

HOUSE No. 2608

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker-Reid

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 human rights and improved outcomes for incarcerated people.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|--------------------------------|------------------|
| <i>Brandy Fluker-Reid</i> | <i>12th Suffolk</i> | <i>1/16/2025</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>2/6/2025</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/6/2025</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> | <i>2/6/2025</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>2/6/2025</i> |
| <i>Samantha Montaño</i> | <i>15th Suffolk</i> | <i>2/6/2025</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>2/6/2025</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>2/19/2025</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>3/11/2025</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/24/2025</i> |
| <i>Homar Gómez</i> | <i>2nd Hampshire</i> | <i>4/16/2025</i> |
| <i>Steven Owens</i> | <i>29th Middlesex</i> | <i>4/16/2025</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>5/12/2025</i> |
| <i>John Francis Moran</i> | <i>9th Suffolk</i> | <i>7/14/2025</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>9/3/2025</i> |
| <i>Sally P. Kerans</i> | <i>13th Essex</i> | <i>9/10/2025</i> |
| <i>Hannah Bowen</i> | <i>6th Essex</i> | <i>9/10/2025</i> |

HOUSE No. 2608

By Representative Fluker-Reid of Boston, a petition (accompanied by bill, House, No. 2608) of Brandy Fluker-Reid and others for legislation to maximize out-of-cell time and opportunities for incarcerated people to attend education, training, employment, and other programs. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2325 OF 2023-2024.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
—————

An Act relative to human rights and improved outcomes for incarcerated people.

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, as appearing in the 2022 Official Edition, is hereby amended
2 by inserting the following new section immediately after section 48B:-

3 Section 48C:

4 (a) Definitions. For purposes of this section, the following definitions apply:

5 “Cell” means any room, area, or space that is not a shared space conducive to
6 meaningful, regular, and congregate social interaction among many people in a group setting,
7 where an individual is held for any purpose.

8 “Congregate” means a group of at least five incarcerated people together in a space
9 without barriers between them.

10 “Out of cell” means a space outside of, and in an area away from, a cell, in a group
11 setting with other incarcerated people all in the same shared space without physical barriers,
12 conducive to meaningful and regular social interaction and activity.

13 (b) The commissioner and administrators of state prisons and county facilities shall, by
14 the effective date of this legislation, promulgate regulations to maximize out of cell time and
15 opportunities for participation of incarcerated people in education, training, employment, and all
16 other programming including programming related to rehabilitation, health care, and substance
17 use. At a minimum, the commissioner and administrators of state prisons and county facilities
18 shall ensure that:

19 (1) All incarcerated people shall have the opportunity to access at least six hours of out of
20 cell congregate programming at least five days per week. For incarcerated people who are
21 eligible to earn good conduct deductions, at least three of the six hours offered shall be eligible
22 for good conduct deductions under Mass. Gen. Laws chapter 127 section 129D. Programming
23 may be peer led, staff led, or volunteer led. Programming in addition to that which is required by
24 this section shall be maximized and may include individual tablet-based programming as well as
25 other individual and out of cell congregate programming.

26 (2) All incarcerated people shall have the opportunity to access vocational and
27 educational training and work opportunities, including in the community. Community
28 partnerships for educational and vocational training shall be maximized, and educational and
29 vocational training shall be updated in accordance with evolving community needs to increase

30 the potential for successful re-entry. Opportunities for educational and vocational certifications
31 shall be maximized.

32 (3) Every incarcerated person's personal programming plan shall be informed by initial
33 assessment and collaborative input from the incarcerated person, administrators, correctional
34 programming staff, re-entry staff, and mental health staff. If an incarcerated person is parole
35 eligible, administrators of state prisons and county facilities shall send their personal
36 programming plan to the parole board for review and recommendations within ninety days and
37 shall adjust the programming plan to maximize chances of successful parole.

38 (4) All incarcerated people who are eligible to earn good conduct deductions shall have
39 the opportunity to earn the maximum allowable good conduct deductions pursuant to Mass. Gen.
40 Laws chapter 127 section 129D every month through a combination of in-person and virtual
41 education, vocational, and rehabilitative programming and work.

42 (5) All incarcerated people shall have the opportunity to create organizations and affinity
43 groups for peer support, peer-led programming, and self-improvement.

