

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB1648 ER

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Kory

3. Committee: Passed both houses

4. Title: State and local correctional facilities; treatment of prisoners known to be pregnant.

5. Summary: This bill amends §9.1-102 (power and duties) and requires the Department of Criminal Justice Services (DCJS) to include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates in the minimum training standards it sets for correctional officers employed by the Department of Corrections (DOC).

The bill also amends §53.1-20 (Commitment of convicted persons to custody of Director of DOC) and requires the Director of DOC, after taking into account safety, security, and operational factors, to house prisoners who are known to be primary caretakers of minor children in a facility as close as possible to their children.

The bill further outlines certain rules governing the treatment, control, and education of prisoners known to be pregnant, prisoners who are in postpartum recovery, and prisoners who are primary caretakers of minor children in state correctional facilities. The bill requires DOC to provide, to the extent practicable, educational programming for prisoners known to be pregnant related to (i) prenatal care, (ii) pregnancy-specific hygiene, (iii) parenting skills, (iv) the impact of alcohol and drugs on the fetus, (v) postpartum recovery health, and (vi) the general health of children.

The bill also requires correctional officers, when (i) contact is required between such officer and an inmate, (ii) the inmate is required to disrobe, and (iii) the officer is not the same gender as the inmate, to submit a written report to the official in charge of the state or local correctional facility within 72 hours following the incident containing the justification for the suspension of the requirement that such incident occur only during the period of a declared emergency.

The bill authorizes the Director of the Department of Corrections to prescribe reasonable rules regarding visitation that include authorization of visitation by minor dependents of prisoners who are primary caretakers of minor children with Level 1 or Level 2 security classifications.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final. See Item 8 below.

8. Fiscal Implications: According to DOC, the agency houses an average of five to six pregnant offenders per year. The DOC reports that costs associated with developing the required education materials for pregnant offenders could be absorbed within existing appropriations.

The DOC does not currently have data on the number of prisoners who are primary caretakers of minor children. The agency would have to collect this data and review each prisoners who would qualify under this provision taking into account safety, security and operational factors. Therefore, the fiscal impact on DOC and its operation cannot be determined at this time.

The DCJS reports that the agency is currently revising training standards for DOC and would be able to absorb any costs associated with developing the standards required by this bill within the agency's existing appropriations.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections,
Department of Criminal Justice Services

10. Technical Amendment Necessary: None

11. Other Comments: None