

HOUSE No. 2494

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: |
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| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> |
| <i>Byron Rushing</i> | <i>9th Suffolk</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Bradford R. Hill</i> | <i>4th Essex</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Aaron Michlewitz</i> | <i>3rd Suffolk</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> |
| <i>Cynthia S. Creem</i> | <i>First Middlesex and Norfolk</i> |

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| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Linda Dorcena Forry</i> | <i>First Suffolk</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |
| <i>Thomas M. McGee</i> | <i>Third Essex</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>Daniel Cahill</i> | <i>10th Essex</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> |
| <i>Nick Collins</i> | <i>4th Suffolk</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Brendan P. Crighton</i> | <i>11th Essex</i> |
| <i>Daniel Cullinane</i> | <i>12th Suffolk</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Dylan Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i> |
| <i>Solomon Goldstein-Rose</i> | <i>3rd Hampshire</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>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Stephen Kulik</i> | <i>1st Franklin</i> |
| <i>Jack Lewis</i> | <i>7th Middlesex</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Juana Matias</i> | <i>16th Essex</i> |

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| <i>Keiko M. Orrall</i> | <i>12th Bristol</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Jose F. Tosado</i> | <i>9th Hampden</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>Thomas P. Walsh</i> | <i>12th Essex</i> |

HOUSE No. 2494

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2494) 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 Ninetieth General Court
(2017-2018)**

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. Subsection (b) of section 118 of chapter 127 of the General Laws, as
2 appearing in the 2014 Official Edition, is hereby amended by striking out, in line 45, the words
3 “post-delivery recuperation,” and inserting in place thereof the following words:- “postpartum
4 recovery of 6 weeks, or longer”.

5 SECTION 2. Said subsection (b) of said section 118 of said chapter 127 of the General
6 Laws, as so appearing, is hereby further amended by inserting, in line 46, after the word
7 “physician” the following words:- “or emergency medical personnel”.

8 SECTION 3. Said subsection (b) of said section 118 of said chapter 127 of the General
9 Laws, as so appearing, is hereby further amended by striking out, in line 62, the words “post-
10 delivery recuperation” and inserting in place thereof the following words:- postpartum recovery
11 of 6 weeks, or longer as determined by the attending physician.

12 SECTION 4. Said subsection (b) of said section 118 of said chapter 127 of the General
13 Laws, as so appearing, is hereby further amended by inserting, in line 72, after the word
14 “inmate” the following words:- under any circumstances or in any setting.

15 SECTION 5. Said subsection (b) of said section 118 of said chapter 127 of the General
16 Laws, as so appearing, is hereby further amended by inserting, in line 78, after the word
17 “superintendent” the following words:- of a state correctional facility or administrator of a
18 county facility.

19 SECTION 6. Said subsection (b) of said section 118 of said chapter 127 of the General
20 Laws, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

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

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

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