

HOUSE No. 2591**The Commonwealth of Massachusetts**

PRESENTED BY:

Marjorie C. Decker

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 build restorative family and community connection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/16/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/27/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/27/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/27/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>1/29/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/31/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/5/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/5/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/10/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/14/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/20/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/21/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/5/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>3/11/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>3/11/2025</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>3/12/2025</i>

HOUSE No. 2591

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 2591) of Marjorie C. Decker and others for legislation to to maximize visitation of incarcerated individuals. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to build restorative family and community connection.

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 36C of chapter 127 of the General Laws of 2022, is hereby amended by striking
2 out the section in its entirety and inserting in place thereof the following:

3 Section 36C.

4 (a) The Commissioner of Correction and administrators of state prisons and county
5 correctional facilities shall establish a policy to maximize visitation. The Commissioner of
6 Correction and administrators of state prisons and county correctional facilities shall not: (1)
7 prohibit, eliminate, or unreasonably limit in-person visitation of incarcerated people; or (2)
8 coerce, compel, or otherwise pressure an incarcerated person to forego or limit in-person
9 visitation. A complaint process shall be established for visitors to report any complaints related
10 to the conduct of correctional staff during or related to visitation, appealable to Commissioner of
11 Correction and Sheriffs.

(b) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall provide all incarcerated people with: (1) at least two visiting periods per day, at least one of which shall be at least four hours in length; (2) at least one eight-hour visiting period each weekend; and (3) at least one four-hour visiting period on every state and federal holiday. For purposes of this section “visiting period” includes time spent with visitors and does not include time that visitors spend processing in and out of the institution. No institution shall restrict or limit visiting area capacity below that which may be required by building or occupancy codes. If the visiting area capacity is too small to accommodate the visiting periods required by this section, then any reduction in visiting periods shall be documented in writing and reported publicly with all personal identifying information redacted. The Commissioner of Correction and administrators of state prisons and county correctional facilities shall exhaust all available means of increasing visitation capacity to meet the requirements of this section. Visitation shall not be decreased below that which is offered on January 1, 2025.

(c) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall not place limitations on the number of individuals who may be eligible to visit an incarcerated person.

(d) The Commissioner of Correction and administrators of state prisons and county correctional facilities may require pre-approval for visitors. Any pre-approval system shall (1) require only the personal information that is included on state issued identification or passport; (2) allow people to update their pre-approved visitor list on request and ensure a response to such update requests within 7 calendar days; (3) allow exceptions to the pre-approval process for first time visitors traveling from further than 75 miles away; and (4) ensure that visitors pre-approved

to visit an incarcerated person at one prison, jail, or house of correction may visit that same person if they are transferred to a different prison, jail, or house of correction. The Commissioner of Correction and administrators of state prisons and county correctional facilities shall comply with all applicable statutes, regulations, and orders governing the protection of sensitive and/or private personal information.

(e) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall permit individuals to visit more than one incarcerated person in correctional custody, including in the same facility, unless there is an individual determination that such visitation would pose a threat to security or orderly running of the facility. The incarcerated person and the visitor shall be provided with a written explanation of the basis for any such determination, including the objective reasoning and all evidence that was relied upon for the determination. Any such determination may be challenged by an action under Mass. General Laws chapter 249 section 4.

(f) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall not exclude a visitor from eligibility for any of the following reasons: (1) solely on the basis of their history of criminal conviction, status as formerly incarcerated, or parole or probation status; (2) solely on the basis of their role, past or present, as a volunteer in a state or federal prison, jail or house of correction; or (3) solely because of their participation in community functions, organizations, events, or meetings.

