

CJPC County Corrections Project

July 2005

Sheriffs' Proposed Legislation 2005-2006

The following is a summary of legislation proposed (20 bills) on behalf of the Massachusetts Sheriffs' Association for the 2005-2006 session.

HB 156	Rep. Walsh	Retirement Benefits County Correctional Personnel Amends MLG 32, section 3, to add special sheriffs, institutional nurses, caseworkers for certain benefits 3/8/05 Referred to Joint Committee on Public Service
HB 163	Rep. Walsh	Retirement Benefits County Correctional Officials Amends MLG 32, section 28N, adding all employees classified under Group 4 3/8/05 Referred to Joint Committee on Public Service
HB 578	Rep. Kulik	Parity for Sheriffs (sheriff's salaries) Amends MLG 37, section 17, to eliminate the salary difference between sheriffs of various counties and abolished counties. Currently, the sheriffs of Bristol, Plymouth Suffolk, Essex, Hampden, Middlesex and Worcester receive salaries equivalent to 95 per cent of the salary of an associate justice of the superior court; the sheriffs of Barnstable, Norfolk, Berkshire, and Hampshire receive 5 percent less than that, and the sheriffs of Dukes, Nantucket, and Franklin receive 20 percent less than that. This bill would establish all sheriffs' salaries at 95 percent of the salary of an associate justice of the superior court, which is currently \$122,000. Should the bill succeed, all sheriffs' salaries would be just over \$106,000. 3/8/05 Referred to Joint Committee on Public Service 7/28/05 Hearing
HB 852	Rep. Nangle	Prevention of Domestic Violence Amends MLG 209A, section 3, to create a judicial option to order electronic monitoring to be administered by sheriffs.

Victims would be notified of defendant's whereabouts?
Defendant must also be ordered to treatment.

Current section has no mention of sheriffs, monitoring,
notification of whereabouts, or mandated treatment.

3/10/05 Referred to Joint Committee on Judiciary
5/17/05 Hearing

HB 1613 Rep. Perry

Mental Health Services

This bill seeks three regional behavioral evaluation and stabilization units, one each in Hampden, Middlesex, and Barnstable Counties. The units would serve HOCs and DOC (could alleviate caseload at Bridgewater). Sheriffs would report on utilization.

3/23/05 Referred to Joint Committee on Mental Health and Substance Abuse
6/6/05 Hearing

HB 1770 Rep. O'Flaherty

Inmate Re-entry

Amends MLG 127, section 49, to allow sheriffs to develop and maintain re-entry programming. Sheriffs could implement mandatory individual re-entry plans for every inmate sentenced to HOC as recommended by superintendent. This bill would establish post-release supervision, aftercare and notification to local law enforcement.

Under this bill, sheriffs would administer post-release supervision, would assign the terms of supervision, and could return inmates to custody in case of violation of the terms and conditions set.

This bill leaves open a role for the Department of Correction and Parole Board through in interagency agreements with sheriffs if appropriate given an inmate's classification and history while in custody.

5/10/05 Referred to Joint Committee on the Judiciary

HB 1776 Rep. Casey

Regional Lock-up Facilities

Amends MLG 40, section 34, to allow regional lock-ups in every county, with on-site courtrooms and assigned justices. Cities and towns would be able to opt in. Sheriff's personnel would have same authority as police to book and detain prisoners.

The bill would allow the creation of advisory boards: representatives from each member (cities and towns) and sheriff's dept.

Currently, this section mandates lock-ups for towns over 5,000 and allows lock-ups for all others, with no mention of counties.

5/11/05 Referred to Joint Committee on Judiciary

HB 1777 Rep. Wagner Hampden County Sheriff's Dept.

The bill would establish a revenue retention account for reimbursement of restitution and juvenile crime prevention programs (up to \$150K).

Revenue retained would be from prison industries.

5/11/05 Referred to Joint Committee on Judiciary

HB 1780 Rep. Perry Operations at Barnstable Correctional Facility

Would allow Barnstable correctional facility to be used as regional lock-up.

5/11/05 Referred to Joint Committee on Judiciary

HB 1799 Rep. Khan Information to Victims of Domestic Violence

Amends MLG 209A, section 6. Officers (police?) would provide victims of domestic with pamphlets including info on location of shelters, domestic violence programs, drug and alcohol treatments, explanation of restraining orders.

5/11/05 Referred to Joint Committee on Judiciary

5/17/05 Hearing

HB 1831 Rep. Festa Women's Correctional Facility in Middlesex

Would establish a women's facility in Middlesex for HOC sentenced women and those awaiting trial.

5/13/05 Referred to Joint Committee on Judiciary

HB 1835 Rep. Golden Retained Revenue in Middlesex re: Civil Process

Civil process division would retain and use fees collected for services.

5/13/05 Referred to Joint Committee on Judiciary

HB 1923 Rep. Toomey**Possession of Weapons**

Would amend Chapter 170 of Acts of 2004 (an act relative to the possession of electronic weapons) to add county law enforcement along with federal, state and municipal agencies. Possession of electronic weapons by all others is illegal in Massachusetts.

Chapter 170 currently limits possession of electronic weapons to a federal, state, or municipal law enforcement officers, or members of a special reaction teams in a state prison or designated special operations or tactical team in a county correctional facility.

An electronic weapon is defined as a “portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill.”

3/28/05

Referred to Joint Committee on Public Safety and Homeland Security

5/18/05

Hearing

HB 2120 Rep. Golden**Inmates Work Programs to Benefit Nonprofits**

(number incorrect)

Inmates could provide services to nonprofits.

4/7/05

Referred to Joint Committee on Transportation

HB 2875 Rep. Nangle**Electronic Monitoring Devices**

Amends MLG 268, section 16, to include tampering with or attempting to disable electronic monitoring devices as a punishable offense, with possible sentence of up to 10 years in state prison or 2 ½ years in a House of Correction.

Tampering, disabling, or attempting to disable electronic monitoring devices would be treated as escape, attempted escape, or failure to return from work release.

5/16/05

Referred to Joint Committee on Judiciary

HB 3503 Rep. Toomey**Information Sharing**

Amends MLG 37, section 13, to give Sheriffs access to information of other agencies regarding identifying and locating individuals subject to default or arrest warrants only.

7/11/05

Hearing

HB 3580 Rep. O'Brien Reform of Civil Process System
5/13/05 Referred to Joint Committee on Municipal and Regional
Government
5/25/05 Hearing

HB 3588 Rep. Tobin Sheriffs Education and Training Committee
Would create a training committee with appointees from each county, committee would set policies and standards of training for deputy sheriffs and correctional officers; committee would report annually to president of Massachusetts Sheriffs' Association regarding the delivery of standardized training and appropriations for the administration of the committee.
5/13/05 Referred to Joint Committee on Municipal and Regional
Government
6/8/05 Hearing

HD 3120 Rep. Garry Appropriations for County Sheriffs
Would amend MLG 64D, sections 11 through 13, to establish line-items in the state budget for the sheriffs departments of non-abolished counties. These counties receive some funding through county-level taxes and some state funding from a pooled fund that currently appears in the state budget without a breakdown for each of the counties.
This bill would also streamline the funding procedure and change the timing of spending plan submission by sheriffs in non-abolished counties to better track the fiscal year.

HD 4156 Sheriff Cabral Sheriff's Association
Would expand the role of the Massachusetts Sheriffs' Association for increased coordination, standardization of services, programming; provision of informational and technical assistance; seeks standardization of organization, goals, operations, procedures.