

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799,
2 Page 7, Section 217.720, Line 57, by inserting after said line the following:

3
4 "217.940. 1. This act establishes the "Correctional Center Nursery Program". The
5 department of corrections shall, subject to appropriations, establish a correctional center nursery in
6 one or more of the correctional centers for women operated by the department, no later than July 1,
7 2025. The purpose of the correctional center nursery program is for bonding and unification
8 between the mother and child. The program shall allow eligible inmates and children born from
9 them while in the custody of the department to reside together in the institution for up to eighteen
10 months post-delivery. In establishing this program, neither the inmate's participation in the program
11 nor any provision of sections 217.940 to 217.947 shall affect, modify, or interfere with the inmate's
12 custodial rights to the child nor does it establish legal custody of the child with the department.

13 2. As used in sections 217.940 to 217.947, the following terms shall mean:

14 (1) "Correctional center nursery program", the program authorized by sections 217.940 to
15 217.947;

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

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

19 (4) "Support", the payment of money, including interest:

20 (a) For a child or spouse ordered by a court of competent jurisdiction, whether the payment
21 is ordered in an emergency, temporary, permanent, or modified order, the amount of unpaid support
22 shall bear simple interest from the date it accrued, at a rate of ten dollars upon one hundred dollars
23 per annum, and proportionately for a greater or lesser sum, or for a longer or shorter time;

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

28 (c) For a mother, ordered by a court of competent jurisdiction, for the necessary expenses
29 incurred by or for the mother in connection with her confinement or of other expenses in connection
30 with the pregnancy of the mother.

Action Taken _____ Date _____

1 217.941. 1. An inmate is eligible to participate in the correctional center nursery program
2 if:
3 (1) She delivers the child while in the custody of the department;
4 (2) She is expected to give birth or gives birth on or after the date the program is
5 implemented;
6 (3) She has a presumptive release date established by the parole board of eighteen months or
7 less from the date she applies to participate in the program;
8 (4) She has not pled guilty to or been convicted of a dangerous felony as defined in section
9 556.061;
10 (5) She has not pled guilty to or been convicted of any sexual offense contained in chapter
11 566 where the victim of the crime was a minor;
12 (6) She has not pled guilty to or been convicted of an offense against the family contained in
13 chapter 568, excluding criminal nonsupport; and
14 (7) She and the child meet any other criteria established by the department.

15 2. Placement into the program shall be by internal classification of the department. A
16 sentencing court is without jurisdiction to order a placement of an inmate into the program.

17 3. Program capacity shall be determined by the department.

18 4. Upon first release of the mother and child, the child shall not be eligible to return to the
19 program if the mother is revoked or receives a new assignment to the department of corrections.

20 217.942. 1. To participate in the correctional center nursery program, each eligible inmate
21 selected by the department shall agree in writing to:

22 (1) Comply with all department policies, procedures and other requirements related to the
23 corrections nursery program and rules that apply to all incarcerated offenders generally;

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

26 (3) Abide by any court decisions regarding the allocation of parental rights and
27 responsibilities with respect to the child; and

28 (4) Specify with whom the child is to be placed in the event the inmate's participation in the
29 program is terminated for a reason other than release from imprisonment.

30 2. The department shall be required to establish policy for the operation of the program.

31 217.943. An inmate's participation in the correctional center nursery program may be
32 terminated by the department if one of the following occurs:

33 (1) The inmate fails to comply with the agreement entered into under section 217.942;

34 (2) The inmate violates an institutional rule that results in alternative housing placement
35 outside of the area designated for the program;

36 (3) The inmate's child becomes seriously ill, cannot receive the necessary medical care, or
37 otherwise cannot safely participate in the program;

38 (4) A court of competent jurisdiction grants custody of the child to a person other than the
39 inmate;

1 (5) A court of competent jurisdiction issues an order regarding the child granting temporary,
2 permanent, or legal custody of the child to a person other than the inmate, or to a public children
3 services agency or private child placing agency; or

4 (6) The inmate is released from imprisonment.

5 217.944. 1. The division of child support enforcement shall collect support payments made
6 pursuant to the assignment and forward them to the department for deposit into the inmate's inmate
7 banking account.

8 2. The department may accept monetary and property donations on behalf of the program.

9 3. All donations accepted by the department for the correctional center nursery program
10 shall be used solely for any expenses relating to the operation and maintenance of the program.

11 4. No donations of property shall be made on behalf of one particular inmate or child to be
12 used while incarcerated.

13 5. Financial donations, public assistance, or support for a specific inmate or child shall be
14 made through the inmate banking system.

15 217.945. 1. There is hereby created in the state treasury the "Correctional Center Nursery
16 Program Fund", which shall consist of money collected under this section and section 217.944 as
17 well as any appropriations made by the general assembly. The department shall obtain sufficient
18 resources to initiate and maintain the program and may accept gifts, grants, and donations of any
19 kind. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
20 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and
21 money in the fund shall be used solely by the department for the purposes of operating and
22 maintaining sections 217.940 to 217.947.

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

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

27 217.946. Notwithstanding any other provision of law to contrary, neither the correctional
28 center nursery program nor the department, with respect to the program, is subject to any regulation,
29 licensing or oversight by the department of health and senior services, department of social services,
30 children's division, juvenile officer of any jurisdiction or the office of childhood unless the
31 department voluntarily agrees to services, regulation, licensing, or oversight from any of the
32 aforementioned entities.

33 217.947. The operation of a correctional center nursery program established under sections
34 217.940 to 217.947 and the presence of children of inmates participating in the correctional center
35 nursery program shall not be considered a dangerous condition that would result in a waiver of
36 sovereign immunity under section 537.600. The sovereign immunity provisions under section
37 537.600 and any other statute regarding the sovereign immunity of the state or public entities in
38 existence as of August 28, 2022, shall remain in effect and shall be applied in the same manner as
39 such provisions were applied prior to the establishment of the correctional center nursery program

- 1 under sections 217.940 to 217.947."; and;
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.