

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ms. Chandler**

*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 a regional lockup facility in Worcester county.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ms. Chandler	First Worcester
James J. O'Day	I don't know

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01376 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT ESTABLISHING A REGIONAL LOCKUP FACILITY IN WORCESTER 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 2002 Official  
2 Edition, is hereby amended by striking out the first sentence and inserting in place thereof the  
3 following sentence:- Unless a member of a regional lockup facility, a town containing more than  
4 5,000 inhabitants shall, and any other town may, maintain a secure and convenient lockup to  
5 which a person arrested without a warrant may be committed. A magistrate may commit, for  
6 further examination, a prisoner charged with a bailable offense and not recognizing, to the  
7 lockup in the town where the prisoner was arrested, to any regional lockup of which that town is  
8 a member, or to the lockup in a town where the court is held, if he considers it safe and  
9 commodious and that expense may be saved thereby.
- 10 SECTION 2. Section 36B of said chapter 40 , as so appearing, is hereby amended by inserting  
11 after the word "town," in line 2, the following word:- regional.

12 SECTION 3. Said section 36B of said chapter 40 , as so appearing, is hereby further amended by  
13 inserting after the word “department,” in line 3, the following words:- , county sheriff.

14 SECTION 4. Notwithstanding sections 34 to 37A of chapter 40 of the General Laws, or any  
15 other general or special law to the contrary, the sheriff of Worcester county may establish a  
16 regional lockup facility within the site of the Worcester county jail and house of correction  
17 which shall be used only for the detention of persons arrested upon probable cause or warrant or  
18 a person arrested under a civil process. There shall be space made available for interviews and  
19 space assigned for use by the clerk/magistrates for bail hearings. The lockup shall be established  
20 only if approved by a majority vote of the town where the sheriff of Worcester county decides to  
21 locate it. The regional lockup facility established under this section shall have the same function  
22 and power as a lockup established under said section 34 of said chapter 40.

23 A city or town of Worcester county, a state or federal law enforcement agency may become a  
24 member of the county regional lockup system by executing with the consent of the appropriate  
25 governing body, a written agreement with the sheriff of Worcester county. The agreement shall  
26 be filed with the corresponding city and town clerk and the secretary of state and shall set forth  
27 the details of the agreement.

28 The requirements and duties set forth in sections 36A to 36G, inclusive, of said chapter 40 shall  
29 pertain to the regional lockup facility and the sheriff's office deputies, except that all training  
30 provided for in section 36C of said chapter 40 shall be completed within 1 year of the  
31 establishment of the facility. A deputy sheriff of the Worcester county regional lockup facility  
32 shall have the same authority, jurisdiction and duty to detain, book, hold and transport a pre-  
33 arraignment prisoner or any other prisoner to or from the regional lockup as required under said

34 chapter 40. Mitigation funds shall be made available to the town the sheriff of Worcester county  
35 decides to locate it in the amount of \$1,500,000 or 10% of the construction cost of any new  
36 facility constructed to house the regional lockup facility, whichever is greater, prior to its  
37 establishment.

38 The sheriff of Worcester county shall assign a deputy sheriff to serve as administrator of the  
39 regional lockup facility; but this assignment shall not increase the existing number of deputy  
40 sheriff positions. The administrator of the regional lockup facility shall have all powers and  
41 duties of a keeper of the lockup”.

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