

HOUSE No. 3451

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 prohibiting the solitary confinement of inmates 21 years of age or younger.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>

<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 3451

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 3451) of David M. Rogers and others relative to prohibiting the solitary confinement of inmates 21 years of age or younger. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act prohibiting the solitary confinement of inmates 21 years of age or younger.

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 39 of chapter 127 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following 2 paragraphs:-

4 At the request of the superintendent of any correctional institution of the commonwealth,
5 the commissioner may authorize the transfer, for such period as he may determine, to a
6 segregated unit within any correctional institution of the commonwealth, of any inmate over 21
7 years of age whose continued retention in the general institution population is detrimental to the
8 program of the institution.

9 At the request of the superintendent of any correctional institution of the commonwealth,
10 the commissioner may authorize the transfer, for no longer than 48 hours, to a segregated unit
11 within any correctional institution of the commonwealth, of any inmate 21 years of age or
12 younger who poses an immediate and substantial threat to the safety of other inmates or officers.

13 If after 48 hours, in the opinion of the superintendent, conclusive evidence exists, as documented
14 in a written report, that the inmate continues to pose an immediate and substantial threat to other
15 inmates or officers, the inmate may remain in the segregated unit up to an additional 24 hours.
16 The written report shall include reasons why the superintendent believes the inmate continues to
17 pose an immediate and substantial threat to the safety of other inmates or officers.

18 SECTION 2. Section 40 of said chapter 127, as so appearing, is hereby amended by
19 striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

20 For the enforcement of discipline, an inmate over 21 years of age in any correctional
21 institution of the commonwealth may, at the discretion of its superintendent, be confined, for a
22 period not to exceed 15 days for any one offense, to an isolation unit.

23 Any inmate, 21 years old or younger in any correctional institution, who poses an
24 immediate and substantial threat to the safety of other inmates or officers, may, at the discretion
25 of the superintendent, be confined to an isolation unit for a period not to exceed 48 hours.

26 SECTION 3. Section 41 of said chapter 127, as so appearing, is hereby amended by
27 striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

28 The superintendent or keeper of a jail or house of correction may set aside in such jail or
29 house of correction 1 or more cells to be used as isolation units and for the enforcement of
30 discipline may confine any inmate over 21 years of age thereto; but no prisoner shall be confined
31 to such isolation unit for more than 3 days without informing the sheriff or the county
32 commissioners thereof and of the reasons therefor; and in no case for more than 10 days for any
33 one offense.

34 Any inmate, 21 years old or younger in any jail or house of correction, who poses an
35 immediate and substantial threat to the safety of other inmates or officers, may, at the discretion
36 of the superintendent or administrator, be confined to an isolation unit for a period not to exceed
37 48 hours.