

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 900

PRINTER NO. 2406

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 12, 2023

PRIME SPONSOR

Representative Cephas

DESCRIPTION

House Bill 900 amends Title 61 (Prisons and Parole) implementing various changes in procedures relating to pregnant and postpartum incarcerated individuals in correctional facilities.

Section 1104 (relating to state recording system for application of restraints to pregnant prisoners or detainees) is amended to require that a correctional institution include in a written report any time a pregnant, laboring or postpartum individual in the correctional institution's custody is placed in restrictive housing in addition to any time they are placed in a restraint. The written report must include the following:

- The number and type of restraints used or the length of time the individual was placed into restrictive housing;
- The circumstances that led to the determination that the incarcerated individual represented a substantial risk of imminent flight or other extraordinary medical or security circumstances that dictated the individual be restrained or placed in restrictive housing;
- The date and time restraints were applied or the restrictive housing placement occurred;
- The badge number or identification number of the custodian or staff member who applied the restraints or placed the individual into restrictive housing;
- The badge number or identification number of any superior officers who approved using restraints or placement into restrictive housing; and
- Any visible injury of the incarcerated individual resulting from placement in the restraints.

The bill requires that, other than licensed medical professionals, only female staff shall be present in the room during the examination, labor or delivery of the pregnant incarcerated individual. If male staff remain present, that information and the reasons for the presence shall be reported to the Department of Corrections (department) or the Department of Human Services (DHS), as applicable. Nonidentifying data contained in the written reports submitted to the department or DHS shall be posted on the department's or DHS' publicly accessible internet website annually.

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Section 1758 is amended to address the County Extraordinary Occurrence Monthly Reports and information that shall be contained in the reports in order to implement similar best practices at county correctional facilities.

Title 61 is further amended by adding a new Chapter 57 (Department of Human Services Facilities) to provide for protection of children in facilities operated or licensed by the Department of Human Services and to provide training and education requirements for staff. This new chapter also requires facilities to provide menstrual hygiene and incontinence products to a child at no cost to the child regardless of financial means.

The legislation also provides for certain procedures and reporting requirements related to cavity searches of pregnant incarcerated individuals.

House Bill 900 amends Chapter 59 of Title 61 to require the department and DHS to jointly develop and provide training for correctional institution staff who have contact with a pregnant, laboring or postpartum incarcerated individual, which shall include the following:

- General care of a pregnant individual;
- Impact of restraints on a pregnant individual and unborn child;
- Impact of being placed in restrictive housing on a pregnant individual;
- Impact of invasive searches on a pregnant individual; and
- Any other pertinent information the department or DHS finds appropriate or necessary.

Finally, the legislation provides for a postdelivery bonding period for a newborn of up to 72 hours following the delivery of the newborn.

This act shall take effect in 180 days.

FISCAL IMPACT:

House Bill 900 establishes additional reporting and training requirements for state and county correctional staff, as well as staff within any correctional institution that is operated, supervised or licensed by the Department of Human Services. These facilities also are required to issue menstrual hygiene and incontinence products at no cost to incarcerated individuals.

According to the Department of Corrections, many of the provisions in this legislation are already in current department policies and procedures, and, therefore, enactment of this legislation will have no fiscal impact on the department. The Department of Human Services has indicated that enactment of this legislation will not result in any fiscal impact to that department as well.

It is anticipated that the department and DHS will develop additional reporting and training programming within existing staffing and funding levels, which will also be provided to counties to reduce any costs associated with implementing the new provisions in county facilities.