

**SENATE . . . . . No. 2662**

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**The Commonwealth of Massachusetts**

—  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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SENATE, April 27, 2020.

The committee on Children, Families and Persons with Disabilities to whom was referred the petition (accompanied by bill, Senate, No. 1379) of Sonia Chang-Diaz, Mike Connolly, Jack Patrick Lewis, Jason M. Lewis and other members of the General Court for legislation to strengthen inmate visitation, reports the accompanying bill (Senate, No. 2662).

For the committee,  
Sonia Chang-Diaz

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**The Commonwealth of Massachusetts**

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

An Act to strengthen inmate visitation.

*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 36C of chapter 127 of the General Laws, as amended by section 92  
2 of chapter 69 of the acts of 2018, is hereby amended by striking out the second sentence and  
3 inserting in place thereof the following sentences:-

4           For the purposes of this section, to unreasonably limit in-person visitation of inmates  
5 shall include, but not be limited to:

6           (a) providing an eligible inmate fewer than 3 opportunities for in-person visitation during  
7 any 7-day period;

8           (b) placing limitations on the number of unique individuals who may be eligible to visit  
9 the inmate;

10           (c) prohibiting an individual from visiting more than one inmate in the custody of the  
11 department of correction, or more than one inmate in the same facility, absent an individual

12 determination that such visitation would pose a threat to security or orderly running of the  
13 facility;

14 (d) requiring eligible visitors to submit more private and personal information to be pre-  
15 approved to visit than is strictly necessary for the safety and security of the institution and/or  
16 without complying with all applicable statutes, regulations, and orders governing the protection  
17 of sensitive and/or private personal information;

18 (e) limiting inmates to receiving visitors from a pre-approved list without permitting  
19 inmates to update their list upon request, or limiting inmates to receiving visitors from a pre-  
20 approved list without providing a reasonable process for the inmate to request an exception  
21 allowing for approval of visitors where visitation could not have been reasonably foreseen. Such  
22 requests shall be approved within 10 calendar days absent an individual determination that such  
23 visitation would pose a threat to security or orderly running of the facility;

24 (f) refusing to permit a visitor or visitors who previously visited an inmate without  
25 incident or who was on an inmate's previously approved visitor list to visit that inmate upon his  
26 or her admission or transfer to a new facility, absent a specific determination that such visitor(s)  
27 would pose a threat to security or orderly running of the facility; or requiring a new pre-approved  
28 list of authorized visitors upon an inmate's admission or transfer to a new facility without  
29 permitting at least two adult visitors and any of the inmate's minor children to visit the inmate  
30 pending authorization of the inmate's visitor applicants;

31 (g) excluding a visitor from eligibility solely on the basis of their status as formerly  
32 incarcerated;

33 (h) excluding a visitor from eligibility solely on the basis of their role, past or present, as  
34 a volunteer in a state or federal prison, jail or house of correction;

35 (i) excluding a visitor from eligibility unless there is a reasonable individualized  
36 suspicion that their visitation poses a threat to institutional security, articulated in writing to the  
37 excluded person, and articulating a fixed period of time with an expiration date for the exclusion;  
38 and further without providing the excluded person the right to appeal their exclusion as well as to  
39 have their exclusion re-evaluated after no more than one year has passed;

40 (j) prohibiting an inmate from holding their minor children, or prohibiting inmates or  
41 visitors from playing with or instructing their children, or, where there is a designated children's  
42 area, prohibiting inmates or visitors from playing with or instructing their children within the  
43 confines of that area.

44 (k) prohibiting prisoners and visitors from sitting side by side or from engaging in  
45 reasonable physical contact, including but not limited to a brief handshake, hug, and/or closed-  
46 mouth kiss;

47 (l) prohibiting contact visitation wherever such visitation is feasible;

48 (m) removing contact visitation as a disciplinary measure for more than 15 days;

49 (n) implementing a dress code that is unreasonable and fails to respect a visitor's religion,  
50 race, class, culture, gender identity, and sexual orientation; "unreasonable" includes but is not  
51 limited to barring any clothing or accessory that does not pose a threat to security or the orderly  
52 running of the facility or preventing a visitor whose dress was deemed unacceptable from  
53 returning during a designated visiting period on the same day with alternate clothing;

54 (o) turning away a visitor on the basis of a dress code violation without consulting the  
55 superintendent, shift commander, or designee, provided, however, that if a visitor is turned away  
56 for a dress code violation that the specific reason must be in writing and provided to the visitor  
57 upon request;

58 (r) prohibiting inmates in restrictive housing from having access to the same visitation as  
59 prisoners in general population, provided, however, that visits may be restricted for up to 15 days  
60 for a disciplinary offense;

61 (s) failing to provide a separate confidential room for legal visits in each correctional  
62 facility;

63 (t) prohibiting daily access to visitation during all facility or hospital visiting hours  
64 should an inmate be transferred to an outside facility or hospital and be in critical condition or in  
65 imminent danger of death;

66 (u) failing to establish a policy that visitation be maximized and as free and  
67 unencumbered as possible, provided it is not inconsistent with a facility's operational and  
68 security needs.

69 (v) failing to allow inmates to use the restroom during regular visitation hours without  
70 being prohibited from resuming the visit after using the restroom.

71 (w) using a drug-detection dog to screen minor children who are otherwise conducting a  
72 lawful visit, when other drug-detection screening options are available at the facility.

73 (x) failing to post visitation schedules, including holidays and other foreseeable changes,  
74 in the visitor lobby of the facility and online at least 3 weeks in advance.

75 SECTION 2. Section 36C of chapter 127 of the General Laws, as amended by section 92  
76 of chapter 69 of the acts of 2018, is hereby amended by inserting this paragraph at the end: -

77 Every guard, corrections officer and employee of a correctional institution, jail or house  
78 of correction shall be required to attend a training session and receive educational information  
79 on; (1) the importance of ongoing visitation to individuals who are incarcerated as related to  
80 reducing recidivism, violence and increasing successful re-entry, and (2) the importance of  
81 civility and respectful conduct toward family members and other members of the public who  
82 visit individuals who are incarcerated so as to encourage visitation on a regular basis while  
83 maintaining security. Training materials and educational information shall be developed in  
84 consultation with representatives of the Massachusetts Bar Association, the Women's Bar  
85 Association, Prisoners Legal Services, ex-prisoners community based organizations, and  
86 community based re-entry programs, and prior to implementation shall be submitted to the joint  
87 committee on the judiciary and the joint committee on public safety and homeland security.