

**HOUSE . . . . . No. 1753**

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**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 passage of the accompanying bill:

An Act affecting the housing of prisoners.

PETITION OF:

NAME:

Benjamin Swan

DISTRICT/ADDRESS:

11th Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 1739 OF 2007-2008.]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### 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:*

1           SECTION 1. *Whereas*, citizens and legal residents sentenced to serve prison sentences in the Massachusetts  
2 Correctional system have a right to be assigned to a site located within the borders of the commonwealth in order  
3 that parents, friends, or significant others might be allowed visitation privileges; and

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

7           *Whereas*, the housing of inmates in distant locations, outside the boundaries of the commonwealth, denies  
8 family members of the inmates and the general public the privilege of reasonable visitation. The total time and cost  
9 associated with travel required for such visitations constitute a denial of the rights of family members and the  
10 concerned public; and

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

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