

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

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Eugene L. O'Flaherty**

*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 passage of the accompanying bill:

An Act relative to the classification of prisoners

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Eugene L. O'Flaherty

2nd Suffolk

Sheriff James DiPaola

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE CLASSIFICATION 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. Section 1 of chapter 125 of the General Laws, as appearing in the 2006 Official Edition, is  
2 hereby amended by deleting all subsections after subsection (f) and inserting the following in place  
3 thereof the following subsections:-

4 (g) "custody", physical or constructive control of an inmate in a state or county correctional facility;

5 (h) "department", the department of correction;

6 (i) "gainful employment", employment within or without any correctional facility including but not  
7 limited to labor for the operation and maintenance of any correctional facility;

8 (j) "inmate", a committed offender or such other person as is placed in custody in a correctional facility in  
9 accordance with law;

10 (k) "institution", facility;

11 (l) "penal institution", correctional facility;

12 (m) "prison", correctional facility;

13 (n) "prisoner", a committed offender and such other person as is placed in custody in a correctional  
14 facility in accordance with law;

15 (o) "state correctional facility", any correctional facility owned, operated, administered or subject to the  
16 control of the department of correction, including but not limited to: Massachusetts Correctional  
17 Institution, Cedar Junction; Massachusetts Correctional Institution, Norfolk; Massachusetts Correctional  
18 Institution, Concord; Massachusetts Correctional Institution, Framingham; Massachusetts Correctional  
19 Institution, Bridgewater; Massachusetts Correctional Institution, Plymouth; Massachusetts Correctional  
20 Institution, Warwick; Massachusetts Correctional Institution, Monroe;

21 (p) "state prison", Massachusetts Correctional Institution, Cedar Junction;

22 (q) "superintendent", the chief administrative officer of a state correctional facility.

23

24 SECTION 2. Section 16 of chapter 126 of the General Laws, as so appearing, is hereby amended by  
25 striking out the first sentence and inserting in place thereof the following sentence:-  
26 The sheriff shall have custody and control of the jails in his county, and except in Suffolk county, of the  
27 houses of correction therein, and shall have custody and physical or constructive control of all prisoners  
28 committed thereto, and shall keep the same himself or by his deputy as jailer, superintendent or keeper,  
29 and shall be responsible for them.

30  
31 SECTION 3. Chapter 127 of the General Laws, as so appearing, is hereby amended by inserting after  
32 section 20A the following section:-

33 Section 20B. Classification of prisoners; day reporting

34 The sheriff of any county may establish a day reporting program under which persons sentenced to the  
35 house of correction, except sex offenders, may be classified to constructive confinement. Such program  
36 shall include electronic monitoring of prisoners classified to the day reporting program. Any inmate  
37 sentenced to such program shall agree in writing to conditions set by the sheriff, who shall retain the right  
38 to revoke or alter such classification at will.

39  
40 No prisoner shall be classified to a day reporting program under this section until he has served the  
41 minimum mandatory sentence within the house of correction to which he is committed.

42  
43 A prisoner classified to the day reporting program as set forth in this section and who abides by the  
44 conditions of said classification shall be credited time toward the serving of his sentence in the same  
45 manner as though he had served such time within the facility.

46  
47 SECTION 4. Section 21 of chapter 127 of the General Laws, as so appearing, is hereby amended, in line  
48 3, by inserting after the word "correction" the following words:-  
49 to physical or constructive confinement,

50  
51 SECTION 5. Section 16 of chapter 268 of the General Laws, as so appearing, is hereby amended by  
52 inserting after the word "branch," in line 10, the following words:-  
53 "or who, on any other form of constructive confinement, tampers with or otherwise attempts to disable  
54 electronic monitoring of the prisoner,"

55  
56 SECTION 6. Section 34 of chapter 279 of the General Laws, as so appearing, is hereby amended by  
57 inserting after the word "accordingly", in line 5, the following words,- "for the duration of the sentence  
58 and within classification guidelines of the facility to which said convict is committed."

