

HOUSE No. 1739

By Mr. Swan of Springfield, petition of Benjamin Swan and others relative to the housing of prisoners in correctional institutions of the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Benjamin Swan	Patricia D. Jehlen
William N. Brownsberger	Carl M. Sciortino, Jr.
Willie Mae Allen	Gloria L. Fox

In the Year Two Thousand and Seven.

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
2 serve prison sentences in the Massachusetts Correctional system
3 have a right to be assigned to a site located within the borders of the
4 Commonwealth in order that parents, friends, or significant others
5 might be allowed visitation privileges; and
6 *Whereas*, visitations and family support play a major role in the
7 rehabilitative process, denial of which constitutes added punishment
8 not ordered by the sentencing judge nor included as a part of the
9 original sentence; and
10 *Whereas*, the housing of inmates in distant locations, outside the
11 boundaries of the Commonwealth, denies family members of the
12 inmates and the general public the privilege of reasonable visitation.
13 The total time and cost associated with travel required for such visi-
14 tations constitute a denial of the rights of family members and the
15 concerned public; and
16 *Whereas*, transporting and housing Massachusetts prisoners out-
17 of-state to distant locations constitutes cruel and unusual punish-
18 ment, a type of inhumanity treatment reminiscent of a slavery-like
19 experience, *therefore it is hereby resolved* that citizens and legal

20 residents of the Commonwealth who are ordered by the court to
21 serve a period of incarceration shall serve such incarceration as
22 ordered in a correctional facility which is physically located within
23 the boundaries of the Commonwealth of Massachusetts, exceptions
24 shall be made only in the case an inmate has requested, through
25 proper channels, a transfer to another state's jurisdiction and/or the
26 Department of Corrections would have deemed a transfer to be in
27 the interest of an inmate's personal safety.

1 SECTION 2. Notwithstanding any act to the contrary, the act shall
2 require all citizens and legal residents of the Commonwealth who
3 are sentenced by a court to incarceration in the Massachusetts
4 Department of Corrections, to serve such incarceration in a facility
5 which is physically located within the boundaries of the Common-
6 wealth, unless an inmate shall have personally requested a transfer
7 out of state, and/or the inmate's personal safety is at risk as set forth
8 in Section 1.