

SENATE No. 1651

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 human rights and improved outcomes for incarcerated people.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/21/2025</i>

SENATE No. 1651

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1651) of Cynthia Stone Creem and Sal N. DiDomenico for legislation relative to rehabilitation, re-entry, and human rights for incarcerated persons. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1493 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to human rights and improved outcomes for incarcerated people.

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, as appearing in the 2022 Official Edition, is hereby amended
2 by inserting the following new section immediately after section 48B:-

3 Section 48C:

4 (a) Definitions. For purposes of this section, the following definitions apply:

5 “Cell” means any room, area, or space that is not a shared space conducive to
6 meaningful, regular, and congregate social interaction among many people in a group setting,
7 where an individual is held for any purpose.

8 “Congregate” means a group of at least five incarcerated people together in a space
9 without barriers between them.

“Out of cell” means a space outside of, and in an area away from, a cell, in a group setting with other incarcerated people all in the same shared space without physical barriers, conducive to meaningful and regular social interaction and activity.

(b) The commissioner and administrators of state prisons and county facilities shall, by the effective date of this legislation, promulgate regulations to maximize out of cell time and opportunities for participation of incarcerated people in education, training, employment, and all other programming including programming related to rehabilitation, health care, and substance use. At a minimum, the commissioner and administrators of state prisons and county facilities shall ensure that:

(1) All incarcerated people shall have the opportunity to access at least six hours of out of cell congregate programming at least five days per week. For incarcerated people who are eligible to earn good conduct deductions, at least three of the six hours offered shall be eligible for good conduct deductions under Mass. Gen. Laws chapter 127 section 129D. Programming may be peer led, staff led, or volunteer led. Programming in addition to that which is required by this section shall be maximized and may include individual tablet-based programming as well as other individual and out of cell congregate programming.

(2) All incarcerated people shall have the opportunity to access vocational and educational training and work opportunities, including in the community. Community partnerships for educational and vocational training shall be maximized, and educational and vocational training shall be updated in accordance with evolving community needs to increase the potential for successful re-entry. Opportunities for educational and vocational certifications shall be maximized.

(3) Every incarcerated person's personal programming plan shall be informed by initial assessment and collaborative input from the incarcerated person, administrators, correctional programming staff, re-entry staff, and mental health staff. If an incarcerated person is parole eligible, administrators of state prisons and county facilities shall send their personal programming plan to the parole board for review and recommendations within ninety days and shall adjust the programming plan to maximize chances of successful parole.

(4) All incarcerated people who are eligible to earn good conduct deductions shall have the opportunity to earn the maximum allowable good conduct deductions pursuant to Mass. Gen. Laws chapter 127 section 129D every month through a combination of in-person and virtual education, vocational, and rehabilitative programming and work.

(5) All incarcerated people shall have the opportunity to create organizations and affinity groups for peer support, peer-led programming, and self-improvement.

(6) Except for during a declared major disorder, all incarcerated people shall be offered at least eight hours out of cell per day. Out of cell time shall not be reduced because of short staffing or due to modified operations. Incarcerated people shall not be handcuffed, shackled, restrained to a chair or table, or otherwise restrained during out of cell time. The commissioner and administrators of state prisons and county facilities shall not reduce out of cell time as it was offered as of the date of the passage of this law.

(7) All incarcerated people shall have access to at least one hour per day of congregate recreation outdoors in an open yard, where they can all reasonably move around, exercise and have social interaction without physical barriers or mechanical restraints. Weather permitting, this recreation shall be offered in an uncovered location. Weather appropriate clothing shall be

provided. The commissioner and administrators of state prisons and county facilities shall not reduce outdoor recreation time as it was offered as of the date of the passage of this law.

(8) All incarcerated people shall be treated with dignity and cultural sensitivity and shall not be discriminated against on the basis of age, race, ethnicity, nationality, language, sexuality, gender identity, citizenship status, disability, alleged or charged crime.

(9) All incarcerated people shall receive access to in-person visitation at least in accordance with Mass. Gen. Laws chapter 127 section 36C.

(10) All incarcerated people shall receive medical care, substance use disorder treatment, and mental health care in line with the community standard of care, state regulations, and agency contracts.

(11) All incarcerated people shall have access to water quality that meets the Massachusetts Department of Environmental Protection's most recent standards and guidelines for contaminants in Massachusetts drinking water, daily showers, and flushable toilets.

(12) All incarcerated people shall have access to a library where they can access legal and other reading materials at least three times weekly. Tablets shall be utilized wherever feasible to provide access to law library and other educational materials in addition to regular law library access.

(13) All correctional facilities must maintain temperatures in every habitable area of at least 68°F, between 7:00 A.M. and 11:00 P.M, and at least 64°F, between 11:01 P.M. and 6:59 A.M. The temperature should at no time exceed 78°F.

(c) The Commissioner shall collect data from the counties and publish a snapshot report on January first of each year with, for each state prison, county jail and house of correction, (1) how many people are in custody; (2) how many people are enrolled in an educational program, and how many of those are earning good conduct deductions; (3) how many people are enrolled in a rehabilitative program, and how many of those are earning good conduct deductions; (4) how many people are enrolled in vocational training, and how many of those are earning good conduct deductions; (5) how many people are working in a community based job, community based vocational program, or community based educational program; and (6) how many people have at least eight hours out of cell daily as defined by this section. This data shall also be collected and reported by race, gender, sexual orientation, and gender identity.

SECTION 2. Section 48 of Chapter 127, as appearing in the 2022 Official Edition, is hereby amended by striking the second paragraph and inserting in place thereof the following:-

The commissioner shall ensure that each facility provide educational programs that earn high school credit toward graduation, vocational classes, and high school equivalency classes and certificate programming to all persons who are committed to the custody of the department or to a county correctional facility who have not obtained a high school degree or equivalency. For people who do not speak English as their first language, English as a Second Language classes shall be offered. These educational programs shall be sufficiently staffed at all state prisons, county jails, and houses of correction to ensure access without waiting lists. These educational programs shall be provided regardless of classification or disciplinary status. The commissioner shall ensure that each facility provides community college or four-year college programming for all students who have already received a high school diploma or equivalency and who express interest in higher education. In addition to each such facility providing at least one general high

97 school equivalency (GED) class, each facility shall also include specialized, age-appropriate
98 educational classes for emerging adults, including all individuals ages 18 thru 25, for both
99 individuals who have and have not obtained a high school degree or equivalency, including but
100 not limited to: (1) classes that earn credit toward high school graduation; (2) special education
101 classes and supports in line with the educational goals identified in students' individualized
102 educational programs; (3) high school equivalency classes and testing opportunities; (4)
103 vocational education classes; (5) college and workforce readiness classes; and (6) credit-bearing
104 community college and college classes. All emerging adults shall have the opportunity to access
105 at least 4 hours of educational programming daily at least five days a week.

106 SECTION 3. This legislation shall come into effect 120 days after passage.