

By: Noriega

H.B. No. 1770

A BILL TO BE ENTITLED

AN ACT

1
2 relating to housing and medical care for pregnant inmates, or
3 female inmates who have an infant, confined in a facility operated
4 by or under contract with the Texas Department of Criminal Justice.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 501, Government Code, is amended by
7 adding Subchapter F to read as follows:

8 SUBCHAPTER F. PREGNANT INMATES AND INMATES WHO HAVE AN INFANT

9 Sec. 501.171. DEFINITIONS. In this subchapter:

10 (1) "Correctional facility" means a facility operated
11 by or under contract with the department.

12 (2) "Inmate" means an inmate or state jail defendant
13 confined in a facility operated by or under contract with the
14 department.

15 Sec. 501.172. PROVISION OF BEDS. The department shall
16 provide 150 beds at the Carole Young Medical Facility to be used to
17 house, in accordance with this subchapter, pregnant inmates and
18 female inmates who have an infant.

19 Sec. 501.173. PREGNANT INMATES. (a) The department shall
20 transfer a pregnant inmate, before she gives birth, to the Carole
21 Young Medical Facility.

22 (b) The department shall provide a pregnant inmate housed in
23 the Carole Young Medical Facility with comfortable accommodations
24 and satisfactory medical care.

Sec. 501.174. HOUSING OF INFANTS BORN TO INMATES. (a)

Except as provided by Subsections (b) and (c), the department shall provide for an inmate who gives birth to an infant while confined in a correctional facility to be housed with the infant at the Carole Young Medical Facility until one day after the date of the infant's first birthday.

(b) The department shall remove an infant from the Carole Young Medical Facility if the department determines that the inmate is physically, mentally, or emotionally unfit to care for the infant.

(c) A child younger than 18 months old may remain with the child's mother at the Carole Young Medical Facility if the child's mother is scheduled to be released on parole or mandatory supervision not later than 90 days after the date of the child's first birthday.

Sec. 501.175. REMOVAL OF INFANT. If the department removes an infant from the Carole Young Medical Facility under Section 501.174, the department shall:

(1) release the infant to the infant's father or other relative, if the father or other relative provides satisfactory documentation that the father or other relative can properly care for and maintain the infant; or

(2) notify the Department of Family and Protective Services.

Sec. 501.176. NURSING MOTHERS. If, at the time an inmate is admitted to a correctional facility, the inmate is nursing an infant younger than one year old, the department shall transfer the

1 inmate to the Carole Young Medical Facility and provide for the
2 inmate and infant to be housed together in that facility in
3 accordance with this subchapter unless the department determines
4 that the inmate is physically, mentally, or emotionally unfit to
5 care for the infant.

6 Sec. 501.177. DEPARTMENT TO ADOPT POLICY. The department
7 shall adopt a policy to implement this subchapter. The policy must
8 provide adequate safeguards to prevent the escape of an inmate
9 residing at the Carole Young Medical Facility.

10 SECTION 2. Not later than September 1, 2008, the Texas
11 Department of Criminal Justice shall provide the beds required by
12 Subchapter F, Chapter 501, Government Code, as added by this Act,
13 and adopt the policy required by Section 501.177, Government Code,
14 as added by this Act.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2007.