

**HOUSE . . . . . No. 794**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sean Garballey***

*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 relative to medical placement of terminal and incapacitated inmates.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>

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By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 794) of Sean Garballey and others relative to the criteria for the release of terminally ill inmates to alternative locations of confinement. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1628 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to medical placement of terminal and incapacitated inmates.

*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: Chapter 127 of the General Laws, as appearing in the 2012 Official Edition,  
2 is hereby amended by inserting after section 117A, the following new section:-

3 "Section 117B. The Commissioner of the Department of Correction or a Sheriff may  
4 petition a Court of original jurisdiction for an Order permitting the transfer of a terminally ill or  
5 permanently incapacitated inmate, as certified by the physician or director of medical care at the  
6 correctional facility, to receive medically appropriate care at an alternative location, which shall  
7 include a hospital, nursing facility, hospice program or other setting where the inmate may  
8 receive hospice services from an entity licensed pursuant to section 57D of chapter 111, or  
9 residential care facility, provided that the transfer is not inconsistent with public safety. The  
10 Commissioner or Sheriff shall monitor all individuals transferred under this section and order the

11 return of the inmate to the correctional facility if at any time the physician or director of medical  
12 services subsequently determines that the inmate does not have a terminal or permanently  
13 incapacitating medical condition, or that care outside the correctional facility is not medically  
14 appropriate."