

**SENATE . . . . . No. 1300**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth J. Donnelly***

*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 relative to regional lock-up facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/2/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/2/2017</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>2/2/2017</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/3/2017</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/3/2017</i>

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By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1300) of Kenneth J. Donnelly, Michael F. Rush, William N. Brownsberger, James J. Dwyer and other members of the General Court for legislation relative to regional lock-up facilities. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to 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 appearing in the 2014  
2 Official Edition, is hereby amended by inserting after the word “shall”, in line 2, the following  
3 words:- , unless a member of a regional lock-up facility,.

4           SECTION 2. Said section 34 of chapter 40 of the General Laws, as so appearing, is  
5 hereby further amended by inserting after the word “thereby”, in line 8, the following words:- ,  
6 or to the regional lock-up facility, if the city or town is a member of such a facility, pursuant to  
7 section 34A of this chapter.

8           SECTION 3. Said chapter 40 is hereby further amended by inserting after section 34 the  
9 following section:-

10           Section 34A. The sheriff of each county may establish one or more regional lock-up  
11 facilities within the county to which persons arrested with or without a warrant may be  
12 committed or any person arrested under any civil process. Any county regional lock-up facility

13 established under this section shall have the same function and power as a lock-up established  
14 under section 34 of chapter 40. A city or town may become a member of a county regional lock-  
15 up facility system by executing, with the consent of the county commissioners, a written  
16 agreement with the county sheriff. Said agreement shall be filed with the city or town clerk, the  
17 county commissioners, and the secretary of state, and shall set forth the details as to the  
18 transportation, booking, fees to be paid per prisoner, and an indemnification agreement.

19 Member police officers who are transporting a prisoner to a regional lock-up facility  
20 shall, during transport, have the full authority and jurisdiction of a police officer through any  
21 city, town, or county. The requirements and duties set forth in sections 36A through 36C,  
22 inclusive, of chapter 40 shall pertain to the regional lock-up facility and the sheriff's department  
23 personnel, except that training shall be completed within 1 year of the establishment of such a  
24 facility. Member city or town police departments do not have to comply with section 36C of  
25 chapter 40. The regional lock-up facility administrator and deputy sheriffs shall have the same  
26 authority, jurisdiction and duty as a police officer to detain, book, hold, and transport a pre-  
27 arraignment prisoner or any other prisoner to or from the regional lock-up facility.

28 SECTION 4. Section 35 of said chapter 40, as so appearing, is hereby amended by  
29 adding, at the end of the section, the following paragraph:-

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

34 administrator of the regional lock-up facility shall have all the powers and duties of a keeper of  
35 the lock-up.

36 SECTION 5. Section 36B of said chapter 40, as so appearing, is hereby amended by  
37 inserting after the word “town” , in line 2, the following word:- county,.

38 SECTION 6. Said section 36B of said chapter 40, as so appearing, is hereby further  
39 amended by inserting after the words “police department”, in line 3, the following words:- , the  
40 county sheriff’s department.