

114TH CONGRESS
2D SESSION

H. R. 5130

To enhance public health and safety by improving the effectiveness and efficiency of the Federal prison system for incarcerated pregnant women and mothers by establishing a pilot program of critical-stage, developmental nurseries in Federal prisons for children born to inmates, with risk and needs assessments, and risk and recidivism reduction.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2016

Ms. JACKSON LEE (for herself, Mr. CONYERS, Mr. RANGEL, Ms. DUCKWORTH, Mr. CICILLINE, Ms. MOORE, Mrs. NAPOLITANO, Ms. EDWARDS, Mr. HASTINGS, Ms. WILSON of Florida, Mr. MCNERNEY, Mr. DANNY K. DAVIS of Illinois, Mr. RUSH, Ms. PLASKETT, Mr. COHEN, Ms. DELAURO, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. FARR, Ms. BASS, Ms. SEWELL of Alabama, Mr. AL GREEN of Texas, and Mr. RICHMOND) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance public health and safety by improving the effectiveness and efficiency of the Federal prison system for incarcerated pregnant women and mothers by establishing a pilot program of critical-stage, developmental nurseries in Federal prisons for children born to inmates, with risk and needs assessments, and risk and recidivism reduction.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Infant Mortality
3 And Recidivism Reduction Act of 2016” or the
4 “SIMARRA Act”.

5 **SEC. 2. ESTABLISHMENT.**

6 Not later than 270 days after the date of the enact-
7 ment of this Act, the Director of the Federal Bureau of
8 Prisons (hereinafter referred to as the “Director”) shall
9 establish a pilot program (hereinafter referred to as the
10 “Program”) in accordance with this Act to permit women
11 incarcerated in Federal prisons and the children born to
12 such women during incarceration to reside together while
13 the inmate serves a term of imprisonment in a separate
14 housing wing of the prison.

15 **SEC. 3. PURPOSES.**

16 The purposes of the Act are to—

17 (1) prevent infant mortality among infants born
18 to incarcerated mothers and greatly reduce the trau-
19 ma and stress experienced by the unborn fetuses of
20 pregnant inmates;

21 (2) reduce the recidivism rates of federally in-
22 carcerated women and mothers, and enhance public
23 safety by improving the effectiveness of the Federal
24 prison system for women as a population with spe-
25 cial needs;

1 (3) establish female offender risk and needs as-
2 sessment as the cornerstones of a more effective and
3 efficient Federal prison system;

4 (4) implement a validated post-sentencing risk
5 and needs assessment system that relies on dynamic
6 risk factors to provide Federal prison officials with
7 a roadmap to address the pre- and post-natal needs
8 of Federal pregnant offenders, manage limited re-
9 sources, and enhance public safety;

10 (5) perform regular outcome evaluations of the
11 effectiveness of programs and interventions for fed-
12 erally incarcerated pregnant women and mothers to
13 assure that such programs and interventions are evi-
14 dence-based and to suggest changes, deletions, and
15 expansions based on the results of such evaluations;
16 and

17 (6) assist the Department of Justice to address
18 the underlying cost structure of the Federal prison
19 system and ensure that the Department can con-
20 tinue to run prison nurseries safely and securely
21 without compromising the scope or quality of the
22 Department's critical health, safety and law enforce-
23 ment missions.

1 **SEC. 4. DUTIES OF THE DIRECTOR OF FEDERAL BUREAU**
2 **OF PRISONS.**

3 (a) IN GENERAL.—The Director shall carry out this
4 section in consultation with—

5 (1) a licensed and board-certified gynecologist
6 or obstetrician;

7 (2) the Director of the Administrative Office of
8 the United States Courts;

9 (3) the Director of the Office of Probation and
10 Pretrial Services;

11 (4) the Director of the National Institute of
12 Justice; and

13 (5) the Director of the U.S. Department of
14 Health & Human Services.

