

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 834

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER AND SENATOR THOMPSON REHDER.

3494S.08P

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 217, RSMo, by adding thereto eight new sections relating to the establishment of a correctional center nursery program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 217, RSMo, is amended by adding thereto
2 eight new sections, to be known as sections 217.940, 217.941,
3 217.942, 217.943, 217.944, 217.945, 217.946, and 217.947, to
4 read as follows:

**217.940. 1. This act establishes the "Correctional
2 Center Nursery Program". The department of corrections
3 shall, subject to appropriations, establish a correctional
4 center nursery in one or more of the correctional centers
5 for women operated by the department, no later than July 1,
6 2025. The purpose of the correctional center nursery
7 program is for bonding and unification between the mother
8 and child. The program shall allow eligible inmates and
9 children born from them while in the custody of the
10 department to reside together in the institution for up to
11 eighteen months post-delivery. In establishing this
12 program, neither the inmate's participation in the program
13 nor any provision of sections 217.940 to 217.947 shall**

14 affect, modify, or interfere with the inmate's custodial
15 rights to the child nor does it establish legal custody of
16 the child with the department.

17 2. As used in sections 217.940 to 217.947, the
18 following terms shall mean:

19 (1) "Correctional center nursery program", the program
20 authorized by sections 217.940 to 217.947;

21 (2) "Department", the department of corrections;

22 (3) "Public assistance", all forms of assistance,
23 including monetary assistance from any public source paid
24 either to the mother or child or any other person on behalf
25 of the child;

26 (4) "Support", the payment of money, including
27 interest:

28 (a) For a child or spouse ordered by a court of
29 competent jurisdiction, whether the payment is ordered in an
30 emergency, temporary, permanent, or modified order, the
31 amount of unpaid support shall bear simple interest from the
32 date it accrued, at a rate of ten dollars upon one hundred
33 dollars per annum, and proportionately for a greater or
34 lesser sum, or for a longer or shorter time;

35 (b) To third parties on behalf of a child or spouse,
36 including, but not limited to, payments to medical, dental
37 or educational providers, payments to insurers for health
38 and hospitalization insurance, payments of residential rent
39 or mortgage payments, payments on an automobile, or payments
40 for day care; or

41 (c) For a mother, ordered by a court of competent
42 jurisdiction, for the necessary expenses incurred by or for
43 the mother in connection with her confinement or of other
44 expenses in connection with the pregnancy of the mother.

217.941. 1. An inmate is eligible to participate in the correctional center nursery program if:

(1) She delivers the child while in the custody of the department;

(2) She is expected to give birth or gives birth on or after the date the program is implemented;

(3) She has a presumptive release date established by the parole board of eighteen months or less from the date she applies to participate in the program;

(4) She has not pled guilty to or been convicted of a dangerous felony as defined in section 556.061;

(5) She has not pled guilty to or been convicted of any sexual offense contained in chapter 566 where the victim of the crime was a minor;

(6) She has not pled guilty to or been convicted of an offense against the family contained in chapter 568, excluding criminal nonsupport; and

(7) She and the child meet any other criteria established by the department.

2. Placement into the program shall be by internal classification of the department. A sentencing court is without jurisdiction to order a placement of an inmate into the program.

3. Program capacity shall be determined by the department.

4. Upon first release of the mother and child, the child shall not be eligible to return to the program if the mother is revoked or receives a new assignment to the department of corrections.

217.942. 1. To participate in the correctional center nursery program, each eligible inmate selected by the department shall agree in writing to:

4 (1) Comply with all department policies, procedures
5 and other requirements related to the corrections nursery
6 program and rules that apply to all incarcerated offenders
7 generally;

8 (2) If eligible, have the child participate in the
9 state children's health insurance program under sections
10 208.631 to 208.658;

11 (3) Abide by any court decisions regarding the
12 allocation of parental rights and responsibilities with
13 respect to the child; and

14 (4) Specify with whom the child is to be placed in the
15 event the inmate's participation in the program is
16 terminated for a reason other than release from imprisonment.

17 2. The department shall be required to establish
18 policy for the operation of the program.

217.943. An inmate's participation in the correctional
2 center nursery program may be terminated by the department
3 if one of the following occurs:

4 (1) The inmate fails to comply with the agreement
5 entered into under section 217.942;

6 (2) The inmate violates an institutional rule that
7 results in alternative housing placement outside of the area
8 designated for the program;

9 (3) The inmate's child becomes seriously ill, cannot
10 receive the necessary medical care, or otherwise cannot
11 safely participate in the program;

12 (4) A court of competent jurisdiction grants custody
13 of the child to a person other than the inmate;

14 (5) A court of competent jurisdiction issues an order
15 granting joint custody of the child;

16 (6) A court of competent jurisdiction issues an order
17 regarding the child granting temporary, permanent, or legal

18 custody of the child to a person other than the inmate, or
19 to a public children services agency or private child
20 placing agency; or

21 (7) The inmate is released from imprisonment.

217.944. 1. The division of child support enforcement
2 shall collect support payments made pursuant to the
3 assignment and forward them to the department for deposit
4 into the inmate's inmate banking account.

5 2. The department may accept monetary and property
6 donations on behalf of the program.

7 3. All donations accepted by the department for the
8 correctional center nursery program shall be used solely for
9 any expenses relating to the operation and maintenance of
10 the program.

11 4. No donations of property shall be made on behalf of
12 one particular inmate or child to be used while incarcerated.

13 5. Financial donations, public assistance, or support
14 for a specific inmate or child shall be made through the
15 inmate banking system.

217.945. 1. There is hereby created in the state
2 treasury the "Correctional Center Nursery Program Fund",
3 which shall consist of money collected under this section
4 and section 217.944 as well as any appropriations made by
5 the general assembly. The department shall obtain
6 sufficient resources to initiate and maintain the program
7 and may accept gifts, grants, and donations of any kind.
8 The state treasurer shall be custodian of the fund. In
9 accordance with sections 30.170 and 30.180, the state
10 treasurer may approve disbursements. The fund shall be a
11 dedicated fund and money in the fund shall be used solely by
12 the department for the purposes of operating and maintaining
13 sections 217.940 to 217.947.

14 2. Notwithstanding the provisions of section 33.080 to
15 the contrary, any moneys remaining in the fund at the end of
16 the biennium shall not revert to the credit of the general
17 revenue fund.

18 3. The state treasurer shall invest moneys in the fund
19 in the same manner as other funds are invested. Any interest
20 and moneys earned on such investments shall be credited to
21 the fund.

 217.946. Notwithstanding any other provision of law to
2 contrary, neither the correctional center nursery program
3 nor the department, with respect to the program, is subject
4 to any regulation, licensing or oversight by the department
5 of health and senior services, department of social
6 services, children's division, juvenile officer of any
7 jurisdiction or the office of childhood unless the
8 department voluntarily agrees to services, regulation,
9 licensing, or oversight from any of the aforementioned
10 entities.

 217.947. In addition to the general sovereign or
2 governmental tort immunity bestowed upon public entities in
3 section 537.600, the department and its employees shall be
4 immune from any suit or liability brought by or on behalf of
5 children who participated in the correctional center nursery
6 program for any injuries or damages arising from
7 correctional facility conditions. A motor vehicle operated
8 by an employee of the Missouri department of corrections who
9 unintentionally causes injury or death to a child resident
10 of the correctional center nursery shall not be liable.

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