

SENATE BILL 71

E5
SB 759/23 – JPR

(PRE-FILED)

4r1413
CF HB 191

By: **Senator Carter**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 29, 2024

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Pregnancy and Postpartum Support**
3 **(Prevention of Forced Infant Separation Act)**

4 FOR the purpose of requiring the Division of Correction to allow a certain pregnant woman
5 and a certain woman who recently gave birth to transfer to the prerelease unit for
6 women for a certain time period; establishing the Healthy Start Bonding Program to
7 facilitate strong bonds between incarcerated women and their children; requiring
8 the Division to allow liberal visitation between certain individuals and certain
9 children under certain circumstances; making this Act contingent on the
10 establishment of a prerelease unit for women; and generally relating to pregnancy
11 and postpartum support for incarcerated women and their children.

12 BY adding to

13 Article – Correctional Services

14 Section 3–901 through 3–903 to be under the new subtitle “Subtitle 9. Pregnancy
15 and Postpartum Support”

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **SUBTITLE 9. PREGNANCY AND POSTPARTUM SUPPORT.**

2 **3-901.**

3 **(A) THE DIVISION SHALL ALLOW A PREGNANT WOMAN CLASSIFIED TO BE IN**
4 **PRERELEASE STATUS TO RELOCATE TO THE PRERELEASE UNIT FOR WOMEN**
5 **THROUGHOUT THE DURATION OF HER PREGNANCY.**

6 **(B) THE DIVISION SHALL ALLOW AN INCARCERATED INDIVIDUAL WHO IS**
7 **CLASSIFIED TO BE IN PRERELEASE STATUS AND RECENTLY GAVE BIRTH AND HER**
8 **CHILD TO RESIDE IN THE PRERELEASE UNIT FOR WOMEN FOR UP TO 1 YEAR**
9 **FOLLOWING THE BIRTH OF THE CHILD.**

10 **3-902.**

11 **(A) THERE IS A HEALTHY START BONDING PROGRAM.**

12 **(B) THE PURPOSE OF THE PROGRAM IS TO FACILITATE STRONG BONDS**
13 **BETWEEN INCARCERATED WOMEN AND THEIR CHILDREN.**

14 **(C) THE DIVISION SHALL DEVELOP THE PROGRAM IN CONSULTATION WITH**
15 **PROFESSIONALS WITH EXPERTISE RELATING TO MATERNAL AND CHILD HEALTH**
16 **AND WELL-BEING.**

17 **(D) THE PROGRAM SHALL BE OFFERED AT THE PRERELEASE UNIT FOR**
18 **WOMEN AND THE MARYLAND CORRECTIONAL INSTITUTION FOR WOMEN.**

19 **3-903.**

20 **(A) THE DIVISION SHALL ALLOW THE FATHER OR SECONDARY CARETAKER**
21 **OF A CHILD RESIDING AT THE PRERELEASE UNIT FOR WOMEN LIBERAL VISITATION**
22 **WITH THE CHILD IF THE VISITATION IS OTHERWISE LEGALLY ALLOWED.**

23 **(B) THE DIVISION SHALL ALLOW AN INCARCERATED INDIVIDUAL AT THE**
24 **MARYLAND CORRECTIONAL INSTITUTION FOR WOMEN LIBERAL VISITATION WITH**
25 **HER CHILD.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

27 (a) Section 1 of this Act is contingent on the establishment of a prelease unit for
28 women within the Division of Correction.

29 (b) The Department of Public Safety and Correctional Services shall notify the
30 Department of Legislative Services within 5 days after a date for the commencement of
31 operations of a prerelease unit for women is established.

1 (c) Once the notice is received by the Department of Legislative Services, Section
2 1 of this Act shall take effect on the date the notice is received by the Department of
3 Legislative Services in accordance with subsection (b) of this section.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
5 Act, this Act shall take effect October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.