

**HOUSE . . . . . No. 1612**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Benjamin Swan***

*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 affecting the housing of prisoners.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>1/13/2015</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/4/2015</i>

**HOUSE . . . . . No. 1612**

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By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1612) of Benjamin Swan and Carlos Gonzalez relative to the housing of prisoners in correctional institutions of the Commonwealth. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1643 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act affecting the housing of prisoners.

*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. Whereas, citizens and legal residents sentenced to serve prison sentences in  
2 the Massachusetts Correctional system have a right to be assigned to a site located within the  
3 borders of the commonwealth in order that parents, friends, or significant others might be  
4 allowed visitation privileges; and

5                       Whereas, visitations and family support play a major role in the rehabilitative  
6 process, denial of which constitutes added punishment not ordered by the sentencing judge nor  
7 included as a part of the original sentence; and

8                       Whereas, the housing of inmates in distant locations, outside the boundaries of the  
9 commonwealth, denies family members of the inmates and the general public the privilege of

10 reasonable visitation. The total time and cost associated with travel required for such visitations  
11 constitute a denial of the rights of family members and the concerned public; and

12           Whereas, transporting and housing Massachusetts prisoners out-of-state to distant  
13 locations constitutes cruel and unusual punishment, a type of inhumanity treatment reminiscent  
14 of a slavery-like experience, therefore it is hereby resolved that citizens and legal residents of the  
15 commonwealth who are ordered by the court to serve a period of incarceration shall serve such  
16 incarceration as ordered in a correctional facility which is physically located within the  
17 boundaries of the Commonwealth of Massachusetts, exceptions shall be made only in the case an  
18 inmate has requested, through proper channels, a transfer to another state's jurisdiction and/or  
19 the Department of Corrections would have deemed a transfer to be in the interest of an inmate's  
20 personal safety.

21           SECTION 2. Notwithstanding any act to the contrary, the act shall require all  
22 citizens and legal residents of the commonwealth who are sentenced by a court to incarceration  
23 in the Massachusetts Department of Corrections, to serve such incarceration in a facility which is  
24 physically located within the boundaries of the commonwealth, unless an inmate shall have  
25 personally requested a transfer out of state, and/or the inmate's personal safety is at risk as set  
26 forth in Section 1.