

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Morrissey, Michael (SEN)

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 relative to the authority of county sheriffs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Morrissey, Michael (SEN)	Norfolk and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE AUTHORITY OF COUNTY SHERIFFS.

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 1 of Chapter 124 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out paragraph (s), and inserting in place thereof the following
3 paragraph:-
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5 (s) adopt policies and procedures, in consultation with the county sheriffs, establishing reasonable
6 medical and health service fees for the medical services that are provided to inmates at any county or state
7 correctional facility. Except as otherwise provided, the commissioner or a county sheriff may charge each
8 inmate a reasonable fee for any medical and mental health services provided, including prescriptions,
9 medication, or prosthetic devices. The fee shall be deducted from the inmate's account as provided for in
10 section 48A of chapter 127. The commissioner or a county sheriff shall exempt the following inmates
11 from payment of medical and health services fees: medical visits initiated by the medical or mental health
12 staff, consultants, or contract personnel of the department, prisoners determined to be terminally ill,
13 pregnant, or otherwise hospitalized for more than 30 days successively during the term of incarceration
14 and juvenile inmates and inmates who are undergoing follow-up medical treatment for chronic diseases.
15 Notwithstanding any other provision of this section, an inmate shall not be refused medical treatment for
16 financial reasons. The commissioner or a county sheriff shall also establish criteria for reasonable
17 deductions from moneys credited to the inmate's account as provided for in section 48A of chapter 127 to
18 repay the cost of medical treatment for injuries that were self-inflicted or inflicted by the inmate on
19 others.
20

21 SECTION 2. Said section 1 of said chapter 124 of the General Laws, as so appearing, is hereby further
22 amended by striking out paragraph (u), and inserting in place thereof the following paragraph:-
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24 (u) adopt policies and procedures, in consultation with the county sheriffs, establishing reasonable fees for
25 maintenance and administration of inmate accounts maintained at any county or state correctional facility.
26 The commissioner or a county sheriff may charge each inmate reasonable fees for the maintenance and
27 administration of inmate accounts, to include but not be limited to booking fees, and may deduct such
28 fees from each inmate's accounts.
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30 SECTION 3. Chapter 126 of the General Laws, as so appearing, is hereby amended by inserting after
31 section 16 the following new section:-

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33 Section 16A. A sheriff, or a superintendent employed by a sheriff shall have authority to adopt an inmate
34 fee and expense reimbursement policy, which may include, but not be limited to the following:

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- 36 1. An administrative processing fee;
- 37 2. A haircutting fee;
- 38 3. A per diem for care to include co-payments for medical, dental, pharmaceutical and mental health
39 services;
- 40 4. A fee assessed for damage incurred to county or state property.

41

42 This fee shall be reasonable and based on the ability of the inmate to pay said fee.

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44 The sheriff shall furnish, at the County or Commonwealth's expense necessary fuel, bedding and clothing
45 at the County's expense for those inmates who are unable to provide for themselves, and also necessary
46 medical care and services for those who are sick, injured or indigent and unable to provide for
47 themselves.

48

49 Any funds derived from these accounts shall be deposited by the respective sheriff into the sheriff's
50 inmate trust fund accounts to be expended on behalf of the inmates to defray expenses of services and
51 improve the conditions of the environment in which the inmates are confined.