

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 683, Page 52, Section 210.1080, Line 318,

2 by inserting after all of said line the following:

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

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

- 21 (1) "Correctional center nursery program", the program
 22 authorized by sections 217.940 to 217.947;
 23 (2) "Department", the department of corrections;
 24 (3) "Public assistance", all forms of assistance,
 25 including monetary assistance from any public source paid

26 either to the mother or child or any other person on behalf
27 of the child;

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

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

37 (b) To third parties on behalf of a child or spouse,
38 including, but not limited to, payments to medical, dental
39 or educational providers, payments to insurers for health
40 and hospitalization insurance, payments of residential rent
41 or mortgage payments, payments on an automobile, or payments
42 for day care; or

43 (c) For a mother, ordered by a court of competent
44 jurisdiction, for the necessary expenses incurred by or for
45 the mother in connection with her confinement or of other
46 expenses in connection with the pregnancy of the mother.

47 217.941. 1. An inmate is eligible to participate in
48 the correctional center nursery program if:

49 (1) She delivers the child while in the custody of the
50 department;

51 (2) She is expected to give birth or gives birth on or
52 after the date the program is implemented;

53 (3) She has a presumptive release date established by
54 the parole board of eighteen months or less from the date
55 she applies to participate in the program;

56 (4) She has not pled guilty to or been convicted of a
57 dangerous felony as defined in section 556.061;

58 (5) She has not pled guilty to or been convicted of
59 any sexual offense contained in chapter 566 where the victim
60 of the crime was a minor;

61 (6) She has not pled guilty to or been convicted of an
62 offense against the family contained in chapter 568,
63 excluding criminal nonsupport; and

64 (7) She and the child meet any other criteria
65 established by the department.

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

70 3. Program capacity shall be determined by the
71 department.

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

76 217.942. 1. To participate in the correctional center
77 nursery program, each eligible inmate selected by the
78 department shall agree in writing to:

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

83 (2) If eligible, have the child participate in the
84 state children's health insurance program under sections
85 208.631 to 208.658;

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

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

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

94 217.943. An inmate's participation in the correctional
95 center nursery program may be terminated by the department
96 if one of the following occurs:

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

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

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

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

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

112 (6) The inmate is released from imprisonment.

113 217.944. 1. The division of child support enforcement
114 shall collect support payments made pursuant to the
115 assignment and forward them to the department for deposit
116 into the inmate's inmate banking account.

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

119 3. All donations accepted by the department for the
120 correctional center nursery program shall be used solely for

121 any expenses relating to the operation and maintenance of
122 the program.

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

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

128 217.945. 1. There is hereby created in the state
129 treasury the "Correctional Center Nursery Program Fund",
130 which shall consist of money collected under this section
131 and section 217.944 as well as any appropriations made by
132 the general assembly. The department shall obtain
133 sufficient resources to initiate and maintain the program
134 and may accept gifts, grants, and donations of any kind.
135 The state treasurer shall be custodian of the fund. In
136 accordance with sections 30.170 and 30.180, the state
137 treasurer may approve disbursements. The fund shall be a
138 dedicated fund and money in the fund shall be used solely by
139 the department for the purposes of operating and maintaining
140 sections 217.940 to 217.947.

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

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

149 217.946. Notwithstanding any other provision of law to
150 contrary, neither the correctional center nursery program
151 nor the department, with respect to the program, is subject
152 to any regulation, licensing or oversight by the department
153 of health and senior services, department of social

154 services, children's division, juvenile officer of any
155 jurisdiction or the office of childhood unless the
156 department voluntarily agrees to services, regulation,
157 licensing, or oversight from any of the aforementioned
158 entities.

159 217.947. The operation of a correctional center
160 nursery program established under sections 217.940 to
161 217.947 and the presence of children of inmates
162 participating in the correctional center nursery program
163 shall not be considered a dangerous condition that would
164 result in a waiver of sovereign immunity under section
165 537.600. The sovereign immunity provisions of section
166 537.600 and any other statute regarding the sovereign
167 immunity of the state or public entities in existence as of
168 August 28, 2022, shall remain in effect and shall be applied
169 in the same manner as such provisions were applied prior to
170 the establishment of the correctional center nursery program
171 under sections 217.940 to 217.947."; and

172 Further amend the title and enacting clause accordingly.