HOUSE No. 1359

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

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 authorizing criteria for the release of terminally ill inmates to alternative locations of confinement.

PETITION OF:

NAME:DISTRICT/ADDRESS:DATE ADDED:Colleen M. Garry36th Middlesex1/18/2013

HOUSE No. 1359

By Ms. Garry of Dracut, a petition (accompanied by bill, House, No. 1359) of Colleen M. Garry relative to the criteria for the release of terminally ill inmates to alternative locations of confinement. The Judiciary.

The Commonwealth of Alassachusetts

In the Year Two Thousand Thirteen

An Act authorizing criteria for the release of terminally ill inmates to alternative locations of confinement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Chapter 127 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 117A, the following new section:

117B. Terminally Ill Inmates.

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- (a) Whenever the physician or director of medical care at a state correctional facility certifies that any inmate held therein is determined to be terminally ill and expected to die while in custody, or whenever the physician or director of medical care at a jail or house of correction certifies that any inmate held therein is determined to terminally ill, the Commissioner of the Department of Correction or a Sheriff may petition the Court of jurisdiction which issued the inmate's original and or subsequent term(s) of incarceration for an Order permitting the release of the inmate to an appropriate alternative location of confinement outside of the correctional facility, jail or house of correction.
- (b)Release to an appropriate alternative location outside of the correctional facility, jail or house of correction shall mean release to a community confinement monitoring program in which the terminally ill inmate continues to receive medically appropriate care outside the correctional facility, jail or house of correction that is medically appropriate. Except as set out in this section, the inmate shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or facility that is a licensed hospice program pursuant to section 57d, chapter 111, MGL. As approved by the Commissioner of the Department of Correction or

a Sheriff, the inmate may receive hospice services from an entity licensed pursuant to said section 57d, chapter 111 MGL and may live at home while receiving these services.

(c)The Commissioner of the Department of Correction, or a Sheriff, shall receive regular reports on the condition and status of the otherwise terminally ill inmate from the inmate's direct-care provider(s). If the Commissioner or a Sheriff determines that the inmate has failed to fully comply with a request, or if at any time the physician or director of medical services at a state correctional facility or a jail or house of correction subsequently determines that the inmate does not have a terminal medical condition, or that care outside the jail is not medically appropriate, the Commissioner or a Sheriff shall terminate the inmate's participation in the community confinement monitoring program and order the return of the inmate to the releasing facility

(d)Effective date: This section shall take effect on July 01, 2013