

SENATE BILL NO. 834

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

3494S.051

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 establish a correctional center nursery in one or more
4 of the correctional centers for women operated by the
5 department. The program shall allow eligible inmates and
6 children born to them while in the custody of the department
7 to reside together in the institution for up to eighteen
8 months. In establishing this program, neither the inmate's
9 participation in the program nor any provision of sections
10 217.940 to 217.947 shall affect, modify or interfere with
11 the inmate's custodial rights to the child nor does it
12 establish legal custody of the child with the department.

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

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

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

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

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

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

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

37 (c) For a mother, ordered by a court of competent
38 jurisdiction, for the necessary expenses incurred by or for
39 the mother in connection with her confinement or of other
40 expenses in connection with the pregnancy of the mother.

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

3 (1) She is pregnant at the time she is delivered into
4 the custody of the department;

5 (2) She gives birth on or after the date the program
6 is implemented;

7 (3) She is a nonviolent offender and has not been
8 found guilty of, or pled guilty to, any dangerous felony as

9 defined in section 556.061 or any offense involving a child
10 under chapter 566, 568, or 573; and

11 (4) She and the child meet any other criteria
12 established by the department by rule or regulation.

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

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

4 (1) Comply with any educational, counseling or other
5 requirements established for the program, through
6 promulgated regulations, by the department, including, but
7 not limited to enrollment in a high school equivalency or
8 vocational training program and participation in evidence-
9 based parenting classes;

10 (2) If eligible, have the child participate in the
11 state children's health insurance program under sections
12 208.631 to 208.658;

13 (3) Accept the normal risks of child bearing;

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

17 (5) Assign to the department any rights to support
18 from any other person; and

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

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's child becomes seriously ill, cannot meet medical criteria established by the department for the program, or otherwise cannot safely participate in the program;

(3) A court of competent jurisdiction issues an order that designates a person other than the inmate as the child's custodial parent and legal custodian;

(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) An order by 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 in the correctional center nursery program fund established in section 217.945.

2. The department may receive the following:

11 (1) Money that is assigned or donated on behalf of,
12 and public assistance provided to, a specific inmate or
13 child participating in the program; and

14 (2) Money or other property assigned or donated to
15 establish and maintain the program.

16 3. Ten percent of the moneys described in this section
17 shall be placed in the personal account of the mother
18 maintained by the department for whom the money was
19 received. The remaining moneys shall be deposited in the
20 correctional center nursery program fund established in
21 section 217.945.

 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 implementing sections
13 217.940 to 217.947.

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

18 (3) The state treasurer shall invest moneys in the
19 fund in the same manner as other funds are invested. Any
20 interest and moneys earned on such investments shall be
21 credited to 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 or the office of childhood
6 unless the department and the department of health and
7 senior services or the office of childhood agree to
8 voluntary regulation, licensing or oversight.

217.947. The department shall promulgate rules and
2 regulations necessary to carry out the provisions of
3 sections 217.940 to 217.947. Any rule or portion of a rule,
4 as that term is defined in section 536.010, that is created
5 under the authority delegated in this section shall become
6 effective only if it complies with and is subject to all of
7 the provisions of chapter 536 and, if applicable, section
8 536.028. This section and chapter 536 are nonseverable and
9 if any of the powers vested with the general assembly
10 pursuant to chapter 536 to review, to delay the effective
11 date, or to disapprove and annul a rule are subsequently
12 held unconstitutional, then the grant of rulemaking
13 authority and any rule proposed or adopted after August 28,
14 2022, shall be invalid and void.

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