

By: White

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; 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. Section 501.010, Government Code, is amended by adding Subsections (b-2) and (b-3) to read as follows:

(b-2) The uniform visitation policy must allow, for a female inmate with a child younger than 18 years of age, a minimum of two

1 contact visits per week with the child. The policy may not limit
2 the number of children younger than 18 years of age who may visit
3 the inmate during the visitation period.

4 (b-3) The uniform visitation policy may authorize a warden
5 to restrict visitation described by Subsection (b-2) as the warden
6 determines is reasonably necessary based on security concerns.

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

9 Sec. 501.0215. EDUCATIONAL PROGRAMMING FOR PREGNANT
10 INMATES. The department shall develop and provide to each pregnant
11 inmate educational programming relating to pregnancy and
12 parenting. The programming must include instruction regarding:

- 13 (1) appropriate prenatal care and hygiene;
14 (2) the effects of prenatal exposure to alcohol and
15 drugs on a developing fetus;
16 (3) parenting skills; and
17 (4) medical and mental health issues applicable to
18 children.

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

- 23 (1) require that the search be conducted by a female
24 correctional officer if one is available;
25 (2) include staffing procedures to ensure the
26 availability of female officers; and
27 (3) provide that if it is necessary for a male

1 correctional officer to conduct the search, the officer must submit
2 a written report explaining the reasons for the search to the warden
3 not later than 72 hours after the search.

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

6 (a) The department may not use restraints to control the
7 movement of a pregnant woman in the custody of the department at any
8 time during which the woman is pregnant or before the 31st day after
9 the date of [~~in labor or delivery or recovering from~~] delivery,
10 unless the director or director's designee determines that the use
11 of restraints is necessary based on a reasonable belief that the
12 [~~to~~

13 [~~(1) ensure the safety and security of the~~] woman will
14 harm herself, [or] her infant, or any other person [~~department or~~
15 ~~medical personnel, or any member of the public,~~] or

16 [~~(2) prevent a substantial risk that the woman~~] will
17 attempt escape.

18 SECTION 5. Subchapter B, Chapter 501, Government Code, is
19 amended by adding Sections 501.0665, 501.0666, 501.0667, and
20 501.0675 to read as follows:

21 Sec. 501.0665. CERTAIN INVASIVE SEARCHES PROHIBITED. (a)
22 Except as provided by Subsection (b), any invasive body cavity
23 search of a pregnant inmate shall be conducted by a medical
24 professional.

25 (b) A correctional officer may conduct an invasive body
26 cavity search of a pregnant inmate only if the officer has a
27 reasonable belief that the inmate is concealing contraband. An

1 officer who conducts a search described by this section shall
2 submit a written report to the warden not later than 72 hours after
3 the search. The report must:

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

6 Sec. 501.0666. NUTRITION REQUIREMENTS FOR PREGNANT
7 INMATES. The department shall ensure that pregnant inmates are
8 provided sufficient food and dietary supplements, including
9 prenatal vitamins, as ordered by an appropriate medical
10 professional.

11 Sec. 501.0667. INMATE POSTPARTUM RECOVERY REQUIREMENTS.

12 (a) The department shall ensure that, for a period of 72 hours
13 after the birth of an infant by an inmate:

14 (1) the infant is allowed to remain with the inmate,
15 unless a medical professional determines doing so would pose a
16 health or safety risk to the inmate or infant; and

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

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

22 Sec. 501.0675. PROVISION OF FEMININE HYGIENE PRODUCTS. (a)
23 In this section, "feminine hygiene product" means a tampon,
24 sanitary napkin, menstrual cup, menstrual sponge, menstrual pad, or
25 other similar item sold for the principal purpose of feminine
26 hygiene in connection with the menstrual cycle.

27 (b) The department shall ensure that feminine hygiene

1 products are available to female inmates in each facility operated
2 by or under contract with the department. The department shall
3 provide feminine hygiene products free of charge to an indigent
4 inmate.

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

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

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

16 SECTION 7. Section 507.030, Government Code, is amended by
17 adding Subsections (c) and (d) to read as follows:

18 (c) The visitation policy must allow, for a female defendant
19 with a child younger than 18 years of age, a minimum of two contact
20 visits per week with the child. The policy may not limit the number
21 of children younger than 18 years of age who may visit the defendant
22 during the visitation period.

23 (d) The visitation policy may authorize a director of a
24 facility to restrict visitation described by Subsection (c) as the
25 director determines is reasonably necessary based on security
26 concerns.

27 SECTION 8. As soon as practicable after the effective date

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1 of this Act, but not later than December 1, 2019, the Texas
2 Department of Criminal Justice shall adopt rules and policies
3 necessary to implement this Act.

4 SECTION 9. This Act takes effect September 1, 2019.