

By: White, Klick, Howard, Neave, Meza

H.B. No. 650

Substitute the following for H.B. No. 650:

By: Allen

C.S.H.B. No. 650

A BILL TO BE ENTITLED

AN ACT

relating to female inmates of the Texas Department of Criminal Justice.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.032 to read as follows:

Sec. 493.032. CORRECTIONAL OFFICER TRAINING RELATED TO PREGNANT INMATES. (a) The department shall provide training relating to medical and mental health care issues applicable to pregnant inmates to:

(1) each correctional officer employed by the department at a facility in which female inmates are confined; and

(2) any other department employee whose duties involve contact with pregnant inmates.

(b) The training must include information regarding:

(1) appropriate care for pregnant inmates; and

(2) the impact on a pregnant inmate of:

(A) the use of restraints;

(B) placement in administrative segregation; and

(C) invasive searches.

SECTION 2. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.0101 to read as follows:

Sec. 501.0101. STUDY OF VISITATION POLICIES; REPORT. (a) The department shall conduct a study of the effect of the

1 department's visitation policies under Sections 501.010 and
2 507.030 on the relationships between female inmates or defendants
3 and their children. In conducting the study, the department shall:

4 (1) review:

5 (A) evidence-based visitation practices that
6 enhance parental bonding and engagement; and

7 (B) age-appropriate visitation activities for
8 children that enhance cognitive and motor skills; and

9 (2) consider implementing changes to the policies to
10 strengthen the relationships between female inmates or defendants
11 and their children.

12 (b) Not later than December 31, 2020, the department shall
13 report the results of the study to the governor, the lieutenant
14 governor, the speaker of the house of representatives, and the
15 standing legislative committees with primary jurisdiction over the
16 department.

17 (c) This section expires February 1, 2021.

18 SECTION 3. Subchapter A, Chapter 501, Government Code, is
19 amended by adding Sections 501.0215 and 501.026 to read as follows:

20 Sec. 501.0215. EDUCATIONAL PROGRAMMING FOR PREGNANT
21 INMATES. The department shall develop and provide to each pregnant
22 inmate educational programming relating to pregnancy and
23 parenting. The programming must include instruction regarding:

24 (1) appropriate prenatal care and hygiene;

25 (2) the effects of prenatal exposure to alcohol and
26 drugs on a developing fetus;

27 (3) parenting skills; and

1 (4) medical and mental health issues applicable to
2 children.

3 Sec. 501.026. LIMITATION ON CERTAIN SEARCHES. The
4 department shall adopt a policy regarding a search of any room or
5 other area that occurs while a female inmate who is not fully
6 clothed is present in the room or area. The policy must:

7 (1) require that the search be conducted by a female
8 correctional officer if one is available;

9 (2) include staffing procedures to ensure the
10 availability of female officers; and

11 (3) provide that if it is necessary for a male
12 correctional officer to conduct the search, the officer must submit
13 a written report explaining the reasons for the search to the warden
14 not later than 72 hours after the search.

15 SECTION 4. Section 501.066(a), Government Code, is amended
16 to read as follows:

17 (a) The department may not use restraints to control the
18 movement of a pregnant woman in the custody of the department at any
19 time during which the woman is pregnant [~~in labor or delivery~~] or
20 recovering from delivery, unless the director or director's
21 designee determines that the use of restraints is necessary to:

22 (1) ensure the safety and security of the woman or
23 correctional staff;

24 (2) ensure that the woman will not hurt herself, [or]
25 her infant, or any other person [~~department or medical personnel,~~
26 or any member of the public]; or

27 (3) [~~(2)~~] prevent a substantial risk that the woman

1 will attempt escape.

2 SECTION 5. Subchapter B, Chapter 501, Government Code, is
3 amended by adding Sections 501.0665, 501.0666, 501.0667, 501.0675,
4 and 501.070 to read as follows:

5 Sec. 501.0665. CERTAIN INVASIVE SEARCHES PROHIBITED. (a)
6 Except as provided by Subsection (b), any invasive body cavity
7 search of a pregnant inmate shall be conducted by a medical
8 professional.

9 (b) A correctional officer may conduct an invasive body
10 cavity search of a pregnant inmate only if the officer has a
11 reasonable belief that the inmate is concealing contraband. An
12 officer who conducts a search described by this section shall
13 submit a written report to the warden not later than 72 hours after
14 the search. The report must:

- 15 (1) explain the reasons for the search; and
16 (2) identify any contraband recovered in the search.

17 Sec. 501.0666. NUTRITION REQUIREMENTS FOR PREGNANT
18 INMATES. The department shall ensure that pregnant inmates are
19 provided sufficient food and dietary supplements, including
20 prenatal vitamins, as ordered by an appropriate medical
21 professional.

22 Sec. 501.0667. INMATE POSTPARTUM RECOVERY REQUIREMENTS.
23 (a) The department shall ensure that, for a period of 72 hours
24 after the birth of an infant by an inmate:

- 25 (1) the infant is allowed to remain with the inmate,
26 unless a medical professional determines doing so would pose a
27 health or safety risk to the inmate or infant; and

1 (2) the inmate has access to any nutritional or
2 hygiene-related products necessary to care for the infant,
3 including diapers.

4 (b) The department shall make the items described by Section
5 (a)(2) available free of charge to an indigent inmate.

6 Sec. 501.0675. PROVISION OF FEMININE HYGIENE PRODUCTS. (a)
7 In this section, "feminine hygiene product" means:

8 (1) a regular or large size tampon with a plastic
9 applicator;

10 (2) a regular or large size sanitary napkin or
11 menstrual pad with wings;

12 (3) a regular size panty liner; or

13 (4) any other similar item sold for the principal
14 purpose of feminine hygiene in connection with the menstrual cycle.

15 (b) On request of a female inmate, the department shall
16 provide free of charge to the inmate up to 10 feminine hygiene
17 products per day that comply with applicable federal standards for
18 comfort, effectiveness, and safety.

19 Sec. 501.070. TRAUMA HISTORY ASSESSMENT. The department
20 shall:

21 (1) assess each female inmate during the diagnostic
22 process to determine whether the inmate has experienced adverse
23 childhood experiences or other significant trauma; and

24 (2) refer the inmate as needed to the appropriate
25 medical or mental health care professional for treatment.

26 SECTION 6. Subchapter D, Chapter 501, Government Code, is
27 amended by adding Section 501.114 to read as follows:

1 Sec. 501.114. HOUSING REQUIREMENTS APPLICABLE TO PREGNANT
2 INMATES. (a) The department may not place in administrative
3 segregation an inmate who is pregnant or who gave birth during the
4 preceding 30 days unless the director or director's designee
5 determines that the placement is necessary based on a reasonable
6 belief that the inmate will harm herself, the inmate's infant, or
7 any other person or will attempt escape.

8 (b) The department may not assign a pregnant inmate to any
9 bed that is elevated more than three feet above the floor.

10 SECTION 7. As soon as practicable after the effective date
11 of this Act, but not later than December 1, 2019, the Texas
12 Department of Criminal Justice shall adopt rules and policies
13 necessary to implement this Act.

14 SECTION 8. This Act takes effect September 1, 2019.