15 (b) DUTIES.—The Director shall, in accordance with
16 subsection (c)—

17 (1) develop an offender risk and needs assess-
18 ment system particular to the health and sensitivi-
19 ties of federally incarcerated pregnant women and
20 mothers in accordance with this section;

21 (2) develop recommendations regarding recidi-
22 vism reduction programs and productive activities in
23 accordance with section 9;

24 (3) conduct ongoing research and data analysis
25 on—

1 (A) the best practices relating to the use of
2 offender risk and needs assessment tools par-
3 ticular to the health and sensitivities of feder-
4 ally incarcerated pregnant women and mothers;

5 (B) the best available risk and needs as-
6 sessment tools particular to the health and sen-
7 sitivities of federally incarcerated pregnant
8 women and mothers and the level to which they
9 rely on dynamic risk factors that could be ad-
10 dressed and changed over time, and on meas-
11 ures of risk of recidivism, individual needs, and
12 responsivity to recidivism reduction programs;

13 (C) the most effective and efficient uses of
14 such tools in conjunction with recidivism reduc-
15 tion programs, productive activities, incentives,
16 and rewards; and

17 (D) which recidivism reduction programs
18 are the most effective—

19 (i) for federally incarcerated pregnant
20 women and mothers classified at different
21 recidivism risk levels; and

22 (ii) for addressing the specific needs
23 of federally incarcerated pregnant women
24 and mothers;

1 (4) on a biennial basis, review the system devel-
2 oped under paragraph (1) and the recommendations
3 developed under paragraph (2), using the research
4 conducted under paragraph (3), to determine wheth-
5 er any revisions or updates should be made, and if
6 so, make such revisions or updates;

7 (5) hold periodic meetings with the individuals
8 listed in subsection (a) at intervals to be determined
9 by the Director; and

10 (6) report to Congress in accordance with sec-
11 tion 9.

12 (c) METHODS.—In carrying out the duties under sub-
13 section (b), the Director shall—

14 (1) consult relevant stakeholders; and

15 (2) make decisions using data that is based on
16 the best available statistical and empirical evidence.

17 **SEC. 5. ELIGIBILITY.**

18 An inmate may apply to participate in the Program
19 if the inmate—

20 (1) is pregnant at the beginning of the term of
21 imprisonment; and

22 (2) is in the custody or control of the Federal
23 Bureau of Prisons.

1 **SEC. 6. PROGRAM TERMS.**

2 (a) **TERM OF PARTICIPATION.**—To correspond with
3 the purposes and goals of the program to promote bonding
4 during the critical stages of child development, an eligible
5 inmate selected for the Program may participate in the
6 Program, subject to section 7, for the shorter of the in-
7 mate’s term of imprisonment or 30 months.

8 (b) **INMATE REQUIREMENTS.**—For the duration of
9 an inmate’s participation in the Program, the inmate shall
10 agree to—

11 (1) accept the responsibility of child-rearing;

12 (2) participate in any educational or counseling
13 opportunities established by the Director, including
14 topics such as child development, parenting skills,
15 domestic violence, vocational training, or substance
16 abuse;

17 (3) abide by any court decision regarding the
18 legal or physical custody of the child;

19 (4) transfer to the Federal Bureau of Prisons
20 any child support payments for the infant of the
21 participating inmate from any person or govern-
22 mental entity; and

23 (5) specify a person who has agreed to take
24 custody of the child if the inmate’s participation in
25 the Program terminates before the inmate’s release.

1 **SEC. 7. TERMINATION OF PARTICIPATION.**

2 An inmate's participation in the Program terminates
3 upon the earliest of the following to occur:

4 (1) The inmate is released from prison.

5 (2) The inmate fails to meet any medical criteria
6 established by the Director or the Director's des-
7 ignee along with a collective determination of the
8 persons listed in section 4(a).

9 **SEC. 8. CONTINUITY OF CARE.**

10 The Director shall take appropriate actions to pre-
11 vent detachment or disruption of either an inmate's or in-
12 fant's health and bonding-based well-being due to termi-
13 nation of the Program.

14 **SEC. 9. REPORTING.**

15 (a) IN GENERAL.—Not later than 6 months after the
16 date of the enactment of this Act and once every year
17 thereafter for 5 years, the Director shall submit a report
18 to the Congress with regards to progress in implementing
19 the Program.

20 (b) FINAL REPORT.—Not later than 6 months after
21 the termination of the Program, the Director shall issue
22 a final report to the Congress that contains a detailed
23 statement of the Director's findings and conclusions, in-
24 cluding recommendations for legislation, administrative
25 actions, and regulations the Director considers appro-
26 priate.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 To carry out this Act, there is authorized to be appro-
3 priated \$10,000,000 for each of fiscal years 2017 through
4 2021.

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