

115TH CONGRESS
2D SESSION

H. R. 5575

To improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2018

Mr. TAYLOR (for himself and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pathway to Parenting
5 Act of 2018”.

1 **SEC. 2. TREATMENT OF PRIMARY CARETAKER PARENTS**
2 **AND OTHER INDIVIDUALS IN FEDERAL PRIS-**
3 **ONS.**

4 (a) IN GENERAL.—Chapter 303 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 4050. Treatment of primary caretaker parents and**
8 **other individuals**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘correctional officer’ means a cor-
11 rectional officer of the Bureau of Prisons;

12 “(2) the term ‘Director’ means the Director of
13 the Bureau of Prisons;

14 “(3) the term ‘primary caretaker parent’ has
15 the meaning given the term in section 31903 of the
16 Violent Crime Control and Law Enforcement Act of
17 1994 (42 U.S.C. 13882); and

18 “(4) the term ‘prisoner’ means an individual
19 who is incarcerated in a Federal penal or correc-
20 tional institution.

21 “(b) GEOGRAPHIC PLACEMENT.—

22 “(1) ESTABLISHMENT OF OFFICE.—The Direc-
23 tor shall establish within the Bureau of Prisons an
24 office that determines the placement of prisoners.

1 “(2) PLACEMENT OF PRISONERS.—In deter-
2 mining the placement of a prisoner, the office estab-
3 lished under paragraph (1) shall—

4 “(A) if the prisoner has children, place the
5 prisoner as close to the children as possible; and

6 “(B) consider any other factor that the of-
7 fice determines appropriate.

8 “(c) VISITATION RULES.—The Director shall pro-
9 mulgate regulations for visitation between prisoners who
10 are primary caretaker parents and their family members
11 under which—

12 “(1) a prisoner may receive visits not fewer
13 than 6 days per week, which shall include Saturday
14 and Sunday;

15 “(2) a Federal penal or correctional institution
16 shall be open for visitation for not fewer than 8
17 hours per day;

18 “(3) a prisoner may have up to 3 adult visitors
19 and an unlimited number of child visitors per visit;
20 and

21 “(4) a prisoner may have physical contact with
22 visitors unless the prisoner presents an immediate
23 physical danger to the visitors.

24 “(d) PLACEMENT IN SEGREGATED HOUSING UNITS;
25 PROHIBITION ON SHACKLING.—

1 “(1) PLACEMENT IN SEGREGATED HOUSING
2 UNITS.—

3 “(A) IN GENERAL.—A Federal penal or
4 correctional institution may not place a prisoner
5 who is pregnant or in the first 8 weeks of
6 postpartum recovery in a segregated housing
7 unit unless the prisoner presents an immediate
8 risk of harm to others or herself.

9 “(B) RESTRICTIONS.—Any placement of a
10 prisoner described in subparagraph (A) in a
11 segregated housing unit shall be limited and
12 temporary.

13 “(2) PROHIBITION ON SHACKLING.—A Federal
14 penal or correctional institution may not use instru-
15 ments of restraint, including handcuffs, chains,
16 irons, straitjackets, or similar items, on a prisoner
17 who is pregnant.

18 “(e) PARENTING CLASSES.—The Director shall pro-
19 vide parenting classes to each prisoner who is a primary
20 caretaker parent.

21 “(f) TRAUMA-INFORMED CARE.—

22 “(1) IN GENERAL.—The Director shall provide
23 trauma-informed care to each prisoner who is diag-
24 nosed with trauma.

1 “(2) IDENTIFICATION AND REFERRAL.—The
2 Director shall provide training to each correctional
3 officer and each other employee of the Bureau of
4 Prisons who regularly interacts with prisoners, in-
5 cluding health care professionals and instructors, to
6 enable the employees to identify prisoners with trau-
7 ma and refer those prisoners to the proper health
8 care professional for treatment.

9 “(g) MENTORING BY FORMER PRISONERS.—The Di-
10 rector shall promulgate regulations under which an indi-
11 vidual who was formerly incarcerated in a Federal penal
12 or correctional institution may access such an institution
13 to—

14 “(1) act as a mentor for prisoners; and

15 “(2) assist prisoners in reentry.

16 “(h) OMBUDSMAN.—The Attorney General shall des-
17 ignate an ombudsman to oversee and monitor, with re-
18 spect to Federal penal and correctional institutions—

19 “(1) prisoner transportation;

20 “(2) use of segregated housing;

21 “(3) strip searches of prisoners; and

22 “(4) civil rights violations.

23 “(i) TELECOMMUNICATIONS.—

24 “(1) IN GENERAL.—The Director—

1 “(A) may not charge a fee for a telephone
2 call made by a prisoner to their child; and

3 “(B) shall make videoconferencing avail-
4 able to prisoners in each Federal penal or cor-
5 rectional institution, which shall be free of
6 charge in the case of videoconference between a
7 prisoner and the prisoner’s child.

