



## Maryland Section

TO: The Honorable Luke Clippinger, Chair  
Members, House Judiciary Committee  
The Honorable Lesley J. Lopez

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: February 8, 2022

RE: **LETTER OF INFORMATION** – House Bill 454 – *Correctional Services – Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)*

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The American College of Obstetricians and Gynecologists, Maryland Section (MDACOG), which represents the Maryland physicians who serve the obstetrical and gynecological needs of Maryland women and their families, submits this **letter of information** for House Bill 454.

MDACOG strongly supports the intention of this legislation, which is to build a strong connection between incarcerated mothers and their newborns. However, MDACOG is concerned that the approach proposed to achieve this notable objective is not evidenced based and that the potential trauma that a baby could experience by being in a carceral setting would negate the intended benefits or possibly result in worse outcomes.

The most optimal, compassionate approach to achieving the bill's objectives of supporting families and encouraging infant-parent bonding would be for the implementation of a program with a path to release into the community. Women would be eligible for the program because they are already nearing release. The State of Minnesota enacted such a program in 2021 (attached).

Despite these concerns, if the Committee chooses to move forward with the legislation as proposed, MDACOG would strongly encourage the program be started as a pilot program if the program is to be implemented in the coming year. Alternatively, MDACOG would suggest that the effective date of the program's implementation be extended to ensure sufficient time for design and development and to ensure the program will minimize the risk of trauma to the infant and achieve the notable objectives of the legislation.

**For more information call:**

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**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-SECOND SESSION**

**S.F. No. 1315**

(SENATE AUTHORS: KIFFMEYER, Housley, Pratt, Benson and Pappas)

DATE	D-PG	OFFICIAL STATUS
02/22/2021	490	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/25/2021	575	Author added Pappas
03/17/2021	947a	Comm report: To pass as amended
	954	Second reading
04/13/2021	2768	Special Order
	2768	Third reading Passed
05/11/2021	4189	Returned from House Presentment date 05/12/2021
05/17/2021	4262	Governor's action Approval 05/13/2021
	4262	Secretary of State Chapter 17 05/13/2021 Effective date 08/01/21

1.1 A bill for an act

1.2 relating to corrections; authorizing the placement of pregnant and postpartum

1.3 female inmates in community-based programs; requiring reports; amending

1.4 Minnesota Statutes 2020, section 244.065.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 244.065, is amended to read:

1.7 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**

1.8 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**

1.9 **INSTITUTIONS IN COMMUNITY.**

1.10 Subdivision 1. Work. When consistent with the public interest and the public safety,

1.11 the commissioner of corrections may conditionally release an inmate to work at paid

1.12 employment, seek employment, or participate in a vocational training or educational program,

1.13 as provided in section 241.26, if the inmate has served at least one half of the term of

1.14 imprisonment.

1.15 Subd. 2. Pregnancy. (a) In the furtherance of public interest and community safety, the

1.16 commissioner of corrections may conditionally release:

1.17 (1) for up to one year postpartum, an inmate who gave birth within eight months of the

1.18 date of commitment; and

1.19 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is

1.20 pregnant.

1.21 (b) The commissioner may conditionally release an inmate under paragraph (a) to

1.22 community-based programming for the purpose of participation in prenatal or postnatal

2.1 care programming and to promote mother-child bonding in addition to other programming  
2.2 requirements as established by the commissioner, including evidence-based parenting skills  
2.3 programming; working at paid employment; seeking employment; or participating in  
2.4 vocational training, an educational program, or chemical dependency or mental health  
2.5 treatment services.

2.6 (c) The commissioner shall develop policy and criteria to implement this subdivision  
2.7 according to public safety and generally accepted correctional practice.

2.8 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking  
2.9 minority members of the house of representatives and senate committees with jurisdiction  
2.10 over corrections on the number of inmates released and the duration of the release under  
2.11 this subdivision for the prior calendar year.