
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1798 Session of
2019

INTRODUCED BY KIM, SOLOMON, MURT, ULLMAN, FIEDLER, SCHLOSSBERG,
HILL-EVANS, KINSEY, CALTAGIRONE, MADDEN, FREEMAN, JOHNSON-
HARRELL, OTTEN, BULLOCK, FRANKEL, FITZGERALD, SANCHEZ,
SCHWEYER, McCLINTON, LEE, GALLOWAY, HOHENSTEIN AND ISAACSON,
SEPTEMBER 12, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 12, 2019

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions relating
3 to inmate confinement, further providing for healthy birth
4 for incarcerated women.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5905 of Title 61 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 5905. Healthy birth for incarcerated women.

10 * * *

11 (a.1) Alternative housing.--

12 (1) Notwithstanding any other provision of law or
13 correctional institution regulation to the contrary, the
14 correctional institution shall establish an internal family-
15 centered housing unit for incarcerated individuals and
16 detainees in the custody of the correctional institution who
17 deliver an infant upon discharge from medical facilities that

1 assist with the delivery.

2 (2) An incarcerated individual or detainee is eligible
3 for alternative housing under this section if the
4 incarcerated individual or detainee:

5 (i) Is incarcerated for an offense that is not a
6 crime of violence as defined under 42 Pa.C.S. § 9714(g)
7 (relating to sentences for second and subsequent
8 offenses).

9 (ii) Meets the health, mental health and safety
10 requirements for placement outside of a correctional
11 institution as determined by the correctional
12 institution.

13 (3) An eligible incarcerated individual or detainee
14 shall be permitted to live with the infant in the alternative
15 housing facility for a period of 18 months from the eligible
16 incarcerated individual's or detainee's discharge from a
17 medical facility.

18 (4) The correctional institution shall:

19 (i) Provide appropriate child care for the infant
20 during participation by an incarcerated individual or
21 detainee in required treatment, programs, classes and
22 work assignments.

23 (ii) Provide access to appropriate postnatal care
24 for the incarcerated individual or detainee and infant.

25 (iii) Support mother-infant bonding.

26 (5) The correctional institution shall promulgate rules
27 and regulations necessary to implement this subsection.

28 * * *

29 Section 2. This act shall take effect in one year.