

HOUSE No. 3679

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 to ensure compliance with the anti-shackling law for pregnant incarcerated women.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>

<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 3679

By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan and others for legislation to further amend the anti-shackling statute for incarcerated pregnant women. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act to ensure compliance with the anti-shackling law for pregnant incarcerated women.

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. The first paragraph of section 118 (b) of chapter 103 of the acts of 2014 is
2 hereby amended by striking out, in lines 1-2, the words, “post-delivery recuperation” and
3 inserting in place thereof the following: - “postpartum recovery of 6 weeks or longer”; the
4 second paragraph by inserting, in line 3, after the words, “a licensed health care professional” the
5 following: - “or emergency medical personnel”; the third paragraph by striking out, in line 3, the
6 words, “post-delivery recuperation” and inserting in place thereof the following: - “postpartum
7 recovery of 6 weeks or longer as determined by the attending physician”; the fourth paragraph by
8 inserting, in line 6, after the words, “postpartum inmate” the following: - “under any
9 circumstances or in any setting”; and, by inserting, in line 11, after the word, “superintendent”
10 the following: - “of a state correctional facility or administrator of a county facility.”

11 SECTION 2. Section 118 (b) of chapter 103 of the acts of 2014 is hereby amended by
12 inserting after the fourth paragraph the following paragraphs: -

13 “The commissioner of correction and administrator of each county correctional facility
14 shall require annual training of staff members who transport or supervise female prisoners on the
15 requirements of this chapter.

16 Any time restraints are used on a pregnant or postpartum inmate, the superintendent of a
17 state correctional facility or administrator of a county correctional facility shall submit a report
18 within 48 hours to the secretary of public safety and security, including the date, time, duration,
19 location, and the rationale for the use of restraints, provided, however, that such reports shall not
20 contain individually identifying information regarding any pregnant or postpartum inmate. The
21 secretary shall submit to the legislature an annual report regarding compliance with this section,
22 including all incidents involving use of restraints. Such report shall be filed annually on or before
23 July 1 with the offices of the clerk of the house and the senate, the joint committee on public
24 safety and homeland security and the joint committee on the judiciary and shall be a public
25 record.”