(g) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall not exclude a visitor from eligibility or bar an existing visitor unless there is a reasonable individualized suspicion that their visitation poses a threat to institutional

57 security. The reasonable individualized suspicion shall be articulated in writing, including
58 objective reasoning and all evidence relied upon, to the excluded or barred person and to the
59 incarcerated person they visited or attempted to visit within 5 days of the determination to
60 exclude or bar them, including an expiration date for the exclusion or barring as soon as is
61 reasonable to address the articulated threat and further providing the excluded or barred person
62 the right to appeal their exclusion or barring as well as to have their exclusion or barring re-
63 evaluated after no more than one month has passed. Any determination to exclude or bar a
64 person from visitation under this section may be challenged in an action under Mass. General
65 Laws chapter 249 section 4.

66 (h) The Commissioner of Correction and administrators of state prisons and county
67 correctional facilities shall permit all incarcerated people to hold, play with, and instruct their
68 children under the age of 18 and shall provide a designated visiting area for visitors with children
69 under the age of 18 equipped with games and educational activities. Children under the age of 18
70 shall be permitted to bring homework, subject to search, to visitation periods to work on with
71 their incarcerated loved one.

72 (i) The Commissioner of Correction and administrators of state prisons and county
73 correctional facilities shall permit incarcerated people and visitors to sit side by side and engage
74 in reasonable physical contact, including but not limited to a handshake, touching/holding hands,
75 hugging, and closed-mouth kissing during the visit.

76 (j) The Commissioner of Correction and administrators of state prisons and county
77 correctional facilities shall make reasonable accommodations for persons with disabilities for
78 equal access to visitation. Such accommodations shall not require prior approval.

(k) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall permit contact visitation, and shall permit visitation outdoors wherever such visitation is feasible.

(l) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall not deny visitation as a disciplinary measure for more than 10 calendar days.

(m) The Commissioner of Correction and administrators of state prisons and county correctional facilities shall implement a dress code that is reasonable and respects a visitor's religion, race, class, culture, gender identity, gender expression, or sexual orientation. Clothing, hair styling, and other items related to any religious practices, such as head coverings, wedding bands worn on the right hand, crescent moon jewelry, or double layer clothing for religious purposes, shall be permitted. Children ages 12 and under shall not be required to follow the adult dress code. Visitors shall be permitted to wear coats with hoods in facilities where visitors must walk outside to enter the visitation area during inclement weather. Clothing or accessories that cannot be shown to pose a threat to security or the orderly running of the facility shall be permitted. Subjective visual interpretation of clothing length or tightness is not a permissible basis to exclude or bar a visitor. Cultural or ethnic hairstyles including but not limited to box braids, cornrows, Bantu knots, locs, twists, and other natural and protective hairstyles protected under the Massachusetts "Crown Act", St. 2022, c.117, shall be permitted. A visitor whose dress was deemed unacceptable shall be permitted to return during a designated visiting period on the same day with alternate clothing. No visitor shall be turned away on the basis of a dress code violation without consulting the superintendent, shift commander, or designee, and if a visitor is turned away for a dress code violation the specific reason must be in writing, photographic

102 documentation of the violation shall be taken with consent of the visitor, and all records shall be
103 provided to the visitor upon request.

104 (n) All incarcerated people in the same prison or correctional facility shall have the same
105 access to visitation, whether they are in a general population unit or another designated unit.

106 (o) The Commissioner of Correction and administrators of state prisons and county
107 correctional facilities shall ensure separate confidential rooms for legal visits in each correctional
108 facility, and confidential rooms for legal visits shall be available to incarcerated people in a
109 general population unit and other designated units.

110 (p) Should an incarcerated person be transferred to an outside facility or hospital and be
111 in critical condition or in imminent danger of death, the Commissioner of Correction and
112 administrators of state prisons and county correctional facilities shall permit them daily access to
113 visitation during all facility or hospital visiting hours.

114 (q) Should an incarcerated person experience the death, or imminent danger of death, of
115 an immediate family member, the Commissioner of Correction and administrators of state
116 prisons and county correctional facilities shall provide them at least one confidential four-hour
117 visiting period. Incarcerated people shall be permitted to attend funeral services for immediate
118 family members at least via video call technology.

