

SENATE No. 1453

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/18/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/25/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/30/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/31/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/11/2019</i>

SENATE No. 1453

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1453) of Rebecca L. Rausch, Kay Khan, Jack Patrick Lewis, Jason M. 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 Ninety-First General Court
(2019-2020)

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

3 For the purposes of this section, “postpartum recovery” shall mean the time period that
4 occurs immediately following childbirth up to a minimum of 6 weeks, or longer as determined
5 by a physician.

6 SECTION 2. Subsection (b) of section 118 of chapter 127 of the General Laws, as
7 appearing in the 2016 Official Edition, is hereby amended by striking out, in line 45, the words
8 “post-delivery recuperation,” and inserting in place thereof the following words:- “postpartum
9 recovery”.

SECTION 3. Said subsection (b) of said section 118 of said chapter 127 of the General Laws, as so appearing, is hereby further amended by inserting, in line 46, after the word “physician” the following words:- “or emergency medical personnel”.

SECTION 4. Said subsection (b) of said section 118 of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out, in line 62, the words “post-delivery recuperation” and inserting in place thereof the following words:- “postpartum recovery”.

SECTION 5. Said subsection (b) of said section 118 of said chapter 127 of the General Laws, as so appearing, is hereby further amended by inserting, in line 72, after the word “inmate” the following words:- “under any circumstances or in any setting”

SECTION 6. Said subsection (b) of said section 118 of said chapter 127 of the General Laws, as so appearing, is hereby further amended by inserting, in line 78, after the word “superintendent” the following words:- “of a state correctional facility or administrator of a county facility.”

SECTION 7. Said subsection (b) of said section 118 of said chapter 127 of the General Laws, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

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

Any time restraints are used on a pregnant or postpartum inmate, the superintendent of a state correctional facility or administrator of a county correctional facility shall submit a report

31 within 48 hours to the secretary of public safety and security, which shall include the date, time,
32 duration, location and the rationale for the use of restraints, provided, however, that such reports
33 shall not contain individually identifying information.

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