

**HOUSE . . . . . No. 2350**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kay Khan and Priscila S. Sousa***

*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:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/19/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>1/30/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/30/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/8/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/10/2023</i>
<i>Samantha Montañó</i>	<i>15th Suffolk</i>	<i>2/13/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/15/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/15/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/23/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/9/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>4/7/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>4/20/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>5/15/2023</i>

**HOUSE . . . . . No. 2350**

By Representatives Khan of Newton and Sousa of Framingham, a petition (accompanied by bill, House, No. 2350) of Kay Khan, Priscila S. Sousa and others for legislation to further amend the anti-shackling statute for incarcerated pregnant women. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2481 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

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 2020 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.