

# RIGHTS Act

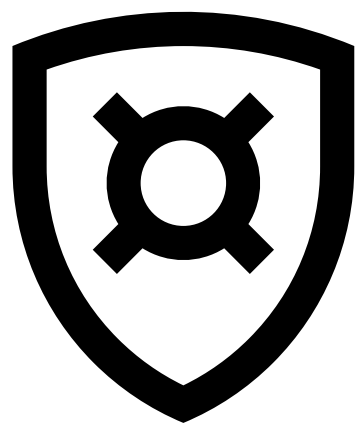
**Bill Title:** An Act to Promote Rehabilitation Including Guaranteed Health, Treatment, and Safety for Incarcerated LGBTQI+ People

**Bill No.** S.1566/ H.2484

**Sponsors:** Senator Julian Cyr and Representative Jack Patrick Lewis

The RIGHTS Act addresses the most basic needs of incarcerated LGBTQI+ people and those living with HIV. This bill ensures incarcerated LGBTQI+ people have the right to safer housing, health, and affirming programming. LGBTQI+ people and those living with HIV have identified current harm that could be mitigated and their marginalized identities could be embraced, rather than ostracized. These issues are no anomaly to Massachusetts. Across the nation, incarcerated LGBTQI+ people experience high rates of physical, sexual, and emotional abuse. Unfortunately, homophobic and transphobic violence is deeply embedded within the culture of incarceration.

## Safety



The process used to house incarcerated people lacks an appropriate screening mechanism to separate LGBTQI+ people from homophobic or transphobic people. This results in unnecessary physical and sexual violence. Inappropriate cell assignments inflame open hostility which causes avoidable violence, solitary confinement, and trauma. The RIGHTS Act would:

- **Create a process to prevent the housing of LGBTQ+ people with homophobic or transphobic people.**
- **Allow immediate access to the courts for claims involving sexual violence**

## Appropriate Programming



Shame, stigma, and social alienation in prison are fueled by a hyper-masculine culture that includes homophobia and transphobia. Fear of LGBTQI+ people contributes to violence and ignores their unique programming needs. This causes avoidable trauma and undermines rehabilitative goals. The RIGHTS Act would:

- **Allow access to LGBTQI affirming:**
  - **Books & Magazines**
  - **Movies**
  - **Self-help groups**
- **Permit the celebration of Pride Month**

## HIV Treatment and Prevention

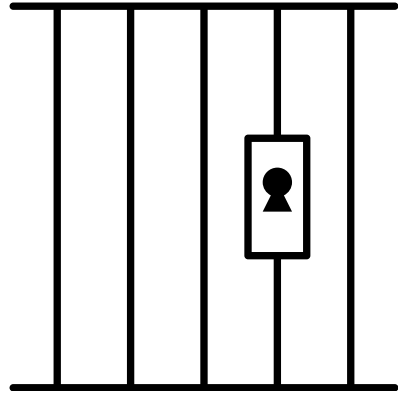


Best practices to reduce HIV transmission are not available to incarcerated people despite a high population of LGBTQI+, sex workers and people who use drugs. Unlike other states, no harm reduction tools are offered to mitigate risk of new HIV infections. Those living with HIV need access to their medication in a timely and barrier-free way. The RIGHTS Act would:

- **Provide access to PREP in order to prevent the transmission of HIV.**
- **Provide 30 day supply of PREP or HIV medication upon release.**
- **Provide literature about living well with HIV be made available.**
- **Permit HIV medication to be stored in-cell.**

## Solitary Confinement

LGBTQI+ people are disproportionately placed in solitary confinement. Solitary continues to be used as a tool of first resort to address minor issues compounded by homophobia and transphobia. Exaggerated responses that use solitary confinement are counterproductive and cause harm. The RIGHTS Act would:



- **Reduce the use of solitary confinement for LGBTQI+ people by prohibiting solitary confinement for being LGBTQI+, engaging in consensual sex, or reporting an act of sexual violence.**
- **Prohibit punishment for non-sexual touching such as hugs or handshakes.**
- **Does not preclude other forms of punishment for engaging in consensual sex.**

## Data Collection

There is a lack of publicly available quantitative and qualitative data about LGBTQI+ people and people living with HIV in custody. This prevents necessary research, treatment and community oversight. The RIGHTS Act would mandate:



- **Collection and publication of sexual orientation and gender identity data.**
- **Collection and publication of LGBTQI+ or HIV related complaints.**
- **Prisons and jails must collect and publish qualitative data related to the Prison Rape Elimination Act.**

