

Message

From: Robert Novack [robert.novack@comcast.net]
Sent: 7/31/2018 6:09:32 PM
To: Lawrence Oliveira [/O=BCSO/OU=DHOC/cn=Recipients/cn=LAWRENCEOLIVEIRA]
Subject: Statutory authority

Larry:

It is under section 12(c) of Chapter 61 of the Acts of 2009 (Sheriff takeover statute) that a sheriff is allowed to keep revenue that he generates apart from the state treasury. The language of the section is:

SECTION 12. (a) Notwithstanding any general or special law to the contrary and except for all counties the governments of which have been abolished by chapter 34B of the General Laws or other law, revenues of the office of sheriff in Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties for civil process, inmate telephone and commissary funds shall remain with the office of sheriff.

(b) Notwithstanding any general or special law to the contrary, in order to encourage innovation and enterprise, each sheriff's office shall annually confer with the house and senate committees on ways and means regarding that sheriff's efforts to maximize and maintain grants, dedicated revenue accounts, revolving accounts, fee for service accounts and fees and payments from the federal, state and local governments and other such accounts and regarding which revenues shall remain with the sheriff's office.

(c) Any sheriff who has developed a revenue source derived apart from the state treasury may retain that funding to address the needs of the citizens within that county.

(d) Any unencumbered carry-forward deeds excise or other funds to the credit of the sheriff on June 30, 2009 shall be paid to the state treasurer.

(e) Notwithstanding any general or special law or county charter to the contrary, regional services and contracts for such services including, but not limited to, regional communications centers and law enforcement support, shall continue until expired, terminated or revoked under the terms of the agreement or contract for such services.