

HOUSE No. 1189

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

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 the treatment of mentally ill in prisons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	

HOUSE No. 1189

By Ms. Balser of Newton, a petition (accompanied by bill, House, No. 1189) of Ruth B. Balser and others relative to the treatment of the mentally ill in prisons. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4372 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the treatment of mentally ill in prisons.

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 127 of the General Laws, as appearing in the 2006
2 Official

3 Edition, is hereby amended by inserting after the definition of "Commissioner" the
4 following

5 definition: -

6 "Mental health professional," a psychiatrist, psychologist, licensed clinical social worker
7 (LICSW) or licensed mental health counselor (LMHC) who is licensed to practice in the
8 commonwealth pursuant to chapter one hundred and twelve.

9 SECTION 2. Said section 1 of said chapter 127, as so appearing , is hereby further
10 amended by

11 inserting after the definition of "Parole board" the following definition: -

12 "Residential treatment unit," a therapeutic housing unit within a correctional facility that
13 is

14 operated for the purpose of providing treatment and rehabilitation for I I prisoners.

SECTION 3. Section 39 of said chapter 127, as so appearing, is hereby amended by striking out

the first paragraph and inserting in place thereof the following paragraph:-

Except as provided in section 39A of this chapter, at the request of the superintendent of any

correctional institution of the commonwealth, the commissioner may authorize the transfer, for

such period as s/he may determine, to a segregated unit within any correctional institution of the

commonwealth, of any inmate whose continued retention in the general institution population is

detrimental to the program of the institution.

SECTION 4. Said chapter 127, as so appearing, is hereby amended by inserting after section 39

the following section:

Section 39A. Diversion to residential treatment units

(a) When an inmate is confined to a segregated unit, the superintendent shall arrange for a mental

health professional to assess the mental health of the inmate and to review the inmate's mental

health record within twenty-four hours. Inmates remaining in such confinement shall be reassessed at a minimum of two times per week thereafter. Mental health assessments shall be

conducted in a confidential manner.

(b) As part of all mental health assessments conducted pursuant to paragraph (a) of this section,

mental health professionals shall identify for diversion or removal from such segregated unit any

inmate who meets the criteria set forth in paragraph (c) of this section. Inmates identified for

45 diversion or removal from a segregated unit shall, within thirty days of the assessment,
46 be diverted or removed from such unit and placed in a residential treatment unit or
47 provided with

48 clinically appropriate treatment in general population. While awaiting transfer, the mental
49 health status of such inmates shall be afforded the opportunity to speak to a mental health
50 clinician at least five (5) days per week. Such inmates shall also be afforded the opportunity for
51 in-cell programming and additional out-of-cell recreation.