119 (r) The Commissioner of Correction and administrators of state prisons and county
120 correctional facilities shall permit incarcerated people and visitors to use the restroom during
121 regular visitation hours without being prohibited from resuming the visit after using the
122 restroom.

123 (s) The Commissioner of Correction and administrators of state prisons and county
124 correctional facilities shall not use a drug-detection dog to screen children under the age of 18
125 when other drug-detection screening options are available at the facility.

126 (t) The Commissioner of Correction and administrators of state prisons and county
127 correctional facilities shall publicly and clearly post visitation schedules and requirements related
128 to in person visitation and video communication, including holidays and other foreseeable
129 changes, in the visitor lobby of the facility and on a single page of the agency website at least 3
130 weeks in advance. All posted signs and web pages related to visitation shall be posted in multiple
131 languages.

132 (u) The Commissioner of Correction and administrators of state prisons and county
133 correctional facilities shall not conduct routine drills or other operations that prohibit or
134 otherwise interfere with or prevent visitation during visitation periods.

135 (v) All correctional institutions, jails, and houses of correction that require advanced
136 scheduling for in person visits or video communication shall allow visitors to schedule these over
137 the telephone and via a publicly accessible website.

138 (w) A correctional institution, jail or house of correction may use video or other types of
139 electronic devices for communication with visitors; provided, that such communications shall be
140 in addition to and shall not replace in-person visitation, as prescribed in this section.

141 Video or other such electronic communication with visitors shall comply with the
142 provisions of Chapter 127 Section 36C. Video and electronic communication with visitors may
143 be less restrictive than in person visitation and shall not be more restrictive than in person
144 visitation. Any visitor that has been pre-approved for in-person visitation or for telephone calls

shall be considered automatically pre-approved for video or electronic communication. In video communication, multiple pre-approved visitors shall be permitted to visit simultaneously, without limitation. Video or electronic communication shall be no less than 60 minutes per video or electronic communication session. Children under the age of 18 shall always be allowed to be on screen with adults during video or other electronic communication, notwithstanding any other rules or procedures to the contrary. The dress code shall not apply to video or electronic communication and all applicable laws regarding public decency shall be followed. Incarcerated people shall not be strip searched prior or subsequently to video or electronic communication with personal or legal visitors. There shall be no cost associated with any video or electronic communication with visitors. Arrangements for alternative means of video or electronic communication shall be made available for visitors who reside in a state or country outside of the service area of any contracted video or electronic communication provider.

(x) Nothing in this section shall prohibit the temporary suspension of visitation privileges for good cause including as a disciplinary measure subsequent to a guilty finding at a disciplinary hearing or during a bona fide emergency.

(y) Every corrections officer, staff person, administrator and employee of a correctional institution, jail or house of correction shall be required to attend a bi-annual training session and receive educational information on: (1) the importance of ongoing visitation to individuals who are incarcerated as related to reducing recidivism, reducing violence, and increasing successful re-entry; (2) the importance of civility and respectful conduct toward family members and other members of the public who visit individuals who are incarcerated so as to encourage visitation on a regular basis while maintaining security; and (3) awareness and sensitivity to racial, cultural, gender, gender identity, gender expression, sexual orientation, disability, language, and

168 religious needs and differences. Training session materials and educational information shall be
169 developed in consultation with representatives of the Massachusetts Bar Association, the
170 Women's Bar Association, Prisoners' Legal Services, formerly incarcerated persons,
171 community-based organizations, and community-based re-entry programs, and prior to
172 implementation shall be submitted to the Joint Committee on the Judiciary and the Joint
173 Committee on Public Safety and Homeland Security.

174 (z) Any corrections officer, staff person, administrator, or employee of a correctional
175 institution, jail, or house of correction who refuses training under subsection (y) or who is
176 otherwise found in violation of any provision of G.L. c. 127 s. 36C shall not be regularly
177 scheduled to oversee or to work in visiting areas or visitor processing and shall not be scheduled
178 if a correctional officer in compliance with this section is available to oversee or to work in
179 visiting areas or visitor processing.