

SENATE No. 1359

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/24/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/25/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/27/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/30/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/1/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/3/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/3/2017</i>

<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/3/2017</i>

SENATE No. 1359

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1359) of Karen E. Spilka, Jose F. Tosado, James B. Eldridge, Jack Lewis and other members of the General Court for legislation to ensure compliance with the anti-shackling law for pregnant incarcerated women. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

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. Subsection (b) of section 118 of chapter 127 of the General Laws, as
2 appearing in the 2014 Official Edition, is hereby amended by striking out, in line 45, the words
3 “post-delivery recuperation,” and inserting in place thereof the following words:- “postpartum
4 recovery of 6 weeks, or longer”.

5 SECTION 2. Said subsection (b) of said section 118 of said chapter 127 of the General
6 Laws, as so appearing, is hereby further amended by inserting, in line 46, after the word
7 “physician” the following words:- “or emergency medical personnel”.

8 SECTION 3. Said subsection (b) of said section 118 of said chapter 127 of the General
9 Laws, as so appearing, is hereby further amended by striking out, in line 62, the words “post-
10 delivery recuperation” and inserting in place thereof the following words:- postpartum recovery
11 of 6 weeks, or longer as determined by the attending physician.

12 SECTION 4. Said subsection (b) of said section 118 of said chapter 127 of the General
13 Laws, as so appearing, is hereby further amended by inserting, in line 72, after the word
14 “inmate” the following words:- under any circumstances or in any setting.

15 SECTION 5. Said subsection (b) of said section 118 of said chapter 127 of the General
16 Laws, as so appearing, is hereby further amended by inserting, in line 78, after the word
17 “superintendent” the following words:- of a state correctional facility or administrator of a
18 county facility.

19 SECTION 6. Said subsection (b) of said section 118 of said chapter 127 of the General
20 Laws, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

21 The commissioner of correction and administrator of each county correctional facility
22 shall require annual training of staff members who transport or supervise female prisoners as to
23 the provisions of this section.

24 Any time restraints are used on a pregnant or postpartum inmate, the superintendent of a
25 state correctional facility or administrator of a county correctional facility shall submit a report
26 within 48 hours to the secretary of public safety and security, which shall include the date, time,
27 duration, location and the rationale for the use of restraints, provided, however, that such reports
28 shall not contain individually identifying information.

29 The secretary of public safety shall submit to the legislature a public report detailing
30 compliance with this section, including all incidents involving use of restraints which shall be
31 filed no later than July 1 of each year with the clerks of the senate and house of representatives,
32 the chairs of the joint committee on public safety and homeland security and the chairs of the
33 joint committee on the judiciary.