44 (6) Except for during a declared major disorder, all incarcerated people shall be offered at
45 least eight hours out of cell per day. Out of cell time shall not be reduced because of short
46 staffing or due to modified operations. Incarcerated people shall not be handcuffed, shackled,
47 restrained to a chair or table, or otherwise restrained during out of cell time. The commissioner
48 and administrators of state prisons and county facilities shall not reduce out of cell time as it was
49 offered as of the date of the passage of this law.

50 (7) All incarcerated people shall have access to at least one hour per day of congregate
51 recreation outdoors in an open yard, where they can all reasonably move around, exercise and

52 have social interaction without physical barriers or mechanical restraints. Weather permitting,
53 this recreation shall be offered in an uncovered location. Weather appropriate clothing shall be
54 provided. The commissioner and administrators of state prisons and county facilities shall not
55 reduce outdoor recreation time as it was offered as of the date of the passage of this law.

56 (8) All incarcerated people shall be treated with dignity and cultural sensitivity and shall
57 not be discriminated against on the basis of age, race, ethnicity, nationality, language, sexuality,
58 gender identity, citizenship status, disability, alleged or charged crime.

59 (9) All incarcerated people shall receive access to in-person visitation at least in
60 accordance with Mass. Gen. Laws chapter 127 section 36C.

61 (10) All incarcerated people shall receive medical care, substance use disorder treatment,
62 and mental health care in line with the community standard of care, state regulations, and agency
63 contracts.

64 (11) All incarcerated people shall have access to water quality that meets the
65 Massachusetts Department of Environmental Protection's most recent standards and guidelines
66 for contaminants in Massachusetts drinking water, daily showers, and flushable toilets.

67 (12) All incarcerated people shall have access to a library where they can access legal and
68 other reading materials at least three times weekly. Tablets shall be utilized wherever feasible to
69 provide access to law library and other educational materials in addition to regular law library
70 access.

71 (13) All correctional facilities must maintain temperatures in every habitable area of at
72 least 68°F, between 7:00 A.M. and 11:00 P.M., and at least 64°F, between 11:01 P.M. and 6:59
73 A.M. The temperature should at no time exceed 78°F.

74 (c) The Commissioner shall collect data from the counties and publish a snapshot report
75 on January first of each year with, for each state prison, county jail and house of correction, (1)
76 how many people are in custody; (2) how many people are enrolled in an educational program,
77 and how many of those are earning good conduct deductions; (3) how many people are enrolled
78 in a rehabilitative program, and how many of those are earning good conduct deductions; (4)
79 how many people are enrolled in vocational training, and how many of those are earning good
80 conduct deductions; (5) how many people are working in a community based job, community
81 based vocational program, or community based educational program; and (6) how many people
82 have at least eight hours out of cell daily as defined by this section. This data shall also be
83 collected and reported by race, gender, sexual orientation, and gender identity.

84 SECTION 2. Section 48 of Chapter 127, as appearing in the 2022 Official Edition, is
85 hereby amended by striking the second paragraph and inserting in place thereof the following:-
86 The commissioner shall ensure that each facility provide educational programs that earn high
87 school credit toward graduation, vocational classes, and high school equivalency classes and
88 certificate programming to all persons who are committed to the custody of the department or to
89 a county correctional facility who have not obtained a high school degree or equivalency. For
90 people who do not speak English as their first language, English as a Second Language classes
91 shall be offered. These educational programs shall be sufficiently staffed at all state prisons,
92 county jails, and houses of correction to ensure access without waiting lists. These educational
93 programs shall be provided regardless of classification or disciplinary status. The commissioner

94 shall ensure that each facility provides community college or four-year college programming for
95 all students who have already received a high school diploma or equivalency and who express
96 interest in higher education. In addition to each such facility providing at least one general high
97 school equivalency (GED) class, each facility shall also include specialized, age-appropriate
98 educational classes for emerging adults, including all individuals ages 18 thru 25, for both
99 individuals who have and have not obtained a high school degree or equivalency, including but
100 not limited to: (1) classes that earn credit toward high school graduation; (2) special education
101 classes and supports in line with the educational goals identified in students' individualized
102 educational programs; (3) high school equivalency classes and testing opportunities; (4)
103 vocational education classes; (5) college and workforce readiness classes; and (6) credit-bearing
104 community college and college classes. All emerging adults shall have the opportunity to access
105 at least 4 hours of educational programming daily at least five days a week.

106 SECTION 3. This legislation shall come into effect 120 days after passage.