

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1220

96TH GENERAL ASSEMBLY

5026L.02P

D. ADAM CRUMBLISS, Chief Clerk

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## 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.

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*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  
2 known as section 217.145, to read as follows:

217.145. 1. **Beginning January 1, 2013, the department of corrections, with the  
2 cooperation of the children's division within the department of social services, shall  
3 establish a two-year pilot project to increase the access children, ages newborn to  
4 seventeen, have to incarcerated mothers who still have parental rights, except that a person  
5 who has pled guilty to or been found guilty of any of the offenses listed in subsection 1 of  
6 section 210.117 when the victim of the crime is a child or of child abuse under sections  
7 210.109 to 210.183 shall not be eligible to participate in the program.**

8 **2. The project shall include the following:**

9 **(1) It shall cover two prison facilities which house women. One shall be located in  
10 Vandalia and one shall be located in Chillicothe;**

11 **(2) The department of corrections and the children's division within the  
12 department of social services shall collaborate to develop and implement the project to  
13 increase the access children have to incarcerated mothers who still have parental rights by:**

14 **(a) Providing transportation for a child or children and their caretaker for visits  
15 with the mother once a month. The caretaker shall be required to attend the visit; or**

16 **(b) Any other means available to increase visitation between children and  
17 incarcerated mothers;**

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.

18           **(3) The project shall focus on, but shall not be limited to, children who live fifty or**  
19 **more miles from the facility where their mothers are incarcerated.**

20           **3. The department of corrections and the department of social services may**  
21 **promulgate rules to implement the provisions of this section. Any rule or portion of a rule,**  
22 **as that term is defined in section 536.010 that is created under the authority delegated in**  
23 **this section shall become effective only if it complies with and is subject to all of the**  
24 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**  
25 **are nonseverable and if any of the powers vested with the general assembly pursuant to**  
26 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
27 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
28 **proposed or adopted after August 28, 2012, shall be invalid and void.**

29           **4. The pilot project shall be funded from existing appropriations or with any**  
30 **moneys specifically appropriated for this pilot project.**

31           **5. At the end of the two-year pilot, the director of the department of corrections and**  
32 **the director of the children's division shall submit a joint report to the governor and the**  
33 **general assembly by February 1, 2016, on the efficacy of this pilot on both the children and**  
34 **the incarcerated mothers as well as the cost of the program and shall make**  
35 **recommendation as to whether this project should be expanded to every prison facility and**  
36 **if so any changes which should be made to the program.**

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