

Massachusetts bill would let prisoners donate organs in exchange for shorter sentence

February 9 2023, by Cara Murez



Massachusetts legislators have proposed a [bill](#) that would allow prison

inmates to donate their organs or bone marrow as a way to trim the length of their sentence.

While some experts wonder about the ethics of such a law and whether it would even be allowed under [federal law](#), a Democratic sponsor of the bill, [state Rep. Judith Garcia](#), told the *Associated Press* it could reduce [health inequities](#) from "the vicious cycle of unjust incarceration and over-policing of Black and Brown communities."

While Black and Hispanic people tend to have a higher need for [organ donation](#) because of certain [health conditions](#), discriminatory incarceration rates limit matches and lead to long waitlists for Black people, Garcia explained.

Not all experts agree with the tenets of the bill and it faces an uphill battle to passage, however.

"The bill reads like something from a dystopian novel," [Kevin Ring](#), president of Families Against Mandatory Minimums, a Washington, D.C.-based criminal justice reform advocacy group, told the *AP*.

"Promoting organ donation is good. Reducing excessive prison terms is also good. Tying the two together is perverse."

Federal law bans selling [human organs](#). George Annas, director of the Center for Health Law, Ethics & Human Rights at Boston University's School of Public Health, told the *AP* that reducing a prison sentence in exchange for organ donation is the equivalent of a payment.

"You can't buy an organ. That should end the discussion," Annas said. "It's compensation for services. We don't exploit prisoners enough?"

On the other side, bill co-sponsor Democratic state Rep. Carlos Gonzalez, said the program was voluntary and that he would be open to

an organ donation program that wasn't paired with sentence reduction.

"It's not quid pro quo. We are open to setting policy without incentives," Gonzalez said, adding that it is "crucial to respect prisoners' human dignity and agency by respecting their choice to donate bone marrow or an organ."

Under the proposal, the program would allow inmates to receive sentence reductions of 60 days to one year after donating organs or [bone marrow](#). A committee would decide how much would need to be donated for a sentence reduction.

It's not clear how prisons would care for inmates after an organ donation, the *AP* reported.

Federal inmates can currently donate organs, but only to family members, according to the *AP*.

More than 4,600 Massachusetts residents await an organ transplant, including [28% who are Black or Hispanic](#).

"It's kind of an extreme way to get your sentence reduced," Democratic House Speaker Ronald Mariano told the *AP*. "I don't know if it makes much sense."

More information: The Health Resources & Services Administration has more on [organ donation](#).

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