

HOUSE No. 3444

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 searches of female inmates.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|-------------------------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> |
| <i>Cynthia S. Creem</i> | <i>First Middlesex and Norfolk</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |
| <i>Donald F. Humason, Jr.</i> | <i>Second Hampden and Hampshire</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |
| <i>Barbara L'Italien</i> | <i>Second Essex and Middlesex</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> |
| <i>Shaunna L. O'Connell</i> | <i>3rd Bristol</i> |
| <i>Keiko M. Orrall</i> | <i>12th Bristol</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |

David M. Rogers

24th Middlesex

Benjamin Swan

11th Hampden

Chris Walsh

6th Middlesex

HOUSE No. 3444

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 3444) of Kay Khan and others for legislation to further regulate strip searches of inmates. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to searches of female 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 Chapter 127 of the General Laws is hereby amended by inserting after section 21, as
2 appearing in the 2012 Official Edition, the following section:-

3 Section 21A. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Emergency or otherwise urgent situation”, a situation in which a correction officer
6 determines that a specific inmate presents an immediate and serious threat to the inmate’s own
7 safety or the safety of others.

8 “Strip search” a search in any correctional facility in which an inmate is required to
9 remove all clothing and may include a visual inspection of a nude inmate’s oral, anal or vaginal
10 cavity.

11 (b) Strip searches of inmates, including the videotaping thereof, shall not be conducted by
12 or in the immediate vicinity of a correction officer or other employee of the opposite sex, except

13 under an emergency or otherwise urgent situation. If during an emergency or otherwise urgent
14 situation, a correction officer is required to operate the camera or be in the immediate vicinity of
15 a strip search, the officer shall, immediately after the termination of such emergency or otherwise
16 urgent situation, notify, in the case of a county correctional facility, the administrator or the
17 administrator's designee, or, in the case of a state correctional facility, the superintendent or the
18 superintendent's designee. Upon such notification, the administrator, the superintendent or such
19 designees, shall produce a report detailing the situation.