

SENATE No. 1220

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 cognitive behavioral training.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Michael O. Moore

SENATE No. 1220

By Mr. Moore, petition (accompanied by bill, Senate, No. 1220) of Moore for legislation relative to cognitive behavioral training [Joint Committee on Public Safety and Homeland Security].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to cognitive behavioral training.

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. Chapter 127 of the General Laws is hereby amended by inserting after
2 section 48A the following section:-

3 Section 48B. The commissioner of correction and the sheriffs shall institute a schedule of
4 fees and assess those fees to inmates in their custody as follows: (i) a daily cost of custodial care
5 fee not to exceed \$5; (ii) a medical sick call visit fee not to exceed \$5; provided, however, that
6 the sick call visit shall not be related to a condition that was pre-existing at the time the inmate
7 began his term of incarceration; (iii) a dental sick call visit fee not to exceed \$5; (iv) a
8 prescription eyeglasses fee not to exceed \$5 per pair; and (v) a pharmacy prescription fee not to
9 exceed \$3 per prescription; provided, however, that no fees shall be assessed against an inmate
10 for admission health screening, 14-day health assessment, emergency health care, hospitalization
11 or infirmary care, prenatal care, laboratory and diagnostic care, follow-up visits approved by
12 health services, contagious disease care and chronic disease care. No inmate shall be denied
13 access to medical or dental services because of an inability to pay an assessed fee. Fees assessed

14 to indigent inmates shall be debited against the inmate's money account which, if not paid during
15 the inmate's term of incarceration, shall remain due and payable as a charge to the inmate after
16 release from custody. If an indigent inmate against whom an assessment is made is not re-
17 incarcerated within the 2 years immediate following his release from custody, the debt shall be
18 forgiven. Penal facilities shall establish a procedure for inmates to appeal assessments under this
19 section. This section shall not apply to federal inmates, detainees or regional lockup inmates.

20 Twenty-five percent of fees collected shall be used towards providing inmates with a
21 cognitive-behavioral treatment program, included in the Substance Abuse and Mental Health
22 Services Administration's national registry of evidence-based programs and practices, which
23 develops moral reasoning skills. Such a program shall be proven to reduce future behavioral
24 problems including recidivism incidents, as well as misconduct within prison facilities which
25 pose a risk to prison staff such as disruptive behavior, fights, assaults, and possessing
26 contraband.

27 Annually, not later than December 31, the executive office of public safety and security
28 shall submit a report of the inmate fee program annually to the clerks of the senate and house of
29 representatives, the house and senate committees on ways and means and the joint committee on
30 public safety and homeland security. The report shall delineate, by facility and county, the total
31 revenue collected for each fee implemented, the number of inmates who have appealed a fee
32 assessment, the number of inmates exempt from fees due to indigency, the number of inmates
33 exiting the facility with a balance due and the number of debts forgiven after release.

34 And by inserting after section 155 the following section:-

35 SECTION 155A. Within 90 days after the effective date of this act, the commissioner of
36 correction and the sheriffs shall adopt rules and regulations for the implementation of section
37 48B of chapter 127 of the General Laws, but no fee shall be imposed pursuant to said section
38 48B of said chapter 127 until the commissioner and the sheriffs prepare a report indicating
39 financial feasibility of the fee assessment and the secretary of public safety verifies those
40 findings in writing to the commissioner and the sheriffs.