HOUSE DOCKET, NO. 1169 FILED ON: 1/18/2017

HOUSE . . . . . No. 822

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos González

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 relating to inmates organ donations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carlos González	*10th Hampden*	*1/18/2017*
Bud Williams	*11th Hampden*	*1/19/2017*

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HOUSE . . . . . No. 822

By Mr. Gonzalez of Springfield, a petition (accompanied by bill, House, No. 822) of Carlos Gonzalez and Bud Williams for legislation to establish an organ and tissue donor program within the Department of Correction. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1624* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relating to inmates organ donations.

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. Notwithstanding Chapter 124, M.G.L. to the contrary, this act shall establish an organ and tissue donor program within the Department of Corrections (DOC) in the Commonwealth of Massachusetts for the purpose of educating inmates about the need for organ and tissue donors, the procedures required to become an organ donor, bone marrow donor, and for the procedures for determining an individual's tissue type and process of donating bone marrow.

(2) The Commissioner of Correction shall in addition exercise the powers and duties which are otherwise given by law; the Commissioner shall establish, maintain, and administer within the Department of Corrections an organ and tissue donor program.

(3) The organizations involved in organ, tissue, and bone marrow donations and medical transplant centers shall make available to the Department of Corrections' educational pamphlets and brochures concerning organ and tissue donation and bone marrow donation.

(4) The Department of Corrections shall display material received pursuant to subsection (2) of this section within its inmate housing units and shall, upon request, provide an inmate with necessary forms and information to facilitate organ or tissue donation in accordance with this act the choice of an inmate to donate all or any part of his or her body shall be documented in the inmate’s records.

(5) The Department of Corrections in conjunction with appropriate medical authorities shall develop and maintain policies and shall promulgate administrative regulations pursuant to this act include but are not limited to:

(a) Facilitation of participation in bone marrow donor programs for interested inmates:

(b) Ensuring that organ or tissue donations, and bone marrow donations, comply with all considerations contained in chapter 17, M.G.L.

(c) Ensuring that all organ or tissue donations, including bone marrow donations, are made on a voluntary basis

SECTION II Inmates Protection.

(1) Organ or tissue donations may be made by an inmate who meets the donation guidelines. If the department or the institution that houses the inmate determines that an inmate's participation would constitute a threat to security, the department of the institution may prohibit the inmate from participation.

(2) The Department of Corrections or the institution that houses the inmate shall not be responsible for any costs associated with tests or other procedures required to make an organ or tissue donation, including costs associated with medical follow-up or complications arising from a donation.

SECTION 3. Is amended to read as follows:

(1) Any person convicted and sentenced to a state penal institution may receive a credit on his sentence of not exceeding ten (10) days for each month served, except as otherwise provided in this section, to be determined by the department from the conduct of the prisoner. In addition, the department shall provide an educational good time credit of sixty (60) days to any prisoner who:

(a) Successfully receives a graduate equivalency diploma or a high school diploma:

(b) Receives[,] a two (2) or four (4) year college degree, or a two (2) year or four (4) year certification in applied sciences:

(c) [,or who] Receives a technical education diploma as provided and defined by the department; or

(d) Becomes a living organ donor.

Prisoners may earn additional credit for each program completed. Except for good time earned under, section 1 of M.G.L. Chapter 74 the department may forfeit any good time previously earned by the prisoner or deny the prisoner the right to earn good time in any amount if during the term of imprisonment; a prisoner commits any offense or violates the rules of the institution.

(2) When two (2) or more consecutive sentences are to be served, the several sentences shall be merged and served in the aggregate for the purposes of the good time credit computation or in computing dates of expiration of sentence.

(3) An inmate may, at the discretion of the commissioner, be allowed a deduction from a sentence not to exceed five (5) days per month for performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs. The allowance shall be an addition to commutation of time for good conduct and under the same terms and conditions and without regard to length of sentence.

(4) Until successful completion of the sex offender treatment program, an eligible sexual offender may earn good time. However, the good time shall not be credited to the eligible sexual offender's sentence. Upon the successful completion of the sex offender treatment program, as determined by the program director, the offender shall be eligible for all good time earned but not otherwise forfeited under administrative regulations promulgated by the Department of Corrections. After successful completion of the sex offender treatment program, an eligible sexual offender may continue to earn good time in the manner provided by administrative regulations promulgated by the Department of Corrections. Any eligible sexual offender, as defined in, in section 49 of M.G.L. Chapter 127, who has not successfully completed

the sex offender treatment program as determined by the program director, shall not be entitled to the benefit of any credit on his sentence. A sexual offender who does not complete the sex offender treatment program for any reason shall serve his entire sentence without benefit of good time, parole, or other form of early release. The provisions of this section shall not apply to any sexual offender convicted before July 15, 1998, or to any mentally retarded sexual offender.

(5) (a) The Department of Corrections shall, by administrative regulation, specify the length

of forfeiture of good time and the ability to earn good time in the future for those inmates who have civil actions dismissed because the court found the action to be malicious, harassing, or factually frivolous. The department or any institution shall not forfeit good time earned under this section.

(b) Penalties set by administrative regulation pursuant to this subsection shall be as uniform as practicable throughout all institutions operated by, under contract to, or under the control of the department and shall specify a specific number of days or months of good time forfeited as well as any prohibition imposed on the future earning of good time.