

HOUSE No. 2088

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 ensure compliance with the anti-shackling law for pregnant incarcerated women.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|--|
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> |
| <i>Carlos Gonzalez</i> | <i>10th Hampden</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |

| | |
|------------------------------------|---------------------------------------|
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> |

HOUSE No. 2088

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2088) of Kay Khan and others for legislation to further amend the anti-shackling statute for incarcerated pregnant women. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to ensure compliance with the anti-shackling law for pregnant incarcerated women.

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. Said subsection (b) of said section 118 of said chapter 127 of the General
2 Laws, as appearing, is hereby amended further by adding the following paragraph:-

3 For the purposes of this section, “postpartum recovery” shall mean the time period that
4 occurs immediately following childbirth up to a minimum of 6 weeks, or longer as determined
5 by a physician.

6 SECTION 2. Subsection (b) of section 118 of chapter 127 of the General Laws, as
7 appearing in the 2016 Official Edition, is hereby amended by striking out, in line 45, the words
8 “post-delivery recuperation,” and inserting in place thereof the following words:- “postpartum
9 recovery”.

10 SECTION 3. Said subsection (b) of said section 118 of said chapter 127 of the General
11 Laws, as so appearing, is hereby further amended by inserting, in line 46, after the word
12 “physician” the following words:- “or emergency medical personnel”.

13 SECTION 4. Said subsection (b) of said section 118 of said chapter 127 of the General
14 Laws, as so appearing, is hereby further amended by striking out, in line 62, the words “post-
15 delivery recuperation” and inserting in place thereof the following words:- “postpartum
16 recovery”.

17 SECTION 5. Said subsection (b) of said section 118 of said chapter 127 of the General
18 Laws, as so appearing, is hereby further amended by inserting, in line 72, after the word
19 “inmate” the following words:- “under any circumstances or in any setting”

20 SECTION 6. Said subsection (b) of said section 118 of said chapter 127 of the General
21 Laws, as so appearing, is hereby further amended by inserting, in line 78, after the word
22 “superintendent” the following words:- “of a state correctional facility or administrator of a
23 county facility.”

24 SECTION 7. Said subsection (b) of said section 118 of said chapter 127 of the General
25 Laws, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

26 The commissioner of correction and administrator of each county correctional facility
27 shall require annual training of staff members who transport or supervise female prisoners as to
28 the provisions of this section.

29 Any time restraints are used on a pregnant or postpartum inmate, the superintendent of a
30 state correctional facility or administrator of a county correctional facility shall submit a report
31 within 48 hours to the secretary of public safety and security, which shall include the date, time,
32 duration, location and the rationale for the use of restraints, provided, however, that such reports
33 shall not contain individually identifying information.

34 The secretary of public safety shall submit to the legislature a public report detailing
35 compliance with this section, including all incidents involving use of restraints which shall be
36 filed no later than July 1 of each year with the clerks of the senate and house of representatives,
37 the chairs of the joint committee on public safety and homeland security and the chairs of the
38 joint committee on the judiciary.