

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 5

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASHINGTON.

5825H.011

DANA RADEMAN MILLER, ChiefClerk

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.

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, 2021, 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 have parental rights. Any person who has**
5 **pled guilty to or been found guilty of any of the offenses listed under subsection 1 of section**
6 **210.117 if the victim of the crime is a child or an offense 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 two prison facilities that house women. One shall be**
9 **located in Vandalia and one shall be located in Chillicothe. The project shall focus on, but**
10 **not be limited to, children who live fifty or more miles from the facility where their**
11 **mothers are incarcerated. The department of corrections and the children's division**
12 **within the department of social services shall collaborate to develop and implement the**
13 **project to increase the access children have to incarcerated mothers who still have parental**
14 **rights by:**

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.

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

17 **(2) Any other means available to increase visitation between children and**
18 **incarcerated mothers.**

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

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

30 **5. At the end of the two-year pilot, the director of the department of corrections and**
31 **the director of the children's division shall submit a joint report to the governor and the**
32 **general assembly by February 1, 2023, on the efficacy of this pilot for both the children and**
33 **the incarcerated mothers, as well as the cost of the program. The report shall include a**
34 **recommendation as to whether the project should be expanded to every prison facility and,**
35 **if so, any changes that should be made to the program.**

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