

SENATE No. 1638

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 relative to media access and transparency in correctional facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/19/2021</i>

SENATE No. 1638

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1638) of Rebecca L. Rausch, David M. Rogers and Joanne M. Comerford for legislation relative to media access and transparency in correctional facilities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act relative to media access and transparency in correctional facilities.

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. Chapter 127 of the General Laws is hereby amended by inserting after
2 section 36C the following section:-

3 Section 36D.

4 (a) For purposes of this section, “News media representatives” are persons whose
5 principal employment is gathering and reporting news for a (i) Radio or television program
6 whose primary purpose is news reporting for a licensee of the Federal Communications
7 Commission (FCC); (ii) Newspaper covering general interest information and circulated to the
8 public; (iii) Magazine that has a national circulation is sold by mail subscriptions or on
9 newsstands to the general public; (iv) National or international news service, including wire
10 services; and (v) Websites whose primary purpose is news reporting. Freelance reporters and
11 journalists shall be considered members of the news media, however, they may be required to
12 verify their assignment with a letter from the outlet that they represent.

(b) No correctional institution, state prison, jail, or house of correction, the commissioner of correction, sheriff, superintendent, correctional officer, employee, contractor or any other staff shall abridge the right of a person incarcerated in any correctional or penal institution in the commonwealth to confer with any news media representative. Such news media representatives may visit an incarcerated person at such times as may be established under rules promulgated by the commissioner. News media representatives shall have rights to unimpeded, confidential, in person visitation and video conferencing commensurate with the rights of attorneys established in section 36A; provided further, that there shall be no restrictions on the access of news media representatives due to housing placement or due to disciplinary sanctions imposed on an incarcerated person for any offense.

(c) All correctional institutions, state prisons, jails, and houses of correction shall provide for unimpeded, unmonitored, and confidential telephone communication between news media representatives and incarcerated persons. Media representatives shall be permitted to establish a telephone line which shall be authorized for confidential communication with any incarcerated person. All institutions shall provide an online system whereby news media representatives can register their information, including without limitation email address and telephone numbers. Upon verifying the news media representative's credentials, the institution shall publish such information on the institution's website and provide the same to all incarcerated persons upon entry into any correctional facility. Ordinary pre-authorization processes, telephone limitations, restrictions, and cap limits shall not apply to conversations between incarcerated persons and news media representatives. Incarcerated persons serving disciplinary sanctions shall at all times be permitted telephone access to news media representatives.

(d) Attorneys shall be permitted to bring with them a news media representative on any legal visit with an incarcerated person, including in person visits, video visits, and video conferencing.

(e) Retaliation against any incarcerated person for communication with a news media representative shall be prohibited and punishable by disciplinary action up to and including termination.

(f) The commissioner of correction shall update regulations in accordance with this section.

(g) Sheriffs shall update policies in accordance with this section.

SECTION 2. Section 87 of Chapter 127 of the General Laws is hereby amended by inserting in subsection (a) after the phrase “the commissioner or any deputy commissioner of correction,” the following:- any news media representative as defined by section 36D of chapter 127,