

House Bill 650
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 and the inmate's unborn child 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 department's visitation policies under Sections 501.010 and 507.030 on the relationships between inmates or defendants and their children. In conducting the study, the department shall:
(1) review:
(A) evidence-based visitation practices that enhance parental bonding and engagement; and

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- (B) age-appropriate visitation activities for children that enhance cognitive and motor skills; and
- (2) consider implementing changes to the policies to strengthen the relationships between inmates or defendants and their children.
- (b) Not later than December 31, 2020, the department shall report the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over the department.
- (c) This section expires February 1, 2021.

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

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

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

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

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- (1) require that the search be conducted by a female correctional officer if one is available;
- (2) include staffing procedures to ensure the availability of female officers; and
- (3) provide that if it is necessary for a male correctional officer to conduct the search, the officer must submit a written report explaining the reasons for the search to the warden not later than 72 hours after the search.

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

- (a) The department may not place [use] restraints around the ankles, legs, or waist [to control the movement] of a pregnant woman in the custody of the department at any time after the woman's pregnancy has been confirmed by a medical professional [during which the woman is in labor or delivery or recovering from delivery], unless the director, the [or] director's designee, or a medical professional determines that the use of restraints is necessary based on a reasonable belief that the [to:
- [(1) ensure the safety and security of the] woman will harm herself, [or] her unborn child or infant, or any other person [department or medical personnel, or any member of the public;] or
 - [(2) prevent a substantial risk that the woman] will attempt escape.

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

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

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

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

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

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

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

- (1) the infant is allowed to remain with the inmate, unless a medical professional determines doing so would pose a health or safety risk to the inmate or infant; and
- (2) the inmate has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.

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

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

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

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

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- (1) a regular or large size tampon with applicator;
 - (2) a regular or large size sanitary napkin or menstrual pad with wings;
 - (3) a regular size panty liner; or
 - (4) any other similar item sold for the principal purpose of feminine hygiene in connection with the menstrual cycle.
 - (b) On request of a female inmate, the department shall provide free of charge to the inmate up to 10 feminine hygiene products per day that comply with applicable federal standards for comfort, effectiveness, and safety.
- Sec. 501.070. TRAUMA HISTORY ASSESSMENT. The department shall:
- (1) assess each female inmate during the diagnostic process to determine whether the inmate has experienced adverse childhood experiences or other significant trauma; and
 - (2) refer the inmate as needed to the appropriate medical or mental health care professional for treatment.

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

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

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- (1) a regular or large size tampon with applicator;
 - (2) a regular or large size sanitary napkin or menstrual pad with wings;
 - (3) a regular size panty liner; or
 - (4) any other similar item sold for the principal purpose of feminine hygiene in connection with the menstrual cycle.
 - (b) On request of a female inmate, the department shall provide free of charge to the inmate up to 10 feminine hygiene products per day that comply with applicable federal standards for comfort, effectiveness, and safety.
- Sec. 501.070. TRAUMA HISTORY SCREENING. The department shall:
- (1) screen each female inmate during the diagnostic process to determine whether the inmate has experienced adverse childhood experiences or other significant trauma; and
 - (2) refer the inmate as needed to the appropriate medical or mental health care professional for treatment.

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

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

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

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SECTION 7. Same as House version.

SECTION 8. Same as House version.

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