

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 834

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 eight new sections, to be known as sections 217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946, and 217.947, to read as follows:

217.940. 1. This act establishes the "Correctional Center Nursery Program". The department of corrections shall, subject to appropriations, establish a correctional center nursery in one or more of the correctional centers for women operated by the department, no later than July 1, 2025. The purpose of the correctional center nursery program is for bonding and unification between the mother and child. The program shall allow eligible inmates and children born from them while in the custody of the department to reside together in the institution for up to eighteen months post-delivery. In establishing this program, neither the inmate's participation in the program nor any provision of sections 217.940 to 217.947 shall affect, modify or interfere with the inmate's custodial rights to the child nor does it establish legal custody of the child with the department.

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

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

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

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

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

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

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

(c) For a mother, ordered by a court of competent jurisdiction, for the necessary expenses incurred by or for the mother in connection with her confinement or of other 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 is pregnant at the time she is delivered into 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 sentence of 5 years or less;

(4) She has a presumptive release date established by the parole board of twenty-one months from date she applies to participate in the program;

(5) She has no convictions for a dangerous felony as defined in section 556.061;

(6) She has no convictions for a sexual offense contained in chapter 566 where the victim of the crime was a minor;

(7) She has no convictions for a offenses against the family contained in chapter 568, excluding criminal nonsupport; and

(8) 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:

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

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

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

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

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

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

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

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

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

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

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

(6) A court of competent jurisdiction issues an order regarding the child granting temporary, permanent, or legal custody of the child to a person other than the inmate, or to a public children services agency or private child placing agency; or

(7) The inmate is released from imprisonment.

217.944. 1. The rights to support assigned by any inmate shall constitute an obligation of the person who is responsible for providing the support to the department for the support provided the inmate and child pursuant to the

correctional center nursery program. The division of child support enforcement shall collect support payments made pursuant to the assignment and forward them to the department for deposit into the inmate's personal banking account maintained by the department.

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

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

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

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

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

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

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

217.946. Notwithstanding any other provision of law to contrary, neither the correctional center nursery program nor the department, with respect to the program, is subject to any regulation, licensing or oversight by the department of health and senior services or the office of childhood unless the department and the department of health and senior services or the office of childhood agree to voluntary regulation, licensing or oversight.

217.947. The department shall promulgate rules and regulations necessary to carry out the provisions of sections 217.940 to 217.947. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.