To improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2017

Mr. Booker (for himself, Ms. Warren, Mr. Durbin, and Ms. Harris) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve the treatment of Federal prisoners who are primary caretaker parents, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Dignity for Incarcer-
6 ated Women Act of 2017” or the “Dignity Act”.
SEC. 2. TREATMENT OF PRIMARY CARETAKER PARENTS
AND OTHER INDIVIDUALS IN FEDERAL PRISONS.

(a) In general.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4050. Treatment of primary caretaker parents and other individuals

"(a) Definitions.—In this section—

"(1) the term ‘correctional officer’ means a correctional officer of the Bureau of Prisons;

"(2) the term ‘Director’ means the Director of the Bureau of Prisons;

"(3) the term ‘primary caretaker parent’ has the meaning given the term in section 31903 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13882); and

"(4) the term ‘prisoner’ means an individual who is incarcerated in a Federal penal or correctional institution.

"(b) Geographic Placement.—

"(1) Establishment of office.—The Director shall establish within the Bureau of Prisons an office that determines the placement of prisoners."
“(2) Placement of Prisoners.—In determining the placement of a prisoner, the office established under paragraph (1) shall—

“(A) if the prisoner has children, place the prisoner as close to the children as possible; and

“(B) consider any other factor that the office determines appropriate.

“(c) Visitation Rules.—The Director shall promulgate regulations for visitation between prisoners who are primary caretaker parents and their family members under which—

“(1) a prisoner may receive visits not fewer than 6 days per week, which shall include Saturday and Sunday;

“(2) a Federal penal or correctional institution shall be open for visitation for not fewer than 8 hours per day;

“(3) a prisoner may have up to 5 adult visitors and an unlimited number of child visitors per visit; and

“(4) a prisoner may have physical contact with visitors unless the prisoner presents an immediate physical danger to the visitors.

“(d) Placement in Segregated Housing Units; Prohibition on Shackling.—
“(1) Placement in segregated housing units.—

“(A) In general.—A Federal penal or correctional institution may not place a prisoner who is pregnant or in the first 8 weeks of postpartum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to others or herself.

“(B) Restrictions.—Any placement of a prisoner described in subparagraph (A) in a segregated housing unit shall be limited and temporary.

“(2) Prohibition on shackling.—A Federal penal or correctional institution may not use instruments of restraint, including handcuffs, chains, irons, straitjackets, or similar items, on a prisoner who is pregnant.

“(e) Parenting classes.—The Director shall provide parenting classes to each prisoner who is a primary caretaker parent.

“(f) Trauma-Informed Care.—

“(1) In general.—The Director shall provide trauma-informed care to each prisoner who is diagnosed with trauma.
“(2) Identification and Referral.—The Director shall provide training to each correctional officer and each other employee of the Bureau of Prisons who regularly interacts with prisoners, including health care professionals and instructors, to enable the employees to identify prisoners with trauma and refer those prisoners to the proper healthcare professional for treatment.

“(g) Mentoring by Former Prisoners.—The Director shall promulgate regulations under which an individual who was formerly incarcerated in a Federal penal or correctional institution may access such an institution to—

“(1) act as a mentor for prisoners; and

“(2) assist prisoners in reentry.

“(h) Ombudsman.—The Attorney General shall designate an ombudsman to oversee and monitor, with respect to Federal penal and correctional institutions—

“(1) prisoner transportation;

“(2) use of segregated housing;

“(3) strip searches of prisoners; and

“(4) civil rights violations.

“(i) Telecommunications.—

“(1) In General.—The Director—
“(A) may not charge a fee for a telephone call made by a prisoner; and

“(B) shall make videoconferencing available to prisoners in each Federal penal or correctional institution free of charge.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) shall be construed to authorize the Director to use videoconferencing as a substitute for in-person visits.

“(j) INMATE HEALTH.—

“(1) HEALTHCARE PRODUCTS.—

“(A) AVAILABILITY.—The Director shall make the healthcare products described in sub-paragraph (C) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

“(B) QUALITY OF PRODUCTS.—The Director shall ensure that the healthcare products provided under this paragraph conform with applicable industry standards.

“(C) PRODUCTS.—The healthcare products described in this subparagraph are—

“(i) tampons;

“(ii) sanitary napkins;
“(iii) moisturizing soap, which may not be lye-based;
“(iv) shampoo;
“(v) body lotion;
“(vi) Vaseline;
“(vii) toothpaste;
“(viii) toothbrushes;
“(ix) aspirin;
“(x) ibuprofen; and
“(xi) any other healthcare product that the Director determines appropriate.

“(2) GYNECOLOGIST ACCESS.—The Director shall ensure that female prisoners have access to a gynecologist.

“(k) USE OF SEX-APPROPRIATE CORRECTIONAL OFFICERS.—

“(1) REGULATIONS.—The Director shall promulgate regulations under which—

“(A) a correctional officer may not conduct a strip search of a prisoner of the opposite sex unless—

“(i) the prisoner presents a risk of immediate harm to herself or himself or others; and
“(ii) no other correctional officer of the same sex as the prisoner is available to assist; and

“(B) a correctional officer may not enter a restroom reserved for prisoners of the opposite sex unless—

“(i)(I) a prisoner in the restroom presents a risk of immediate harm to herself or himself or others; or

“(II) there is a medical emergency in the restroom; and

“(ii) no other correctional officer of the appropriate sex is available to assist.

“(2) Relation to Other Laws.—Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.).”.

(b) Substance Abuse Treatment.—Section 3621(e) of title 18, United States Code, is amended by adding at the end the following:

“(7) Eligibility of Primary Caretaker Parents and Pregnant Women.—The Bureau of Prisons may not prohibit a prisoner who is a primary caretaker parent (as defined in section 4050) or pregnant from participating in a program of resi-
dential substance abuse treatment provided under paragraph (1) based on the failure of the individual, before being committed to the custody of the Bureau, to disclose to any official that the individual had a substance abuse problem.”.

(c) Technical and Conforming Amendment.—
The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“4050. Treatment of primary caretaker parents and other individuals.”.

SEC. 3. OVERNIGHT VISIT PILOT PROGRAM.

(a) Definitions.—In this section—

(1) the term “Director” means the Director of the Bureau of Prisons;

(2) the term “primary caretaker parent” has the meaning given the term in section 31903 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13882); and

(3) the term “prisoner” means an individual who is incarcerated in a Federal penal or correctional institution.

(b) Pilot Program.—The Director shall carry out a pilot program under which prisoners who are primary caretaker parents and meet eligibility criteria established by the Director may receive overnight visits from family members.
(c) ELIGIBILITY CRITERIA.—In establishing eligibility criteria for the pilot program under subsection (b), the Director shall—

(1) require that a prisoner have displayed good behavior; and

(2) prohibit participation by any prisoner who has been convicted of a crime of violence (as defined in section 16 of title 18, United States Code).