HOUSE DOCKET, NO. 1800 FILED ON: 1/20/2011

HOUSE . . . . . No. 1376

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

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 affecting the housing of prisoners.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	*11th Hampden*
Gloria L. Fox	*7th Suffolk*
Denise Provost	*27th Middlesex*

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HOUSE . . . . . No. 1376

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1376) of Benjamin Swan, Gloria L. Fox and Denise Provost relative to the housing of prisoners in correctional institutions of the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1753* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act affecting the housing of prisoners.

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. Whereas, citizens and legal residents sentenced to serve prison sentences in the Massachusetts Correctional system have a right to be assigned to a site located within the borders of the commonwealth in order that parents, friends, or significant others might be allowed visitation privileges; and

Whereas, visitations and family support play a major role in the rehabilitative process, denial of which constitutes added punishment not ordered by the sentencing judge nor included as a part of the original sentence; and

Whereas, the housing of inmates in distant locations, outside the boundaries of the commonwealth, denies family members of the inmates and the general public the privilege of

10 reasonable visitation. The total time and cost associated with travel required for such visitations
11 constitute a denial of the rights of family members and the concerned public; and

12 Whereas, transporting and housing Massachusetts prisoners out-of-state to distant
13 locations constitutes cruel and unusual punishment, a type of inhumanity treatment reminiscent
14 of a slavery-like experience, therefore it is hereby resolved that citizens and legal residents of the
15 commonwealth who are ordered by the court to serve a period of incarceration shall serve such
16 incarceration as ordered in a correctional facility which is physically located within the
17 boundaries of the Commonwealth of Massachusetts, exceptions shall be made only in the case an
18 inmate has requested, through proper channels, a transfer to another state's jurisdiction and/or
19 the Department of Corrections would have deemed a transfer to be in the interest of an inmate's
20 personal safety.

21 SECTION 2. Notwithstanding any act to the contrary, the act shall require all
22 citizens and legal residents of the commonwealth who are sentenced by a court to incarceration
23 in the Massachusetts Department of Corrections, to serve such incarceration in a facility which is
24 physically located within the boundaries of the commonwealth, unless an inmate shall have
25 personally requested a transfer out of state, and/or the inmate's personal safety is at risk as set
26 forth in Section 1.