

House Bill 857

By: Representatives Dreyer of the 59<sup>th</sup>, Mathiak of the 73<sup>rd</sup>, Chandler of the 105<sup>th</sup>, Thomas of the 39<sup>th</sup>, Shannon of the 84<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated,  
2 relating to inmate policies, so as to provide for matters related to the housing, health, and  
3 care of female inmates; to provide for definitions; to provide for custodian training; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to  
8 inmate policies, is amended by adding a new Code section to read as follows:

9 "42-1-11.3.

10 (a) As used in this Code section, the term:

11 (1) 'Custodian' means a warden, sheriff, jailer, deputy sheriff, police officer, or any other  
12 law enforcement officer having actual custody of an inmate.

13 (2) 'Inmate' means any female who is lawfully incarcerated in a penal institution.

14 (3) 'Penal institution' means any place of confinement for individuals accused of or  
15 convicted of violating a law of this state or an ordinance of a political subdivision of this  
16 state.

17 (b) An inmate shall be given adequate access to feminine hygiene products and medical  
18 information concerning menopause and any other health issue related to being a female.

19 (c) A pregnant inmate shall not be required to squat or cough during a strip search. Except  
20 in exigent circumstances, male custodians shall not be in viewing proximity where inmates  
21 bathe, shower, or are in a state of partial or full undress. Only female custodians shall  
22 conduct pat-down searches of inmates.

23 (d) The board and the Board of Public Safety shall ensure that custodians undergo gender  
24 sensitivity and trauma training.

25 (e) The department shall take into consideration the location of an inmate's spouse, child,  
26 stepchild, parent, and stepparent when determining the location of the facility in which to  
27 place her."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.