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HOUSE . . . . . No. 4372

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the treatment of mentally ill in prisons.

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. Section 1 of chapter 127 of the General Laws, as appearing in the 2006
2 Official

3 Edition, is hereby amended by inserting after the definition of "Commissioner" the
4 following

5 definition: -

6 "Mental health professional," a psychiatrist, psychologist, licensed clinical social worker
7 (LICSW) or licensed mental health counselor (LMHC) who is licensed to practice in the

8 commonwealth pursuant to chapter one hundred and twelve.

9 SECTION 2. Said section 1 of said chapter 127, as so appearing , is hereby further
10 amended by

11 inserting after the definition of "Parole board" the following definition: -

12 "Residential treatment unit," a therapeutic housing unit within a correctional facility that
13 is

14 operated for the purpose of providing treatment and rehabilitation for I I prisoners.

15 SECTION 3. Section 39 of said chapter 127, as so appearing, is hereby amended by
16 striking out

17 the first paragraph and inserting in place thereof the following paragraph:-

18 Except as provided in section 39A of this chapter, at the request of the superintendent of
19 any

20 correctional institution of the commonwealth, the commissioner may authorize the
21 transfer, for

22 such period as s/he may determine, to a segregated unit within any correctional institution
23 of the

24 commonwealth, of any inmate whose continued retention in the general institution
25 population is

26 detrimental to the program of the institution.

27 SECTION 4. Said chapter 127, as so appearing, is hereby amended by inserting after
28 section 39

29 the following section:

30 Section 39A. Diversion to residential treatment units

31 (a) When an inmate is confined to a segregated unit, the superintendent shall arrange for
32 a mental

33 health professional to assess the mental health of the inmate and to review the inmate's
34 mental

35 health record within twenty-four hours. Inmates remaining in such confinement shall be

36 reassessed at a minimum of two times per week thereafter. Mental health assessments
37 shall be

38 conducted in a confidential manner.

39 (b) As part of all mental health assessments conducted pursuant to paragraph (a) of this
40 section,

41 mental health professionals shall identify for diversion or removal from such segregated
42 unit any

43 inmate who meets the criteria set forth in paragraph (c) of this section. Inmates identified
44 for

45 diversion or removal from a segregated unit shall, within thirty days of the assessment,

46 be diverted or removed from such unit and placed in a residential treatment unit or
47 provided with

clinically appropriate treatment in general population. While awaiting transfer, the mental health status of such inmates shall be afforded the opportunity to speak to a mental health clinician at least five (5) days per week. Such inmates shall also be afforded the opportunity for in-cell programming and additional out-of-cell recreation.