

FIRST REGULAR SESSION

# SENATE BILL NO. 438

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0489S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to a pilot project for increasing children's access to incarcerated mothers.

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

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be known as section 217.145, to read as follows:

**217.145. 1. Beginning January 1, 2024, the department of corrections, with the cooperation of the children's division within the department of social services, shall establish a two-year pilot project to increase the access children, ages newborn to seventeen, have to incarcerated mothers who still have parental rights. Any person who has pled guilty to or been found guilty of any of the offenses listed under subsection 1 of section 210.117 if the victim of the crime is a child or an offense of child abuse under sections 210.109 to 210.183 shall not be eligible to participate in the program.**

**2. The project shall include two prison facilities that house women. One shall be located in Vandalia and one shall be located in Chillicothe. The project shall focus on, but not be limited to, children who live fifty or more miles from the facility where their mothers are incarcerated. The department of corrections and the children's division within the department of social services**

19 shall collaborate to develop and implement the project to  
20 increase the access children have to incarcerated mothers  
21 who still have parental rights by:

22 (a) Providing transportation for a child or children  
23 and their caretaker for visits with the mother once a  
24 month. The caretaker shall be required to attend the visit;  
25 or

26 (b) Any other means available to increase visitation  
27 between children and incarcerated mothers.

28 3. The department of corrections and the department of  
29 social services may promulgate rules to implement the  
30 provisions of this section. Any rule or portion of a rule,  
31 as that term is defined in section 536.010, that is created  
32 under the authority delegated in this section shall become  
33 effective only if it complies with and is subject to all of  
34 the provisions of chapter 536 and, if applicable, section  
35 536.028. This section and chapter 536 are nonseverable, and  
36 if any of the powers vested with the general assembly  
37 pursuant to chapter 536 to review, to delay the effective  
38 date, or to disapprove and annul a rule are subsequently  
39 held unconstitutional, then the grant of rulemaking  
40 authority and any rule proposed or adopted after August 28,  
41 2023, shall be invalid and void.

42 4. The pilot project shall be funded from existing  
43 appropriations or with any moneys specifically appropriated  
44 for this pilot project.

45 5. At the end of the two-year pilot project, the  
46 director of the department of corrections and the director  
47 of the children's division shall submit a joint report to  
48 the governor and the general assembly by February 1, 2026,  
49 on the efficacy of this pilot on both the children and the  
50 incarcerated mothers, as well as the cost of the program.

51 The report shall include a recommendation as to whether the  
52 project should be expanded to every prison facility and, if  
53 so, any changes which should be made to the program.

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