

SENATE BILL No. 444

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8; IC 11-10-3.5; IC 11-12-4-1.

Synopsis: Incarcerated women's maternal health fund. Establishes the Officer Breann Leath Memorial Prison Nursery (nursery) within a correctional facility determined by the commissioner of the department of correction (DOC). Specifies the criteria for operation, design, and implementation of the nursery and minimum standards that govern the nursery. Requires the DOC to provide an annual report to the legislative council concerning the nursery. Amends the statute requiring the DOC to adopt rules governing minimum standards for county jails to include the provision of menstrual discharge collection devices to inmates. Establishes the incarcerated women's maternal health fund to provide funds to support the nursery. Makes a continuing appropriation.

Effective: July 1, 2025.

Ford J.D.

January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 444

A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-1-8.9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2025]: **Sec. 8.9. "Nursery" has the meaning set forth in**
4 **IC 11-10-3.5-1.**
- 5 SECTION 2. IC 11-8-2-16 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2025]: **Sec. 16. (a) As used in this section, "fund" refers to the**
8 **incarcerated women's maternal health fund established by**
9 **subsection (b).**
- 10 **(b) The incarcerated women's maternal health fund is**
11 **established to provide funds to support the Officer Breann Leath**
12 **Memorial Prison Nursery established by IC 11-10-3.5-5.**
- 13 **(c) The fund consists of the following:**
14 **(1) Appropriations made by the general assembly.**
15 **(2) Gifts, bequests, donations, contributions, and grants from**
16 **any public or private source.**
17 **(d) The department shall administer the fund.**



(e) The expenses of administering the fund shall be paid from money in the fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) Money in the fund is continuously appropriated to carry out the purposes of the fund.

SECTION 3. IC 11-10-3.5-1, AS ADDED BY P.L.78-2022, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Correctional facility" has the meaning set forth in IC 5-1.2-2-11.

(2) "Nursery" means the Officer Breann Leath Memorial Prison Nursery established by section 5 of this chapter.

~~(2)~~ (3) "Pregnant inmate" means a confined person who is pregnant.

~~(3)~~ (4) "Restraints" means any mechanical device used to control the movement of a pregnant inmate's body or limbs, including handcuffs, leg shackles, and belly chains.

SECTION 4. IC 11-10-3.5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) The Officer Breann Leath Memorial Prison Nursery is established within a correctional facility determined by the commissioner.

(b) The department shall operate the nursery and shall ensure that the operation, design, and implementation of the nursery is undertaken with the consultation and guidance of subject matter experts, who are not employed by the department or a vendor of the department, from the following fields:

(1) Maternal health.

(2) Public health.

(3) Pediatrics.

(4) Child development.

(c) To implement this section, the department shall adopt rules under IC 4-22-2 that contain the following minimum standards:

(1) Policies and procedures to augment the operation, design, and implementation criteria established with subject matter experts under subsection (b).



(2) Policies and procedures that require the nursery to be made available to appropriate inmates to facilitate the care of an inmate's child up to the age of thirty (30) months.

(3) Policies and procedures that prohibit the use of an incarcerated mother's parenting style as grounds for punishment or discipline. This subdivision does not prohibit the imposition of discipline or punishment if an incarcerated mother's conduct is reasonably likely to:

(A) cause harm or injury to the child; or

(B) pose a threat to or endanger the well-being of the child.

(d) Before September 30 of each year, the department shall report to the legislative council, in an electronic format under IC 5-14-6, the following information for the preceding state fiscal year:

(1) The number of pregnant inmates in the custody of the department.

(2) The number of inmates considered for placement, and the number of inmates actually placed, in the nursery.

SECTION 5. IC 11-12-4-1, AS AMENDED BY P.L.56-2023, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) As used in this section, "menstrual discharge collection device" means:

(1) tampons;

(2) panty liners;

(3) menstrual cups;

(4) sanitary napkins; and

(5) other similar tangible personal property designed to promote hygiene in connection with the human menstrual cycle.

(b) The department shall adopt under IC 4-22-2 minimum standards for county jails governing the following:

(1) General physical and environmental conditions.

(2) Services and programs to be provided to confined persons.

(3) Procedures for the care and control of confined persons that are necessary to ensure the health and safety of confined persons, the security of the jail, and public safety. ~~and~~

(4) The restraint of pregnant inmates. Rules adopted under this subdivision must be consistent with IC 11-10-3.5.

(5) The provision of menstrual discharge collection devices to inmates who menstruate. Rules adopted under this subdivision must require the provision of menstrual discharge collection devices, in an appropriate quantity and at no cost,



1 **to an inmate that seeks a menstrual discharge collection**
2 **device.**

3 However, the department may not adopt any standard that prohibits the
4 placement of more than one (1) prisoner in a prisoner cell that has
5 thirty-five (35) square feet or more of floor space per prisoner.

6 ~~(b)~~ (c) The standards must be sufficiently flexible to foster the
7 development of new and improved practices and to accommodate local
8 needs and circumstances. The standards must be consistent with the
9 laws of Indiana and the rules of the Indiana department of health and
10 the fire prevention and building safety commission.

11 ~~(c)~~ (d) The commissioner shall select a committee of not less than
12 five (5) county sheriffs to consult with the department before and
13 during the drafting of the proposed minimum standards. County
14 sheriffs shall be selected from the various classes of counties to ensure
15 that densely, moderately, and sparsely populated counties are
16 represented. Each county sheriff is entitled to the minimum salary per
17 diem as provided in IC 4-10-11-2.1 for each day engaged in the official
18 business of the committee and to reimbursement for traveling and other
19 expenses, as provided in the state travel policies and procedures
20 established by the Indiana department of administration and approved
21 by the budget agency.

22 ~~(d)~~ (e) At least sixty (60) days before setting the date for a public
23 hearing under IC 4-22-2, the department shall forward copies of the
24 proposed minimum standards to each county sheriff and each board of
25 county commissioners and shall solicit their views and suggestions.

