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Amendment Name: Amendment CA (H-882) (LD 1422 2020)

Date: 9/17/2020

| 1 | L.D. 1422 |
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| 2 | Date: (Filing No. H-) |
| 3 | CRIMINAL JUSTICE AND PUBLIC SAFETY |
| 4 | Reproduced and distributed under the direction of the Clerk of the House. |
| 5 | STATE OF MAINE |
| 6 | HOUSE OF REPRESENTATIVES |
| 7 | 129TH LEGISLATURE |
| 8 | SECOND SPECIAL SESSION |
| 9 10 | COMMITTEE AMENDMENT "" to H.P. 1035, L.D. 1422, "An Act Regarding Conditions in Correctional Facilities for Female Prisoners" |
| 11 | Amend the bill by striking out the title and substituting the following: |
| 12 13 | 'An Act Regarding Juveniles in the Custody of the Department of Corrections and Regarding Conditions in Correctional Facilities for Female Prisoners' |
| 14 15 | Amend the bill by striking out everything after the enacting clause and inserting the following: |
| 16 17 | 'Sec. 1. 22 MRSA §4003, sub-§5, as enacted by PL 1999, c. 731, Pt. AA, §5 and amended by PL 2013, c. 368, Pt. CCCC, §7, is further amended to read: |
| 18 19 20 21 22 23 24 25 26 27 28 | 5. Report. Require the department to report monthly to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters, beginning in July 2000, on the status of children served by the Office of Child and Family Services. The report must include, at a minimum, information on the department's caseload, the location of the children in the department's custody, data regarding the status of children in the department's custody whose parents or primary caregivers are incarcerated in a jail or correctional facility, data regarding the status of children with whom the Office of Child and Family Services is working whose parents or primary caregivers are incarcerated in a jail or correctional facility and the number of cases of abuse and neglect that were not opened for assessment. This information must be identified by program and funding source. |
| 29 30 | Sec. 2. 30-A MRSA §1651, sub-§2, as enacted by PL 2003, c. 482, Pt. A, §1, is amended to read: |
| 31 32 | 2. Appointment. The sheriff for each county shall appoint a board of 56 visitors for each correctional facility under the sheriff's supervision. |
| 33 34 35 | A. Members of the boards of visitors serve for terms of one year except that, of the initial appointments, 2 must be for terms of 3 years, 2 must be for terms of 2 years and one $\underline{2}$ must be for $\underline{a \text{ term}}$ terms of one year. |

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B. Members of the boards of visitors are eligible for reappointment at the expiration 1 2 of their terms. The boards of visitors must be representative of a broad range of 3 professionals, family members and citizens interested in the well-being of prisoners, 4 including representatives of advocacy groups for human and civil rights, medical and psychiatric professionals, persons who have served in corrections settings and other 5 interested citizens. One member of each board of visitors must be a person with 6 knowledge of issues related to the incarceration of women. 7 8 C. A member of the Legislature may not serve on a board of visitors. 9 D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of 10 visitors of $\frac{5}{6}$ or more members. 11 Sec. 3. 34-A MRSA §1208, sub-§1, as enacted by PL 1983, c. 581, §§10 and 59, is amended to read: 12 13 1. Establishment. The commissioner shall establish both mandatory and desirable 14 standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities. The standards must include standards for 15 16 the delivery of women's health care services, for which compliance must be evaluated at least every 2 years and documented in the audit of the facility. 17 18 Sec. 4. 34-A MRSA §1208-B, sub-§1, ¶A, as amended by PL 2017, c. 407, Pt. A, 19 §152, is further amended to read: 20 A. The standards, policies and procedures must address record keeping and reporting 21 of financial data, capital improvement planning, jail staffing, administration and management of prisoners, transfer of inmates, notification to prisoners of prohibition 22 23 on contact with victims and other persons, pretrial assessments and services, evidence-24 based programming, literacy programs, mental health and substance use disorder programs and correctional officer training. The standards must include standards for 25 26 the delivery of women's health care services, for which compliance must be evaluated 27 at least every 2 years and documented in the audit of the jail. Sec. 5. 34-A MRSA §3001-A, sub-§1-A is enacted to read: 28 29 1-A. Board of visitors for women's services; membership. The Governor shall 30 appoint a board of visitors for women's services to inspect correctional facilities used for 31 female clients and, with regard to female clients, perform the duties assigned to facility 32 boards of visitors. The board of visitors for women's services shall ensure that the incarceration of and services provided to female clients are designed to meet their gender 33 34 identity needs and reflect best practices established for such incarceration and services. 35 The board of visitors for women's services must include one member who was formerly 36 incarcerated in the custody of the Department of Corrections, one member who represents a health care provider that provides sexual and reproductive health care and education, one 37 38 member who is a person who as a health care practitioner provides sexual and reproductive 39 health care and education to women and one member who has an understanding of or 40 experience with domestic violence. 41 Sec. 6. 34-A MRSA §3031, sub-§8, as amended by PL 2019, c. 139, §2, is further 42 amended to read:

