

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Joanne M. Comerford***

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*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 establishing a jail and prison construction moratorium.**

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PETITION OF:

NAME:

*Joanne M. Comerford*

DISTRICT/ADDRESS:

*Hampshire, Franklin and Worcester*

**SENATE . . . . . No.**

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[Pin Slip]

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2821 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act establishing a jail and prison construction moratorium.

*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 7C of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 73. (a) For the purposes of this section, the term “correctional facility” shall have  
4 the same meaning as provided in section 1 of chapter 125.

5 (b) Notwithstanding any general or special law to the contrary, a state agency or public  
6 agency shall not:

7 (i) study, plan, design, acquire, lease, search for sites, or construct new correctional  
8 facilities or detention centers;

9 (ii) expand the capacity of an existing correctional facility or detention center beyond its  
10 current design or rated capacity;

11 (iii) convert any part of an existing or dormant correctional facility or detention center for  
12 the purpose of detention or incarceration, including to change or expand the populations  
13 incarcerated in that facility or center;

14 (iv) renovate an existing or dormant correctional facility or detention center beyond  
15 performing routine maintenance and improvements limited only to ensuring compliance with  
16 federal and state law including building, health, and fire codes; installing plumbing fixtures such  
17 as toilets, showers, sinks, doors, or locks; improving food service or health services or medical  
18 service units; improving heating and cooling systems; removing restrictive housing units or other  
19 security infrastructure; improving spaces for programming and education; provided that such  
20 improvements shall not increase a facility's bed capacity and must result in improved living  
21 conditions for incarcerated people;

22 (v) repair an existing or dormant correctional facility or detention center for the purposes  
23 of expanding the facility or center, or increasing its bed capacity.

24 SECTION 2. (a) For purposes of this section, the term "county jail and regional lockup  
25 facility" shall mean a facility operated by a county sheriff that, as of the effective date of this act,  
26 is used for all of the following: (i) the detention of convicted offenders; (ii) as a jail, as that term  
27 is described in section 4 of chapter 126 of the General Laws; and (iii) as a regional lockup  
28 facility utilized by more than 1 municipal law enforcement agency for the detention of arrestees.

29 (b) Notwithstanding clause (iii) of subsection (b) of section 73 of chapter 7C of the  
30 General Laws, in the event that a county jail and regional lockup facility is closed due to the  
31 closure of a county jail, the county sheriff may transfer no more than 30 beds from the closed

32 facility to an existing county correctional facility, as that term is defined in section 1 of chapter  
33 125 of the General Laws, within the same county.

34 SECTION 3. Section 73 of chapter 7C of the General Laws is hereby repealed.

35 SECTION 4. Section 2 of this act is hereby repealed.

36 SECTION 5. Sections 3 and 4 shall take effect 5 years after the effective date of this act.