

SENATE No. 1086

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 judicial oversight.

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No. 1086

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1086) of James B. Eldridge for legislation relative to judicial oversight of prisons housing. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to judicial oversight.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 249 of the General Laws is hereby amended by inserting after section 12 the
2 following section:-

3 Section 12A.

4 (a) A prisoner or a prisoner's legal representative, or a staff person at the request of a
5 prisoner, may petition the district court with jurisdiction over the prisoner's place of detention or,
6 if the prisoner is awaiting trial to the court with jurisdiction of the criminal case, may petition the
7 court to be transferred from restrictive housing or from an environment more restrictive than the
8 conditions in the general population. The court shall order the prisoner's requested transfer to a
9 less restrictive environment if: (1) the prisoner has been in restrictive housing or in conditions
10 more restrictive than the general population in the same correctional facility for more than 72
11 hours over the course of a 144-hour period; and (2) the conditions are not reasonably calculated

12 to promote safety or security within the place of detention or the conditions are not otherwise
13 consistent with the interests of justice.

14 (b) When a prisoner has been in restrictive housing or in conditions more restrictive than
15 the general population in the same correctional facility for more than 72 hours over the course of
16 a 144-hour period, and once every 24 hours thereafter that the prisoner remains in that housing, a
17 member of the place of detention shall advise the prisoner of the prisoner's right to petition under
18 this section and advise the prisoner that staff at the place of detention may also, at the prisoner's
19 request, petition on the prisoner's behalf. If the prisoner requests, either orally or in writing, that
20 staff at the place of detention petition under this subsection, an employee, representative, agent
21 or other designee of the place of detention shall file a petition with the appropriate court within
22 12 hours. If a prisoner, a prisoner's legal representative or a staff person files a petition in a court
23 that lacks jurisdiction under this subsection, the clerk of the court shall, as soon as is practicable,
24 determine the court with jurisdiction and forward the petition to that court for adjudication. The
25 court may order periodic reviews of transfers under this subsection.