

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1897 & 2414

101ST GENERAL ASSEMBLY

4438H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto eight new sections relating to nurseries within correctional centers.

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

Section A. Chapter 217, RSMo, is amended by adding thereto eight new sections, to
2 be known as sections 217.1050, 217.1052, 217.1054, 217.1056, 217.1058, 217.1060,
3 217.1062, and 217.1064, to read as follows:

**217.1050. 1. Sections 217.1050 to 217.1064 shall be known and may be cited as
2 the "Correctional Center Nursery Program".**

3 2. As used in sections 217.1050 to 217.1064, the following terms mean:

**4 (1) "Correctional center nursery program", the program authorized under
5 sections 217.1050 to 217.1064;**

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

**7 (3) "Public assistance", all forms of assistance, including monetary assistance
8 from any public source paid either to the mother or child or any other person on behalf
9 of the child;**

10 (4) "Support", the payment of moneys, including interest:

**11 (a) For a child or spouse ordered by a court of competent jurisdiction. The
12 payment may be ordered in an emergency, or the payment may be a temporary,
13 permanent, or modified order. The amount of unpaid support shall bear simple interest
14 from the date it accrued, at a rate of ten dollars upon one hundred dollars per annum,
15 and proportionately for a greater or lesser sum, or for a longer or shorter time;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(b) To third parties on behalf of a child or spouse including, but not limited to,**
17 **payments to medical, dental, or educational providers; payments to insurers for health**
18 **and hospitalization insurance; payments of residential rent or mortgage payments;**
19 **payments on an automobile; or payments for day care; or**

20 **(c) For a mother, ordered by a court of competent jurisdiction, for the necessary**
21 **expenses incurred by or for the mother in connection with her confinement or of other**
22 **expenses in connection with the pregnancy of the mother;**

23 **(5) "Support order", an award of support by order of a court of competent**
24 **jurisdiction.**

25 **3. The department shall establish a correctional center nursery in one or more of**
26 **the correctional centers for women operated by the department. The program shall**
27 **allow eligible inmates and children born to the inmates while in the custody of the**
28 **department to reside together in the institution for up to eighteen months. In**
29 **establishing this program, neither the inmate's participation in the program nor any**
30 **provision of sections 217.1050 to 217.1064 shall affect, modify, or interfere with the**
31 **inmate's custodial rights to the child nor does it establish legal custody of the child with**
32 **the department.**

217.1052. An inmate shall be eligible to participate in the correctional center
2 **nursery program if:**

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

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

6 **(3) She and the child meet any other criteria established by the department.**

7
8 **Placement into the nursery program shall be by internal classification of the**
9 **department. A sentencing court shall not have jurisdiction to order a placement of**
10 **an inmate into the program.**

217.1054. To participate in the correctional center nursery program, each
2 **eligible inmate selected by the department shall agree in writing to:**

3 **(1) Comply with any educational, counseling, or other requirements established**
4 **for the program by the department including, but not limited to, completion of a high**
5 **school equivalency program and participation in evidence-based parenting classes;**

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

8 **(3) Accept the normal risks of child bearing;**

9 **(4) Abide by any court decisions regarding the allocation of parental rights and**
10 **responsibilities with respect to the child;**

11 **(5) Assign to the department any rights to support from any other person; and**

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

217.1056. An inmate's participation in the correctional center nursery program
2 **may be terminated by the department if one of the following occurs:**

3 **(1) The inmate fails to comply with the agreement entered into under section**
4 **217.1054;**

5 **(2) The inmate's child becomes seriously ill, cannot meet medical criteria**
6 **established by the department for the program, or otherwise cannot safely participate in**
7 **the program;**

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

10 **(4) A court of competent jurisdiction grants custody of the child to a person**
11 **other than the inmate;**

12 **(5) An order is issued granting shared parenting of the child;**

13 **(6) An order regarding the child is issued granting temporary, permanent, or**
14 **legal custody of the child to a person other than the inmate, to the children's division**
15 **within the department of social services, or to a private child placing agency; or**

16 **(7) The inmate is released from imprisonment.**

217.1058. 1. The rights to support assigned by any inmate shall constitute an
2 **obligation of the person who is responsible for providing the support to the department**
3 **for the support provided to the inmate and child under the correctional center nursery**
4 **program. The family support division shall collect support payments made under the**
5 **assignment and forward the payments to the department.**

6 **2. The department may receive the following:**

7 **(1) Moneys assigned or donated on behalf of, and public assistance provided to, a**
8 **specific inmate or child participating in the correctional center nursery program; and**

9 **(2) Moneys or other property assigned or donated to establish and maintain the**
10 **correctional center nursery program.**

11 **3. Ten percent of the moneys described in this section shall be placed in the**
12 **mandatory savings account of the mother for whom the money was received. The**
13 **remaining moneys shall be used for items not covered by other program funds.**

217.1060. 1. There is hereby created in the state treasury the "Correctional
2 **Center Nursery Program Fund", which shall consist of moneys collected under this**
3 **section and section 217.1058, as well as any appropriations made by the general**
4 **assembly. The department shall obtain sufficient resources to initiate and maintain the**

5 program and may accept gifts, grants, and donations of any kind. The state treasurer
6 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
7 treasurer may approve disbursements. The fund shall be a dedicated fund and moneys
8 in the fund shall be used solely by the department for the purposes of implementing
9 sections 217.1050 to 217.1064.

10 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
11 remaining in the fund at the end of the biennium shall not revert to the credit of the
12 general revenue fund.

13 3. The state treasurer shall invest moneys in the fund in the same manner as
14 other funds are invested. Any interest and moneys earned on such investments shall be
15 credited to the fund.

217.1062. Notwithstanding any other provision of this law, neither the
2 correctional center nursery program nor the department, with respect to the
3 program, shall be subject to any regulation, licensing, or oversight by the department
4 of health and senior services unless the department and the department of health and
5 senior services agree to voluntary regulation, licensing, or oversight.

217.1064. The department shall promulgate all necessary rules and regulations
2 for the administration of sections 217.1050 to 217.1064. Any rule or portion of a rule, as
3 that term is defined in section 536.010, that is created under the authority delegated in
4 this section shall become effective only if it complies with and is subject to all of the
5 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
6 536 are nonseverable, and if any of the powers vested with the general assembly
7 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
8 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
9 and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

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