8 “(2) RULE OF CONSTRUCTION.—Nothing in
9 paragraph (1)(B) shall be construed to authorize the
10 Director to use videoconferencing as a substitute for
11 in-person visits.

12 “(j) GYNECOLOGIST ACCESS.—The Director shall en-
13 sure that female prisoners have access to a gynecologist.

14 “(k) USE OF SEX-APPROPRIATE CORRECTIONAL OF-
15 FICERS.—

16 “(1) REGULATIONS.—The Director shall pro-
17 mulgate regulations under which—

18 “(A) a correctional officer may not conduct
19 a strip search of a prisoner of the opposite sex
20 unless—

21 “(i) the prisoner presents a risk of
22 immediate harm to herself or himself or
23 others; and

1 “(ii) no other correctional officer of
2 the same sex as the prisoner is available to
3 assist; and

4 “(B) a correctional officer may not enter a
5 restroom reserved for prisoners of the opposite
6 sex unless—

7 “(i)(I) a prisoner in the restroom pre-
8 sents a risk of immediate harm to herself
9 or himself or others; or

10 “(II) there is a medical emergency in
11 the restroom; and

12 “(ii) no other correctional officer of
13 the appropriate sex is available to assist.

14 “(2) RELATION TO OTHER LAWS.—Nothing in
15 paragraph (1) shall be construed to affect the re-
16 quirements under the Prison Rape Elimination Act
17 of 2003 (42 U.S.C. 15601 et seq.).”.

18 (b) SUBSTANCE ABUSE TREATMENT.—Section
19 3621(e) of title 18, United States Code, is amended by
20 adding at the end the following:

21 “(7) ELIGIBILITY OF PRIMARY CARETAKER
22 PARENTS AND PREGNANT WOMEN.—The Bureau of
23 Prisons may not prohibit a prisoner who is a pri-
24 mary caretaker parent (as defined in section 4050)
25 or pregnant from participating in a program of resi-

1 dential substance abuse treatment provided under
2 paragraph (1) based on the failure of the individual,
3 before being committed to the custody of the Bu-
4 reau, to disclose to any official that the individual
5 had a substance abuse problem.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections for chapter 303 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

 “4050. Treatment of primary caretaker parents and other individuals.”.

10 **SEC. 3. OVERNIGHT VISIT PILOT PROGRAM.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “Director” means the Director of
13 the Bureau of Prisons;

14 (2) the term “primary caretaker parent” has
15 the meaning given the term in section 31903 of the
16 Violent Crime Control and Law Enforcement Act of
17 1994 (42 U.S.C. 13882); and

18 (3) the term “prisoner” means an individual
19 who is incarcerated in a Federal penal or correc-
20 tional institution.

21 (b) PILOT PROGRAM.—The Director shall carry out
22 a pilot program under which prisoners who are primary
23 caretaker parents and meet eligibility criteria established
24 by the Director may receive overnight visits from family
25 members.

1 (c) ELIGIBILITY CRITERIA.—In establishing eligi-
2 bility criteria for the pilot program under subsection (b),
3 the Director shall—

4 (1) require that a prisoner have displayed good
5 behavior; and

6 (2) prohibit participation by any prisoner who
7 has been convicted of a crime of violence (as defined
8 in section 16 of title 18, United States Code).

9 **SEC. 4. PRENATAL PILOT PROGRAM.**

10 (a) AUTHORIZATION.—The Director of the Bureau of
11 Prisons shall carry out a pilot program in which provides
12 prenatal care to groups of not more than 12 pregnant fe-
13 male prisoners (as such term is defined in section 3) in
14 accordance with this section.

15 (b) MEETING.—The groups of prisoners described in
16 subsection (a) shall meet not less than 10 times during
17 pregnancy and the early postpartum period. Each such
18 meeting shall be for a period of not less than 90 minutes
19 and not more than 120 minutes, and shall be led by a
20 facilitator appointed by the Director, who shall facilitate
21 discussions among the participants, and provide the serv-
22 ices described in subsection (c).

23 (c) COMPREHENSIVE APPROACH TO PRENATAL
24 CARE.—The pilot program under this section shall inte-

1 grate health, physical assessment, education, childcare
2 skills, and other appropriate support.

3 (d) FACILITATOR REQUIREMENTS.—Each facilitator
4 appointed by the Director under subsection (b) shall have
5 experience providing a comprehensive approach to pre-
6 natal care in a group setting, and shall be a physician
7 or nurse practitioner licensed or certified to provide serv-
8 ices in the field of obstetrics and gynecology.

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to carry out
11 sections 3 and 4, and, in addition to amounts otherwise
12 made available, section 4050 of title 18, United States
13 Code, \$10,000,000 for each of fiscal years 2019 through
14 2023.

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