and secretary of the executive office of public safety and security. Any prisoner or  
22 other person transported out of the commonwealth shall not participate in any work, labor, or  
23 public or community service program while outside the commonwealth without the express prior  
24 written approval of the aforementioned secretaries.

25 SECTION 2. Section 25 of said Chapter 37 of the Massachusetts General Laws, is hereby  
26 amended by adding the following paragraph:

27 The secretary of administration and finance shall not request, approve, or distribute any  
28 appropriations or monies for the transportation out of the commonwealth of a prisoner or other  
29 person in the custody of a sheriff unless said sheriff has complied with the provisions of section  
30 24 of this chapter.