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8. Visitation. A reasonable opportunity to visit with relatives and friends, in 1 2 accordance with departmental policies and institutional procedures, provided except that 3 the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution. Departmental policies and institutional procedures must 4 be sufficient to provide to a person in a correctional or detention facility opportunities and 5 conditions for visits with the child of the person that provide time together in a manner that 6 meets the standards of Title 22, section 4041, subsection 1-A, paragraph A, subparagraph 7 (1), division (c) and that provide as positive a parent-child interaction as can practicably be 8 9 achieved while ensuring the emotional and physical well-being of the child; and

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Sec. 7. 34-A MRSA §3050 is enacted to read:

11 §3050. Report regarding juveniles in custody

By February 1, 2021 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the number of juveniles in the custody of the department, whether as juvenile detainees or juvenile clients or under Department of Corrections supervision on probation, whose parents or primary caregivers are known to the department to be in the custody of the department or under the supervision of the department.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section19 number to read consecutively.

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SUMMARY

21 This amendment replaces the bill, which is a concept draft. This amendment is the 22 majority report of the committee. The amendment adds to the monthly report from the Department of Health and Human Services on child welfare services a report of the status 23 24 of children in the department's custody whose parents or primary caregivers are incarcerated in a jail or correctional facility and data regarding the status of children with 25 whom the Office of Child and Family Services is working whose parents or primary 26 caregivers are incarcerated in a jail or correctional facility. The amendment adds a person 27 with knowledge related to the incarceration of women to the board of visitors of each jail. 28 29 The amendment requires the Department of Corrections standards for jails and county and municipal detention facilities to include standards for the delivery of women's health care 30 services, for which compliance must be evaluated at least every 2 years and documented in 31 32 the audit of the jail or facility. The amendment establishes a board of visitors for women's 33 services to serve with regard to women who are incarcerated in Department of Corrections 34 correctional and detention facilities. The amendment adds to the rights of a person who is incarcerated in the custody of the Department of Corrections opportunities and conditions 35 for visitations with the child of the person that parallel those opportunities and conditions 36 37 for visitation for families receiving family reunification services from the Department of Health and Human Services. The amendment requires that by February 1, 2021 and 38 annually thereafter, the Department of Corrections must report to the joint standing 39 committee of the Legislature having jurisdiction over criminal justice and public safety 40 matters on the number of juveniles in the custody of the department, whether as juvenile 41 42 detainees or juvenile clients or under department supervision on probation, whose parents 43 or primary caregivers are known to the department to be in the custody of the department or under the supervision of the department. 44

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129th MAINE LEGISLATURE

LD 1422

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An Act Regarding Conditions in Correctional Facilities for Female Prisoners

Fiscal Note for Bill as Amended by Committee Amendment " " Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services, the Department of Corrections and the Executive Department to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.