

SENATE No. 1635

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>2/23/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>5/20/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>7/2/2021</i>

SENATE No. 1635

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1635) of Rebecca L. Rausch, Kay Khan, Susan L. Moran and James B. Eldridge for legislation to ensure compliance with the anti-shackling law for pregnant incarcerated women. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1453 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 2018 Official Edition, is hereby amended 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. Said section 118 of chapter 127, as so appearing, is hereby further amended
7 by striking out the words “post-delivery recuperation” in lines 45 and 62, in each instance, and
8 inserting in place thereof the following words:- “postpartum recovery”.

9 SECTION 3. Said section 118 of chapter 127, as so appearing, is hereby further amended
10 by inserting, in line 46, after the word “physician” the following words:- “or emergency medical
11 personnel”.

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

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

18 SECTION 6. Said section 118 of chapter 127, as so appearing, is hereby further amended
19 by adding the following 3 paragraphs:-

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

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

28 The secretary of public safety shall submit to the legislature a public report detailing
29 compliance with this section, including all incidents involving use of restraints which shall be

30 filed no later than July 1 of each year with the clerks of the senate and house of representatives,
31 the chairs of the joint committee on public safety and homeland security and the chairs of the
32 joint committee on the judiciary.