

HOUSE No. 1789

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

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 prison reform.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------|--------------------|------------------|
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>1/13/2023</i> |

HOUSE No. 1789

By Representative Tyler of Boston, a petition (accompanied by bill, House, No. 1789) of Chynah Tyler for legislation to establish a review of the impact and effectiveness of facility programming by the Department of Correction including a special commission (including members of the General Court) relative to the effects of health care in department facilities and a special commission (including members of the General Court) relative to the effects of confinement in the departmental disciplinary unit on the mental health and wellness of prisoners. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3882 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to prison reform.

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. Study and review of the impact and effectiveness of DOC facility
2 programming.

3 SECTION 2. Section 48 of chapter 127 of the General Laws, as appearing in the 2018
4 Official Edition, is hereby amended by adding the following paragraph:-

5 The commissioner shall ensure that all county correctional facilities, state correctional
6 facilities and state prisons maintain a partnership with a public institution of higher education, as
7 identified in section 5 of chapter 15A, for the purposes of developing educational programming
8 for prisoners and to allow prisoners with a high school diploma or its equivalent to obtain course

9 credit toward an associate's degree or bachelor's degree from the public institution of higher
10 education.

11 SECTION 3. Said chapter 127 is hereby amended by adding the following section:-

12 Section 170. Within six months of the enactment of this act, the department shall, in
13 consultation with the department of public health, develop food standards to ensure the provision
14 of healthy, safe, and palatable food options to people in custody of the department.

15 The food standards developed under this section shall:

16 (I) Include nutrition standards for foods purchased and served that ensure weekly menus
17 meet or exceed the most recent Dietary Guidelines for Americans published by the U.S.
18 Department of Agriculture and the U.S. Department of Health and Human Services, considering
19 both positive and negative contributions of nutrients, ingredients, and foods, including but not
20 limited to calories or portion size, saturated fat, sodium, added sugars, and the presence of fruits,
21 vegetables, and whole grains (II) Make recommendations for offering foods and beverages that
22 reflect the traditions and preferences of the demographics of the population in custody (III)
23 Require that potable, palatable drinking water be accessible to people in custody at mealtimes
24 and as much as possible throughout the day (IV) Require that each individual be given at least 20
25 minutes of seated time to consume each meal, not counting time spent waiting to be served (V)

26 Prohibit all food-related punishments (VI) Require that the same selection of food and
27 beverages be available to department employees and people in custody.

28 The food standards developed under this section shall be reviewed and updated by the
29 department as necessary, but no less often than every five years.

30 The food standards developed under this section shall be applied to all foods and
31 beverages purchased, prepared, served, and sold by the department and sold or served in
32 department facilities. All purchases made on behalf of the department shall be made in
33 accordance with the food standards. All contracts made by the department with food service,
34 catering, vending, or other food providers will require compliance with the food standards. All
35 existing contracts that do not meet the standards must be revised or terminated at the next
36 renewal stage of the contract.

37 Within six months of the enactment of this act and at least annually thereafter, the
38 department shall survey the population in custody to evaluate their satisfaction with the food
39 service and identify modifications needed to improve the food quality and eating experience.

40 SECTION 4. (a) There shall be a commission to review and make recommendations on
41 the effects of health care in department of corrections facilities, including county correctional
42 facilities, state correctional facilities and state prisons.

43 (b) The commission shall consist of the following 15 members: the chairs of the joint
44 committee on public health or their designees, who shall serve as co-chairs; the secretary of the
45 executive office of public safety or their designee; the commissioner of correction or their
46 designee; the commissioner of public health or their designee; 2 members to be appointed by the
47 speaker of the house of representatives; 2 members to be appointed by the senate president; 2
48 members to be appointed by the chair of the Massachusetts Black and Latino Legislative Caucus;
49 2 members to be appointed by the governor, 1 of whom shall be a formerly incarcerated person;
50 the executive director of Prisoners' Legal Services of Massachusetts or their designee; and the

51 president of the National Association for the Advancement of Colored People New England
52 Area Conference or a designee.

53 (c) The commission shall report and file its findings and recommendations, including any
54 legislation, with the clerks of the house of representatives and senate and the joint committee on
55 public safety and security not later than January 1, 2022.

56 SECTION 5. (a) There shall be a commission to study and make recommendations
57 relative to the effects of confinement in the departmental disciplinary unit, also known as the
58 DDU, on the mental health and wellness of prisoners.

59 (b) The commission shall consist of the following 15 members: the chairs of the joint
60 committee on mental health, substance abuse and recovery or their designees, who shall serve as
61 co-chairs; the secretary of the executive office of public safety or their designee; the
62 commissioner of correction or their designee; the commissioner of public health or their
63 designee; 2 members to be appointed by the speaker of the house of representatives; 2 members
64 to be appointed by the senate president; 2 members to be appointed by the chair of the
65 Massachusetts Black and Latino Legislative Caucus; 2 members to be appointed by the governor,
66 1 of whom shall be a formerly incarcerated person; the executive director of Prisoners' Legal
67 Services of Massachusetts or their designee; and the president of the National Association for the
68 Advancement of Colored People New England Area Conference or a designee.

69 (c) The commission shall report and file its findings and recommendations, including
70 any legislation, with the clerks of the house of representatives and senate and the joint committee
71 on public safety and security not later than January 1, 2022.