HOUSE DOCKET, NO. 3087 FILED ON: 1/16/2025

HOUSE . . . . . No. 2685

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers and Marjorie C. Decker

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 improve transparency and accountability in correctional facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David M. Rogers	*24th Middlesex*	*1/16/2025*
Marjorie C. Decker	*25th Middlesex*	*1/16/2025*
Patrick Joseph Kearney	*4th Plymouth*	*1/22/2025*

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By Representatives Rogers of Cambridge and Decker of Cambridge, a petition (accompanied by bill, House, No. 2685) of David M. Rogers, Marjorie C. Decker and Patrick Joseph Kearney relative to the right of persons incarcerated in correctional institutions, state prisons, jails or houses of correction to confer with news media representative. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2394* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to improve transparency and accountability 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:

SECTION 1. Chapter 127 of the General Laws is hereby amended by inserting after section 36C the following section:- Section 36D. (a) For the purpose of this section, “news media representatives” are persons who are engaged in reporting news for (1) a radio or television program, (2) an online or print newspaper, (3) an online or print magazine, (4) a national or international news service, including wire services, (5) a website or (6) a podcast. Freelance reporters and journalists shall also be considered news media representatives for the purpose of this section.

(b) No correctional institution, state prison, jail or house of correction, the commissioner of correction, hereinafter the commissioner, sheriff, superintendent, correctional officer,

10 employee, contractor or any other staff member shall abridge the right of a person incarcerated in
11 any correctional institution, state prison, jail or house of correction in the commonwealth to
12 confer with any news media representative. Such news media representatives may visit an
13 incarcerated person at such times as may be established under rules promulgated by the
14 commissioner. News media representatives shall have rights to unimpeded, confidential, in
15 person visitation and video conferencing commensurate with the rights of attorneys established
16 in section 36A of this chapter; provided, that there shall be no restrictions on the access of news
17 media representatives due to housing placement or disciplinary sanctions imposed on an
18 incarcerated person for any offense.

19 (c) All correctional institutions, state prisons, jails and houses of correction shall provide
20 for unimpeded, unmonitored, and confidential telephone communication between news media
21 representatives and incarcerated persons. News media representatives shall be permitted to
22 establish a telephone line which shall be authorized for confidential communication with any
23 incarcerated person. All correctional institutions, state prisons, jails and houses of correction
24 shall provide an online system whereby news media representatives may register their
25 information, including, but not limited to, their email addresses and telephone numbers. The
26 correctional institutions, state prisons, jails and houses of correction shall publish information
27 regarding media access on their websites and provide said information to all incarcerated persons
28 upon entry into such facilities. Ordinary pre-authorization processes, telephone limitations,
29 restrictions and cap limits shall not apply to conversations between incarcerated persons and
30 news media representatives. Incarcerated persons serving disciplinary sanctions shall at all times
31 be permitted telephone access to news media representatives.

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

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

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

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

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

44 SECTION 3. Chapter 127 of the General Laws, as appearing in the 2020 Official Edition,
45 is hereby amended by adding the following section:- Section 170. (a) The following data
46 regarding use of force at all correctional institutions, state prisons, jails and houses of correction
47 shall be collected and provided to any person upon request as well as published, quarterly, on the
48 agency's website and provided quarterly to the Joint Committee on the Judiciary, the Joint
49 Committee on Public Safety and Homeland Security, the Attorney General and the Governor, to
50 review and recommend clear limitations on the use of physical force by state and county
51 correction officers and juvenile detention officers: (1) the number of incidents facility-wide, (2)
52 the number of incidents in any form of segregated confinement, (3) the number of incidents
53 during mental health watches, (4) the number of incidents involving incarcerated people who are

54 being treated for psychiatric disabilities, (5) the number of incidents by race of involved
55 incarcerated people and by race of involved staff, (6) the number of incidents resulting in injury
56 to an incarcerated person, (7) the number of incidents resulting in injury to staff, (8) the number
57 of incidents where any incarcerated person had to be treated at an outside hospital, as well an
58 accounting of the injuries that required treatment, (9) the number of incidents where a
59 correctional officer or any other staff person had to be treated at an outside hospital, as well as an
60 accounting of the injuries that required treatment (10) the number of incidents involving use of
61 chemical agents, (11) the number of incidents involving use of a restraint chair, (12) the number
62 of incidents involving use of any kinetic impact weapon, (13) the number of incidents involving
63 K-9s, and (14) the number of incidents involving any other use of force tool. Each data point
64 shall include a breakdown by planned use of force, spontaneous cell entry and other use of force.

65 (b) The following data regarding use of force complaints, investigations, and outcomes at
66 all correctional facilities shall be collected and provided to any person upon request as well as
67 published, quarterly, on the agency's website and provided quarterly to the Joint Committee on
68 the Judiciary, the Joint Committee on Public Safety and Homeland Security, the Attorney
69 General and the Governor: (1) the number of grievances and other complaints alleging that
70 excessive force was used against an incarcerated person, (2) the number of investigations
71 conducted by internal affairs related to use of force and an accounting of the outcomes of those
72 investigations, including all findings and all resulting discipline, (3) a list of all officers,
73 including their current employment status and position, who have been found to have engaged in
74 excessive use of force, and (4) a list of all officers, including their current employment status and
75 position, who have been found to have lied or been otherwise not fully truthful and cooperative
76 in the course of an investigation related to use of force.

77 (c) An incarcerated person and their legally designated representative shall have the right
78 to obtain a copy of all records relating to any use of force incident involving the incarcerated
79 person, including, but not limited to, written reports, investigations, investigation findings,
80 interviews, video and audio recordings and photographs. All such records must be provided
81 within 10 business days of any request. All such records shall also be public records, except that
82 records access officers must redact the name and identifying information of any involved
83 incarcerated person before providing the records to any requestor who is not the involved
84 incarcerated person or who does not have a release from them.