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SENATE BILL NO. 1300

Offered January 13, 2021

Prefiled January 11, 2021

A BILL to direct the Board of Local and Regional Jails to review services provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery; report.

Patrons—Favola, Boysko, Ebbin, Hashmi and McClellan; Delegates: Hope, Keam and Kory

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Local and Regional Jails (the Board) shall conduct a review of services provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery. In conducting such review, the Board shall (i) identify and analyze all obstetric and gynecological services and any other services provided by local and regional jails to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery; (ii) compare such services to best practices recommended by the American Correctional Association, American Jail Association, National Commission on Correctional Health Care, and American College of Obstetricians and Gynecologists; and (iii) develop recommendations to ensure that proper services are provided to inmates during pregnancy, pregnancy termination, labor and delivery, and postpartum recovery.*

§ 2. In the course of such review, the Board shall convene and consult with a stakeholder work group composed of the following members: representatives of the Indigent Defense Commission, Legal Aid Justice Center, Virginia Sheriffs' Association, and Virginia Association of Regional Jails; at least one physician and one mental health professional who provides care to inmates; at least one obstetrician, one birth advocate, and one reproductive rights advocate; at least two former inmates who were pregnant or gave birth while incarcerated in a local or regional jail; and other interested stakeholders. No more than half of the work group members shall be employees of or under contract with a local or regional jail.

The Board shall also, as necessary, consult with other relevant stakeholders and experts, including the Department of the Treasury's Division of Risk Management.

§ 3. Any records or information obtained from current or former inmates during such review shall be used only for purposes of conducting the review required by this act and shall be confidential and exempt from mandatory disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). No report or other document generated by the Board or the work group during the review shall contain identifying information specific to any current or former inmate, local or regional jail, or prior case or complaint.

§ 4. The Board shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the Senate Committee on the Judiciary, Senate Committee on Rehabilitation and Social Services, House Committee for Courts of Justice, and House Committee on Public Safety by July 1, 2022. The Board shall post such report on its website.

§ 5. The Board shall adopt regulations consistent with its findings and recommendations.